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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 8, 2011.

I hereby appoint the Honorable CANDICE S. MILLER 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:

Eternal God, we give You thanks for giving us another day.

Once again we come to You to ask wisdom, patience, peace, and understanding for the Members of this people's House.

Give them the generosity of heart, and the courage of true leadership, to work toward a common solution to the many issues facing our Nation. This might call for compromise, even sacrifice on both sides. As true statesmen and -women, may they find the fortitude to make judgments to benefit all Americans in their time of need.

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 her approval thereof.

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

Mr. PITTS. Madam 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. PITTS. Madam 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The point of no quorum is considered withdrawn.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 Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

GONE ROGUE

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

Mr. POE of Texas. Madam Speaker, the Justice Department appears to have gone rogue. Instead of enforcing the law, they seem to be recklessly encouraging violations of law.

The Justice Department, with the aid of the ATF, apparently facilitated the smuggling of over 2,000 weapons to the drug cartels south of the border—the national enemy of Mexico. Those weapons were used to kill at least 200 Mexican nationals and two U.S. law enforcement agents.

Who is responsible for this conduct? The Attorney General says he was unaware of Fast and Furious. He claims he either didn't get the memo or he didn't read it. That's a lame excuse. The Attorney General is the chief lawyer and law enforcement officer in the country. If people under him violated U.S. or international law, they need to be held accountable, even if it means somebody goes to jail.

We need an independent special counsel to investigate the Justice Department and the ATF. The Department of Justice cannot be trusted to investigate themselves because the agency has lost credibility. Even Washington insiders responsible for Fast and Furious cannot hide from the long arm of American justice because justice is what we do in this country.

And that's just the way it is.

CONSUMER FINANCIAL PROTECTION BUREAU

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

Mr. MILLER of North Carolina. Wall Street may be in disrepute with most Americans, but their power here, their political power in Congress, is undiminished.

Americans strongly support a consumer watchdog, the new Consumer Financial Protection Bureau, but the CFPB has become Republicans' new least favorite agency, which greatly pleases their friends on Wall Street.

Months ago, Republicans in the other body announced that they would block the confirmation of the first Director

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of the new agency, whether the nominee was Elizabeth Warren or anyone else, unless Congress stripped the agency of its independence and of the powers to protect consumers from the abuses that were rampant in the last decade.

In the next day or two, the other body will vote on the confirmation of Richard Cordray to head the CFPB. If the vote goes as expected, Republicans will abuse their constitutional confirmation powers to hobble the new agency. They don't want Elizabeth Warren. They don't want Richard Cordray. They don't want anyone because they don't want the agency, and they don't want the agency because they don't want to protect consumers.

Republicans are willing to leave consumers vulnerable again to predatory lending practices. They're willing to leave the economy vulnerable again to another financial crisis to please their friends on Wall Street.

OVERREGULATING DIETARY SUPPLEMENTS ENDANGERS AMERICANS' JOBS AND HEALTH

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

Mr. HULTGREN. Madam Speaker, I rise today to express my concern over another example of rampant government regulation.

For 17 years, the Food and Drug Administration has sought to ignore congressional intent and create a vast new regulatory regime for dietary supplements. Millions of Americans, including many of my constituents and my family, rely on dietary supplements as part of their everyday health maintenance routine. Moreover, they play an important role in ensuring that people take individual responsibility for preventative health care. We all can agree that the FDA should not limit Americans' access to dietary supplements.

In January President Obama issued an Executive order to ensure that the FDA's new rules will not limit access. Last week, the comment period on the FDA's draft guidance closed. Now that they've heard from the public, and now that I'm sure they've heard from countless Americans who share my concern, I urge them to go back to the drawing board and ensure that they do not limit Americans' access to dietary supplements.

TAX BREAKS FOR RACING INTERESTS—NO ACTION ON PAYROLL TAX CUT AND UNEMPLOYMENT INSURANCE EXTENSION

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

Ms. DELAURO. Madam Speaker, at a recent horse sale in Kentucky, Breeder's Cup winner Royal Delta sold for $8.5 million as part of the sale of the late Saudi Prince Saud bin Khaled's farm. Three of the Saudi's other horses also sold for seven figures. A total of 22 horses were sold that day for $1 million or more, compared with only eight sold in 2010.

Every millionaire who purchased these horses benefited from a Republican-sponsored taxpayer subsidy written into the last 2008 farm bill. It allows them to recover the cost of the horse. Even as they call for more budget cuts, Republicans used that bill to transfer wealth—nearly $500 million—from the pockets of ordinary taxpayers to the coffers of wealthy racing interests. This is just one example of how Republicans will go to absurd lengths to support the wealthiest 1 percent of Americans while turning their backs on the middle class and working families.

Now they refuse to take up a payroll tax cut extension and expansion that would mean $1,500 for 160 million people while they protect the tax breaks for 350,000 millionaires. They refuse to extend unemployment insurance to save 200,000 jobs.

Our Nation deserves better leadership than this. Republicans need to stop giving out handouts to millionaire racing horse owners and start addressing the needs of the vast majority of American families.

□ 0910

LIONS CLUB INTERNATIONAL CENTURY OF SERVICE COMMEMORATIVE COIN ACT

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

Mr. ALTMIRE. Madam Speaker, I rise in support of the Lions Club International Century of Service Commemorative Coin Act. This legislation commemorates the Lions Club's 2017 Centennial, at no cost to the taxpayer, as the cost will be paid for by sales to the public.

As former president and zone chairman of my local Lions Club in Allegheny County in Pennsylvania, I know firsthand the great work done by Lions Club International, which now has 1.3 million members and chapters spanning every corner of the globe.

The Lions Clubs focus on the five goals of preserving sight, combating disability, promoting health, serving youth, and disaster relief, for which Lions Club donated over $50 million in relief funds to Japan, Haiti, and most recently to our own southern States.

I commend the great work carried out by Lions Club International, and look forward to helping them commemorate their 2017 centennial year.

SAFEGUARDING SOCIAL SECURITY BENEFITS

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

Mr. REYES. Madam Speaker, I rise today on behalf of the millions of people in this country, including the 55 million seniors, disabled workers, widows, and children currently receiving Social Security benefits that have their Social Security unnecessarily targeted as part of the debt reduction talks. Now, more than ever, we cannot jeopardize earned benefits of seniors who have worked so hard over their lifetime to retire with dignity. Every senior deserves dignity in their retirement. Every senior, no exceptions.

For almost two-thirds of America's seniors, Social Security is the primary source of retirement income. Social Security is also a lifeline for workers who became disabled and for families who have lost a breadwinner. In the 16th District of Texas that I represent, over 98,000 El Pasoans receive Social Security benefits. They depend on these benefits to buy groceries, pay utility bills, and fill their gas tanks.

As their Representative, I want to ensure that we uphold the decades-old promise to the American worker, in return for their years of hard work and contributions, that we ensure dignity in retirement, assistance of the disabled, and support for their surviving children.

GIVE SOMETHING BACK THIS SEASON

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

Mr. BARROW. Madam Speaker, I rise to encourage my colleagues to give a little something back this season to those who give so much.

Every year we accumulate thousands of frequent flyer miles as we travel between our districts and Washington, DC. For the past several years, I've donated my frequent flyer miles to the Fisher House's Hero Miles Program, which provides free airline tickets to American soldiers and their families, and to the Children's Miracle Network, a nonprofit organization dedicated to saving and improving the lives of children.

Most of my frequent flyer miles this year came from congressional travel, and I don't think it's right to use them for myself. What I do know is that there is no better way for us to use our frequent flyer miles than to help troops and their families see each other, or to help sick kids get well.

I encourage each of my colleagues to join me and donate the frequent flyer miles you receive for government-funded congressional travel to programs like the Fisher House and the Children's Miracle Network, and to do it this holiday season.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1958. An act to extend the National Flood Insurance Program until May 31, 2012.

PROVIDING FOR CONSIDERATION OF H.R. 1633, FARM DUST REGULATION PREVENTION ACT OF 2011

Mr. WEBSTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 487 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 487

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

GENERAL LEAVE

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

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

There was no objection.

Mr. WEBSTER. Madam Speaker, I rise today in support of the rule and the underlying bill. House Resolution 487 provides for a structured rule for consideration of House Resolution 1633, the Farm Dust Regulation Prevention Act.

The rule makes 8 of the 11 amendments submitted to the Rules Committee in order, a majority of which are Democrat amendments, in order to have robust debate here on the floor of the House of Representatives.

H.R. 1633 passed out of the Energy and Commerce Committee with bipartisan support after proceeding through the committee process under regular order. A subcommittee hearing was followed by a subcommittee markup, and then a markup was held by the full committee, which passed the bill with bipartisan support.

The Farm Dust Regulation Prevention Act is quite simple. It seeks regulatory certainty in the short term and a regulatory, commonsense approach in the long term. Specifically, this legislation does two things. First, in the short term, the Farm Dust Regulation Prevention Act would temporarily prohibit the EPA from issuing a new coarse particulate matter standard for 1 year.

H.R. 1633 does not prohibit EPA from issuing a revised standard for coarse particulate matter after this 1-year timeout. Coarse particulate matter, or PM10, is also known by a much more common name: dust.

Second, in the longer term, this legislation would limit future EPA regulation of nuisance dust to areas where it is not already regulated by State or local government, where it causes substantial adverse effects, and where the benefits of the EPA stepping in would outweigh the costs.

Nuisance dust is particulate matter that is generated primarily from natural sources, dirt roads, earth moving, or other common farm activities. Nuisance dust is pieces of plants plowed up during tilling, soil disturbed by the movement of livestock or bits of rock kicked up by a truck driving down a dirt road. The definition specifically precludes combustion emissions, coal combustion residues and radioactive particulate matter from mining operations.

H.R. 1633 does not eliminate EPA's authority to step in if local or State regulatory efforts fall short of what is needed to adequately protect the public. The bill would allow EPA to step in and regulate ''nuisance dust'' in areas where States and localities do not do so, if it substantially hurts the public health, and if benefits of applying these standards outweigh the cost.

□ 0920

So in summary, if it isn't regulated, it would harm public health, and the benefit of regulation would outweigh the cost of regulation. The EPA could, and presumably would, fill that void.

While EPA Administrator Jackson has announced that she does not plan on changing the standard, EPA has been actively considering a revised, more costly and stringent standard as part of the review process. The same review process increased the stringency of that standard in 1996 and most recently in 2006. Prior to the administrator's announcement, EPA's staff had recommended further changes to the standard.

Despite Administrator Jackson's statement, there is nothing currently on the books preventing the EPA from adopting a stricter regulation. Further, as we all know, the environmental lobby could force a more stringent standard regardless of what the EPA announces, finalizes, or proposes through legal action.

This legislation provides ironclad certainty to farmers, ranchers, small business owners that farm dust would stay off the EPA's to-do list for at least another year. For that very reason, farming, agricultural and rural small business organizations of all shapes and sizes have put their steadfast support behind this legislation. To them, certainty means the ability to grow their business by creating jobs in their communities, feeding every American, and providing for their families through the sale of the fruits of their labors.

The agricultural community and, more largely, rural America is critical to economic growth and job creation. The agricultural sector alone supports 1.8 million American jobs and represents 5 percent of our Nation's total exports. The Obama administration has acknowledged the importance of economic health for rural America. In fact, the President's White House Rural Council has claimed that rural America is ''central to the economic health and prosperity of our Nation.''

Unfortunately, it is often rural communities, particularly those in the western United States, that suffer from the highest rates of unemployment and are least equipped to bear the burden of additional costs stemming from Washington.

So once again, Madam Speaker, I rise in support of this rule and the underlying legislation. The relevant committee of jurisdiction has worked to provide us with a bipartisan bill which, at its core, quite simply offers regulatory certainty in the short term and commonsense regularity relief in the long.

This bill is not a cure-all, but is a step in the right direction. While a small step, it is a commonsense approach to fixing what's wrong in Washington, D.C. It's a step that many in

Congress on both sides of the aisle seem ready and willing to take.

As I mentioned, the Farm Dust Regulation Prevention Act passed out of subcommittee and full committee with bipartisan support. The bill has over 100 bipartisan cosponsors. Companion legislation in the Senate also enjoys that same bipartisan support.

Let's ensure rural businesses and American farmers that at least for 1 more year they can cross dust off the list of the potential bureaucratic burdens passed down from Washington.

I encourage my colleagues to vote ''yes ''on the rule and ''yes'' on the underlying bill, and I reserve the balance of my time.

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

I rise today in opposition to the rule and the underlying bill.

Today, there are very serious challenges facing our country, facing rural America, suburban America, and urban America. In the next 3 weeks, Congress has to address the payroll tax cut issue, or there will be an enormous tax increase, over $1,000 per family, to the American middle class. This Congress has to pass a budget or the government will shut down. This Congress has to address a number of other expiring tax provisions—all in the next 3 weeks.

This is real work to do, real work that needs to be done for the American middle class, the American people, for farmers, for businessmen and -women, and for workers.

And yet today, this body is not taking on real work. Instead, we're addressing an illusory problem, a fake problem rather than a real one. My colleague from Florida mentioned the specter of someone somehow regulating the dust kicked up by a truck on a dirt road. I don't think there's a single Member of this body that wants to regulate the dust that's kicked up by a truck on a dirt road. The EPA certainly doesn't. The farmers don't want us to. Members of Congress don't want us to.

So what are we exactly talking about? Instead of addressing the serious problems that are facing the Nation, we're talking about a bill that satisfies talking points, has a few unintended consequences, which I'll get into in my remarks, and ignores the real problems of today.

This bill before us claims to block the EPA from implementing a rule that doesn't even exist, hasn't even been thought up, and is opposed by the head of the EPA. That's right. We've got millions of unemployed Americans, a massive tax increase looming, and yet here we have a bill to stop the EPA from doing something it's not doing.

EPA Administrator Lisa Jackson just told Congress specifically that they have no intention of doing a rule in this area because the existing rules passed during the Reagan administration are adequate.

So instead of worrying about a nonexistent farm dust rule, maybe we should pass a regulatory ban on blowing smoke, because that's exactly what Congress is doing with this bill here today.

Not only does this bill seek to address a non-existent problem, Madam Speaker, but it also has a number of unintended consequences. The new loopholes it creates in the mining and other sectors will have severe public health and environmental impacts. Now, there will be a number of amendments that have been allowed under this rule that will go into a discussion and tailoring of this bill to hopefully roll back some of these unintended consequences, but what this bill does, rather than solve a problem, is create a slew of new problems which we would need to address.

This bill is chock full of exemptions for major industries. It allows for more arsenic and lead pollution from industrial sources, with dire consequences for health and well-being. It disables the ambient air quality standards within the Air Quality Act. This bill won't help farmers at all because it won't fend off any onerous regulation because none of the regulations that are being contemplated are even being thought of by anybody in the EPA.

Interestingly, what this bill will do is it allows the release of more pollution from industrial sources like open-pit mining, coal-processing facilities, cement kilns and smelters. This has nothing to do with the family farms that you're going to hear people talk about debating this bill.

That's why this bill's main supporters are not farmers, but they're the mining industry. In fact, this bill has gained vocal support from the National Mining Association; and one of the biggest groups representing farmers, the National Farmers Union, has said this bill isn't necessary. In fact, in October, National Farmers Union president Roger Jackson said, ''The National Farmers Union is pleased to see EPA Administrator Jackson provide final clarification for Members of Congress and the agriculture community that the agency does not have plans to regulate farm dust.''

He went on, ''Lately, there has been considerable anxiety within the farming community that EPA is going to regulate dust on farms. We hope this action finally puts to rest the misinformation regarding dust regulation and eases the minds of farmers and ranchers across the country.''

Yet, instead of letting sleeping dogs lie and quelling the ridiculous rumors that somebody plans to regulate dust kicked up from cars on dirt roads, here we have Members of this body reinvigorating and giving credibility to these false rumors, scaring the hardworking farmers of America into thinking somehow government is about to regulate something that no one is purporting to regulate.

Furthermore, during committee consideration of this bill, an amendment by Congressman BUTTERFIELD would have explicitly limited this bill to agriculture, which is what the proponents of this bill purport it to be about. And yet the majority voted down that amendment, sending a clear message that this bill is not about farmers.

Let us see this bill for what it really is—another effort to attack the EPA and prevent the EPA from implementing the Clean Air Act under its commonsense rules to protect our public health.

It's time to get serious with the business of the House, to take on the real tasks that we have of expanding the payroll tax cut, passing a budget, and stop making up problems and making up solutions that cause more problems than they purport to solve. We've already got enough problems that this Congress and this country need to work on. Let's get to work.

I reserve the balance of my time.

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

Mr. POLIS. Madam Speaker, it is my honor to yield 3 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. I thank the gentleman for yielding time.

Madam Speaker, the bill before us today is entitled the Farm Dust Regulation Prevention Act of 2011.

I want to make something very clear. If we were here today voting on a bill that actually stopped farm dust from being regulated by the EPA, I would support it. Agriculture is hugely important to my home State of Wisconsin, and the thought of regulating farm dust on a Federal level is simply ridiculous. However, there is no attempt by the EPA to regulate farm dust. Administrator Lisa Jackson said that the EPA has no intention of regulating farm dust.

□ 0930

The Republican Senate sponsor of this bill, former Secretary of Agriculture MIKE JOHANNS, states that the EPA has provided ''unequivocal assurance that it won't attempt to regulate farm dust.''

This legislation is not about farm dust. Instead, this bill creates a new category of pollution called ''nuisance dust'' and exempts it from the Clean Air Act entirely. To be clear, ''nuisance dust'' is a made-up term that has no basis in established science.

Under this legislation, particulate pollution from open-pit mines, mine processing plants, sand mines, lead smelters, and cement kilns would be exempt from the Clean Air Act. These facilities emit coarse and fine particulates—arsenic, lead, mercury, and other toxic substances.

Now, I don't know about you, Madam Speaker, but this doesn't sound like ''farm dust'' to me.

I agree with my colleague Congressman JOHN DINGELL, who said, ''This is a solution in search of a problem.'' During the Energy and Commerce Committee markup, the majority

showed us that this bill isn't about farm dust at all; it's about hacking another hole in the Clean Air Act and about stoking the fears of rural Americans and farmers for cheap political points.

Americans are so sick of these political games. They want jobs, not fear mongering and baseless accusations. We shouldn't be wasting our time and theirs dealing with myths. We have real problems that need real solutions.

We should be extending the payroll tax relief for hardworking American families. We should be passing a transportation bill that puts Americans back to work rebuilding our crumbling roads and bridges. We should be extending unemployment insurance to millions of Americans who are still out, pounding the pavement day in and day out, trying to find work.

Republicans need to stop stoking the fears of farmers and rural Americans and get back to fixing the real crisis facing our country—the jobs crisis.

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

Mr. POLIS. Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule to require that we vote on an unemployment benefit extension and that we vote on a payroll tax holiday extension for next year before we leave for the holidays.

I would like to yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. I want to thank my friend and colleague for yielding.

Madam Speaker, I rise today to urge my colleagues to extend unemployment benefits now.

It is amazing that we have time to debate this farm dust bill. We are polluting our air, but we don't have time to create jobs or to help people who have lost their jobs through no fault of their own. It is our moral obligation to give just a little bit of hope, a little bit of justice to help people survive these cold, difficult, hard times.

During this holiday season, I ask each and every one of you to take a deep, hard look within and ask yourselves: Is this how I wish to treat my mother? my father? my sister? my brother? my son? my daughter or my neighbor?

The unemployed lost their jobs through no fault of their own. They don't want handouts. They want jobs. This small amount of money is just enough to squeeze by while they continue to look for jobs. Help them. Please help them keep roofs over their heads, shoes on their feet, food on their tables, and heat in their homes.

Madam Speaker, this is the least we can do. It is the right thing to do. It is the fair thing to do. Fairness cannot wait. Give them just a little bit of hope in the name of those elected to serve them. Let's come together. Let's put politics aside and just get it done. Vote ''no'' on this rule, and extend unemployment insurance here and now.

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

That's a good reason as to why we should pass this bill. The real cure for unemployment is employment. If we can remove the uncertainty from the marketplace for farmers and for those in other places in this country through limited regulation—good regulation but not by overburdening the businesses and the job creators of this country—then we will have the opportunity to solve that problem, to solve it by hiring people.

I am hoping that this bill will pass. In knowing that it probably will pass in the House, I hope the Senate takes it up and the President signs it, and I hope we end up with less regulation in an area where many, many jobs could be created and where certainty could be provided if we would only pass this bill.

I reserve the balance of my time.

Mr. POLIS. I don't see how this bill would create any jobs, because it's purporting to undo regulations that don't exist and that aren't going to exist. So, obviously, if somebody at the EPA were to get the idea to start regulating farm dust, we would probably act to undo those regulations, which might help create jobs. Yet nobody is doing that, so this bill does absolutely nothing.

I would like to yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. There is a lot of mourning among the comedians of this country that Herman Cain has left the field, but I think the Republican caucus is now stepping in to give the comedians things to laugh at.

This bill is about dust. This is dust to throw in the American people's eyes so they won't see what's going on here. We're going home a day early. Why aren't we staying here tomorrow? Because they haven't got anything to do or they can't figure out how to do it. I don't know which it is.

In fact, we have never put out a jobs bill from this House now in 11 months of the Republican majority, who said jobs are the issue. Boy, we've got to get jobs. They haven't produced a single job in 11 months off this floor. They're letting the unemployment extension expire. Beginning in January, 5 million Americans are not going to get benefits from the unemployment insurance because the Republicans have to throw dust in the people's eyes so that they won't see. But they know. They're not stupid.

The American people can see through this game. They know we're going home because you can't get your act together. You run this House and you can't put a bill out here to extend unemployment benefits. Now, I understand that the unemployment bill is an issue, but you can't extend the payroll.

Madam Speaker, what's wrong with the Republicans that they can't get their act together to somehow extend the reduction in the payroll tax?

That's going to take a thousand bucks out of every middle class person's pocket in the next year—but what are we talking about today? Dust. Ah, dust. I can just see it on Jon Stewart—or maybe it will be Sean Hannity. I don't know which it will be.

The fact is that this Congress has been a do-nothing Congress on the issues that affect the American people. The middle class is getting clobbered, and you're talking about dust.

It reminds me of this business we went through, this manufactured stuff, about raising the debt limit. It was such an awful thing, so we created this committee that was going to cut $1.2 trillion. That was magician talk. You don't want to talk about raising the debt limit. You want to talk about this committee that did nothing because the six members on the Republican side who came to that committee said from the very start that they would not raise taxes, that they would not look at revenue.

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

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

□ 0940

Mr. MCDERMOTT. In my view, if you're serious, you sit down and you talk about everything. The last 3 weeks of that committee, they never even met. That was dust in people's eyes.

Get them to talk about a commission. We had all this talk about a commission. Are they going to do this, are they going to do that, what's going to happen? In fact, everybody around here knew it was a lot of baloney from the start, and that's what this is today, more baloney.

You know, Yogi Berra, who is one of my favorite philosophers, said, this is deja vu all over again. We did this last Christmas, we didn't extend the benefits, and we're doing it again this year.

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

Yes, Yogi Berra, it ain't over till it's over. We've got time.

We have a plan. House Republicans have a plan. It's down here on this card. We have a plan, a jobs plan. Twenty-five of those issues have already passed this House and they went to the Senate. And where are they? I don't know. They're there. They're ready to be acted on.

Let me just give one. The union labor in this country rallied around that bill a couple of days ago and said we want to build the pipeline. It's tens of thousands of jobs. Many of the Democrats opposed that, and yes, it's thousands and thousands of jobs. Is it a job creator? Absolutely.

Do we have a plan? We have a plan, and that's just one of the 25 that's waiting in the Senate for action. We need to have action there. We have a plan. We have job plans, this is it, and we're ready to move this country forward, get our economy rolling again, creating jobs, and making this economy better for everyone in America.

I reserve the balance of my time.

Mr. POLIS. Madam Speaker, we have no remaining speakers on our side. I would like to inquire if the gentleman has any remaining speakers.

Mr. WEBSTER. I am prepared to close.

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

We get it and the American people get it. Just because you repeat something enough times doesn't make it true.

What businesses need in this country is long-term certainty and predictability, a fair playing field with clear rules for all. And yet here we are with a bill like this creating more uncertainty by introducing ambiguously drafted bills and new ambiguously drafted standards that skew the rules in favor of some and against others, making it tougher and tougher for small business, entrepreneurs, and innovators who don't have teams of lobbyists in Washington, D.C., monitoring every bit of legislation to get by and succeed.

The American people understand it wasn't the Environmental Protection Agency that caused this recession, that caused this economic mess we're in, and the economic recovery won't come through creating loopholes in public health laws.

If we are serious about helping farmers, there's plenty that we could be doing. But increasing industrial pollution for mining and coal processing isn't something that farmers in my district and across Colorado have asked me to do.

Farmers are concerned about many real-life challenges. Farmers are concerned that their kids can't get financing to go carry on the family business because the startup and liability costs are too high. Farmers are concerned about the estate tax.

Farmers are concerned about getting sued by Monsanto because their crops were contaminated by Roundup Ready pollen. Farmers are concerned about rapid swings in commodity prices because of instability in the market. Political brinksmanship and gridlock create market instability, and bills that create corporate handouts, loopholes, and more uncertainty like this one aren't helping farmers, they're hurting farmers, and they aren't helping the rest of the country either.

In addition to ignoring the needs of farmers, this bill ignores our national debt. In fact, it ignores our own House protocols to pay for things. Oddly enough, not regulating this nonexistent regulation isn't cheap. Because of the bureaucratic changes that would ensue from this bill, the nonpartisan CBO has scored this bill as costing the Federal Government $10 million. So this bill violates the Republican rule for discretionary authorizations.

In fact, while the majority has pledged to adhere to spending limits on all indirect spending bills by including offsetting language, this bill includes no offsetting language, which is particularly grating because this bill doesn't actually do anything besides create more Federal bureaucrats.

Madam Speaker, with only one committee hearing and a quick vote, this bill shouldn't be before us on the floor today. We have real work to do. We need a good-faith effort to get to the bottom of the real issues that affect this country and caused the recession, and help the middle class. This bill is not aimed at doing anything for farmers. It's not even aimed at a real problem.

I urge my colleagues to follow the House CutGo guidelines, to table this bill and focus on the real problems we should be working on. We all must stop pretending the answer to this country's problems is giving handouts and loopholes to those with the most lobbyists here in Washington, D.C.

As I mentioned earlier, Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule.

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

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

There was no objection.

Mr. POLIS. Madam Speaker, I urge my colleagues to vote ''no'' and defeat the previous question so that we can do the right thing for working families and the millions of people looking for a job and vote on an unemployment extension and a payroll tax holiday and extension before we leave for next year, 3 more weeks.

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

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

This bill provides for ample open debate, allowing for the colleagues here on this floor and across the aisle, both on our side and theirs, to offer amendments to this bill.

The underlying bill isn't particularly controversial. As a matter of fact, it's rather simple. This bill has no effect on direct spending. It does not appropriate any money or have any new appropriation in it at all. This bill creates no new programs. It has nothing to do with CutGo or pay-as-you-go, either way. It doesn't do either.

In the end, I can't imagine 186 different groups being so stirred up in this country to write and to call and to ask for this legislation, groups like the National Corn Growers Association and the Sheep Growers Association and the Association of Cooperatives and the Farm Bureaus across this country and the American Soybean Association and many, many more getting stirred up about nothing?

No, that argument is heifer dust. It is. This argument is real, it's true, and it's right, and it's absolutely just like what's happening in EPA in many other areas.

The underlying bill, as I said, is quite simple. It provides much-needed certainty in the short term for agricultural, ranching, and rural businesses by hitting pause on the EPA's runaway regulatory machine for just one measure for just 1 year.

H.R. 1633 simply says that now is not the time to thrust yet another burdensome, costly and, in EPA's own judgment, unnecessary regulation on rural job creators. In the long term, it offers regulatory relief to rural America by acknowledging that States and local communities are better suited to manage dust in their own communities and thus grant them the flexibility to do so.

It's particularly offensive because it's like the old cookie-cutter approach that Washington uses, the same program that's good for Ocoee, Florida, is good for Butte, Montana, and inner-city New York, and it's wrong. We ought to get rid of the cookie-cutter approach and go back to local communities and State governments and let them solve their problems, as opposed to one-size-fits-all Federal Government.

Given the state of the economy, given the EPA administrator's own comments about the lack of need to further regulate farm dust, given the dearth of scientific evidence that says that this is a danger, there is some sort of danger from farm dust, this legislation represents a commonsense effort to create an environment for job creation that all Members should support. It gives farmers, ranchers, and other rural small business owners the certainty, at least when it comes to dust, that costly regulations would not shackle their ability to focus on growing their business, providing for their families, and creating much needed jobs in rural America.

I ask my colleagues to join me in voting in favor of the rule and passage of the underlying bill.

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

AN AMENDMENT TO H. RES. 487 OFFERED BY MR. POLIS

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

SEC. 2. Not later than December 16, 2011, the House of Representatives shall vote on passage of a bill to extend the payroll tax holiday beyond 2011, the title of which is as follows: 'Payroll Tax Holiday Extension Act of 2011.'.

SEC. 3. Not later than December 16, 2011, the House of Representatives shall vote on passage of a bill to provide for the continuation of unemployment benefits, the title of which is as follows: 'Emergency Unemployment Compensation Extension Act of 2011.'.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not

merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

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

RECESS

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

Accordingly (at 9 o'clock and 50 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1030

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan) at 10 o'clock and 30 minutes a.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: ordering the previous question on H. Res. 487, by the yeas and nays; adoption of H. Res 487, if ordered; motion to suspend the rules on H.R. 1254, de novo; approval of the Journal, de novo.

The first electronic vote will be conducted as a 15-minute vote. The remainder of the votes in this series will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 1633, FARM DUST REGULATION PREVENTION ACT OF 2011.

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 487) providing for consideration of the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 241, nays 173, not voting 19, as follows:

[Roll No. 902]

YEAS—241

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—173

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz

Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Inslee
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—19

Bachmann
Castor (FL)
Clyburn
Davis (IL)
Diaz-Balart
Frank (MA)
Giffords
Hinchey
Hoyer
Israel
Jackson (IL)
Myrick
Nadler
Palazzo
Paul
Pelosi
Rahall
Roskam
Stark

□ 1100

Mr. CLEAVER, Ms. KAPTUR, Messrs. GUTIERREZ, PERLMUTTER, MARKEY, BERMAN, Ms. WASSERMAN SCHULTZ, and Mr. HONDA changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. POLIS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 249, noes 161, not voting 23, as follows:

[Roll No. 903]

AYES—249

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—161

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Holden
Holt
Honda
Inslee
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—23

Bachmann
Bilbray
Castor (FL)
Clyburn
Davis (IL)
Diaz-Balart
Frank (MA)
Garrett
Giffords
Hinchey
Hoyer
Israel
Jackson (IL)
Lamborn
Myrick
Nadler
Nugent
Olver
Paul
Pelosi
Rahall
Rooney
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WOMACK) (during the vote). There are 2 minutes remaining in this vote.

□ 1106

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SYNTHETIC DRUG CONTROL ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 1254) to amend the Controlled Substances Act to place synthetic drugs in Schedule I, 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 Pennsylvania (Mr. PITTS) 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.

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 317, noes 98, not voting 18, as follows:

[Roll No. 904]

AYES—317

Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Cicilline
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (CA)
Davis (KY)
DeFazio
DeLauro
Denham
Dent
DesJarlais
Deutch
Dingell
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Engel
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Huelskamp
Huizenga (MI)
Hunter
Hurt
Inslee
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Murphy (CT)
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Pompeo
Posey
Price (GA)
Quayle
Quigley
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Tsongas
Turner (OH)
Upton
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—98

Ackerman
Amash
Andrews
Baldwin
Bass (CA)
Becerra
Blumenauer
Brady (PA)
Brooks
Broun (GA)
Brown (FL)
Butterfield
Campbell
Capuano
Carson (IN)
Chu
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Cohen
Conyers
Crowley
Cummings
DeGette
Dicks
Doggett
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Flake
Foxx
Fudge
Gonzalez
Graves (GA)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Holt
Honda
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Kingston
Kucinich
Labrador
Lee (CA)
Levin
Lewis (GA)
Lofgren, Zoe
Maloney
Markey
McClintock
McDermott
McGovern
Meeks
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Napolitano
Neal
Olver
Payne
Poe (TX)
Polis
Price (NC)
Richmond
Rohrabacher
Roybal-Allard
Rush
Schakowsky
Scott (VA)
Scott, David
Serrano
Sires
Slaughter
Smith (WA)
Thompson (CA)
Tierney
Towns
Turner (NY)
Van Hollen
Velázquez
Visclosky
Walsh (IL)
Waters
Watt
Woodall
Woolsey
Yarmuth

NOT VOTING—18

Bachmann
Castor (FL)
Clyburn
Davis (IL)
Diaz-Balart
Frank (MA)
Giffords
Hinchey
Hoyer
Hultgren
Israel
Jackson (IL)
Myrick
Nadler
Paul
Pelosi
Rahall
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1113

Messrs. NEAL, TIERNEY, POE of Texas, and AL GREEN of Texas changed their vote from ''aye'' to ''no.''

Ms. RICHARDSON changed her vote from ''no'' to ''aye.''

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 against:

Mr. HULTGREN. Mr. Speaker, on rollcall No. 904, had I been present, I would have voted "no."

THE JOURNAL

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

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 312, noes 94, answered ''present'' 1, not voting 26, as follows:

[Roll No. 905]

AYES—312

Ackerman
Adams
Aderholt
Akin
Alexander
Amodei
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Carnahan
Carney
Carter
Chabot
Chaffetz
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Courtney
Crawford
Crenshaw
Critz
Crowley
Culberson
Davis (CA)
Davis (KY)
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibbs
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Harper
Hartzler
Hastings (WA)
Hayworth
Heinrich
Hensarling
Herger
Higgins
Hinojosa
Hirono
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Kelly
Kildee
King (IA)
Kingston
Kissell
Kline
Labrador
Lamborn
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
Loebsack
Lofgren, Zoe
Long
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marino
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Murphy (CT)
Murphy (PA)
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pascrell
Paulsen
Payne
Pearce
Pence
Perlmutter
Peters
Petri
Pingree (ME)
Pitts
Platts
Pompeo
Posey
Price (GA)
Price (NC)
Quigley
Rehberg
Reichert
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)

Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner (NY)
Upton
Van Hollen
Velázquez
Walberg
Walz (MN)
Wasserman Schultz
Watt
Waxman
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Young (FL)
Young (IN)

NOES—94

Altmire
Andrews
Baldwin
Bass (CA)
Benishek
Bishop (NY)
Boren
Brady (PA)
Burgess
Capuano
Cardoza
Carson (IN)
Chandler
Chu
Conaway
Costa
Costello
Cravaack
Cuellar
Cummings
DeFazio
Dold
Donnelly (IN)
Duffy
Ellison
Filner
Fitzpatrick
Foxx
Gardner
Garrett
Gibson
Green, Gene
Grijalva
Hanna
Harris
Hastings (FL)
Heck
Herrera Beutler
Holt
Honda
Inslee
Johnson (OH)
Keating
Kind
King (NY)
Kinzinger (IL)
Kucinich
Lance
Latham
Lee (CA)
Lewis (GA)
LoBiondo
Lynch
Markey
Matheson
Matsui
McCotter
McDermott
McGovern
Meehan
Miller, George
Moore
Mulvaney
Olver
Pallone
Pastor (AZ)
Peterson
Poe (TX)
Quayle
Rangel
Reed
Renacci
Ribble
Roe (TN)
Rooney
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Shuler
Slaughter
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tipton
Turner (OH)
Visclosky
Walden
Woodall
Yoder
Young (AK)

ANSWERED ''PRESENT''—1

Amash

NOT VOTING—26

Bachmann
Blumenauer
Cassidy
Castor (FL)
Clyburn
Davis (IL)
Diaz-Balart
Frank (MA)
Giffords
Gohmert
Himes
Hinchey
Hoyer
Israel
Jackson (IL)
Lucas
Myrick
Nadler
Paul
Pelosi
Polis
Rahall
Stark
Walsh (IL)
Waters
Webster

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1119

So the Journal was approved.

The result of the vote was announced as above recorded.

FARM DUST REGULATION PREVENTION ACT OF 2011

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and to insert extraneous material on H.R. 1633.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 487 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1633.

□ 1119

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes, with Mr. WOMACK in the chair.

The Clerk read the title of the bill.

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

The gentleman from Michigan (Mr. UPTON) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I yield myself 2 minutes.

No question, from the largest manufacturer to the smallest farm or ranch, not enough businesses are thriving in this economy. The recovery has been slow and weak, job growth has been anemic, and the continuous rollout of expensive new regulations has only made it harder to get the economy back on track. That's why the House continues to approve bipartisan legislation addressing costly EPA rules, and that is why I support this legislation, the Farm Dust Regulation Prevention Act.

This bill achieves two important goals: regulatory certainty in the short term and common sense for rural America in the long term. The bill retains the current coarse particulate matter standard for 1 year—a position that Administrator Lisa Jackson from EPA has embraced with her plans to propose maintaining the standard—and it offers regulatory relief to rural America by recognizing that States and local communities are better equipped to monitor and control farm dust. EPA would no longer be in the business of regulating rural dust except in cases where it is not already regulated and the benefits of EPA regulation outweigh the costs.

Opponents of this bill insist that it's not necessary and that rural America has nothing to worry about, but the voices of rural America tell quite a different story. Listen to the American Farm Bureau Federation and all of its State affiliates. Listen to the Cattlemen's Beef Association and over 185 other organizations who collectively represent a significant portion of the rural economy, including Michigan and across the country. These organizations believe that this bill is necessary, and so do I.

The bill makes clear that the lead role in regulating nuisance dust should rest with State, local, and tribal governments, not the EPA.

This is a smart step for a lot of reasons. For one thing, State, local, and tribal governments already address rural dust issues. For another, dust issues differ greatly from location to location and thus are not well suited to a one-size-fits-all Federal approach. Further, these levels of governments do a much better job than the Federal EPA when it comes to weighing both the costs and the benefits of various options and choosing a path that is cost-effective and achieves the greatest benefits.

Finally, under this bill, in the absence of State, local, and tribal regulation, EPA may step in and regulate nuisance dust if the case for net benefits can be made for it. This bill is a commonsense bill that removes a regulatory threat to economic growth and prosperity across rural America. I urge all my colleagues to support it.

I reserve the balance of my time.

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

Over the past year, Republicans have brought to the floor one bill after another to weaken the Clean Air Act and eliminate EPA authority to protect public health from dangerous air pollution. The House has passed bills to nullify EPA's rules on air pollution from incinerators, power plants, cement kilns, and industrial boilers. But the bill before us today breaks new ground. It would block EPA from taking an action that EPA has no plan to take.

This bill is called the ''Farm Dust Regulation Prevention Act of 2011.'' Well, that's a misleading title. EPA currently does not regulate farm dust and they have no plans to regulate farm dust. EPA Administrator Jackson told Congress that she will propose no change to the current air quality standard for coarse particles, which have been in place since the Reagan administration.

This bill belongs in the False Advertising Hall of Fame. It is not really about farms at all. Its real effect is to exempt industrial mining operations and other large industries from regulation under the Clean Air Act. And it threatens to overturn the particulate pollution standards that protect families in both rural and urban communities.

Section three of the bill exempts so-called ''nuisance dust'' from any regulation under the Clean Air Act. It then defines nuisance dust incredibly broadly. The definition covers both coarse particulates and deadly fine particulates. It covers particulates from earth moving—which means industrial mining operations—and from activities typically conducted in rural areas, which include cement plants, smelters, coal processing plants, and other industrial activities that are common in rural areas.

During the committee markups of this bill, the Republicans amended the definition of so-called ''nuisance dust'' three times. This shows how poorly drafted and broadly worded the definition really is. But they voted down an amendment to clarify that the bill only applies to agricultural dust and another amendment to clarify that the bill does not apply to mining activities. They even voted down an amendment to preserve EPA's authority to regulate emissions of arsenic from copper mines and smelters.

One supporter of this bill is Kennecott Copper, which operates one of the largest open pit copper mines in the world. The company's mining activities are the single largest source of particulate pollution in Utah and a big reason why the 1 million residents of Salt Lake County breathe unhealthy air. This bill would exempt all particulate matter pollution from the Kennecott mine and all other mines from the entire Clean Air Act. Let's be honest: The reason industrial mining operations are pushing this bill has nothing to do with protecting family farms.

The bill would also make unenforceable the national air quality standards for both fine and coarse particulate pollution. Particulate pollution causes aggravated asthma attacks, heart attacks, respiratory diseases, strokes, and premature death. Reductions in particulate pollution under the Clean Air Act account for some of the largest public health benefits produced by the act. Gutting these standards would be radical and devastating.

The American people support the Clean Air Act. People want clean air. And over the past 40 years, the Clean Air Act has brought us dramatic air quality improvements. But House Republicans are intent on undoing these achievements. In bill after bill, for one industry after another, the House has voted to punch holes in the Clean Air Act. It has voted for more weather-altering carbon pollution, more toxic mercury pollution, more arsenic and lead pollution, more particulate matter pollution, more sulfur dioxide pollution, and more nitrogen oxide pollution. In fact, the House has voted 170 times to undermine our Nation's environmental laws—over 60 of those votes were to dismantle the Clean Air Act.

I urge my colleagues to protect clean air and the health of all Americans and oppose H.R. 1633.

I reserve the balance of my time.

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

American farmers, ranchers, and other rural businesses, like many other sectors of our economy, have faced an onslaught of EPA regulations. Now, we all support the environment, but our economy is struggling today, and every regulation adds additional cost.

The Congressional Research Service recently reported that agriculture has been facing new Clean Air Act greenhouse gas standards; engine emission standards; national ambient air quality standards for ozone and particulates; Clean Water Act permitting and other requirements; Superfund reporting requirements; and regulations for disclosure, permitting, and other regulatory requirements relating to the use of pesticides. And until recently, the dairy industry faced ambiguity about whether milk and milk containers would be subject to the EPA oil spill prevention regulations.

We have 2.2 million farms in America employing 1.8 million people and providing 5 percent of this Nation's exports. We need to do everything possible to make it easy for them to do business and still protect the economy.

□ 1130

Today we're going to consider H.R. 1633, the Farm Dust Regulation Prevention Act of 2011. At a time when rural economies are struggling, this bill provides certainty that farmers, ranchers, and other rural businesses will not be burdened with costly and unnecessary new dust regulations from Washington, D.C.

As one might expect, a reasonable and commonsense measure like H.R. 1633 has garnered 120 bipartisan cosponsors. I would like to particularly thank and commend the efforts of Representative KRISTI NOEM, as well as Representative LEONARD BOSWELL, Representative ROBERT HURT, and Representative LARRY KISSELL for their tireless efforts on behalf of rural Americans and this bill.

Our bill makes clear that the lead role in regulating so-called nuisance dust rests with State, local, and tribal governments. And the bill defines nuisance dust to include particulate matter generated primarily from natural sources, unpaved roads, earth moving, and other activities typically conducted in rural areas.

In some ways, it's ludicrous we're sitting here debating about the EPA regulating dust. And I might say that we have 197 organizations supporting this legislation.

Now, why do we need the bill? Well, EPA has been considering more costly, stringent PM10 standards. It is true that the EPA Administrator, Lisa Jackson, recently announced that she would not propose new regulations, that she would retain the current PM10 standards. But the problem with that is, when they finalize a standard, it's uncertain whether EPA will finalize a standard that imposes greater costs to rural businesses. And we all know that many of the regulations and EPA environmental protections today are decided by the court system. So even though Lisa Jackson says she's not going to do anything, lawsuits can be filed requiring her to do certain things. So this legislation simply provides certainty.

I might also say, because the science does not support the regulation of coarse rural dust, EPA itself proposed, in 2006, to exempt this dust from their national ambient air quality standards. And the integrated science assessment for particulate matter at EPA said, for long-term effects of coarse particles, there is next to no evidence in support of long-term health effects.

I would urge all the Members to support this legislation, and I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 5 minutes to our senior member on the committee and former chairman of our committee, the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Chairman, this is a magnificent solution to a nonexistent problem. But it's made a lot of money for a lot of lobbyists, and a lot of industrial polluters are going to enjoy this, hiding behind the supposed benefit that it's going to give to the farmers.

In a nutshell, this legislation is not going to help the farmers; it's going to help the people who farm the farmers. And the end result is that, when this nonsensical bill gets over to the courts, the courts are going to look at it and say, Just what, in the name of common sense, is the House trying to do with this legislation?

Nowhere in the Clean Air Act is a word about nuisance dust, but it's very prominently put here in the legislation. And lo and behold, it also has something do, supposedly, with some kind of action that the EPA is supposed to take. But diligent looking at the legislation doesn't reveal what that might be.

The question here, then, is: We have a solution in search of a problem. We've got a job crisis in our Nation, crippling debt, excessive deficit, and the gaping inequality between the poor and the well-to-do is putting democracy at risk. And when this country needs us to focus on serious problems like deficit and national debt, we are here busily scratching around to try and fit a solution on a problem that doesn't exist.

The Clean Air Act Amendments of 1990 were the last major changes to the original Clean Air Act of 1970; and, unlike what we are piddling around with today, those legislations were needed, and they have served us well. The Congress held lengthy hearings and did a tremendous amount of work to understand what it was. Eighteen months or so of consideration of the legislation led finally to its enactment, and it has cleaned up the air for our people.

While the amendments of 1990 were truly bipartisan, only four of the 120 sponsors of this legislation are Democrats. Ten amendments were considered in the committee, but only one Democratic amendment was adopted. The final adoption of the legislation occurred strictly along partisan lines. It should be clear to anyone that this is not compromise legislation.

Supporters insist the legislation is necessary due to uncertainty regarding EPA action. There is no uncertainty here. The Republican author of a similar Senate bill, a former Secretary of Agriculture, takes a different position. In one of his weekly columns, the Senate sponsor stated, ''I asked only for clarity from EPA, and this week Administrator Jackson finally provided it.'' It's obvious to our friends in the Senate and from the EPA Administrator, herself, that EPA will not implement stricter regulations.

Even newspapers in the sponsor's home State have questioned the logic of this legislation. The Sioux Falls Argus Leader wrote that the bill is fighting ''against a made-up problem'' and that it's time for the sponsor ''to let the phantom issue of dust regulation settle.''

The Yankton Daily Press and The Dakotan gave a ''thumbs down'' signal on the bill, in which they say it is unnecessary. The two local papers wish that those who had sponsored this legislation would stop trying to stir the fear of farmers and ranchers and, instead, spend time fighting real problems rather than those which are imaginary.

This bill does not help the farmers and ranchers. It helps the people who farm the farmers and a fine collection of well-to-do lobbyists down on K Street who are profiting mightily on selling a nonsensical piece of legislation which wastes the time of Congress and does nothing for the farmers or the ranchers or the economy or the jobs.

So I hope that the House will reject these half-baked bills that are poorly written, contain no solutions, deal with no problems, help no one, and that the two parties can sit down and find real, important, reasoned compromises to real problems.

I urge my colleagues to vote ''no'' on the bill.

Mr. WHITFIELD. Mr. Chairman, I yield 3 minutes to the gentlelady from South Dakota (Mrs. NOEM), who is a strong advocate for rural America and the creation of jobs in rural America.

Mrs. NOEM. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of H.R. 1633 because I coauthored this bill with my friend and colleague from Virginia (Mr. HURT), and I did it to bring certainty, regulatory certainty to farmers and ranchers across this country. Farmers and ranchers have been working on this issue for a long time. We look forward to passing it off the House floor today.

It's not a partisan issue. I introduced this with my colleagues Mr. BOSWELL and Mr. KISSELL, and 121 of my colleagues from both sides of the aisle are cosponsors.

The Clean Air Act has a worthy goal, but it's not a perfect law, and it does have unintended consequences. My bill would improve the current statute. It also makes permanent what the administrator has said, which is that she did not intend to regulate farm dust.

As South Dakota Farm Bureau President Scott VanderWal said, ''If we don't deal with this issue today, it's going to be right back here 5 years from now.''

□ 1140

I would like to reiterate why this bill is necessary. First, farm dust is already regulated. It is not a myth. It's very real to all of my constituents. We heard testimony from farmers in the hearing in committee that they're currently being regulated as a result of the EPA's standards. Regulation of farm dust is a problem today and will only continue to be a problem into the future if we do not pass this bill.

If my colleagues will take the time to read the bill, they'll notice that this bill doesn't eliminate any regulations. It simply leaves the regulation of rural dust to the States and to the local communities who best understand how to manage what is happening in their own backyard.

Too often, bureaucrats in Washington, D.C. who have never stepped foot on a farm or lived in rural America try to impose a one-size-fits-all approach to regulation.

Let's be realistic. Dust in rural America is not the same as dust in urban areas. It's common sense that dust from a dirt road is much different than soot from a car; and it's common sense that they should be treated differently, which is exactly what this bill does.

I would ask my colleagues on both sides of the aisle to consider this piece of legislation very carefully. Even if you're not from a rural area, this is still an important piece of legislation to all of us who rely on farmers to feed our families.

You don't have to take my word for it. I have a letter here that I would like to submit for the RECORD of over 190 different organizations supporting this bill and its passage. Many of these organizations are local businesses and agriculture groups within all of our districts. They represent thousands and thousands of people across the country.

Let's not forget that we all reap the benefits of the success of our ag producers through safe, nutritious, and affordable food. Let's not burden our communities with overbearing regulations. Let's pass this commonsense legislation and provide farmers, ranchers, and local businesses with the certainty that they need in an already volatile industry.

I urge all of my colleagues to join me in support of rural America and vote ''yes'' on H.R. 1633.

DEC. 5, 2011.

Hon. JOHN BOEHNER,
Speaker, House of Representatives, U.S. Capitol, Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: The undersigned organizations would like to express our strong support for the Farm Dust Regulation Prevention Act of 2011, H.R. 1633. H.R 1633 would bring some much needed certainty to agriculture and other rural businesses by exempting rural ''nuisance dust'' from EPA regulation if states and localities regulate it on their own. Our organizations request your support in keeping jobs in rural America by passing H.R. 1633.

As you are aware, farming and other resource-based industries are dusty professions. From tilling fields, to driving on dirt roads, to extracting resources, rural Americans deal with dust every day. Working in the soil is where they derive their livelihoods, and where the world derives much of its food and other essential resources. If EPA were to revise the dust standard now or in the future, states would be put in a position of having to impose regulatory restraints on rural operations, increasing the cost of production when that cost is already at historically high levels. And, for what purpose? Scientific studies have never shown rural dust to be a health concern at ambient levels.

While the undersigned organizations welcome EPA's Oct. 14 announcement that the agency plans to propose to retain the current coarse particulate matter (PM_{10}) National Ambient Air Quality Standard (NAAQS), the announcement does not provide the certainty that rural America needs. First, it is common for the agency to finalize a rule that is different from the proposed rule. In fact, in 1996 EPA proposed to remove the PM_{10} 24-hour standard altogether, only to bring it back in the final rule. And in 2006, EPA proposed to exempt agriculture dust, but that exemption also disappeared in the final rule. Second, under the Clean Air Act, EPA must review this standard every five years. That means we could be facing the same challenges again in just five short years.

Thankfully, this Congress has the opportunity to ease this potential burden on rural America. H.R. 1633 would exempt rural ''nuisance dust'' from regulation under the Clean Air Act if states and localities regulate it on their own. In the event a state or locality does not regulate rural dust, the administrator could regulate it only if validated scientific analysis shows there is a significant health effect from such dust in a particular area and that the costs to the local economy associated with dust regulation would not outweigh any benefits.

H.R. 1633 is common sense legislation that the undersigned strongly support. We urge the Senate to pass this bill to help protect rural American jobs.

Sincerely,

Agribusiness Association of Indiana; Agribusiness Association of Iowa; Agricultural Council of Arkansas; Agricultural Retailers Association; Agri-Mark, Inc.; Alabama Cattlemen's Association; Alabama Pork Producers Association; All-Terrain Vehicle Association; American Farm Bureau Federation and their 51 state affiliates; American Feed Industry Association; American Highway Users Alliance; American Motorcyclist Association; American Seed Trade Association; American Sheep Industry Association; American Veal Association; Americans for Limited Government; Americans for Prosperity; Americans for Tax Reform; Arkansas Cattlemen's Association; Arkansas Pork Producers Association.

Arkansas Poultry Federation; Arizona Cattle Feeders' Association; Arizona Cattle Growers' Association; Arizona Cotton Growers Association; Arizona Pork Council; California Cattlemen's Association; California Pork Producers Association; CropLife America; Colorado Association of Wheat Growers; Colorado Cattlemen's Association; Colorado Corn Growers Association; Colorado Lamb Council; Colorado Livestock Association; Colorado Pork Producers Council; Colorado Potato Administrative Committee; Colorado Sheep & Wool Authority; Colorado Wool

Growers Association; Council for Citizens Against Government Waste; Dairy Farmers of America; Dairy Producers of New Mexico.

Dairy Producers of Utah; Dairylea Cooperative; South East Dairy Farmers Association; Stewards of the Sequoia; Florida Cattlemen's Association; Florida Nursery, Growers and Landscape Association; Georgia Agribusiness Council; Georgia Cattlemen's Association; Georgia Fruit and Vegetable Growers Association; Georgia Milk Producers; Georgia Pork Producers Association; Georgia Poultry Federation; Georgia Watermelon Association Idaho Cattle Association; Idaho Dairymen's Association; Idaho Grain Producers Association; Idaho Pork Producers Association; Idaho Potato Commission; Idaho Wool Growers Association; Illinois Beef Association; Illinois Pork Producers Association; Independent Cattlemen's Association of Texas.

Indiana Beef Cattle Association Indiana Pork; Iowa Cattlemen's Association; Iowa Pork Producers Association; Kansas Livestock Association; Kansas Pork Association; Kentucky Cattlemen's Association; Kentucky Pork Producers Association; Let Freedom Ring; Livestock Marketing Association; Louisiana Cattlemen's Association; Louisiana Pork Producers Association; Maine Hog Growers Association; Michigan Cattlemen's Association; Michigan Pork Producers Association; Milk Producers Council; Minnesota Grain and Feed Association; Minnesota Pork Producers Association; Minnesota State Cattlemen's Association; Mississippi Cattlemen's Association; Mississippi Pork Producers Association.

Missouri Cattlemen's Association; Missouri Corn Growers Association; Missouri Pork Producers Association; Missouri Poultry Federation; Montana Pork Producers Council; Montana Stockgrowers Association; Montana Wool Growers Association; National All-Jersey; National Association of Manufacturers; National Cattlemen's Beef Association; National Chicken Council; National Cotton Council; National Cotton Ginners Association; National Council of Fanner Cooperatives; National Federation of Independent Business; National Grain and Feed Association; National Livestock Producers Association; National Meat Association; National Milk Producers Federation.

National Mining Association; National Oilseed Processors; Association National Pork Producers Council; National Potato Council; National Renderers Association; National Stone, Sand, and Gravel Association; National Turkey Federation; Nebraska Cattlemen's Association; Nebraska Grain and Feed Association; Nebraska Pork Producers Council, Inc.; New Hampshire Pork Producers Council; New Mexico Cattle Growers' Association; New Mexico Farm and Livestock Bureau; New Mexico Federal Lands Council; New Mexico Wool Growers, Inc.; New York Producers Cooperative, Inc.; North Carolina Agribusiness Council, Inc.; North Carolina Cattlemen's Association; North Carolina Forestry Association; North Carolina Horse Council.

North Carolina Peanut Growers Association North Carolina Pork Council; North Carolina Poultry Federation; North Carolina Soybean Producers Association, Inc.; North Carolina SweetPotato Commission; North Dakota Corn Growers Association; North Dakota Pork Producers Council; Northeast Ag and Feed Alliance; Northeast Dairy Farmers Cooperatives; North Dakota Stockmen's Association; Ohio AgriBusiness Association; Ohio Cattlemen's Association; Ohio Pork Producers Council; Oklahoma Cattlemen's Association; Oklahoma Poultry Federation; Oklahoma Pork Council; Oregon Pork Producers Association; PennAg Industries Association; Pennsylvania Pork Producers; Strategic Investment Program; Public Lands Council.

Recreational Off-Highway Vehicle Association; Rocky Mountain Agribusiness Association; Select Milk Producers; Small Business & Entrepreneurship Council; South Carolina Cattlemen's Association; South Carolina Pork Board; South Dakota Agri-Business Association; South Dakota Association of Cooperatives; South Dakota Cattlemen's Association; South Dakota Dairy Producers; South Dakota Grain & Feed Association; South Dakota Pork Producers Council; South Dakota Soybean Association; South Dakota Stockgrowers Association; South Dakota Wheat Inc.; Southern Cotton Growers; Southern Crop Production Association; Southeast Milk Inc.; Southeastern Livestock Network; Specialty Vehicle Institute of America.

St. Albans Cooperative Creamery; Tennessee Cattlemen's Association; Tennessee Pork Producers Association; Texas Agricultural Cooperative Council; Texas and Southwestern Cattle Raisers Association; Texas Association of Dairymen; Texas Cattle Feeders Association; Texas Pork Producers Association; The Blue Ribbon Coalition; The Fertilizer Institute; Upstate Niagara Cooperative; USA Rice Federation; U.S. Beet Sugar Association; U.S. Chamber of Commerce; Utah Cattlemen's Association; Utah Pork Producers Association.

Utah Wool Growers Association; Virginia Agribusiness Council; Virginia Cattlemen's Association; Virginia Grain Producers Association; Virginia Pork Industry Association; Virginia Poultry Federation; Washington Cattle Feeders Association; Washington Cattlemen's Association; Washington Pork Producers; Western Business Roundtable; Western United Dairymen; West Virginia Cattlemen's Association; Wisconsin Dairy Business Association; Wisconsin Pork Producers; Wyoming Pork Producers; Wyoming Stock Growers Association.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 5 minutes to the leading Democrat on the Energy Committee, the ranking member, the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I want to thank the ranking member for his outstanding leadership and for yielding time to me.

Mr. Chairman, I oppose this ill-conceived, nonsensical, and in all ways awful bill, H.R. 1633, which could have a devastating effect on the EPA's ability to enforce the Clean Air Act on the basis of both procedural and substantive grounds.

Mr. Chairman, the CBO, the Congressional Budget Office, scored this bill and determined that it would cost $10 million in discretionary spending over a 5-year period for the EPA to cover the cost of carrying out changes to existing emission control standards, as well as other activities to study the need and feasibility of modifying the EPA's national monitoring network for particulate matter, as this bill requires.

Since this $10 million is not appropriated anywhere in this bill, this bill would directly violate the discretionary CutGo policy that this majority, that my friends on the other side, voted for that they put in place at the beginning of this Congress.

If we pass this bill, it will be the height of hypocrisy for this atrocious bill to get through this House.

Additionally, Mr. Chairman, on the issue of substance, I oppose this bill because it would dramatically weaken the Clean Air Act by eliminating the EPA's ability to regulate particulate matter from a broad range of sources, as well as jeopardize existing State and Federal regulations that apply to fine and coarse particulate matter.

Although the title of this bill suggests that it only covers dust from farms, this bill creates a whole new broad, new nonscientific category of pollution called ''nuisance dust,'' which it would exempt from the Clean Air Act completely. Nuisance dust would be exempted from the Clean Air Act totally without any basis and science, no scientific evidence whatsoever; and in doing so, this bill would do harm to the public's health.

The bill would exempt from the Clean Air Act any particulate matter pollution that is emitted from sources such as open-pit mines, mining processing plants, sand and gravel mines, smelters, coal mines, coal-processing plants, cement kilns, and waste and recovery facilities. These very facilities emit fine particulates, coarse particulates, arsenic, lead, mercury, cadmium, zinc, chromium, and other heavy metals—all of which would fall under this bill's broad exemption from the Clean Air Act.

Mr. Chairman, as the American Lung Association noted, under the provisions of this bill, our country's most vulnerable populations—poor people, people who depend on the EPA to protect them from the harmful effects of coarse particulates will be most affected.

Children, teens, senior citizens, low-income people, people with chronic lung disease such as asthma, chronic bronchitis, and emphysema will be especially at risk of being sickened by coarse particulates if this bill were to become law.

Additionally, people with other chronic diseases, such as diabetes, cardiovascular disease, high blood pressure, coronary artery disease, and congestive heart failure, they will all be placed at greater risk if this bill becomes law.

Mr. Chairman, as I've noted before, this bill is a solution in search of a problem, and it does more harm than good. This bill should fail. I oppose this bill.

Mr. WHITFIELD. Mr. Chairman, I might say that during the debate on this bill in committee, a lot was made of mining activities in rural America, and I would just point out that there are 17 Federal laws that mining operations must abide by. So we didn't feel like we needed to provide additional protection in that area.

At this time I would like to yield 3 minutes to the gentleman from Virginia (Mr. HURT), one of the prime sponsors of this legislation and a protector of rural America.

Mr. HURT. I thank the gentleman for yielding.

I'd first like to thank Chairmen UPTON and WHITFIELD for this effort and Representative NOEM for her leadership and hard work on this legislation.

Mr. Chairman, I rise today in strong support of the Farm Dust Regulation Prevention Act. This is a bipartisan bill that I am proud to sponsor, along with Representatives NOEM, BOSWELL, and KISSELL, in order to provide greater economic certainty to our rural communities in central Virginia and south side Virginia and across this country.

Since January, this House has been laser focused on advancing policies that will remove the Federal Government as a barrier to job creation and steer us on a course toward economic recovery giving our job creators the opportunity to hire and the confidence to expand. It is with this in mind that we introduced this legislation.

In Virginia's Fifth District, my district, we have a proud heritage in agriculture, manufacturing, Main Street businesses that create jobs and have created jobs for thousands of Virginians. As I travel across Virginia's rural Fifth District, I am constantly reminded by my constituents of how government regulations threaten their businesses and their very way of life. This is why the EPA's national standard for fugitive dust is so troubling to the people that I represent. It is yet another example of the vast expansion of the Federal Government, and it is yet another example of the uncertainty that Washington continues to impose upon our job creators and our rural communities.

□ 1150

The effects of Federal Government overreach are both very real and very tangible in the Fifth District and across this country.

This past year, I spoke with a small business owner in Southside, Virginia, who was warned by a regulator about the amount of dust coming from his property. He was told to take active measures to decrease the dust coming from the dirt road leading into his sawmill.

This is the kind of unnecessary regulation that prevents businesses and farmers from focusing on the needs of their customers. Where I'm from, dust is not a nuisance. Rather, it is a necessary byproduct of the hard work the farmers and businesses in my rural district perform every day, and these farmers and businesses should not suffer losses in production because of overbearing Federal regulations. These are the people who are struggling to survive, to grow, and to create jobs during this stalled economic recovery. These are the people who cannot afford more costly and burdensome regulations handed down by Washington.

While I applaud the EPA's apparent statement that it does not intend to propose a more stringent standard for coarse particulate matter at this time, I remain concerned about the uncertainty of future rulemaking. This bill addresses that uncertainty by providing clarity and stability for our job creators by replacing the current Federal standard for naturally occurring dust in rural America. With unemployment rates nearing 20 percent in some parts of my district, we simply can't afford to perpetuate unnecessary regulations and unnecessary uncertainty for the farmers and businesses in our rural communities.

I strongly urge my colleagues to support this legislation so that we may assure our farmers and businesses that naturally occurring dust will not be subject to regulations by an ever-expanding Federal Government.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman for yielding.

We are now debating on a very real piece of legislation that solves an imaginary problem. The Farm Dust Regulation Prevention Act purports to address the fictitious threat that the Environmental Protection Agency is out to destroy the family farm and countless jobs by regulating the dust emitted by tractors and other farming equipment.

Never mind that EPA Administrator Lisa Jackson has committed to leaving the 1987 standard for large soot particles unchanged; and never mind that EPA Assistant Administrator Gina McCarthy essentially told the Energy and Commerce Committee that EPA was about as likely to regulate fairy dust as it was to regulate farm dust.

While hiding behind its stated purpose of addressing the made-up threat of utter ruin to the family farm, this bill inflicts very real harm. That is because it also blocks EPA from setting standards for the dirty soot that gets spewed out of massive mines and smelters and refineries and some chemical plants. It becomes, in fact, the congressional version of Never Never Land—where the Republicans' answer to the question ''when can we remove the poisons from the air that we breathe?'' is ''never.''

In the play ''Peter Pan,'' Tinker Bell drinks poison that is intended to kill Peter. She begins to die, but Peter Pan implores those in the audience to just clap their hands if they really do believe in fairies, and then maybe, just maybe, Tinker Bell won't die. All small children in the audience then clap so hard their hands sting, and Tinker Bell rises magically back to life.

With this bill, the Republicans are engaging in the very same sort of fantasy. If we just believe EPA has launched a war on jobs, then it must be so, and we must stop it. If we just believe that EPA officials are lying about their secret, nonexistent plans to destroy the livelihood of every farmer in America, then it must be so, and we must stop it. If we just believe that eviscerating every environmental law on the books will not lead to the real deaths of thousands of Americans each and every year, then it must be so.

The Republican lost boys and girls are telling America that the only way to revive the jobs fairy is to kill EPA. To pretend that the deaths, the cancers and other illnesses that the Republican plan will cause are imaginary, or a mere nuisance, really is the stuff of fairy tales.

Let's get back to reality and solve real problems in this country. Vote ''no'' on this very dangerous bill.

Mr. WHITFIELD. The gentleman from Massachusetts may view this as being about Peter Pan and Tinker Bell and fairy dust, but we have 197 organizations representing rural America that consider it a real problem.

At this time, I would like to yield 1½ minutes to the gentleman from West Virginia, a member of the Energy and Commerce Committee, Mr. MCKINLEY.

Mr. MCKINLEY. I rise today in support of H.R. 1633, the Farm Dust bill.

Earlier this year, the House passed H.R. 2273, the bipartisan coal ash legislation. Unfortunately, opponents of the Farm Dust bill believe that nuisance dust in this bill might include fly ash. Therefore, an amendment was offered and adopted to clarify that the definition of ''nuisance dust'' in the Farm Dust bill does not include coal ash or other coal combustion residuals. The amendment makes it perfectly clear that nuisance dust is not composed of any residuals from coal combustion. Unfortunately, opponents of the Farm Dust bill are still, apparently, unaware of the changes that have been made to the bill to address their concerns.

Don't oppose the Farm Dust bill because you don't like fly ash. Let's relieve one more threat to our agricultural community with the passage of this bill. We should be striving to create more jobs, not putting up more barriers with misinformation.

I urge my colleagues to support this legislation.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 2 minutes to an important member of our committee, the gentleman from Texas (Mr. GREEN).

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

Mr. GENE GREEN of Texas. I rise in opposition to H.R. 1633, the Farm Dust Regulation Prevention Act of 2011.

I just heard it referred to as ''Tinker Bell,'' but I think this is more like Alice in Wonderland legislation. It seeks to solve a problem that's not there while dancing around a lot of our real problems that we have to deal with in our country and particularly in this Congress.

This bill would prohibit the EPA from proposing, finalizing, implementing, or enforcing any regulation revising the National Ambient Air Quality Standards applicable to coarse particulate matter for 1 year from the date of enactment.

EPA Administrator Lisa Jackson committed in an October 14, 2011, letter that the EPA plans to propose keeping the PM10 National Ambient Air Quality Standards as they are, with no change. These standards have been in place since 1987.

When Gina McCarthy, the Assistant Administrator for Air and Radiation at the EPA, testified before our Energy and Power Subcommittee of the full committee, she also confirmed that this bill is not necessary since the administrator plans to propose retaining the current standards that have been in place since 1987.

For this reason, I did not support H.R. 1633 when it came up for a vote in our Energy and Commerce Committee, and I encourage my colleagues to oppose it today. I've had very public disagreements with the EPA on other regulations they are revising, but this bill is a solution in search of a problem, and it is not a good use of our congressional time. Taking up a bill that's not necessary hurts our efforts to work with the EPA and to revise some of the standards the EPA is setting that are real problems. That's why, Mr. Chairman, I urge a ''no'' vote on this bill.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, Oct. 14, 2011.

Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: Thank you for your inquiry on the status of EPA's Review of the National Ambient Air Quality Standards (NAAQS) for particulate matter. Particulate matter includes fine particles (known as PM2.5) and coarse particles (known as PM10). PM2.5 can come from fossil-fuel combustion, including power plants and motor vehicles, and wildfires and PM10 can come from construction and demolition activities, industrial operations, wildfires, and dust from unpaved roads. It is well established that particulate matter emissions are linked to premature death and numerous adverse health impacts.

We have been making steady progress in reducing emissions of particulate matter—both fine and coarse—in this country for more than two decades, improving the public health of Americans while the economy has continued to grow.

It is important that a standard for particulate matter be protective of the health of the public. Based on my consideration of the scientific record, analysis provided by EPA scientists, and advice from the Clean Air Science Advisory Council, I am prepared to propose the retention—with no revision—of the current PM10 standard and form when it is sent to OMB for interagency review.

This rulemaking package will also consider the latest scientific evidence and assessments for PM2.5. Again, thank you for the inquiry. It is EPA's responsibility to protect the health of all Americans—rural and urban—from known pollutants, including particulate matter. Please feel free to contact me if you have any questions, or your staff can contact Arvin Ganesan, Associate Administrator for the Office of Congressional and Intergovernmental Relations at (202) 564–4741.

Sincerely,

LISA P. JACKSON.

Mr. WHITFIELD. I yield 2 minutes to the gentleman from Kansas (Mr. POMPEO), a member of the Energy and Commerce Committee.

Mr. POMPEO. I thank the chairman for yielding.

This is a great day for rural America. H.R. 1633 is going to do what we've been trying to do for a long time, during my entire 11 months in the United States Congress, which is to provide just a little bit of certainty for those folks who are out there trying to create jobs, trying to create food for America, trying to do the things that we've done in the rural parts of our country for so long.

The truth is the other side continues to say we are shooting the fairy dust and talking about Tinker Bell. I can assure you that I'm not amused. I can assure you that the 500 folks with whom I met just 2 weeks ago now at the Kansas Farm Bureau meeting were not amused either.

□ 1200

We understand that the very real risk of Lisa Jackson and the Environmental Protection Agency beginning to clamp down on farm dust still exists. We worked in our committee diligently. There were some valid concerns raised by the folks on the other side, and we endeavored, Mr. Chairman, at every moment to try and meet those concerns. We offered amendments. I offered an amendment in the nature of a full substitute which tried to address some of the concerns that the opposition expressed.

The truth is they just want to leave our farmers and our ranchers and our agricultural community at the whim of the EPA. That's not the place to put good, hardworking Americans who go out there every day trying to do the right thing. The whims of the EPA we have seen all too often present a real risk, a real risk of job destruction, a real risk of higher costs for every consumer in America.

This is a wonderful piece of legislation. It will, for the first time, get the EPA to move their hands away from the throats of our farmers and agricultural communities, and I would urge every one of my colleagues to support it.

Mr. WAXMAN. Mr. Chairman, the standard that's in place has been in place since 1987 when Reagan was President. It has not been changed. Suddenly there is a made-up fear that it's going to be changed and, therefore, we have the legislation that's before us.

We hear a lot about certainty. If this bill goes through, the certainty will be that there will be no regulation pf many industries because EPA will no longer have jurisdiction. The other certainty is that a lot of people are going to get very sick from some dangerous pollutants.

At this time I wish to yield 2 minutes to the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman for yielding.

This bill is dangerous and its title is disingenuous. H.R. 1633 is about much more than farm dust. Our colleague Mr. SHIMKUS acknowledged that much in the Energy and Commerce Committee markup of this bill last week when he said, ''It is called farm dust, but I am here for my open-pit mines in southern Illinois.''

The bill allows major industrial polluters to emit unlimited amounts of particulate matter in violation of the Clean Air Act. Mines, cement plants, and coal processing plants could legally emit unlimited amounts of dangerous chemicals into the air.

Let's be clear. The chemicals we are talking about are incredibly dangerous. Arsenic overexposure leads to skin, bladder, liver, and lung cancer. Lead exposure can damage the central nervous system, kidney, and blood cells. Cadmium exposure leads to severe respiratory damage. Zinc poisoning leads to kidney damage. Mercury pollution results in cognitive deficiencies, especially in children. Those pollutants, emitted from a range of nonfarm sources, could fall under the vague definition of ''nuisance dust.''

It seems to me that this is a piece of legislation that is being disguised as something as innocuous as farm dust, something that, as has been pointed out, has been regulated for a very long time. This is an effort to get around the legislation with a phony name, to get around the effectiveness of the Environmental Protection Agency. And we owe it to our constituents and our country to promote legislation that will stimulate the economy, which our environmental bills do, and protect and promote human health and the environment.

Our colleagues across the aisle have failed in that regard, and I urge a ''no'' vote.

Mr. WHITFIELD. At this time I would like to yield 2½ minutes to the gentleman from Nebraska (Mr. TERRY), a member of the Energy and Commerce Committee.

Mr. TERRY. Mr. Chairman, I am amused, humored by the opposition, all hailing from our greatest cities in the United States, urban areas.

I would like to read a note that I received from a rancher in Nebraska and our Nebraska cattlemen representing those who are affected:

The bill is needed to provide regulatory certainty to rural areas. We applaud the recent statement from Administrator Jackson that EPA does not intend to propose revisions to the current dust standard. The reality is, however, that regulations often change from the proposal stage of a rulemaking to the final. For example, in 1996, EPA proposed to remove the PM10 24-hour standard altogether, only to bring it back in the final rule. And in 2006, EPA proposed to exempt agriculture dust, but that exemption also disappeared in the final rule. Second, under the Clean Air Act, EPA must review this standard every 5 years. That

means we could face the same challenges again in just 5 short years. Also, citizen lawsuits could be brought that could result in a court deciding farm dust should be regulated. H.R. 1633 is the only way to provide regulatory certainty to farmers, ranchers, and rural residents.

Nuisance dust occurs naturally in rural areas. The type of ''nuisance dust'' that this bill would exempt from Federal regulation occurs naturally in rural areas, especially in arid and windy areas of the Plains and western States. This dust does not stay in the air but falls out quickly. Rural fugitive dust travels only a short distance from emission point. It settles out of the air quickly because of its size, making dust a localized issue. In fact, according to a study done by Hoffnagle, rural dust will fall out of the air within a thousand meters of its source.

This is not fairy dust or fables or tales to our folks in rural America; this is real and they want certainty.

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

Mr. WHITFIELD. I yield 1½ minutes to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Chairman, I rise today in support of the Farm Dust Regulation Prevention Act brought today by my friend and colleague, Congresswoman KRISTI NOEM.

This good piece of legislation is a commonsense solution to a bureaucratic problem that is causing concern among many Arizonans. It's almost unfathomable to think that this legislation is necessary to protect Arizona against Federal bureaucrats who want to regulate dust, but here we are. That's exactly what the EPA is doing with its overreaching policies, holding individuals and businesses accountable for naturally occurring dust particles.

I stand here today to raise my voice against the unreasonable Federal regulations which would allow simple haboobs, dust clouds, and wind storms to pose an economic threat to the economic livelihood of farmers in and around my district.

It is important to also note that this bill covers dust which has been found to have no adverse human health effects.

Also notable among this bill's many supporters are the Arizona Farm Bureau Federation, the Arizona Cattle Feeders' Association, the Arizona Cattle Growers' Association, the Arizona Cotton Growers Association, and the National Cattlemen's Association.

Again, I support this legislation and encourage you to pass this good bill today.

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

Mr. WHITFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

With the economy the way it is, with unemployment very high, we don't need more government regulations. More regulations strangle the private sector and create more economic problems, and especially right now we don't need more regulations.

The Obama administration continues to circumvent Congress to go around us by passing more regulations, and the economy can't stand it. We need to stop more regulations. Even the threat, even the threat of more regulations must be stopped.

I mean, farm dust? Farm dust? Give me a break. We can't give these bureaucrats more authority. We don't need to give this administration or the bureaucracy more control over the lives of Americans.

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

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

Mr. MANZULLO. Mr. Chairman, I often hear complaints from farmers back home about the numerous regulatory burdens placed on them by the government. In fact, this whole past summer we worked with the farmers who have been in a real brouhaha with the EPA concerning the runoff from their stockyards, and even small ones at that.

□ 1210

These are life-threatening types of regulations to continuing their farming. And now we come up with another one, this one on dust.

EPA is in the process of reviewing its dust standards. In 2009, EPA said farm dust ''likely is not safe'' and could cut the allowable dust levels in half. Because of the furor this has created, the EPA said last October they would not regulate farm dust. First they said they would regulate it; now they said they won't regulate it. So to codify this understanding or these contradictory statements by the EPA, I'm sure that all of my colleagues will have no problem in voting for this bill.

H.R. 1633 will prevent the EPA from imposing new Federal regulations on naturally-occurring dust in rural America. It will allow States and localities to regulate farm dust as they see fit based on sound science. Farmers in Illinois already struggle to comply with current standards. If Washington imposes another one-size-fits-all solution to farm dust, this could mean even more unemployment in rural areas throughout Illinois and the Nation.

I urge my colleagues to support H.R. 1633.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I want to thank the ranking member for yielding.

Mr. Chairman, I want to share with the Members of this body the administration's position on this particular bill that is under discussion right now. This is a Statement of Administration Policy:

''The administration strongly opposes H.R. 1633. As drafted, this bill would create serious problems for implementing Clean Air Act public health protections that have been in place for years while adding uncertainty for businesses and States. The bill, therefore, goes far beyond its stated intent of prohibiting the EPA from tightening national standards for coarse particles, which the administration has repeatedly explained that it has no intention of doing.''

It goes on to say: ''This ambiguously written bill would create high levels of regulatory uncertainty regarding emission control requirements that have been in place for years. Specifically, the bill's exclusion from the entire CAA of a new class of air pollutants called 'nuisance dust,' an imprecise and scientifically undefined term, could be used to roll back existing public health protection limiting pollution from mining operations, industrial activities, and possibly other sources.

''The bill also raises serious issues about whether the EPA could continue to implement the existing health-based fine and coarse particle programs, which play a vital, ongoing role in preventing adverse health effects of air pollution, including premature deaths, childhood asthma attacks, and other respiratory problems.''

The CHAIR. The time of the gentleman has expired.

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

Mr. RUSH. I thank the gentleman for yielding.

''This administration remains committed to commonsense approaches to improving air quality across the country and preserving the competitiveness of every economic sector. Because H.R. 1633 is not only unnecessary, but also could have significant adverse public health consequences, the administration strongly opposes this bill.

''If H.R. 1633 were presented to the President, his senior advisers would recommend that he veto this bill.''

Why are we wasting our time on this nuisance which is nonsense?

Mr. WHITFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. Thank you very much.

I rise today in disgust with the dust. The regulations the Environmental Protection Agency are proposing to regulate, coarse particulate matter, what you and I know as dust, is ridiculous. It's indicative of what is wrong in Washington, D.C. with the regulatory framework that has gone wild. This just defies common sense. You cannot farm without kicking up dust.

I was raised on the farms and ranches in south Texas. As we drive to tend the cattle herds, till the fields, or check out what's going on, there's no way to do it without dust. This opens the door to massive regulations. First we start with the farmer. Where's the EPA going to be next, checking under my

bed for dust bunnies, putting on a white glove, running their fingers across the top of my doors, or making sure my car is adequately washed?

The EPA's regulation on this is the height of government overreach, the height of a waste of time, the height of a waste of money, and a perfect example of what is wrong with Washington.

We've got to stop this type of crazy government regulation so we can get people back to work, we can get jobs on track, and we can keep our farmers feeding our country and the world.

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

The unemployment rate in this country is close to 9 percent, and we're not doing anything about that problem. The deficit is a real threat to our economy, and the Republicans nearly made us default on our debts because they wouldn't go along with a real deficit reduction bill. We are looking at sequestrations of our national budget for the military, and our Secretary of Defense says that could be a threat to the Nation. And that sequestration will take place because the Republicans wouldn't allow the so-called supercommittee to do its job.

I want to read from an editorial in the Sioux Falls ArgusLeader:

''There are important issues at the Federal level right now that will have direct impact on our State—the dwindling funding for the Lewis and Clark water project and the fight to maintain our State's Medicare reimbursements through the Frontier States Provision . . . These are real issues . . . So it's disappointing to see [this] fight against a made-up problem like the potential for farm dust regulations by the Environmental Protection Agency.

When the EPA announced it would not pursue anything along these lines and they had no intention to do it, the Senate sponsor of this same bill declared victory and he pulled back on his companion bill for the other body. The Republicans ought to declare victory and allow us to deal with the real problems in this country, not this made-up threat that they want to help protect us from. I urge Members to vote against this bill.''

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I have been told that we have no further speakers; so if the gentleman from California would like to close, then I would follow him.

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

Mr. WHITFIELD. Mr. Chairman, we certainly do appreciate this discussion on this important bill. I can tell you that rural America does consider this to be a real problem. The gentleman from California mentioned, correctly so, that we're operating under 1987 particulate matter standards. In 1997 and in 2006, the EPA went back to review that standard. They made a determination at that time that they would not take further action, but they were sued. Litigation ensued, and every 5 years the EPA is required by the Clean Air Act to look at this.

□ 1220

We know there are going to be further lawsuits. And so that's why we think it's absolutely mandatory that Congress assert itself and set out the policy that we do not want EPA regulating the dust on farms and ranches in America.

I might also add that in the letter we received from the board of supervisors of the county of Imperial in Arizona, they said the original rule that EPA had covered farms of 40 acres or more, which is 97 percent of all farmland in the Valley. EPA is now insisting that that be changed to all farms of 10 acres or more. And for what purpose? It seems clear that there's absolutely no justification for imposing requirements that would have a negative impact on the economy and the employment in Imperial County when the rules and controls would not change the ability of the county to meet the standards on the few high particulate matter days that are caused by exceptional events.

So, in closing, I would simply say we view this as a real problem. Congress needs to assert itself and set a definitive policy on this issue. I would urge all Members to support this legislation.

I yield back the balance of my time.

Mr. HENSARLING. Mr. Chair, I am proud to support yet another jobs bill put forth by House Republicans to empower small business owners and eliminate burdensome Washington regulations that prevent job creation and hinder economic growth. This bill prevents the EPA from issuing new dust regulations. Additionally, it gives states the flexibility to address any rural dust issues rather than the federal government.

During this debate we have heard a lot about the need to protect our air quality and the need to ensure clean air for future generations. As the grandson of a farmer, I know the value and importance agriculture producers place on protecting the soil and water they use to grow quality food to feed the country. I would argue there are no greater stewards of the land than farmers, and that additional rules on these hard-working Americans to regulate rural dust are not only unnecessary, they can be detrimental.

In this time of record unemployment, Washington should be on the side of job creators and family farmers, not on their backs. We should support smart regulations that instill confidence in job creators, not abusive red tape that only leads to closed farms and longer unemployment lines.

You don't have to take my word for it though. Just listen to some of my constituents:

Mr. Cummins of Canton writes, ''Their proposed regulations on milk spills or dust . . . would create undue hardships and be economically unfeasible to attain.''

Mr. Johnson of Mineola writes, ''I feel like the government is passing a law, regulation, unfunded mandate at the drop of a hat these days. [. . .] farmers controlling dust, dairy farmers documenting and controlling milk spills, telling me what kind of light bulb to buy . . . what kind of health care I must have, it is just never ending these days.''

The Farm Dust Regulation Prevention Act is the 35th jobs bill produced by the House Republican Plan for America's Job Creators to restore the freedom and confidence our private sector needs to grow again.

After today, with this bill, there will be 27 House-passed bipartisan jobs bills stacked like cordwood on the doorstep of the Democrat-controlled Senate.

As America weathers through the Obama Economy and the worst jobs climate since the Great Depression, I urge my colleagues to support our nation's farmers and ranchers and pass this jobs bill.

Mr. PENCE. Mr. Chair, I rise as a cosponsor and strong supporter of the Farm Dust Regulation Prevention Act (H.R. 1633). I want to express my appreciation to the gentlelady from South Dakota, Congresswoman NOEM, for her strong leadership on this issue. As a family farmer and sponsor of this legislation, Congresswoman NOEM is keenly aware of the devastating effects Environmental Protection Agency regulations can have on our Nation's farmers.

For those who are unfamiliar with farm dust, it is quite simply the everyday dirt and dust present in rural America on fields and country roads. It occurs naturally from dry weather or wind blowing across wide open spaces. Or it can be caused by the act of farming—tilling-up the land or harvesting crops. If you come from rural areas like my home district in Eastern Indiana, you know that farm dust is a part of daily life, and if you make a living on a farm, you probably have never even given farm dust a second thought. But, the EPA, despite the fact that rural farm dust has not been shown to pose a significant health concern, has done nothing to clarify the difference between rural farm dust and harmful pollutants that are common in urban areas. This legislation differentiates farm dust from these harmful air pollutants and gives family farms the certainty of knowing the federal government will not regulate their windblown soil.

Mr. Chair, the EPA needs to leave farmers alone and let them get about the business of farming. The Farm Dust Regulation Prevention Act will go a long way in securing the long-term stability of family farms and rural businesses. It would limit the EPA's regulation of this naturally occurring dust by giving state and local governments the ability to address the issue, and it would delay any new National Ambient Air Quality Standards issued by the EPA for one year.

In this difficult economy, family farms must be protected from burdensome, costly federal redtape. The EPA has no business regulating the dirt kicked-up on the farms and back roads of rural Indiana, and I urge my colleagues to support this commonsense legislation.

Mr. DEFAZIO. Mr. Chair, today, my Republican colleagues missed an opportunity to pass targeted, nonpartisan legislation to protect farmers and small businesses from unnecessary federal regulation.

There is widespread and bipartisan agreement that ''farm dust,'' dust produced during activities on farms and ranches, should not be regulated by the Environmental Protection Agency (EPA) under the Clean Air Act. The EPA doesn't want to regulate it. And Members of Congress do not want the EPA to regulate it, myself included.

But instead of writing legislation to codify a simple ban on regulating farm dust—legislation that would have won my support and the

support of most of my Democratic colleagues—the Majority wrote a bill creating major loopholes in the Clean Air Act that would have significant consequences for public health and the environment.

H.R. 1633 imposes a blanket, one-year moratorium on any regulation updating the national ambient air quality standards applicable to all coarse particulate matter, which includes: fly ash, diesel soot, asbestos, arsenic, lead, mercury, and heavy metals.

None of these harmful toxins are defined as farm dust. Yet, this far-reaching bill would prohibit EPA from protecting American families from these harmful toxins for at least a year.

H.R. 1633 would also exempt major industrial activities, including open-pit mining and aluminum smelters, from EPA's review. Again, arsenic, beryllium, cadmium, nickel, and mercury—all particulates emitted from mines and industrial activities—would be exempt from federal oversight, even though they have nothing to do with "farm dust."

The Environmental Protection Agency (EPA) does not regulate farm dust. The EPA has no plans to start regulating farm dust. And, if the EPA ever proposed regulations for farm dust, I would vociferously oppose them and sponsor legislation to prevent their implementation.

But that's not the bill before the House today. The bill before the House today is a distraction from the most pressing issue facing our country and economy: jobs, jobs, and jobs.

Mr. Chair, I support a ban on regulating farm dust. That's common sense. But I do not support creating Clean Air Act loopholes for big industry under the guise of helping small farmers and businesses. I am voting no on H.R. 1633.

Mr. VAN HOLLEN. Mr. Chair, farm dust is not regulated by the EPA, and EPA Administrator Jackson has clearly stated that the EPA has no plans to regulate farm dust in the future—which makes the Farm Dust Regulation Prevention Act a solution in search of a problem.

Unfortunately, today's legislation is more than just a mere waste of time. Under the guise of protecting farmers from non-existent regulation, H.R. 1633 would define and then exempt a completely new category of particle pollution from the entire Clean Air Act, except under very narrow circumstances. This new exempt category of particle pollution would include both coarse and fine particles from sources that have nothing to do with farming—including particulate matter from mining and other industrial operations like smelters, cement kilns and coal-processing facilities. Whether this consequence is intended or simply the result of sloppy drafting, this legislation should be roundly rejected.

Mr. Chair, with barely a week left on this year's congressional calendar, we simply don't have the time to waste on imaginary problems. The challenges our constituents face are real, and the hour is late. We need to focus on growing the economy, reducing our debt and getting people back to work before we adjourn for the year.

Mr. BOSWELL. Mr. Chair, I rise in support of H.R. 1633, the Farm Dust Regulation Prevention Act.

As a farmer, and an original cosponsor of this legislation, I appreciate the opportunity to this discuss this bill and speak in support of its common sense approach to rural dust regulations.

I have traveled the rural parts of my district and I have farmed my own fields. I know that when I'm harvesting my crops in the combine that I'm going to stir up some dust. Whether I am planting, tiling, or transferring crop to the grain bin, I cannot control the fact that there will be dust.

A one size fits all approach to regulating particulate matter, does not take into consideration that there are many sources of dust.

This legislation allows the flexibility for our states and municipalities to manage dust in rural areas, so that local residents and workers can determine which types may be harmful, and what is simply the result of hard-working Americans of doing their jobs.

Our farmers, ranchers, and rural business leaders are facing the same economic uncertainties as the rest of the country and they cannot afford additional, costly regulations on dust.

Particularly, those producers who are in areas where natural disasters have created new challenges for tilling soil that has been harmed by drought, fire and flood. For these individuals, many of the challenges remain unknown. Additional regulations will only increase their burdens and limit their ability to return to their job and contribute to the economy of rural America.

I know that Administrator Jackson has stated that the agency plans to maintain current standards. I thank her for that. I appreciate her intention to work with Congress and our farmers and ranchers.

However, her statement alone does not protect the farm operations across our nation and it does not prevent this body from legislating on behalf of our producers.

This legislation provides the protections needed for rural Americans to continue to do their day to day work without the threat of new regulation interfering with their mission to grow safe, plentiful, and affordable food for our nation.

We all have a vested interest to ensure that farmers and ranchers can provide for their families and all Americans.

I encourage my colleagues to support his legislation

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, printed in the bill, shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1633

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 ''Farm Dust Regulation Prevention Act of 2011''.

SEC. 2. TEMPORARY PROHIBITION AGAINST REVISING ANY NATIONAL AMBIENT AIR QUALITY STANDARD APPLICABLE TO COARSE PARTICULATE MATTER.

Before the date that is one year after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency may not propose, finalize, implement, or enforce any regulation revising the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to particulate matter with an aerodynamic diameter greater than 2.5 micrometers under section 109 of the Clean Air Act (42 U.S.C. 7409).

SEC. 3. NUISANCE DUST.

Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

''SEC. 132. REGULATION OF NUISANCE DUST PRIMARILY BY STATE, TRIBAL, AND LOCAL GOVERNMENTS.

''(a) IN GENERAL.—Except as provided in subsection (b), this Act does not apply to, and references in this Act to particulate matter are deemed to exclude, nuisance dust.

''(b) EXCEPTION.—Subsection (a) does not apply with respect to any geographic area in which nuisance dust is not regulated under State, tribal, or local law insofar as the Administrator finds that—

''(1) nuisance dust (or any subcategory of nuisance dust) causes substantial adverse public health and welfare effects at ambient concentrations; and

''(2) the benefits of applying standards and other requirements of this Act to nuisance dust (or such subcategory of nuisance dust) outweigh the costs (including local and regional economic and employment impacts) of applying such standards and other requirements to nuisance dust (or such subcategory).

''(c) DEFINITION.—In this section—

''(1) the term 'nuisance dust' means particulate matter that—

''(A) is generated primarily from natural sources, unpaved roads, agricultural activities, earth moving, or other activities typically conducted in rural areas;

''(B) consists primarily of soil, other natural or biological materials, or some combination thereof;

''(C) is not emitted directly into the ambient air from combustion, such as exhaust from combustion engines and emissions from stationary combustion processes; and

''(D) is not comprised of residuals from the combustion of coal; and

''(2) the term 'nuisance dust' does not include radioactive particulate matter produced from uranium mining or processing.''.

The CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 112–317. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. RUSH

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–317.

Mr. RUSH. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 2, strike ''applicable to particulate matter with an aerodynamic diameter greater than 2.5 micrometers'' and insert ''for PM_{10}''.

At the end of section 2, add the following: ''Nothing in this Act precludes the Administrator from proposing, finalizing, implementing, or enforcing the national primary ambient air quality standard or the national

secondary ambient air quality standard for $PM_{2.5}$.''.

Strike section 3.

The CHAIR. Pursuant to House Resolution 487, the gentleman from Illinois (Mr. RUSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. RUSH. Mr. Chairman, if the premise of this bill is to simply provide regulatory certainty to rural farmers and reiterate what Administrator Jackson has already publicly stated—that EPA would not alter the Bush-era standards for coarse particulate matter—then the Rush amendment would satisfy that objective.

During the subcommittee hearing on H.R. 1633, we heard testimony from the bill's sponsor that the intent of this legislation was to address the regulatory uncertainty over ''farm dust.'' However, during that same hearing, we heard testimony from the Assistant Administrator of the Office of Air and Radiation, Gina McCarthy, where she expressed a serious concern over the ambiguous language in the bill and the overly broad impact it could have on existing Clean Air Act programs.

Mr. Chairman, the Rush amendment would remove the ambiguity and provide clarity to the bill's intent so that we can keep in place standards to protect our Nation's most vulnerable populations. At the end of section 2, my amendment would add the following: ''Nothing in this Act precludes the Administrator from proposing, finalizing, implementing, or enforcing the national primary ambient air quality standard or the national secondary air quality standard for PM2.5.'' Additionally, because there is such widespread suspicion that the real intent of this bill is to roll back existing Clean Air Act protections, my amendment would strike section 3 altogether, which contains the most overly ambiguous and excessively broad provisions of the bill. In section 3, the bill's exclusion for particulate matter from combustion would not exclude particulate pollution from sources such as open-pit mines, mining processing plants, sand and gravel mines, smelters, coal mines, coal-processing plants, cement kilns, and waste and recovery facilities.

Mrs. McCarthy raised serious concerns about the effect of this bill on existing health-based standards due to the fact that the term ''nuisance dust'' is not a scientifically-defined term, and it would be very difficult to incorporate into a scientifically-based program. As Mrs. McCarthy noted, ''Coarse particles have been linked to a variety of adverse health effects, including hospitals visits related to cardiovascular and respiratory disease, and premature death. While the body of scientific evidence is much more limited for coarse PM than for fine particles, the agency's review of the studies indicate that short-term exposures to coarse particles remain a concern.''

Mr. Chairman, the Rush amendment would provide regulatory certainty to rural farmers while also protecting our Nation's most vulnerable population, including our children, our senior citizens, people with low incomes, and people with chronic lung disease such as asthma, chronic bronchitis, and emphysema.

I urge all my colleagues to support my amendment.

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

Mr. WHITFIELD. Mr. Chairman, I claim time in opposition.

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

Mr. WHITFIELD. While I have a great deal of respect and admiration for the gentleman from Illinois, I am going to oppose this amendment.

I would say, first of all, that this legislation does not change in any way the current EPA standard relating to particulate matter on coarse materials. His amendment would strike the provision in the bill addressing nuisance dust, keeping only that which prohibits a change to the existing PM10 standard for 1 year, which we agree with. But because it strikes section 3, which is the main part and the substantive part of this bill because it would eliminate our nuisance dust definition, I would respectfully oppose the amendment and urge all Members to vote ''no'' on the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

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

Mr. RUSH. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 2 OFFERED BY MRS. CHRISTENSEN

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–317.

Mrs. CHRISTENSEN. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 132(b) of the Clean Air Act, as proposed to be added by section 3 of the bill, after ''is not regulated under State, tribal, or local law'' insert ''at a level requisite to protect public health (as determined by the Administrator),''.

The CHAIR. Pursuant to House Resolution 487, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

□ 1230

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

This bill stands as an effort to dramatically weaken the Clean Air Act and delay implementation of vital public health protections against toxic particles.

The adverse health effects of particulate matter are serious and have been well documented. Thousands of studies published over the last 9 years make a much stronger case for the regulation of fine particles and indicate that the current standards must be revisited in order to ensure the public health is protected.

The major health effects of fine particulate matter include reduced lung function, cough, wheezing, missed school days due to respiratory symptoms, increased use of asthma medication, strokes, emergency room visits, hospital admissions, lung cancer, and premature death—at levels well below the current national air quality standards.

This bill, H.R. 1633, eliminates EPA's authority to control so-called ''nuisance dust'' except in a very narrow set of circumstances.

First, the Administrator must find that nuisance dust causes substantial adverse public health and welfare effects.

Second, even if the Administrator determines that nuisance dust causes substantial harm, she must also find that the benefits of regulating nuisance dust outweigh the cost, including impacts on employment. This approach upends the way EPA has been setting health-based air pollution standards for 40 years.

The Clean Air Act requires EPA to set each air quality standard based purely on science and medical evidence showing the health effects of exposure to the pollutant. The standard basically identifies the level of pollution that is safe to breathe. The Clean Air Act also requires EPA to set the standard with an adequate margin of safety to account for uncertainty and protect sensitive subpopulations, such as children with asthma. Essentially, this bill would require EPA to determine the level of air pollution that is safe to breathe based on the costs of control, not the medical evidence.

Third, under this bill, the Administrator only has this limited authority in areas where State, local or tribal governments are not regulating nuisance dust. But the bill provides no minimum standard of protection, no Federal floor. That means that even the most minimal State or local requirement is sufficient to bar EPA action on anything that falls under the definition of nuisance dust.

It is absurd, Mr. Chairman, to claim that any State or local dust regulation, no matter how minimal, would be sufficient to protect the public health. We tried to address air pollution only on the State and local level throughout the 1960s. It did not work. Companies blocked cleaner air protections by threatening to leave for other States with weaker standards.

This widely acknowledged failure produced overwhelming support for the

cooperative federalism approach embodied in the Clean Air Act since 1970. Under this approach, the Federal Government sets minimum uniform standards to protect health, and States and localities then decide how to achieve those standards.

Since 1970, every American has had the same basic right to clean and healthy air. My amendment simply preserves those rights. It ensures that the residents of every State and locality are afforded a baseline level of protection against particle pollution. My amendment says that if the State, local, or tribal laws are not sufficient to protect public health from exposure to dangerous particle pollution, then EPA has the authority under the Clean Air Act to step in and take action to reduce that pollution.

This bill tries to turn back the clock to a time when State and local air pollution laws weren't strong enough to protect public health. Those who are ignorant of history are doomed to repeat it. Let's learn our history and recognize that both States and the Federal Government play valuable roles in ensuring that Americans breathe clean and healthy air.

I urge my colleagues to support my amendment, and I reserve the balance of my time.

Mr. HURT. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. HURT. I thank the Chairman.

This amendment would allow the EPA to override the State and local regulations and thereby gut the purpose of this bill.

Let's remember what the commonsense purpose of this bill is. There's nothing radical at all about this bill. In fact, in section 3 this bill protects public health. It protects public health by relying on the State and local regulators who are best equipped to make judgments about naturally occurring dust. And it does nothing at all to affect the particulate matter 2.5 standard. I think that's important to note inasmuch as it seems that the opposition seems to want to forget that.

Let's remember the ultimate purpose of this bill, and that is to protect the farmer and the rural businesses from overreaching Federal regulation that causes uncertainty and it causes job loss.

However, the EPA and the opposition talked about the myth. They say that it's more likely that the EPA would regulate fairy dust. They say that this is a solution in search of a problem. But our farmers know better; our rural business owners know better. They know better because they have looked at the proposed regulations and the proposals from the EPA staff that was dated back in April in which they proposed looking at and revising the PM10 standard. They also have seen the letter that was sent to my office in May of this year in which Ms. McCarthy, the assistant administrator, makes it clear that agricultural dust and dust coming off of roads is absolutely within the larger view of these standards. That's what our farmers know.

But most of all, they know their experience. They know what they have endured over the years—over the decades—of what comes out of Washington and how it affects their everyday life. If you look at their track record, you can only see why there is uncertainty and why they believe this is a very, very real threat.

I am proud to be able to travel across my rural district in south side Virginia and central Virginia and talk to farmers. In August, I sat down with a group of farmers in Nelson and Albemarle Counties. One of the farmers that was there is a peach farmer, a fruit grower. He said to me, Mr. HURT, on my farm, where my family has been for generations growing peaches for our customers, I'm regulated by the Department of Labor, the Department of Agriculture, the FDA, the IRS, the Department of Transportation, the Corps of Engineers, the EPA—and the list goes on when you add the State and local regulators. He said, I'm regulated by all those different agencies, most of them Federal agencies; and all I'm trying to do is grow a peach. How hard can it be?

And I think when you look at the commonsense purpose of this bill, you will see that this amendment would gut it. It is for that reason that I would urge my colleagues to vote against this amendment.

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

The CHAIR. The gentlewoman from the Virgin Islands has 30 seconds remaining.

Mrs. CHRISTENSEN. I would just like to add that my amendment does not really take away any authority from the State, local, and tribal governments; it just ensures that they set standards that are based on the protection of the public health.

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

The CHAIR. The question is on the amendment offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

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

Mrs. CHRISTENSEN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from the Virgin Islands will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. CRAWFORD

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–317.

Mr. CRAWFORD. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 132(b) of the Clean Air Act, as proposed to be added by section 3 of the bill, after ''insofar as the Administrator'' insert '', in consultation with the Secretary of Agriculture,''.

The CHAIR. Pursuant to House Resolution 487, the gentleman from Arkansas (Mr. CRAWFORD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas.

Mr. CRAWFORD. Mr. Chairman, my amendment is very straightforward, and I believe it will help provide the proper amount of interagency communication with the EPA when they go to write air quality standards for particulate matter.

The legislation being considered today excludes nuisance dust from the EPA regulatory net, but the bill provides an exemption if the EPA determines that the economic benefits of regulating dust outweigh the cost. My amendment would simply direct the EPA to consult with the Department of Agriculture in making this determination.

As a member of the Ag Committee, I've heard testimony from both the Secretary of Agriculture and the EPA Administrator on how their respective agencies propose and write regulations. A problem that became apparent to me is that the two agencies don't even seem to communicate. Neither agency could give me a sufficient explanation of the protocol for interagency communication between the EPA and the USDA. Their responses were bureaucratic and vague.

I find this troubling because if you ask the farmers and ranchers in my Arkansas district about the greatest threat to their operations, they always respond with three letters: EPA. I don't think their response would be the same if both agencies worked together more often.

□ 1240

Perhaps the best example of the right hand not knowing what the left hand is doing occurred this past summer when the President was in his home State of Illinois for a town hall event. One farmer asked the President why the EPA was targeting new regulations at farmers after a difficult growing season through the Midwest and Midsouth this year. The President pointed to Ag Secretary Vilsack for backup and asked the farmer to explain the specific regulations.

The farmer cited rules that would be crippling to the ag community, including regulating farm dust. President Obama defiantly dismissed the question by saying, ''Don't always believe what you hear.'' He later told the crowd: If you ever have a question as to whether it's going to make it harder for you to farm, contact USDA.

It seems to me that the President didn't understand that it's the EPA, not the Department of Agriculture, that was the source of this man's frustration. If the President doesn't realize

that the EPA is coming down hard on our Nation's farmers and ranchers, then why would the agency, itself, find it necessary to consider agriculture in proposing regulations? Clearly, it does not.

My amendment would ensure that the EPA and the Department of Agriculture work together if the EPA seeks to further regulate the agriculture industry in the future. The Department of Agriculture understands the economic well-being of our Nation's farmers and ranchers better than any other agency and should have a degree of input whenever the EPA writes rules that directly impact farmers and ranchers.

This amendment would be a small but important step in that direction.

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

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent that I be able to control the time that would be allotted to those in opposition.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. Mr. Chairman, the Crawford amendment simply requires EPA to consult with the Secretary of Agriculture before making any determination about the health threat posed by pollution in an area, as well as the costs and benefits of taking action.

I don't know that the Department of Agriculture has much to contribute in terms of the health threats; but the bill is so objectionable already, it's hard to argue that this amendment makes it discernibly worse. It's a drop in a very large bucket.

For that reason, I will not oppose this amendment. We're willing to accept it, but I still am in opposition to the bill.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arkansas (Mr. CRAWFORD).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. MARKEY

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–317.

Mr. MARKEY. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 132(c) of the Clean Air Act, as proposed to be added by section 3 of the bill, strike ''and'' at the end of paragraph (1), strike the period at the end of paragraph (2) and insert ''; and'', and add at the end the following paragraph:

''(3) the term 'nuisance dust' does not include particulate matter containing arsenic or other heavy metals that are hazardous to human health.''.

The CHAIR. Pursuant to House Resolution 487, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. I yield myself 2 minutes.

In this legislation, the Republican majority exempts all so-called nuisance dust from the protective air quality standards for coarse particle or soot pollution under the Clean Air Act.

Republicans have defined ''nuisance dust'' to include particulate matter that is generated from ''earth moving or other activities that are typically conducted in rural areas.'' This legislation's broad definition means a bill which is supposed to be all about tractors and farms is actually about barring EPA from regulating the toxic soot that comes out of mines, smelters, chemical plants. And that's because all of these materials come from earth moving, natural materials, or activities that take place in rural areas.

Now, I don't know about the majority, but when most people hear the word ''nuisance'' they think of things like honking horns, telemarketers, and buzzing flies. They don't think of poison. By preventing EPA from regulating the toxic soot spewing out of mining operations, smelters, chemical facilities, and construction sites, Republicans have apparently decided that poisonous chemicals such as arsenic, lead, and mercury are mere nuisances.

This false advertising is not a total surprise. We have heard from Republican witnesses in the past who, in defense of the most polluting industries, have unwillingly offered up the absurd. In fact, in the last Congress, at a hearing I chaired, the Republican witness said he would be happy to sprinkle arsenic-laced coal ash on his cereal.

It turns out that the Republican witness is not alone in his suggestion to use arsenic as a dietary supplement. Arsenic, which is a major component of mining activities, was famously used to poison and kill a number of prominent people throughout history, including Napoleon, King George III, and the Emperor of China.

I reserve the balance of my time.

Mr. TERRY. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman from Nebraska is recognized for 5 minutes.

Mr. TERRY. I thank the chairman and appreciate the gentleman from Boston's arguments here suggesting that this bill somehow exempts arsenic and all these poisons. The reality is it does not. It's an unnecessary amendment. It, one, is to make a point that I think is inflated.

The reality is emissions of arsenic above the standard would still be in violation of EPA rules. The reality also exists then, if you're going to move the goalpost to a zero particulate, then we've got a different issue here.

Now, the dust that we're talking about from agricultural activities—plowing, harvesting, driving on roads—in our own definition says that consists primarily of soil and other natural and biological materials. So, if you're going to adopt a new standard totally different than current standards at the EPA on such issues as arsenic, the reality in rural America is that it is a natural part of our soil, and when dust would kick up and blow, it will be at a particulate level below what the standards are.

We're just trying to say, look, the reality is the EPA even says that at the extremely minor level of particulates that would be inherent in topsoil that could be kicked up by wind or farming activities is not a health risk. In fact, one of the authors of the EPA's most recent integrated science assessment for particulate matter issued in 2010 testified before our committee and stated, ''For long-term effects of coarse particulates, there is next to no evidence in support of long-term health effects.''

In rural America, in Nebraska, we can show you real-life examples. In rural America, they have the highest health standards and longevity of life and health.

So with that, I will let the gentleman close on his amendment and yield back the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield myself the balance of my time.

In the 19th century, mercury, another common mining waste, was used as a cure-all for toothaches and other ailments. It turns out that the mercury is also highly toxic. It causes severe impacts on the brain and, throughout history, has been identified as the poison behind many other notable illnesses and deaths in the history of our planet.

By defining nuisance dust this way, the Republicans are, essentially, providing the mining industry with the holiday gift of pollution. Instead of gold and frankincense and myrrh, the Republicans are bearing gifts of arsenic and lead and mercury for every family in our country.

My amendment simply states that so-called nuisance dust doesn't include poisonous arsenic or other heavy metals that are hazardous to human health, because cancer is not a nuisance. The development of a child's brain is not a nuisance. Yet the Republicans would treat these conditions as a nuisance rather than as medical catastrophes for the families of America.

So let's be clear what this bill is all about. This is another attempt by the Republicans to protect Big Coal by creating another loophole to avoid the Clean Air Act so that families don't have to worry that their children are inhaling these dangerous materials, the arsenic, the lead, the mercury that they are petrified are going to have a negative long-term impact on their children's development.

□ 1250

That's what this is all about, bottom line. And the coal industry is saying ''no.'' The Republicans are using the guise of some farm dust cloud of confusion to mask what they're really trying to do, which is to allow the coal industry to continue to send this lead,

this mercury, this arsenic up into the air and into the lungs of children across our country, especially those that are so young that we know it has an impact on their development, especially of their brain.

So I urge an ''aye'' vote on this amendment, and I don't think there can be a more important amendment that we're going to vote upon in this Congress.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

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

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. WAXMAN

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–317.

Mr. WAXMAN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 132(c) of the Clean Air Act, as proposed to be added by section 3 of the bill, strike ''and'' at the end of paragraph (1), strike the period at the end of paragraph (2) and insert ''; and'', and add at the end the following paragraph:

''(3) the term 'nuisance dust' does not include any particulate matter produced from mining activities.

The CHAIR. Pursuant to House Resolution 487, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

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

The supporters of this bill said they're simply trying to exempt harmless dirt from farms and ranches from regulation under the Clean Air Act. That simply is not the case. This bill is nothing more than a bait-and-switch. The title says it's about farm dust, but in reality, it would exempt air pollution from a number of industrial sources from the entire Clean Air Act, including mines.

The bill defines ''nuisance dust'' to include particulate matter, that consists primarily of natural materials generated from sources that include ''earth moving.'' So when you look at that definition, it would allow mines to be exempted from the requirements of the Clean Air Act. This is an egregious overreach that would allow mines to release particulate matter into the air without any controls.

The Kennecott, Utah, Copper Mine serves as a perfect example of why this is such a problem. Kennecott Copper operates one of the largest open-pit copper mines in the world, in Utah. The mine is even visible from space.

Every day, they mine about 150,000 tons of copper ore and 330,000 tons of waste rock from the Bingham Canyon mine. Kennecott's operations are the single largest source of particulate pollution in Utah.

The mine is having a significant impact on air quality, even with the pollution control requirements in place. There is simply no reason, therefore, to say well, we're going to address farm dust by exempting this mine from regulation under the Clean Air Act. And that is what this bill would do. It would exempt all particle pollution from the mine's activities from the entire Clean Air Act.

That mine is now subject to the requirements of the Clean Air Act. They're doing what they need to do to control pollution from that mine. If we adopt this bill, it would allow them to refrain from doing anything other than just simply spewing the pollution.

These mining operations, Kennecott and others, can have a significant impact. They emit large quantities of both fine and coarse particulate matter. Yet under this bill, they would be exempt from regulation.

So my amendment simply clarifies that this bill does not apply to particle pollution from any mining activities.

The science shows that coarse and fine particle pollution, regardless of the source, can trigger asthma attacks, heart attacks, stroke, and premature death. That's why I oppose exempting favored sources of this pollution from the Clean Air Act, and that's why I oppose the bill.

But at a minimum if we adopt this amendment, we would ensure that the bill is true to its name—the Farm Dust Regulation Prevention Act. Large industrial open-pit mines and gravel mining operations shouldn't get a free pass to pollute under the clever pretense of being involved with farms.

I would urge my colleagues to support this amendment removing mine operations from coverage under this bill and making sure the bill only covers farming operations.

I reserve the balance of my time.

Mrs. MCMORRIS RODGERS. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentlewoman from Washington is recognized for 5 minutes.

Mrs. MCMORRIS RODGERS. I yield myself such time as I may consume.

Just to let me clarify, the purpose of this legislation, H.R. 1633, is to exempt rural dust from costly and unnecessary Federal regulation. It doesn't do anything to exempt any kind of facility, source, or mine from environmental regulation. The northeastern part of Washington State, which I represent, is one of the toughest places in the world to mine. This bill isn't going to change that. Mining and agricultural dust is comprehensively regulated by State agencies and many, many Federal statutes currently in place, including the Surface Mining and Control Reclamation Act, Federal Mine Safety and Health Act, Resource Conservation and Recovery Act, Clean Water Act, Federal Land Policy and Management Act, the National Environmental Policy Act, and many others. This includes regulation by the Department of Interior of dust from wind erosion and vehicle traffic associated with mines. State and local authorities will still have full authority to impose nuisance dust controls, and rural America needs certainty that they won't be second-guessed by the EPA.

I urge a ''no'' on this amendment.

Bottom line, if you stop and think about it, there's a story here, a story of two paths forward. One path has the potential to bring economic growth, jobs, and energy independence to this country; the second path has brought and will continue to bring economic stagnation to our Nation.

The irony is that the administration seems to continue to advocate for the second path. And of course I'm talking about the path of EPA overregulation that continues to put a stranglehold on businesses and economic growth in this country.

The next phase of the EPA's path is America's farmland. Whether you're working in the field herding cattle or driving down a dirt road, the EPA wants to regulate the dust you pick up.

The Farm Dust Regulation Protection Act of 2011 will ensure that this path is stopped by prohibiting the implementation of a stricter PMT standard for 1 year and exempting nuisance dust, like farm dust, from any future PMT regulation.

I applaud my colleagues, Representatives NOEM and HURT, for introducing this important legislation. I urge my colleagues to support it.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, farm dust is not the same thing as pollution from a mine. My amendment would exclude pollution from a mine from this legislation so that it stays under EPA regulation under the Clean Air Act, as it is today. There is no reason to give mining operations, whether they're in rural or in urban areas, a pass so that they need not even meet requirements to protect the public from unsafe pollutants that could cause adverse health impacts.

I urge the adoption of the amendment, and I yield back the balance of my time.

Mrs. MCMORRIS RODGERS. I would like to yield the balance of my time to the chairman of the subcommittee.

Mr. WHITFIELD. Mr. Chairman, this is a little off topic. We have a young man who served the Energy and Commerce Committee and me personally for many years and did an outstanding job. His name is Jeff Mortier. Tomorrow is his last day as an employee of the House of Representatives. I just want to take this opportunity to thank him for the great job that he did and to wish him the very best in his new endeavor.

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

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

Mr. WHITFIELD. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

□ 1300

AMENDMENT NO. 6 OFFERED BY MR. FLAKE

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112–317.

Mr. FLAKE. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

SEC. 4. SENSE OF CONGRESS.

It is the sense of the Congress that the Administrator of the Environmental Protection Agency should implement an approach to excluding so-called ''exceptional events'', or events that are not reasonably controllable or preventable, from determinations of whether an area is in compliance with any national ambient air quality standard (NAAQS) applicable to coarse particulate matter that—

(1) maximizes transparency and predictability for States, tribes, and local governments; and

(2) minimizes the regulatory and cost burdens States, tribes, and local governments bear in excluding such events.

The CHAIR. Pursuant to House Resolution 487, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

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

While the Clean Air Act obviously serves a useful purpose, all too often States and localities are tied up in knots in just trying to comply with the provisions of it in which the rules that were promulgated in response to the law, or amendments to the law, just weren't well thought out.

In this regard, in 2005 Congress amended the Clean Air Act so States and localities could get off the regulatory hook for so-called ''exceptional events''—dust events—events that they cannot control but that impact air quality. In 2007, the EPA adopted the Exceptional Event Rule, implementing Congress' amendment to the Clean Air Act; but this rule has proven flawed, costly, and inconsistently implemented.

Let me give you an idea of what we're talking about here. Here is a picture. It's an actual photograph of one of the events that happened just this year in the Phoenix metropolitan area which was caused by a monsoon.

The monsoon comes along. When it rolls along flat ground, it tends to pick up every loose bit of dust or dirt that's there, and it causes an event like this. Obviously, this is not something that the State or local government can control; yet we're forced to go then to the EPA and beg for an exception to the Clean Air Act, which has proven to be extremely costly when we have to do it over and over again.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent to speak on this amendment.

The CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. I wanted to say to the gentleman from Arizona that I think his amendment makes a great deal of sense. It complies with what, I think, the EPA ought to do under these exceptional circumstances, and we are prepared to accept his amendment.

I yield back the balance of my time.

Mr. FLAKE. I thank the gentleman from California.

Mr. Chairman, just to give you an idea of how prevalent the problem is, I'll just summarize a little more. In Arizona, the Maricopa Association of Governments, or MAG, has said that there have been about 100 events that have exceeded the PM10 standard this year. All but one was from an exceptional event—dust storms that occurred naturally.

What happens then is States and localities, as I said, have to go to the EPA and beg for an exception to the rule. In some cases, just for an example, if you take all of the events in 2011, the Maricopa Association of Governments is estimating it will cost over $1 million to just argue and put together the paperwork to go to the EPA and say, This was a big monsoon that caused this. It was an exceptional event. In the end, the EPA may rule in our favor, but it is the cost of actually going through it.

This is not just in Maricopa County. It's not just in Arizona. In the San Joaquin Valley, I believe it has noted that the paperwork for just one high-wind exceptional event takes more than 400 staff hours to prepare in order to go to the EPA. It takes 400 staff hours for one exceptional event like this to go and say, This shouldn't count against our air quality or count against us in terms of new regulations and costs that will be imposed on us.

I am a cosponsor of the underlying bill to which this amendment will be attached, and I support it. This is an important amendment. It is not just an academic question, and I'm glad that all sides recognize this. So I thank the gentleman from California for accepting the amendment.

I now wish to yield time to the sponsor of the bill, the gentlewoman from South Dakota (Mrs. NOEM). I thank her for her dogged work in bringing this forward.

Mrs. NOEM. I rise in support of the amendment that the gentleman from Arizona has brought to the floor.

Mr. Chairman, this amendment would add a sense of Congress to this piece of legislation that the EPA should approach and exclude exceptional events and have a provision such as this. It would give us a consistent and a transparent manner for dealing with these events. Certainly, rural America and other parts of America need the certainty that the regulation is not triggered by natural events that are out of our control.

Mr. FLAKE. I thank the gentlelady.

In conclusion, Mr. Chairman, the EPA does recognize there is a problem here, and they are working to correct it. It's just taking a long time. The rule was promulgated in 2007. We've had 3 or 4 years since that time, and every year it costs States and local governments millions of dollars just to seek exceptions with these exceptional events. The language in this amendment simply encourages the EPA to move more quickly, and Congress stands ready to help them to fashion a new rule that will truly account for these exceptional events.

With that, I urge support for the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. SCHOCK

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112–317.

Mr. SCHOCK. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

SEC. 4. IMPACTS OF EPA REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY IN THE AGRICULTURE COMMUNITY.

(a) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY IN THE AGRICULTURE COMMUNITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on—

(A) employment levels in the agriculture industry; and

(B) agricultural economic activity, including estimated job losses and decreased economic activity related to agriculture.

(2) ECONOMIC MODELS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall utilize the best available economic models.

(B) ANNUAL GAO REPORT.—Not later than December 31 of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Environmental Protection Agency;

(B) request the Secretary of Agriculture to post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Department of Agriculture; and

(C) request that the Governor of any State experiencing more than a de minimis negative impact post such analysis in the Capitol of such State.

(b) PUBLIC HEARINGS.—

(1) IN GENERAL.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on agricultural employment levels or agricultural economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days prior to the effective date of the covered action.

(2) TIME, LOCATION, AND SELECTION.—A public hearing required under paragraph (1) shall be held at a convenient time and location for impacted residents. In selecting a location for such a public hearing, the Administrator shall give priority to locations in the State that will experience the greatest number of job losses.

(c) NOTIFICATION.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on agricultural employment levels or agricultural economic activity in any State, the Administrator shall give notice of such impact to the State's Congressional delegation, Governor, and Legislature at least 45 days before the effective date of the covered action.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COVERED ACTION.—The term ''covered action'' means any of the following actions taken by the Administrator under the Clean Air Act (42 U.S.C. 7401 et seq.) relating to agriculture and the national primary ambient air quality standard or the national secondary ambient air quality standard for particulate matter:

(A) Issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(3) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term ''more than a de minimis negative impact'' means the following:

(A) With respect to employment levels, a loss of more than 100 jobs related to the agriculture industry. Any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment may not be used in the job loss calculation.

(B) With respect to economic activity, a decrease in agricultural economic activity of more than $1,000,000 over any calendar year. Any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment may not be used in the economic activity calculation.

The CHAIR. Pursuant to House Resolution 487, the gentleman from Illinois (Mr. SCHOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

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

I rise today to offer an amendment with my good friend and colleague, Mrs. SHELLEY MOORE CAPITO of West Virginia.

Our amendment is simple. It requires the EPA to consider the impact of new agriculture jobs and the economy before issuing new rules and regulations. A similar amendment to the Clean Water Cooperative Federalism Act passed this House in July, and it enjoyed broad bipartisan support.

My amendment today says if jobs and the economic well-being of farmers would be negatively impacted, the EPA will be required to hold public hearings in the impacted State. It would also require the EPA to notify the State's Governor, legislature, and congressional delegation. It would also require that the EPA post its analysis of the negative job impact on its Web site, request the Secretary of Agriculture to do the same, and request the Governor of that State to post similar analysis on the State capital's Web site.

I don't believe this is too much to ask. We are simply asking the EPA to calculate the number of jobs lost and the economic impact on the agricultural community with a new rule that would do such. If its calculation turns out to be detrimental, we want the EPA to let our Nation's farmers know before it implements additional red tape and new regulations.

We expect the bureaucrats in the EPA here in Washington, D.C. to go out into the real world and understand the impact of the rules that they are implementing, that they are suggesting, and that have a real effect on farmers who are trying to run their operations across America and are helping to feed the world's population.

This past weekend, the Illinois Farm Bureau, in my home State, had its annual meeting. It conducted a survey of the thousands of farmers who participated in that convention, and it asked them an open-ended question:

What posed the biggest threat to their future profitability as family farmers? Was it input costs? lower commodity prices? land prices? commodity price swings?

No. Their answer, overwhelmingly, was government regulation.

Dale Hadden, who is a farmer from Jacksonville, Illinois, recently told me: ''The thought of the EPA continuing to place more regulations on my farming operation is unfounded. My family prides itself on being environmental stewards and making our farm better for the next generation. We do it better here than in any other place in the world.''

Jamie Schaffer, another farmer from my district, in Princeville, Illinois, told me:

''The EPA over-regulation has the potential to shut us down. We wouldn't be able to farm with modern equipment. Livestock walks across the field and creates dust when it's dry out. We need to take regulators out to our farms and personally show them there's no way around dust or dirt. It's just a natural part of the environment.''

Let's let Dale, Jamie, and other farmers in our country continue to do what they do best. Let the EPA bureaucrats understand first, before they implement a new rule, what kind of effect, if any, it will have negatively on jobs and the economy throughout our country.

I urge a ''yes'' vote, and I reserve the balance of my time.

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

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

Mr. WAXMAN. I have several concerns about this amendment, which seems to ignore the reality of how agencies communicate, along with the well-established process for how EPA proposes and finalizes a rule.

First of all, this amendment requires the EPA to conduct additional economic analyses for a broad range of agency actions that could affect agriculture, including guidance documents and policy statements.

□ 1310

Requiring an expensive and time-consuming detailed economic analysis for every policy statement makes no sense.

Secondly, this amendment singles out one favored sector for special treatment. Why should we have an entirely different rulemaking process in place for agriculture? If the Republicans are concerned about the rulemaking process, then they should work with us on a bipartisan basis to improve the way rules are adopted for all sectors, not just one.

This amendment also isn't necessary. EPA already has to evaluate the costs and benefits of each rule to satisfy requirements and numerous statutes. When issuing a rule, EPA has to comply with the Administrative Procedure Act, the Paperwork Reduction Act, the Regulatory Flexibility Act, the Small Business Regulatory Enforcement Fairness Act, the Unfunded Mandates Reform Act, specific environmental statutes, Executive orders on regulatory planning and review requirements of the Office of Management and Budget, and others.

A few minutes ago, we accepted an amendment from the gentleman from Arizona (Mr. FLAKE) that called on EPA not to have a burdensome process when they grant a state flexibility in handling an exceptional event that caused a violation, and he argued we didn't need a burdensome process to get to that result.

This additional burdensome process imposed by this amendment is also unnecessary. According to the GAO, the requirements already in place are quote, ''clearly voluminous and require a wide range of procedural, consultative, and analytical action on the part of the agencies.''

This amendment appears to ignore this well-established process and, instead, would add another burdensome layer to the already lengthy review. It serves no purpose. It bogs down the agency. It creates more bureaucracy. It costs more money. It does not accomplish anything. And insofar as it accomplishes anything, it just stalls the agency from acting in only one area—agriculture.

I urge my colleagues to oppose this amendment as well as oppose the underlying bill.

I reserve the balance of my time.

Mr. SCHOCK. May I inquire as to how much time remains?

The CHAIR. The gentleman from Illinois has 1½ minutes remaining.

Mr. SCHOCK. Thank you, Mr. Chairman.

I would respond to my friend from California with a couple points.

First of all, we did have the opportunity to apply a similar rule to the entire bureaucracy. We passed that yesterday. It's called the REINS Act.

But with regard to specifically pointing out agency by agency, a similar amendment passed earlier this year to the clean water bill, the Clean Water Act, that had bipartisan support, and I would certainly hope that this amendment would as well.

To the concern about expense, I can't imagine what's more expensive than putting Americans out of work. I can't think of what's more expensive than asking American farmers to come up with more cash and more expenses because of bureaucrats' new rules in Washington, D.C.

Finally, this does not prohibit the agency from doing anything. It just requires the agency to know what they're doing, the impact on jobs, and that to be known by the farmers, the State, the congressional delegation, and certainly the bureaucrats at the EPA.

With that, I yield 1 minute to my friend from Colorado (Mr. GARDNER).

Mr. GARDNER. I thank the gentleman from Illinois for this amendment.

It's ironic that the opposition to this amendment characterizes the amendment as a burden. However, the burden being placed, I would suggest, if it's a burden at all, is on the EPA, the EPA who actually has to take a look at whether or not this is impacting jobs before the regulation is promulgated.

How about that? We actually do something around this place that takes a burden off the private sector and makes government do their job to make sure they're not hurting jobs in private industry.

You know, this is an amendment that makes absolute common sense, to look before you leap, to make sure that you understand the impacts of a regulation before you issue it, and that's why I support this amendment.

The CHAIR. The time of the gentleman from Illinois has expired.

Mr. WAXMAN. Mr. Chairman, how much time do I have?

The CHAIR. The gentleman from California has 2 minutes remaining.

Mr. WAXMAN. Mr. Chairman, the EPA goes through an incredible analysis now, the costs and the benefits and all the other considerations. It's appropriate. To add another review of regulations at EPA is to require paralysis by analysis, and perhaps that's the objective of the amendment.

The gentleman from Illinois (Mr. SCHOCK) has said he can't imagine anything more expensive than what this regulation might do to farmers. Well, I'll tell you something that's more expensive: Tax breaks for zillionaires, billionaires, and millionaires is a lot more expensive than requiring EPA to do even more.

Let's not burden the agency with reviews only for one sector that add nothing to the analysis that they already achieved before they adopt any regulation. And these regulations that are already in effect now are not costing jobs.

This whole bill is supposed to prevent regulations that had not even been adopted. And we're not losing jobs because of that. We're losing jobs because our economy is not functioning, because we don't have a willingness by the Republicans to stimulate this economy, get people back to work and get jobs for those who need them.

I oppose this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. SCHOCK).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. AL GREEN OF TEXAS

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112–317.

Mr. AL GREEN of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following section:

SEC. 4. REPORT ON EFFECT ON JOBS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall transmit to Congress a report estimating the increase or decrease in the number of jobs in the United States that will occur as a result of the enactment of this Act (including the amendment to the Clean Air Act (42 U.S.C. 7401 et seq.) made by section 3 of this Act).

The CHAIR. Pursuant to House Resolution 487, the gentleman from Texas (Mr. AL GREEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

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

There has been much debate as to whether this bill will create or save jobs. There is much speculation based on whether this bill will create or save jobs. When you have few facts, you, generally speaking, can have much speculation. This amendment addresses speculation.

There is some sense in this country that our approval rating is low in Congress because of much speculation. Speculation can breed distrust. Speculation can lead to fact-free debate, a term my good friend, EMANUEL CLEAVER, Representative from Missouri, uses—fact-free debate.

This amendment can help us eliminate fact-free debate. This amendment contains less than 100 words, and it addresses the elimination of fact-free debate. It reads:

Not later than 180 days after the date of enactment of this act, the Administrator of the Environmental Protection Agency shall transmit to Congress a report estimating the increase or decrease in the number of jobs in the United States that will occur as a result of the enactment of this act.

This amendment eliminates fact-free debates and speculation. So if you really want to eliminate fact-free debates and speculation, then you should support this amendment.

If you believe that this bill really does create or save jobs, then you should support this amendment.

If you believe that Carlisle is right, that no lie can live forever, and this will eliminate the possibility of things being done with malice aforethought, you should support this amendment.

If you believe that William Cullen Bryant is right, that truth, when crushed to Earth, can rise again, you should support this amendment, because this amendment will help us to repeal what the truth is.

If you believe that fact-free debates ought to be eliminated, you ought to support this amendment.

I reserve the balance of my time.

Mr. GARDNER. I rise in opposition to the amendment.

The CHAIR. The gentleman from Colorado is recognized for 5 minutes.

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

The question I have on that—I understand the confusion about jobs in the EPA. I think there is a great deal of confusion when it comes to whether or not the EPA is considering jobs in their analysis.

The administration has issued an Executive order. We have actually, through the Energy and Commerce Committee, held a number of hearings on the Executive order that says, hey, you need to take a look at the impact on jobs when a regulation is promulgated.

We have had testimony from various officials at the EPA talking about whether or not they look at jobs.

□ 1320

There seems to be a great deal of confusion at the EPA about whether they actually care about jobs. But the problem is we ought to take a look at those jobs before the regulation is issued. That's exactly what the amendment did that we just passed by Mr. SCHOCK. Addressing jobs, clearly, is not the expertise of the EPA. In fact, just ask assistant administrator Mathy Stanislaus, who came before our committee and testified that, indeed, when they issued a regulation, they didn't take a look at the jobs impact, even though about 30 seconds before in his statement he said that they did take a look at the impact on jobs.

To the extent the EPA does comment on the jobs impact of its regulatory agenda, it has been widely criticized for understanding the potential for job losses, or for even making farfetched claims that the regulations create jobs. At one time we had a hearing with Gina McCarthy, assistant administrator of the EPA, who testified for every $1 million in regulations, it creates 1.5 jobs; 1.5 jobs for every $1 million in cost of a regulation. That's their idea of a job-creating idea or activity.

State, local, and tribal governments will be able to enforce their own dust regulations in a way that makes sense for local conditions, including on jobs and the economy.

We don't need to spend money on a study to know that avoiding overregulation will benefit the economy. Avoiding overregulation will benefit the economy. Regulations—1.5 jobs for every $1 million. That's the kind of math that my constituents, many constituents across this country, simply don't understand.

I reserve the balance of my time.

Mr. AL GREEN of Texas. Mr. Chairman, how much time do I have?

The CHAIR. The gentleman has 2½ minutes remaining.

Mr. AL GREEN of Texas. Thank you.

It is an opinion, well stated, and I appreciate the opinion that has been well stated. However, the best way to ascertain whether jobs are being created or eliminated is to utilize empirical evidence, empirical evidence developed after the fact as opposed to before the actual implementation of the bill.

If you believe, and I believe your heart's in the right place, if you believe that this is an opportunity for us to dispel any myths, to dispel any speculation, then let's have a study done after the bill has passed and after there has been some time for implementation.

I'm willing to extend the time. I'm willing to have GAO do the study. My heart's in the right place. I want us to have proof positive that this bill does or does not eliminate jobs. I want to eliminate the speculation.

I believe I have enough time left to engage my friend in a colloquy.

How much time do I have, Mr. Chairman?

The CHAIR. The gentleman has 1½ minutes remaining.

Mr. AL GREEN of Texas. I yield to my friend from Colorado.

Mr. GARDNER. Thank you very much for the time and consideration. Again, we did adopt an amendment that actually takes a look at the regulation before it's offered.

Mr. AL GREEN of Texas. Reclaiming my time for just a moment, you say before. You see, empirical evidence under the scientific method is best acquired after you have the actual evidence. So what you would do is utilize speculation to come to a conclusion and then call that a fact. This would eliminate speculation.

I yield to the gentleman.

Mr. GARDNER. I think I know that if I stub my toe, it's going to hurt before I do it. We ought to be able to check out whether or not it's going to cost jobs before we do it.

Mr. AL GREEN of Texas. Reclaiming my time, the question is whether you will actually have the opportunity to hurt your toe, as you put it. There is no need to avoid things that don't exist. Let us get the actual raw empirical evidence and use that to draw our conclusions as to whether this bill creates or saves jobs.

I yield to the gentleman.

Mr. GARDNER. I thank the gentleman.

The empirical evidence that I go on comes from the groups in Colorado that know this issue the best—the farmers and ranchers that I represent. Here's just a listing of a few of the organizations that support this bill as it stands.

Mr. AL GREEN of Texas. Reclaiming my time, because supporting something is not empirical evidence as to whether or not it will do a certain thing. I respect all who are supporting it.

By the way, I don't disrespect you. I believe your heart is in the right place. What I'm trying to get you to see is if you utilize the scientific method, you will get your empirical evidence after you have given this an opportunity to be enacted.

I yield back the balance of my time.

Mr. GARDNER. Mr. Chairman, I yield myself the balance of my time.

Again, I would just like to continue with a list of overwhelming support from those in my district that believe this will, indeed, cost jobs. We've adopted an amendment that says hey, let's take a look at it before it goes into effect. The Colorado agriculture organizations, including the Colorado Association of Wheat Growers, the Colorado Cattlemen's Association, the Colorado Corn Growers, the Colorado Lamb Council, the Colorado Livestock Association, the Colorado Pork Producers Council, the Colorado Potato Administrative Committee, the Colorado Sheep and Wool Authority, the Colorado Wool Growers Authority, and the Colorado Farm Bureau, these are organizations that will work each and every day under this regulation. And perhaps the EPA says hey, you know what, we're not going to do this right now, but they are very concerned.

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

Mr. GARDNER. I yield to the gentleman from Texas.

Mr. AL GREEN of Texas. With all due respect, the world is larger than Colorado, and there are other States and other organizations.

Mr. GARDNER. Reclaiming my time, I understand there are some big concerns from Boston, there are concerns in Houston, and there are some concerns in Los Angeles; but, I can tell you in rural Colorado, in rural America, there are grave concerns that there are many people in this body that think their concerns over farm dust are nothing more than concerns over pixie dust.

I would just close with this argument.

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

Mr. GARDNER. I yield to the gentleman.

Mr. AL GREEN of Texas. In my city we have a rock-crushing company. It yields dust, particulate matter. That is something that is a concern to rural people as well.

Mr. GARDNER. Reclaiming my time, the gentleman will recognize that State, local, and tribal governments will be able to enforce their own dust regulations according to local conditions. So I understand where you're coming from. I would just oppose this amendment. I believe that we need to get on to the underlying bill and adopt the underlying bill so that we can move forward, creating jobs, making sure that we're not killing jobs, and do what's right for this country when it comes to our economy.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. AL GREEN).

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

Mr. AL GREEN of Texas. I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112–317 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. RUSH of Illinois.

Amendment No. 2 by Mrs. CHRISTENSEN of the Virgin Islands.

Amendment No. 4 by Mr. MARKEY of Massachusetts.

Amendment No. 5 by Mr. WAXMAN of California.

Amendment No. 8 by Mr. AL GREEN of Texas.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. RUSH

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. RUSH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 150, noes 255, not voting 28, as follows:

[Roll No. 906]

AYES—150

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Courtney
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Napolitano
Neal
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—255

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Noem
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—28

Bachmann
Becerra
Bilirakis
Campbell
Castor (FL)
Coble
Davis (IL)
Diaz-Balart
Dold
Engel
Fudge
Giffords
Granger
Hinchey
Jackson (IL)
Labrador
McKeon
Miller, George
Myrick
Nadler
Neugebauer
Nugent
Olver
Owens
Paul
Rahall
Ryan (OH)
Smith (WA)

□ 1351

Messrs. SCHWEIKERT, ALTMIRE, GRIFFIN of Arkansas and SULLIVAN changed their vote from ''aye'' to ''no.''

Mr. GRIJALVA and Ms. SPEIER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. BECERRA. Mr. Chair, earlier today I was unavoidably detained and missed rollcall vote 906. If present, I would have voted "aye" on rollcall vote 906.

Stated against:

Mr. DOLD. Mr. Chair, on rollcall No. 906 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 2 OFFERED BY MRS. CHRISTENSEN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 159, noes 250, not voting 24, as follows:

[Roll No. 907]

AYES—159

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Napolitano
Neal
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—250

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson

Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—24

Amodei
Bachmann
Campbell
Cardoza
Castor (FL)
Coble
Davis (IL)
Diaz-Balart
Forbes
Franks (AZ)
Fudge
Giffords
Gingrey (GA)
Hinchey
Jackson (IL)
LaTourette
Miller, George
Myrick
Nadler
Neugebauer
Olver
Owens
Paul
Rahall

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining.

□ 1355

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. MARKEY

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 249, not voting 19, as follows:

[Roll No. 908]

AYES—165

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reichert
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—249

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—19

Bachmann
Boustany
Campbell
Castor (FL)
Coble
Davis (IL)
Diaz-Balart
Fudge
Giffords
Hinchey
Hirono
Jackson (IL)
Miller (FL)
Miller, George
Myrick
Nadler
Olver
Paul
Rahall

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining.

□ 1358

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MILLER of Florida. Mr. Chair, on rollcall No. 908, had I been present, I would have voted "no."

AMENDMENT NO. 5 OFFERED BY MR. WAXMAN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 158, noes 257, not voting 18, as follows:

[Roll No. 909]

AYES—158

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reichert
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—257

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pastor (AZ)
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—18

Bachmann
Campbell
Castor (FL)
Coble
Davis (IL)
Diaz-Balart
Fudge
Garrett
Giffords
Hinchey
Jackson (IL)
Jackson Lee (TX)
Miller, George
Myrick
Nadler
Paul
Rahall
Tierney

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining.

□ 1402

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. JACKSON LEE of Texas. Mr. Chair, on rollcall No. 909 which is on the Waxman Amendment to the bill H.R. 1633, I was detained with official matters pertaining to my office and failed to make the vote. Had I been present, I would have voted "aye."

AMENDMENT NO. 8 OFFERED BY MR. AL GREEN OF TEXAS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. AL GREEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 170, noes 247, not voting 16, as follows:

[Roll No. 910]

AYES—170

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conyers
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Garamendi
Gerlach
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Renacci
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—247

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
DesJarlais
Dingell
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper

Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—16

Bachmann
Campbell
Castor (FL)
Coble
Davis (IL)
Diaz-Balart
Fudge
Giffords
Hinchey
Jackson (IL)
Miller, George
Myrick
Nadler
Paul
Rahall
Speier

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining.

□ 1405

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOODALL) having assumed the chair, Mr. WOMACK, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes, and, pursuant to House Resolution 487, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. DEGETTE. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. DEGETTE. Yes, sir, most definitely I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. DeGette moves to recommit the bill H.R. 1633 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith, with the following amendment:

At the end of the bill, add the following section:

SEC. 4. PROTECTING THE PUBLIC FROM TOXIC DUST THAT CAUSES CANCER AND BRAIN DAMAGE.

Nothing in this Act or the amendment made by this Act shall prohibit the Administrator of the Environmental Protection Agency from proposing, finalizing, implementing, or enforcing any regulation promulgated under the Clean Air Act (42 U.S.C. 7401 et seq.) relating to emissions in particulate form of cadmium, lead, or asbestos, including vermiculite asbestos released from mining activities and asbestos released from demolition and renovation activities.

The SPEAKER pro tempore. The gentlewoman from Colorado is recognized for 5 minutes.

Ms. DEGETTE. Thank you, Mr. Speaker.

Really? Really, Mr. Speaker?

With 1 week left in the legislative session, we've spent an entire day debating about a bill that does not address an existing problem; and with the continuing resolution expiring 1 week from tomorrow, we're not working on an appropriations bill to keep our government operating? We're not here today voting on an extenders bill that would extend the payroll tax cut for middle Americans just as the economy begins to recover?

Really?

We're not voting on extending unemployment benefits to help struggling families stay afloat while they continue to look for work?

Really, Mr. Speaker?

And once again, we're not doing one thing today to put Americans back to work?

Unfortunately, as ridiculous as today's effort has been, the consequences of the bill are no laughing matter. The truth is the EPA does not currently regulate farm dust. This bill would prevent a regulation that doesn't actually exist from overseeing something undefined.

□ 1410

Also, EPA Administrator Lisa Jackson has said unequivocally that she does not intend to regulate farm dust in the future.

But to add insult to injury, the consequences of this proposed solution could be devastating. The bill that came out of the Energy and Commerce Committee could be interpreted broadly to limit existing and future Clean Air Act public health protections for different pollutants.

This final amendment that I offer today offers us the chance to protect our children and our grandchildren from asbestos, lead, cadmium, and other toxic air pollutants. I want to be clear: this is the final amendment to the bill; and even though I'd like to, it will not kill the bill or send it back to committee. If adopted, it would then be voted on at final passage, as amended.

Now, Mr. Speaker, if we are going to adopt this bill, we should make sure that we don't inadvertently roll back EPA rules relating to toxic dust containing cadmium, lead, and asbestos. This should be something all of us can agree on. Currently, the bill exempts particulate matter from regulation under the Clean Air Act if it is natural material, commonly produced in rural areas, and is not produced by combustion.

Asbestos is a natural material. Activities involving asbestos are considered typical in rural areas, and asbestos emissions from mining and demolition do not involve combustion. Unfortunately, asbestos is also a known carcinogen.

What would happen if we exempted asbestos from the Clean Air Act?

We already know. To see the realities of asbestos, a natural material, we could simply ask the rural families of Libby, Montana.

In 2009 the Environmental Protection Agency declared a public health emergency in Libby after decades of asbestos exposure from local mines. Even though the vermiculite asbestos mine closed in 1990, the EPA believes that current conditions continue to present significant ongoing threats to public health. There remain significantly higher rates of asbestos-related disease in Libby compared with the national average.

Too bad the managers of the mine told their workers that the dust they inhaled daily was just ''nuisance dust'' and would have no permanent effects.

H.R. 1633 would also exempt lead and cadmium particulate emissions from the Clean Air Act. Because lead and cadmium are natural materials, activities involving lead and cadmium, such as cement kilns and smelters, are typical in rural areas; and activities at cement kilns and smelters produce lead and cadmium without combustion.

Sounds safe; right?

Unfortunately, cadmium is a known human carcinogen. Exposure to cadmium may cause lung, kidney, prostate, and bladder cancer.

Lead is a potent neurotoxin. Infants and young children are especially sensitive to even low levels of lead, which may contribute to behavioral problems like learning deficits and lower IQs.

Is that what this distinguished body really wants to do, actively take steps to cause behavioral problems, learning deficiencies and lower IQs in our Nation's rural children?

Mr. Speaker, this entire session of Congress has felt to many of us like a trip into Alice's Wonderland. While our Nation struggles with a devastating economy, we do nothing about jobs or about getting Americans back to work. Instead, we repeatedly fall down the rabbit hole of extreme legislation. Now, with this so-called Farm Dust Regulation Prevention Act, it seems that we're even having tea with the Cheshire Cat.

To paraphrase our friend, the Cheshire Cat: We're all mad here. I'm mad. You're mad. You must be mad or you wouldn't have come here.

Sadly, for the American people, H.R. 1633 simply underscores the madness of this body right now. It's a mad solution to an imaginary problem.

Vote ''no.''

Mr. WHITFIELD. Mr. Speaker, I claim time in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. American farmers, ranchers and other rural businesses, like many other sectors of this economy, have faced an onslaught of EPA regulations—regulations that are costly and that make it more difficult to create jobs in America at a time when America needs jobs.

The Congressional Research Service recently reported that agriculture alone has been facing new Clean Air Act greenhouse gas standards; engine emission standards; National Ambient Air Quality Standards for ozone and particulates; Clean Water Act permitting and other requirements; Superfund reporting requirements; and regulations for disclosure, permitting and other regulatory requirements related to the use of pesticides.

There are 2.2 million farms in America. There are 1.8 million people employed by those farms. Those farms provide 5 percent of the exports from America, and they provide $154 billion to our economy.

This legislation that we have on the floor today has the support of 120 Democrats and Republicans, and we have over 197 organizations representing rural America that support this legislation. The bill is very simple. It does not change any of the existing EPA regulations. It just says that the EPA cannot change its PM10 standard for coarse material earlier than 1 year after the enactment of this legislation, and it defines and exempts nuisance dust.

So why do we need this bill? People are saying that Lisa Jackson has said she is not going to regulate PM10.

That is true. She has said that. Yet we know that many of the environmental decisions in America today are made by people and groups and entities that file lawsuits against the EPA. Every time that has happened recently, the EPA has run and entered into a consent decree, and then it has paid the legal fees for the entity that has brought the lawsuit, which is exactly what we are afraid is going to happen in this instance. In this way, we can pass this legislation and make certain that local governments, State governments, and tribal governments will decide this issue of nuisance dust.

Now, some people have said, Oh, my God, this dust is so dangerous to one's health, and it includes all sorts of substances.

I might remind everyone that one of the authors of the EPA's most recent Integrated Science Assessment for Particulate Matter testified before our committee. He said, as to the long-term effects of coarse particles, there is not one shred of evidence in support of long-term health effects.

This is a commonsense piece of legislation. It protects jobs in America, and it protects our exports. So I would urge everyone to vote against the motion to recommit.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

Ms. DEGETTE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 166, noes 252, not voting 15, as follows:

[Roll No. 911]

AYES—166

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—252

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes

Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—15

Bachmann
Campbell
Castor (FL)
Coble
Davis (IL)
Diaz-Balart
Fudge
Giffords
Hinchey
Jackson (IL)
Miller, George
Myrick
Nadler
Paul
Rahall

□ 1436

Ms. HAYWORTH changed her vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Ms. DEGETTE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 268, noes 150, not voting 15, as follows:

[Roll No. 912]

AYES—268

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—150

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—15

Bachmann
Campbell
Castor (FL)
Coble
Davis (IL)
Diaz-Balart
Fudge
Giffords
Hinchey
Jackson (IL)
Miller, George
Myrick
Nadler
Paul
Rahall

□ 1444

Ms. JACKSON LEE of Texas and Mr. HOYER changed their vote from ''aye'' to no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 470. An act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3538

Mr. MICA. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee (Mr. COOPER) be removed as a cosponsor from H.R. 3538.

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

There was no objection.

PRAY FOR VICTIMS OF VIRGINIA TECH SHOOTING

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

Mr. GRIFFITH of Virginia. I ask everyone here and across the Nation to pray for those individuals at Virginia Tech in Blacksburg, Virginia, who are currently dealing with the shootings that took place there today and the two people who, regrettably, have passed away.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, before yielding to the majority leader to inquire about the schedule for the week to come, let me say I join with the gentleman from Virginia, and I know certainly Mr. CANTOR, who also represents Virginia, but the entire country as

well. We don't know the facts yet. We don't know exactly what's happened. But the information I have is that two people may well have lost their lives at this point in time. We certainly want to send our deepest sympathies to Virginia Tech and to the families that are affected by this incident and hope sincerely that there is no further loss of life.

On that issue, let me yield to the majority leader, who I know will want to say something as well.

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Maryland, the Democratic whip, for yielding.

I too want to join the gentleman in expressing our sorrow and extending our thoughts and prayers to those in the Hokie Nation in Blacksburg who, unfortunately, have endured more pain today, reminiscent of the pain that so many have felt in that fine university in the past. Hopefully, things can look up. I know that there are reports that law enforcement was involved. We also want to extend our thanks to law enforcement in that community as well as everywhere else in this country—certainly in this Capitol—for what individuals of the Capitol Police and other police forces across the country do for us every single day.

Again, we express our sorrow to those who are mourning the loss of life and extend our thoughts to President Steger at Virginia Tech and to that community.

I do thank the gentleman from Maryland for yielding.

Mr. Speaker, on Monday, the House will meet at noon for morning hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m.

At this point, the House is scheduled to be in session for the remainder of the week, with a weekend session possible. Per our usual weekly schedule, I would expect morning hour on most days to begin at 10 a.m. and legislative business to start by noon. However, because this will likely be our last week in session prior to the end of the year, the daily convening times may fluctuate to accommodate our year-end business.

I can assure Members, however, that we do not expect votes on Tuesday, December 13, prior to 1 p.m. That is as far as Tuesday, December 13 is concerned.

Mr. Speaker, our legislative business next week will include a number of suspensions, a complete list of which will be announced by the close of business tomorrow. In addition, we expect to consider a conference report on the remaining appropriations bills for FY12 as well as a conference report for the National Defense Authorization Act. I want to thank both Chairman HAL ROGERS and Chairman BUCK MCKEON for their incredibly hard work throughout the year.

Finally, we anticipate a vote on a year-end package of expiring laws that will include extensions of the payroll tax holiday, unemployment benefits, and the physician reimbursement issue.

If the gentleman will continue to yield, Mr. Speaker, I want to take a minute to highlight a bipartisan event that took place here in the Capitol this week.

□ 1450

Yesterday the Democratic whip and I hosted the first-ever Facebook Hackathon, allowing private sector programmers and software developers to get together with us to work on ways to utilize social media in making Congress more accessible to the public. I'm happy to report that over 200 developers from all over the country participated in this bipartisan event and shared their ideas.

I thank the gentleman for joining me and for his help in facilitating this noteworthy cause, and I look forward to working with him to continue to make Congress a more transparent and accessible institution for the people who have sent us here.

Mr. HOYER. I thank the gentleman for his comments and his leadership on the Hackathon event that occurred yesterday.

He and I both had the opportunity to address a large number of—over 250, I think—individuals who were there who will, in fact, bring their expertise, their technical knowledge to bear on what the gentleman referenced as making our institution more accessible and transparent to our citizens. We all believe, I think, that doing that will make the products that we produce better and make citizens better able to make judgments on the work that we do.

So I want to thank the gentleman and his staff for their leadership on this effort. We were glad to join in that.

Mr. Speaker, I understand that the unemployment insurance, the payroll tax issue, which will continue to give the middle class tax cuts to those who need it most, the unemployment, which will keep millions of people from losing their unemployment, as well as the physician adjustment are scheduled next week. It's my understanding that that bill has not been filed yet.

Can the gentleman tell me when he believes that bill will be filed?

Mr. CANTOR. Mr. Speaker, I would respond to the gentleman by saying that we are still in discussion about that bill and in drafting; and we do intend to abide by our necessary 3-day notice period so that all sides and all Members, as well as the public, can enjoy their right to know what will be in that legislation. But the gentleman is correct, we do expect that bill on the floor next week.

Mr. HOYER. I thank the gentleman for that comment.

I have had discussions with the gentleman, and with Mr. MCCARTHY in particular—and also briefly with the Speaker—that we are certainly prepared to participate in discussions leading towards a successful passage of those three pieces of legislation, particularly the unemployment insurance and the payroll tax extension, which we believe are critical before we end this year. So we're pleased to see that legislation moving forward. But I will tell my friend that I would be pleased to participate in discussions with him so that we can assure that that bill will in fact pass and, hopefully, pass in a bipartisan fashion.

I want to tell the gentleman that I'm a little bit concerned, and I want to ask him whether this principle will be followed. I think I used this quote last week, but it bears repeating. Speaker BOEHNER said:

We will end the practice of packaging unpopular bills with must-pass legislation to circumvent the will of the American people. Instead, we will advance major legislation one issue at a time.

That was in the Republican Pledge as well, and the Speaker has reiterated that at the beginning of this session.

Now, I am concerned because Republican Study Committee Chairman JIM JORDAN of Ohio is quoted in The Washington Post as saying the following:

''The fact the President doesn't like it''—the ''it'' referring to the Keystone pipeline provision, which we understand is under discussion. I'm glad to hear those discussions have not concluded. But he again quoted, ''The fact that the President doesn't like it makes me like it even more . . . said of the GOP leadership proposal as he left Thursday morning's closed-door meeting.''

I will say to my friend that we are at the end of the session. We are hopeful, as I have said—and as we have demonstrated on the two CRs and the debt extension and on the minibus appropriation bill that we passed—that we are prepared to respond in a bipartisan fashion to assist in passing must-pass legislation and would hope very much that we don't put controversial items in that. The President has clearly annunciated that he will veto a bill that has the Keystone pipeline.

I will say, as my friend clearly knows, there is bipartisan concern—as a matter of fact, the Governor of Nebraska, a Republican, and the Republican legislature, which although nominally nonpartisan, as the gentleman knows, is two-thirds Republican, one-third Democrat, have all voted to delay this project because of their concern about the aquifer and the impact that the Keystone pipeline, as currently platted, will have in reference to the aquifer, so that there is a bipartisan concern.

As the gentleman knows, as a result of Nebraska's passing legislation which said they wanted to do a study on the aquifer and alternative siting of the Keystone pipeline course, that that study would take them 5 to 6 to 7 months, as a result, the President indicated they would give time to the Nebraska Governor and the Nebraska Legislature—again, Republican organs—to look at that, has given them

additional time and said he won't act until the beginning of 2013.

I ask the gentleman, does he believe that provision—I understand what Mr. JORDAN says. It may be a nice political gesture, but I would hope that that would not be the kind of provision that would be included in the legislation, whether it's individual bills or a comprehensive bill, including those three items that hopefully we can pass in a bipartisan fashion.

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I thank the gentleman.

I understand the point he is trying to make.

Mr. HOYER. If I may, I thought I did make the point.

Mr. CANTOR. Well, you may have made the point.

Maybe, Mr. Speaker, what I'm trying to say is that I disagree with the gentleman, that if the provisions dealing with the Keystone pipeline are in the measure that makes it to the floor that we shouldn't join together and do what was done in the past, and that is demonstrate a strong bipartisan vote in support of that project. Because, as the gentleman knows, organized labor in this country is very supportive of that bill, of that provision. It means immediate jobs. The President continues to say he is for creating jobs, doing all we can to get America back to work. This is a provision that allows for that.

We also have seen, Mr. Speaker, in response to the gentleman's concerns about Nebraska and the issues raised by its Governor as well as its State legislature, I believe and am told that there have been many discussions in which an alternative route has been determined, and there is agreement on that to allow for the proceeding of the construction of the pipeline.

Again, knowing that there is strong bipartisan support for the project, knowing that labor is in support of it, knowing that it puts people back to work immediately, it would seem to me that this is a consistent provision to go along with making sure that we deal with the unemployment situation in this country through an extension of the UI provisions—with, hopefully, some reforms—as well as the extension of the payroll tax holiday.

As the gentleman knows, our side is concerned. We don't want taxes to go up on anybody, especially in an economy like this. But again, I hope the gentleman can consider joining us in terms of helping promote an environment for job creation.

Mr. HOYER. I thank the gentleman for his comment.

I will say this, though, it seems inconsistent, when the President of the United States yesterday said he would veto such a provision, that we would include it in legislation that is must pass.

By the way, the unemployment insurance, economists tell us, will provide for 100 times as many jobs; so, therefore, we're for that. Some 500,000 jobs may be affected by extending the unemployment insurance.

In addition to that, I tell my friend, the President has offered a jobs bill. I know that you're concerned about jobs. The pipeline bill, in and of itself, is about 5,000 to 6,000 jobs over the lifetime of the pipeline. The jobs bill, economists tell us, is 1 million jobs, or 200 times as many jobs. Notwithstanding that, very frankly, that has been languishing since September and not brought to this floor.

So it seems to me that, if we are really interested—and I think you are—in extending unemployment insurance and providing for a continued tax cut for middle-income Americans and for providing for the payment of doctors who are serving Medicare patients, that we not include in that bill an item that apparently is popular on your side just because the President doesn't like it, according to Mr. JORDAN.

□ 1500

I think that's not the way we ought to be operating. The last 7 days of the session, or 5 days, 6 days, 7, assuming we went through Sunday, we shouldn't be doing that, I suggest respectfully to my friend, the majority leader, because it will simply put us back into the situation the American public doesn't want us in, and that's confronting one another, playing chicken with one another, bringing us to the precipice of defeat and lack of success.

The public doesn't want us there. We shouldn't want us there. And I would urge the gentleman not to include items, as I have urged you with respect to the appropriation bills that also must be passed. That's not in this list, but you did mention it, of course, in the announcement, Mr. ROGERS and Mr. DICKS have been working hard, and others have been working hard to get our appropriations bills done.

We have urged that we not put controversial items in that, and we showed our good faith on that representation when we passed the minibus, and 165 Democrats joined 135 Republicans to pass that legislation.

So, again, I would urge the gentleman to, if he feels strongly about that, and I know that he feels—he said labor is for that bill. Labor is for that bill. I think I'm for that bill, I want the gentleman to know. So this does not come from my particular opposition to this bill.

I am concerned about the alignment and the aquifer. I think that's a legitimate concern. But I think that that oil is going to be drilled no matter what we do. It seems to me that it's better for us to have it than for others to have it and have that availability.

But having said that, gratuitously putting it into a bill that the President has already said I don't agree with that is simply playing chicken on legislation that's very important.

If the gentleman wants to comment on that, I would be glad to yield to him.

Mr. CANTOR. I'd just say to the gentleman I've already responded to the notion of issues arising in Nebraska that I am told have been resolved, so the issue that he is concerned about has apparently been resolved.

I would say to the gentleman there are 47 Members on his side of the aisle, including five ranking members of committees, that have supported the measure allowing for the construction proceeding on the Keystone pipeline.

There's no gratuitous move here. It's an attempt to try and bring the two sides together on the most important issue, which is creating jobs. This is a provision that I believe has been demonstrated has support on both sides of the aisle.

Again, Mr. Speaker, I would hope the gentleman could refrain from trying to say and impute motives here. We're trying to work in a fashion—open, transparent, together so that we don't come to any kind of end that doesn't produce a result for the people. That's it.

Again, I appreciate the gentleman's sentiments.

Mr. HOYER. I thank the gentleman. I was quoting, not imputing. Mr. JORDAN's comments seem to be pretty clear.

Before we conclude, the STOCK Act, TIM WALZ had a bill that was ready for markup in the committee. We understand that was pulled.

As you know, that bill has 220 cosponsors and is a bipartisan sponsorship. It simply says that Members should not use insider information to trade with, information the general public may not have about legislation that may or may not be reported or passed to the floor. And I understand that was pulled. I think that was unfortunate.

Can the gentleman tell me what the status of that piece of legislation is?

Mr. CANTOR. Sure. Absolutely.

First of all, the issue of insider trading is something that we abhor as well, do not tolerate, and believe that all Members of Congress should fall under the same laws that apply to anyone, and want to make sure that is the case, if it is not.

And transparency is the key because the public needs to know what their Members are doing. We intend to take this issue, make sure that concerns that have been raised by Members on both sides of the aisle are being vetted. This is an issue of extreme import for the confidence of the public towards this institution. We intend to do so in a deliberate manner.

There were issues raised again by Members on both sides of the aisle about this bill not being brought up in a vetted way. There are many other chairmen who have jurisdiction in this matter who need to be involved in this with a full vetting, and we intend to do that. And I do hope the gentleman will work with us in doing so.

Mr. HOYER. I thank the gentleman for his comments.

As he knows, Congressman WALZ has been working hard on this, and I know that he will be very inclined to work with you and with the committees of jurisdiction; and I will certainly be able to work with you as well on this issue because, as I say, Congressman WALZ has worked very hard on this.

I think all of us agree, as you just indicated, that no Member of Congress ought to be using insider information to trade in the stock market to disadvantage, obviously, others who are trading in the stock market. So I thank the gentleman for his comments, look forward to working with him and, again, in closing, hope that we can reach bipartisan agreement on so many major pieces of legislation that we need to pass prior to leaving this.

I will tell the gentleman I hope his side agrees, my side will not want to adjourn, nor will it support adjournment, until such time as we act on the unemployment insurance and the middle class tax cuts.

I yield back the balance of my time.

HOUR OF MEETING ON TOMORROW

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at noon on Monday, December 12, 2011, for morning-hour debate and 2 p.m. for legislative business.

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

There was no objection.

EXTEND THE MIDDLE CLASS TAX CUT

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

Ms. BERKLEY. Mr. Speaker, I rise today on behalf of Nevada's middle class families. Because of the economic downturn, thousands of Nevadans are struggling to find a job, pay their rent, and put food on their families' tables. They cannot afford a tax increase.

However, Washington gridlock is threatening just that, a massive tax increase on middle class families. Why? Because some Washington Republicans refuse to roll back special tax breaks for Wall Street millionaires in order to pay for a middle class tax cut for 1.2 million Nevadans. That's just not right.

So my message today is this: no holiday vacation for Congress without extending the middle class tax cut. We cannot go home while Nevada families are hurting and desperate for this extension of their payroll tax cuts.

However, that's going to require Washington Republicans to stop protecting Wall Street millionaires and start putting Nevada's families first. The only fair way to achieve this is to roll back special tax breaks for Wall Street millionaires, not slash Medicare benefits, not layoff thousands of people.

It's time to stop putting Wall Street first and before Main Street. Washington ought not go on vacation until we take care of this problem.

CHINA ORGAN HARVESTING

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

Mr. PITTS. Madam Speaker, an article in last Monday's Weekly Standard reveals the systematic execution and harvesting of organs in China's prisons.

The article provides firsthand accounts of the targeted elimination of religious prisoners, prisoners of conscience, and political opponents of the regime. Minorities, including Falun Gong, Uyghurs, House Christians, and Tibetans have been executed, followed by organ transplant surgeries—some being performed while the victims are still alive, numbering in the tens of thousands.

Furthermore, foreign companies are already making investments to benefit off of the thriving organ transplant market. Pharmaceutical companies like Roche and Isotechnika Pharma have been involved in clinical drug testing of transplant patients. A British firm, TFP Ryder Healthcare, is proposing a medical facility that would include an organ transplant center.

Before they follow suit, U.S. companies must understand the unethical climate that exists in China. And our State Department and the U.N. must treat these actions as an abuse of China's international agreements and human rights of their own people.

[From WeeklyStandard.com, Dec. 5, 2011]

THE XINJIANG PROCEDURE

(By Ethan Gutmann)

To figure out what is taking place today in a closed society such as northwest China, sometimes you have to go back a decade, sometimes more.

One clue might be found on a hilltop near southern Guangzhou, on a partly cloudy autumn day in 1991. A small medical team and a young doctor starting a practice in internal medicine had driven up from Sun Yat-sen Medical University in a van modified for surgery. Pulling in on bulldozed earth, they found a small fleet of similar vehicles—clean, white, with smoked glass windows and prominent red crosses on the side. The police had ordered the medical team to stay inside for their safety. Indeed, the view from the side window of lines of ditches—some filled in, others freshly dug—suggested that the hilltop had served as a killing ground for years.

Thirty-six scheduled executions would translate into 72 kidneys and corneas divided among the regional hospitals. Every van contained surgeons who could work fast: 15–30 minutes to extract. Drive back to the hospital. Transplant within six hours. Nothing fancy or experimental; execution would probably ruin the heart.

With the acceleration of Chinese medical expertise over the last decade, organs once considered scraps no longer went to waste. It wasn't public knowledge exactly, but Chinese medical schools taught that many otherwise wicked criminals volunteered their organs as a final penance.

Right after the first shots the van door was thrust open and two men with white surgical coats thrown over their uniforms carried a body in, the head and feet still twitching slightly. The young doctor noted that the wound was on the right side of the chest as he had expected. When body #3 was laid down, he went to work.

Male, 40-ish, Han Chinese. While the other retail organs in the van were slated for the profitable foreigner market, the doctor had seen the paperwork indicating this kidney was tissue-matched for transplant into a 50–year-old Chinese man. Without the transplant, that man would die. With it, the same man would rise miraculously from his hospital bed and go on to have a normal life for 25 years or so. By 2016, given all the anti-tissue-rejection drug advances in China, they could theoretically replace the liver, lungs, or heart—maybe buy that man another 10 to 15 years.

Body #3 had no special characteristics save an angry purple line on the neck. The doctor recognized the forensics. Sometimes the police would twist a wire around a prisoner's throat to prevent him from speaking up in court. The doctor thought it through methodically. Maybe the police didn't want this prisoner to talk because he had been a deranged killer, a thug, or mentally unstable. After all, the Chinese penal system was a daily sausage grinder, executing hardcore criminals on a massive scale. Yes, the young doctor knew the harvesting was wrong. Whatever crime had been committed, it would be nice if the prisoner's body were allowed to rest forever. Yet was his surgical task that different from an obstetrician's? Harvesting was rebirth, harvesting was life, as revolutionary an advance as antibiotics or steroids. Or maybe, he thought, they didn't want this man to talk because he was a political prisoner.

Nineteen years later, in a secure European location, the doctor laid out the puzzle. He asked that I keep his identity a secret. Chinese medical authorities admit that the lion's share of transplant organs originate with executions, but no mainland Chinese doctors, even in exile, will normally speak of performing such surgery. To do so would remind international medical authorities of an issue they would rather avoid—not China's soaring execution rate or the exploitation of criminal organs, but rather the systematic elimination of China's religious and political prisoners. Yet even if this doctor feared consequences to his family and his career, he did not fear embarrassing China, for he was born into an indigenous minority group, the Uighurs.

Every Uighur witness I approached over the course of two years—police, medical, and security personnel scattered across two continents—related compartmentalized fragments of information to me, often through halting translation. They acknowledged the risk to their careers, their families, and, in several cases, their lives. Their testimony reveals not just a procedure evolving to meet the lucrative medical demand for living organs, but the genesis of a wider atrocity.

Behind closed doors, the Uighurs call their vast region in China's northwest corner (bordering on India, Pakistan, Afghanistan, Tajikistan, Kyrgyzstan, Kazakhstan, and Mongolia) East Turkestan. The Uighurs are ethnically Turkic, not East Asian. They are Muslims with a smattering of Christians, and their language is more readily understood in Tashkent than in Beijing. By contrast, Beijing's name for the so-called Autonomous Region, Xinjiang, literally translates as ''new frontier.'' When Mao invaded in 1949,

Han Chinese constituted only 7 percent of the regional population. Following the flood of Communist party administrators, soldiers, shopkeepers, and construction corps, Han Chinese now constitute the majority. The party calculates that Xinjiang will be its top oil and natural gas production center by the end of this century.

To protect this investment, Beijing traditionally depicted all Uighur nationalists—violent rebels and non-violent activists alike—as CIA proxies. Shortly after 9/11, that conspiracy theory was tossed down the memory hole. Suddenly China was, and always has been, at war with al Qaeda-led Uighur terrorists. No matter how transparently opportunistic the switch, the American intelligence community saw an opening for Chinese cooperation in the war on terror, and signaled their acquiescence by allowing Chinese state security personnel into Guantanamo to interrogate Uighur detainees.

While it is difficult to know the strength of the claims of the detainees' actual connections to al Qaeda, the basic facts are these: During the 1990s, when the Chinese drove the Uighur rebel training camps from neighboring countries such as Kazakhstan and Pakistan, some Uighurs fled to Afghanistan where a portion became Taliban soldiers. And yet, if the Chinese government claims that the Uighurs constitute their own Islamic fundamentalist problem, the fact is that I've never met a Uighur woman who won't shake hands or a man who won't have a drink with me. Nor does my Jewish-sounding name appear to make anyone flinch. In one of those vino veritas sessions, I asked a local Uighur leader if he was able to get any sort of assistance from groups such as the Islamic Human Rights Commission (where, as I found during a brief visit to their London offices, veiled women flinch from an extended male hand, drinks are forbidden, and my Jewish surname is a very big deal indeed). ''Useless!'' he snorted, returning to the vodka bottle.

So if Washington's goal is to promote a reformed China, then taking Beijing's word for who is a terrorist is to play into the party's hands.

Xinjiang has long served as the party's illicit laboratory: from the atmospheric nuclear testing in Lop Nur in the mid-sixties (resulting in a significant rise in cancers in Urumqi, Xinjiang's capital) to the more recent creation in the Tarim Desert of what could well be the world's largest labor camp, estimated to hold 50,000 Uighurs, hardcore criminals, and practitioners of Falun Gong. And when it comes to the first organ harvesting of political prisoners, Xinjiang was ground zero.

In 1989, not long after Nijat Abdureyimu turned 20, he graduated from Xinjiang Police School and was assigned to a special police force, Regiment No. 1 of the Urumqi Public Security Bureau. As one of the first Uighurs in a Chinese unit that specialized in ''social security''—essentially squelching threats to the party—Nijat was employed as the good cop in Uighur interrogations, particularly the high-profile cases. I first met Nijat—thin, depressed, and watchful—in a crowded refugee camp on the outskirts of Rome.

Nijat explained to me that he was well aware that his Chinese colleagues kept him under constant surveillance. But Nijat presented the image they liked: the little brother with the guileless smile. By 1994 he had penetrated all of the government's secret bastions: the detention center, its interrogation rooms, and the killing grounds. Along the way, he had witnessed his fair share of torture, executions, even a rape. So his curiosity was in the nature of professional interest when he questioned one of the Chinese cops who came back from an execution shaking his head. According to his colleague, it had been a normal procedure—the unwanted bodies kicked into a trench, the useful corpses hoisted into the harvesting vans, but then he heard something coming from a van, like a man screaming.

''Like someone was still alive?'' Nijat remembers asking. ''What kind of screams?''

''Like from hell.''

Nijat shrugged. The regiment had more than enough sloppiness to go around.

A few months later, three death row prisoners were being transported from detention to execution. Nijat had become friendly with one in particular, a very young man. As Nijat walked alongside, the young man turned to Nijat with eyes like saucers: ''Why did you inject me?''

Nijat hadn't injected him; the medical director had. But the director and some legal officials were watching the exchange, so Nijat lied smoothly: ''It's so you won't feel much pain when they shoot you.''

The young man smiled faintly, and Nijat, sensing that he would never quite forget that look, waited until the execution was over to ask the medical director: ''Why did you inject him?''

''Nijat, if you can transfer to some other section, then go as soon as possible.''

''What do you mean? Doctor, exactly what kind of medicine did you inject him with?'' ''Nijat, do you have any beliefs?''

''Yes. Do you?''

''It was an anticoagulant, Nijat. And maybe we are all going to hell.''

I first met Enver Tohti—a soft-spoken, husky, Buddha of a man—through the informal Uighur network of London. I confess that my first impression was that he was just another emigre living in public housing. But Enver had a secret.

His story began on a Tuesday in June 1995, when he was a general surgeon in an Urumqi hospital. Enver recalled an unusual conversation with his immediate superior, the chief surgeon: ''Enver, we are going to do something exciting. Have you ever done an operation in the field?''

''Not really. What do you want me to do?''

''Get a mobile team together and request an ambulance. Have everyone out front at nine tomorrow.''

On a cloudless Wednesday morning, Enver led two assistants and an anaesthesiologist into an ambulance and followed the chief surgeon's car out of Urumqi going west. The ambulance had a picnic atmosphere until they realized they were entering the Western Mountain police district, which specialized in executing political dissidents. On a dirt road by a steep hill the chief surgeon pulled off, and came back to talk to Enver: ''When you hear a gunshot, drive around the hill.''

''Can you tell us why we are here?''

''Enver, if you don't want to know, don't ask.''

''I want to know.''

''No. You don't want to know.''

The chief surgeon gave him a quick, hard look as he returned to the car. Enver saw that beyond the hill there appeared to be some sort of armed police facility. People were milling about—civilians. Enver half-satirically suggested to the team that perhaps they were family members waiting to collect the body and pay for the bullet, and the team responded with increasingly sick jokes to break the tension. Then they heard a gunshot, possibly a volley, and drove around to the execution field.

Focusing on not making any sudden moves as he followed the chief surgeon's car, Enver never really did get a good look. He briefly registered that there were 10, maybe 20 bodies lying at the base of the hill, but the armed police saw the ambulance and waved him over.

''This one. It's this one.''

Sprawled on the blood-soaked ground was a man, around 30, dressed in navy blue overalls. All convicts were shaved, but this one had long hair.

''That's him. We'll operate on him.''

''Why are we operating?'' Enver protested, feeling for the artery in the man's neck. ''Come on. This man is dead.''

Enver stiffened and corrected himself. ''No. He's not dead.''

''Operate then. Remove the liver and the kidneys. Now! Quick! Be quick!''

Following the chief surgeon's directive, the team loaded the body into the ambulance. Enver felt himself going numb: Just cut the clothes off. Just strap the limbs to the table. Just open the body. He kept making attempts to follow normal procedure—sterilize, minimal exposure, sketch the cut. Enver glanced questioningly at the chief surgeon. ''No anaesthesia,'' said the chief surgeon. ''No life support.''

The anaesthesiologist just stood there, arms folded—like some sort of ignorant peasant, Enver thought. Enver barked at him. ''Why don't you do something?''

''What exactly should I do, Enver? He's already unconscious. If you cut, he's not going to respond.''

But there was a response. As Enver's scalpel went in, the man's chest heaved spasmodically and then curled back again. Enver, a little frantic now, turned to the chief surgeon. ''How far in should I cut?''

''You cut as wide and deep as possible. We are working against time.''

Enver worked fast, not bothering with clamps, cutting with his right hand, moving muscle and soft tissue aside with his left, slowing down only to make sure he excised the kidneys and liver cleanly. Even as Enver stitched the man back up—not internally, there was no point to that anymore, just so the body might look presentable—he sensed the man was still alive. I am a killer, Enver screamed inwardly. He did not dare to look at the face again, just as he imagined a killer would avoid looking at his victim.

The team drove back to Urumqi in silence.

On Thursday, the chief surgeon confronted Enver: ''So. Yesterday. Did anything happen? Yesterday was a usual, normal day. Yes?''

Enver said yes, and it took years for him to understand that live organs had lower rejection rates in the new host, or that the bullet to the chest had—other than that first sickening lurch—acted like some sort of magical anaesthesia. He had done what he could; he had stitched the body back neatly for the family. And 15 years would elapse before Enver revealed what had happened that Wednesday.

As for Nijat, it wasn't until 1996 that he put it together.

It happened just about midnight, well after the cell block lights were turned off. Nijat found himself hanging out in the detention compound's administrative office with the medical director. Following a pause in the conversation, the director, in an odd voice, asked Nijat if he thought the place was haunted.

''Maybe it feels a little weird at night,'' Nijat answered. ''Why do you think that?''

''Because too many people have been killed here. And for all the wrong reasons.''

Nijat finally understood. The anticoagulant. The expensive ''execution meals'' for the regiment following a trip to the killing ground. The plainclothes agents in the cells who persuaded the prisoners to sign statements donating their organs to the state. And now the medical director was confirming it all: Those statements were real. They just didn't take account of the fact that the prisoners would still be alive when they were cut up.

''Nijat, we really are going to hell.''

Nijat nodded, pulled on his beer, and didn't bother to smile.

On February 2, 1997, Bahtiyar Shemshidin began wondering whether he was a policeman in name only. Two years before, the Chinese Public Security Bureau of the Western city of Ghulja recruited Bahtiyar for the drug enforcement division. It was a natural fit because Bahtiyar was tall, good-looking, and exuded effortless Uighur authority. Bahtiyar would ultimately make his way to Canada and freedom, but he had no trouble recalling his initial idealism; back then, Bahtiyar did not see himself as a Chinese collaborator but as an emergency responder.

For several years, heroin addiction had been creeping through the neighborhoods of Ghulja, striking down young Uighurs like a medieval plague. Yet inside the force, Bahtiyar quickly grasped that the Chinese heroin cartel was quietly protected, if not encouraged, by the authorities. Even his recruitment was a bait-and-switch. Instead of sending him after drug dealers, his Chinese superiors ordered him to investigate the Meshrep—a traditional Muslim get-together promoting clean living, sports, and Uighur music and dance. If the Meshrep had flowered like a traditional herbal remedy against the opiate invader, the Chinese authorities read it as a disguised attack on the Chinese state.

In early January 1997, on the eve of Ramadan, the entire Ghulja police force—Uighurs and Chinese alike—were suddenly ordered to surrender their guns ''for inspection.'' Now, almost a month later, the weapons were being released. But Bahtiyar's gun was held back. Bahtiyar went to the Chinese bureaucrat who controlled supplies and asked after it. ''Your gun has a problem,'' Bahtiyar was told.

''When will you fix the problem?''

The bureaucrat shrugged, glanced at his list, and looked up at Bahtiyar with an unblinking stare that said: It is time for you to go. By the end of the day, Bahtiyar got it: Every Chinese officer had a gun. Every Uighur officer's gun had a problem.

Three days later, Bahtiyar understood why. On February 5, approximately 1,000 Uighurs gathered in the center of Ghulja. The day before, the Chinese authorities arrested (and, it was claimed, severely abused) six women, all Muslim teachers, all participants in the Meshrep. The young men came without their winter coats to show they were unarmed, but, planned or unplanned, the Chinese police fired on the demonstrators.

Casualty counts of what is known as the Ghulja incident remain shaky. Bahtiyar recalls internal police estimates of 400 dead, but he didn't see it; all Uighur policemen had been sent to the local jail ''to interrogate prisoners'' and were locked in the compound throughout the crisis. However, Bahtiyar did see Uighurs herded into the compound and thrown naked onto the snow—some bleeding, others with internal injuries. Ghulja's main Uighur clinic was effectively shut down when a squad of Chinese special police arrested 10 of the doctors and destroyed the clinic's ambulance. As the arrests mounted by late April, the jail became hopelessly overcrowded, and Uighur political prisoners were selected for daily executions. On April 24, Bahtiyar's colleagues witnessed the killing of eight political prisoners; what struck them was the presence of doctors in ''special vans for harvesting organs.''

In Europe I spoke with a nurse who worked in a major Ghulja hospital following the incident. Nervously requesting that I provide no personal details, she told me that the hospitals were forbidden to treat Uighur protesters. A doctor who bandaged an arm received a 15-year sentence, while another got 20 years, and hospital staff were told, ''If you treat someone, you will get the same result.'' The separation between the Uighur and Chinese medical personnel deepened: Chinese doctors would stockpile prescriptions rather than allow Uighur medical staff a key to the pharmacy, while Uighur patients were receiving 50 percent of their usual doses. If a Uighur couple had a second child, even if the birth was legally sanctioned, Chinese maternity doctors, she observed, administered an injection (described as an antibiotic) to the infant. The nurse could not recall a single instance of the same injection given to a Chinese baby. Within three days the infant would turn blue and die. Chinese staffers offered a rote explanation to Uighur mothers: Your baby was too weak, your baby could not handle the drug.

Shortly after the Ghulja incident, a young Uighur protester's body returned home from a military hospital. Perhaps the fact that the abdomen was stitched up was just evidence of an autopsy, but it sparked another round of riots. After that, the corpses were wrapped, buried at gunpoint, and Chinese soldiers patrolled the cemeteries (one is not far from the current Urumqi airport). By June, the nurse was pulled into a new case: A young Uighur protester had been arrested and beaten severely. His family paid for his release, only to discover that their son had kidney damage. The family was told to visit a Chinese military hospital in Urumqi where the hospital staff laid it out: One kidney, 30,000 RMB (roughly $4,700). The kidney will be healthy, they were assured, because the transplant was to come from a 21-year-old Uighur male—the same profile as their son. The nurse learned that the ''donor'' was, in fact, a protester.

In the early autumn of 1997, fresh out of a blood-work tour in rural Xinjiang, a young Uighur doctor—let's call him Murat—was pursuing a promising medical career in a large Urumqi hospital. Two years later he was planning his escape to Europe, where I met him some years after.

One day Murat's instructor quietly informed him that five Chinese government officials—big guys, party members—had checked into the hospital with organ problems. Now he had a job for Murat: ''Go to the Urumqi prison. The political wing, not the criminal side. Take blood samples. Small ones. Just to map out the different blood types. That's all you have to do.''

''What about tissue matching?''

''Don't worry about any of that, Murat. We'll handle that later. Just map out the blood types.''

Clutching the authorization, and accompanied by an assistant from the hospital, Murat, slight and bookish, found himself facing approximately 15 prisoners, mostly tough-guy Uighurs in their late twenties. As the first prisoner sat down and saw the needle, the pleading began.

''You are a Uighur like me. Why are you going to hurt me?''

''I'm not going to hurt you. I'm just taking blood.''

At the word ''blood,'' everything collapsed. The men howled and stampeded, the guards screaming and shoving them back into line. The prisoner shrieked that he was innocent. The Chinese guards grabbed his neck and squeezed it hard.

''It's just for your health,'' Murat said evenly, suddenly aware the hospital functionary was probably watching to make sure that Murat wasn't too sympathetic. ''It's just for your health,'' Murat said again and again as he drew blood.

When Murat returned to the hospital, he asked the instructor, ''Were all those prisoners sentenced to death?''

''That's right, Murat, that's right. Yes. Just don't ask any more questions. They are bad people—enemies of the country.''

But Murat kept asking questions, and over time, he learned the drill. Once they found a matching blood type, they would move to tissue matching. Then the political prisoner would get a bullet to the right side of the chest. Murat's instructor would visit the execution site to match up blood samples. The officials would get their organs, rise from their beds, and check out.

Six months later, around the first anniversary of Ghulja, five new officials checked in. The instructor told Murat to go back to the political wing for fresh blood. This time, Murat was told that harvesting political prisoners was normal. A growing export. High volume. The military hospitals are leading the way.

By early 1999, Murat stopped hearing about harvesting political prisoners. Perhaps it was over, he thought.

Yet the Xinjiang procedure spread. By the end of 1999, the Uighur crackdown would be eclipsed by Chinese security's largest-scale action since Mao: the elimination of Falun Gong. By my estimate up to three million Falun Gong practitioners would pass through the Chinese corrections system. Approximately 65,000 would be harvested, hearts still beating, before the 2008 Olympics. An unspecified, significantly smaller, number of House Christians and Tibetans likely met the same fate.

By Holocaust standards these are piddling numbers, so let's be clear: China is not the land of the final solution. But it is the land of the expedient solution. Some will point to recent statements from the Chinese medical establishment admitting the obvious—China's medical environment is not fully ethical—and see progress. Foreign investors suspect that eventually the Chinese might someday—or perhaps have already—abandon organ harvesting in favor of the much more lucrative pharmaceutical and clinical testing industries. The problem with these soothing narratives is that reports, some as recent as one year ago, suggest that the Chinese have not abandoned the Xinjiang procedure.

In July 2009, Urumqi exploded in bloody street riots between Uighurs and Han Chinese. The authorities massed troops in the regional capital, kicked out the Western journalists, shut down the Internet, and, over the next six months, quietly, mostly at night, rounded up Uighur males by the thousands. According to information leaked by Uighurs held in captivity, some prisoners were given physical examinations aimed solely at assessing the health of their retail organs. The signals may be faint, but they are consistent, and the conclusion is inescapable: China, a state rapidly approaching superpower status, has not just committed human rights abuses—that's old news—but has, for over a decade, perverted the most trusted area of human expertise into performing what is, in the legal parlance of human rights, targeted elimination of a specific group.

Yet Nijat sits in refugee limbo in Neuchatel, Switzerland, waiting for a country to offer him asylum. He confessed to me. He confessed to others. But in a world eager not to offend China, no state wants his confession. Enver made his way to an obscure seminar hosted by the House of Commons on Chinese human rights. When the MPs opened the floor to questions, Enver found himself standing up and speaking, for the first time, of killing a man. I took notes, but no British MP or their staffers could be bothered to take Enver's number.

The implications are clear enough. Nothing but self-determination for the Uighurs

can suffice. The Uighurs, numbering 13 million, are few, but they are also desperate. They may fight. War may come. On that day, as diplomats across the globe call for dialogue with Beijing, may every nation look to its origins and its conscience. For my part, if my Jewish-sounding name tells me anything, it is this: The dead may never be fully avenged, but no people can accept being fatally exploited forever.

□ 1510

YUCCA MOUNTAIN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHIMKUS. Mr. Speaker, it's great to get a chance to come back down to the floor to visit with my colleagues and talk about an issue that I've been raising seven or eight weeks in a row. I'll have a little more extended time to go over what has transpired over the past 6 to 7 months, and that's that this country really needs to address this high-level nuclear waste problem in this country.

I'm glad to be joined with some of my colleagues who I'll yield to in a couple of minutes.

But just to start in a synopsis, based upon the parts of the country that we visited, for us to move past the logjam that's in the other body, we have to find 60 Senators who will vote to move forward what we know is Federal law. The Nuclear Waste Policy Act of 1982 recognized and determined that Yucca Mountain would be the national repository for high-level nuclear waste.

I think a lot of folks would say, well, so if it's a law, why aren't we there? Well, the reason we're not there now is because the majority leader of the Senate has blocked it, along with the President of the United States.

This time is being spent to help educate the American public, Mr. Speaker, on where is the high level nuclear waste, what communities, what States are affected, and what Senators should be held somewhat accountable for the positions they take as far as high-level nuclear waste?

On the chart to my far left, throughout this last half a year, we need 60 votes. We've got at least 27 Senators who we know already support this based upon votes or public statements. We have eight that really have not had a chance to address this by a vote or haven't made a public statement on it yet. And we have seven ''nays'' or seven ''no'' votes.

With that, just because I appreciate my colleagues taking time out, I would like to first yield to my colleague from the State of Illinois, no disrespect to my colleague from the State of Georgia, to go into a discussion about one of the areas that we addressed, one of the first sites we talked about. I figured I'd better come forward and talk about my own State. If I'm going to talk about other States, I better talk about my own State, the State of Illinois.

In the State of Illinois, 50 percent of our electricity is generated by nuclear power. We're one of the biggest nuclear power States in the country. We picked a facility that's actually closed, which is Zion Power Plant.

With that, I'd yield to my colleague, Mr. DOLD, to kind of talk about Zion, the State of Illinois, and its location.

Mr. DOLD. I want to thank the gentleman for yielding and certainly for taking this issue up, which I think is so very, very critical not only for just the State of Illinois but for facilities all across the country as we look at how we can best store the used material from the nuclear facilities—the spent fuel rods, more specifically.

If you'll notice here in Zion, which is just north of the district but certainly affects the district just north of Chicago and the 10th district which I represent, it's right on the shores of Lake Michigan. The Great Lakes, 95 percent of all fresh surface water in the United States is from the Great Lakes.

When we look at the amount of drinking water that the State of Illinois uses, it's an enormous percentage. It's coming from the Great Lakes. Yet, in our infinite wisdom we've decided that we want to store the fuel rods just a sheer several hundred feet from the shores of Lake Michigan, 5 feet above the water table.

If we take a look at Yucca Mountain, the reason why Yucca Mountain was chosen was Yucca Mountain is uniquely suited as the premier place. If we were to store any place spent fuel rods, this would be the ideal location. A thousand feet below the ground. A thousand feet above the water table. A very dry, arid environment. And correct me if I'm wrong: Where are the nearest inhabitants of Yucca Mountain? Is it 100 miles?

Mr. SHIMKUS. The city of Las Vegas, which is the major metropolitan area, is a hundred miles from Yucca Mountain.

What people have a hard time understanding about the nuclear test area, this is where the nuclear test site was. The Federal Government owns numerous parcels of land around Yucca Mountain. The communities right outside the reservation—and I think the whole test site area is like the size of New Hampshire—but the communities, what's interesting about this debate, the communities right outside the gate are fully supportive of Yucca Mountain being the repository for high-level nuclear waste. And why do I know that? Because I visited them. I've been in their communities. I went to the community center. They welcomed me, and we talked about how this was important for the country and their local communities.

Mr. DOLD. This is absolutely critical for the country. When we look at just the State of Illinois, the State of Illinois has got 13 commercial reactors at seven sites across the State of Illinois. Our neighbors to the north have three commercial reactors operating on two different sites, both of those on Lake Michigan.

So when we look at the 8.5 million people that rely on the drinking water, much less the recreation, the fishing, all of the different forms of commerce that happen on our Great Lakes, this is something that I think is critical.

The Senators from both the State of Illinois and the State of Wisconsin have all been in favor of trying to utilize this facility out at Yucca Mountain, and it just makes sense.

Why would we want to store, Mr. Speaker, over a thousand metric tons of nuclear waste hundreds of feet away from the greatest source of fresh surface water in our Nation? It is indeed the jewel of our ecosystem. This is something that we need to protect, something that we need to have a long-term vision for.

Yet what we don't need to do is have scattered sites all across our country of nuclear waste that has a greater potential for disasters to happen. They're being stored right now in casks that are about 5 feet above the ground water, above the water table, and what we'd like to do is take it a thousand feet above the water table, a thousand feet below ground.

This is something that makes absolutely perfect sense, and I welcome the gentleman's colloquy in terms of talking about not only this site, and I thank you for bringing it up week after week, trying to make sure that we try and get through to our colleagues on the other side of the building to make sure they can move this commonsense piece of legislation forward.

How much have we spent already at Yucca Mountain? I think it's in the $14 billion range.

Mr. SHIMKUS. My colleague is correct. We've already spent about $14.5 billion dollars in the research, the development, the exploration, the testing. A lot of money, time, effort, and some of our greatest minds have been involved.

I don't really think you have to be one of the greatest minds. The point I always say is, common sense says in the desert underneath a mountain. Isn't that where you would want high-level nuclear waste versus right off the shore of Lake Michigan?

Mr. DOLD. It seems certainly like common sense to me, and I certainly applaud the gentleman's efforts and thank you for giving me the time. I just want to make sure that this isn't just important for the folks in the State in Illinois and the folks in Wisconsin, and the people in Michigan that are surrounding the Great Lakes, and specifically Lake Michigan; it's all the Great Lakes. And it's not just in Illinois. There are nuclear power facilities all across the country.

We need to have a safe, secure way to be able to store these spent fuel rods, and I think Yucca Mountain has been

proven to be the place to do it. And I think we should move forward on it.

Mr. SHIMKUS. Can you tell me the disposition of what's going on with the Zion Power Plant? What's going on there right now?

Mr. DOLD. The Zion Power Plant has actually been decommissioned at this point in time. So right now they are putting it in mothballs, they are taking the spent fuel rods, they're in casks, they are being transported to a location that's on the site. It's just literally a few hundred feet away from the beaches there, and probably about 20 to 30 miles north of the city of Chicago.

This is not the place that we want to be storing spent fuel rods.

Zion was a great source of electricity for the people around the area and has been decommissioned over the last 2 years. So it is now sitting idle, and they're trying to go through the process of dismantling it.

□ 1520

Mr. SHIMKUS. Yes. I think I briefly tried to show this article from The Salt Lake Tribune, dated December 8, which talks about some of the reactor parts that are going to go out to Utah.

What the article ends up saying is:

The site will not, however, take the Illinois plant's used fuel rods. The United States currently has no site to dispose of spent fuel from commercial reactors, a form of high-level nuclear waste.

So if we don't have a location, where is that high-level nuclear waste, the spent fuel, going to remain?

MR. DOLD. It's going to remain, seriously, right in the middle of a high-population area and hundreds of feet away from the jewel of our ecosystem—in the Great Lakes, in Lake Michigan. It's the wrong place for it to be. Common sense would say to move it out to a place, to a location, just like Yucca Mountain; $14 billion of research and dollars have gone into the site. Let's put it 1,000 feet below the ground, 1,000 feet above the water table, in an arid environment. It's absolutely perfect for it. It's something that we should move forward on. It's in the best interest and safety of the American public to do something along these lines.

Mr. SHIMKUS. I'm told that Zion is, what, 40 miles from downtown Chicago.

Mr. DOLD. It's 40 miles from downtown Chicago. So, obviously, in the greater Chicago area, you probably have about 6.5 to 7 million people. It's certainly not what we want to have in terms of this nuclear waste disposal.

Mr. SHIMKUS. The reason this is important is, unfortunately, due to Fukushima Daiichi in Japan, which is a great tragedy. A lot of people think about the containment issue, which has always been the fear. Part of the Fukushima Daiichi problem was the spent fuel in the pools, which might be a bigger environmental disaster based upon things that cannot be planned. That's why we continue to push this.

I appreciate my colleague for coming down.

Mr. DOLD. I thank the gentleman for allowing me to have some time with you today and, again, for talking about this very important issue.

Mr. SHIMKUS. Now I'm going to turn to my colleague from Georgia, who also serves with me on the Energy and Commerce Committee. We have jurisdiction over this. My subcommittee is the Environment and the Economy. I deal with a lot of these waste disposal issues, nuclear waste being one of those.

My colleague from Georgia has followed this issue as long as I have. The last time I came to the floor, I mentioned a couple facilities in Georgia, but the one that I have highlighted is the Savannah River. As I finish, I'll get this picture up to my colleague.

But the point we're trying to make today is that here you have Yucca Mountain, which is a mountain in a desert. Then you have nuclear waste all over this country. Look at this one. It's right next to the Savannah River. At Yucca Mountain, we have no nuclear waste on site. At the Savannah River, there are 6,300 canisters of waste on site. The waste would be stored, as my colleague BOB DOLD said, 1,000 feet underground; whereas, at the Savannah River, it's stored right below the ground. At Yucca Mountain, it's 1,000 feet above the water table. At the Savannah River, it would be zero to 160 feet above the water table. The waste at Yucca Mountain is 100 miles from the Colorado River. Well, you can see that it's adjacent to the Savannah River.

So I appreciate the gentleman from Georgia, Congressman GINGREY, for joining me; and I yield to him to enter into the colloquy.

Mr. GINGREY of Georgia. Mr. Speaker, I am glad to join my colleague from Illinois, the chairman of the Environment and the Economy Subcommittee on the Committee of Energy and Commerce, on this very important subject.

Our colleagues from Illinois specifically pointed out the existing situation in their State in regard to these nuclear reactor sites in Illinois and what they do with spent nuclear fuel.

The poster that the gentleman has presented in regard to my great State and my neighboring State of South Carolina as to what we're faced with is equally as telling. I think it might be instructive, Mr. Speaker, if I go back and take a walk down memory lane just a little bit in regard to my background.

When I was growing up in North Augusta, South Carolina, this central Savannah River area, which includes the southern part, if you will, or the western part of South Carolina and the eastern part of Georgia, is separated by the Savannah River. There was a facility built on the South Carolina side in a town called Ellington, South Carolina, back in 1950. I hate to tell my age, but I was 7 or 8 at the time. Mr. Speaker, my parents owned a little motel on the river, and they very insightfully named the mom-and-pop, 25-unit motel the Riviera Motel.

During the construction of this nuclear plant, there were 50,000 construction workers involved in constructing that facility for 3 years. Every evening when the Sun went down, I can't tell you how happy my parents were to turn on that ''no vacancy'' sign at the Riviera Motel, because all of these workers stayed with us. We didn't get rich; they were only paying $8 a night. It's just to point out the importance of jobs in the nuclear industry and the capability of expanding our employment sector in this particular lane of energy.

In this country right now, today, I'm told that we produce about 20 percent of our electricity from nuclear power. In the State of Georgia, it's 24 percent. It's not much higher. We have two sites and four reactors. We're in the process of adding two more right on the Savannah River, as the gentleman from Illinois points out, at Plant Vogtle; and, hopefully, we'll get that done.

The problem, which the gentleman is bringing before all of our colleagues—and hopefully to a lot of other folks who are viewing or listening—is: Why is it for the last 30 years we have had no new nuclear sites? We've literally had a moratorium. You have about 103 across the country—those in Illinois, those in Georgia—and what are they doing with this spent nuclear fuel? It is either shallow, underground in pool tanks, not very much above the water table or—even worse—it's aboveground in these concrete and steel containers. Talk about the risk of a terrorist attack in a radiation release.

So the gentleman was so generous to ask me to join him in this colloquy about the issue. I'm looking forward to continuing, as I yield back to him, to discuss the real problem here of what to do with that spent fuel.

Mr. SHIMKUS. Again, I appreciate your joining me today.

I want to quote from a Chicago Tribune editorial of March 19. I'll just read three short paragraphs:

''Here's why that is potentially a bigger problem than a meltdown: In the Japanese reactors, as in many U.S. reactors, the spent fuel is housed in large water-filled pools in the reactor building but outside the concrete-and-steel fortress that surrounds the reactor core.

''If the core melts down, any radiation released is likely to be partly bottled up by the containment vessel.

''Not so for the spent fuel pools, which often contain far more radioactive material than in the reactor. If the water that keeps those rods cool drains or boils away, the used fuel can catch fire. Result: A dangerous plume of extremely high radioactivity spewed into the air.

''Obvious question: Why do nuclear plants store spent fuel that way?

''Obvious answer in the U.S.: Yucca Mountain isn't open. In the 1980s, the

Federal Government launched plans to ship nuclear waste to a storage lair carved into the mountain in Nevada and let it slowly and harmlessly decay.''

So there are benefits to nuclear power. If you're a climate change person and if you don't want carbon dioxide and if you still want a lot of electricity for us to use in all of our new technology, you'll have to have a generator. Yet, in this case, it's the used fuel. It is properly stored, but it would be better stored in a single repository underneath a mountain in the desert for all of those reasons.

□ 1530

You're talking about four reactors right now in Georgia; two more coming online, that's six; Illinois has 11. There are over 104 across this whole country and, of course, we spent our time talking about the used nuclear fuel from the industry.

But when I started this debate about what do we do with high-level nuclear waste, I started with a DOE facility that goes back to World War II and the development of the nuclear bomb and the Fat Man bomb, which was built at Hanford, Washington. And all that waste, going all the way back to World War II, is in Hanford. And there are 53 million gallons of nuclear waste on site, buried right off the surface of the ground in tanks that are 750,000 to a million gallons each. Only about 40 of them—there is over 100. Only about 40 of them are double-lined. That means the rest are not. Some are leaking.

Mr. GINGREY of Georgia. Will the gentleman yield?

Mr. SHIMKUS. I yield to the gentleman.

Mr. GINGREY of Georgia. And the question of who is responsible in Hanford or Barnwell, South Carolina, or New Ellington to guard and protect, a tremendous burden on the States. But even if the Department of Homeland Security—maybe they do some oversight and protection of these sites. But 103 different sites across the country, how much simpler, how much safer, how much cheaper if they had one site to protect, that being 100 miles from Las Vegas at Yucca Mountain?

Mr. SHIMKUS. Continuing to speak on this issue of just looking at it, to kind of get away from just the nuclear generating profit sector, to address our responsibility as stewards of a program that was developed to stop World War II and then eventually remedy these environments that had an environmental impact.

Yucca Mountain, the waste storage plan for Hanford—and I've just toured it this year. The plan to gather up, deliquify, reprocess, put it in these canisters is designed to go to one location. Do you know what that location is? That location is Yucca Mountain.

So our failure to move forward, or our failure—actually, the other Chamber's failure, the leader of the Senate's failure, the President of the United States' failure, just tells Washington State what? Guess what. You've got this high-level nuclear waste that's leaking, that's close to the Columbia River, and just deal with it. Just deal with it.

I find that unacceptable after, as my colleague from Illinois said, $14.5 billion we've spent to prepare this site at Yucca Mountain only to have it stopped for political purposes.

Mr. GINGREY of Georgia. Well, if the gentleman will yield to me again, and I appreciate the opportunity to discuss this, because what year did we commission a group to study—and there were a number of potential sites for permanent storage from all these 103 facilities—one unified central site?

I'm relatively sure—the gentleman could correct me if I am wrong, but it was at least a 5-year process before it was settled in 1987 and Congress at that time designated Yucca Mountain as the sole site for permanent high-level nuclear waste repository after years of contentious applications.

So this is set in law, is it not?

Mr. SHIMKUS. The Nuclear Waste Policy Act of 1982 established Yucca Mountain as the national repository for high-level nuclear waste. And, again, for the educational purposes, Mr. Speaker, that is spent fuel. Sometimes it's spent nuclear waste from our Department of Defense, now controlled by the Department of Energy sites like Hanford.

Our argument is: Let's consolidate this waste safely, securely at one location so that, as my colleague from Georgia says, we can more safely, I think, effectively, I think, efficiently, I think, cost effectively manage, protect, and eventually try to remediate some of the damage that's been done over decades because of this high-level nuclear waste being located all over the country.

I yield to the gentleman.

Mr. GINGREY of Georgia. I have had the opportunity, as a Member of Congress, and particularly as a member of the Energy and Commerce Committee, Mr. Speaker, to travel to France and Scandinavia recently to look at their nuclear facility but, in particular, their ability to reprocess in France and their ability to store in Scandinavia.

We have described a little bit about the physiognomy, if you will, of the Yucca Mountain area, the nuclear test site, that arid desert of northern Nevada; and they have, in Scandinavia, developed a laboratory. I think they call it The Clad. But it is literally 1,400 meters below ground in bedrock, and you could drive 18-wheel trucks down to something like 2 miles deep in the ground where their spent nuclear fuel is stored. And that's the model, and that's really what we are looking at and planning for at Yucca Mountain. Nothing, really, nothing could be safer in regard to storage.

The other thing is, while we were in France, we looked at a facility where they take that spent fuel, Mr. Speaker, and they reprocess it. So at some point in the future, we decide and we have the technology to do that, that source of spent nuclear fuel that's stored in Yucca Mountain could be used to recycle and to get more energy out of this spent nuclear fuel.

It's beyond me how a President, by Executive order, can stop the will of Congress. And maybe we ought to talk about that in regard to things like the Keystone energy pipeline and expand this discussion a little further.

Mr. SHIMKUS. Again, I thank my friend from Georgia for helping out on the Special Order and just addressing the issue of recycling. What do we do? Because those of us who follow the nuclear fuel cycle, most people want it closed. And how do you get it closed? You get it closed by getting as much energy out of the fuel rods as you can. You do that by reprocessing. But it would make sense that if there was someone who is going to attempt to do that, that the nuclear fuel would be close by.

There's probably some discussions about if we were going to have a reprocessing facility sometime in this country like France, where would you locate it? Where would it be situated? I mean, I am just a layman in this debate, but I think you would want it close by where the nuclear material is, the material that you want to use to reprocess, to create fuel.

I can't speak for the entire body. I do know that the House spoke on Yucca Mountain and bringing a finality to this—297 Members voted to ensure that we had the final dollars to do the final scientific study to move this process forward. And in that debate, it just showed that the will of the House was supportive and this is bipartisan. I mean, we don't have 297—or whatever the number is—Members who are just Republicans. We have 242. That means we brought a lot of our colleagues from the other side on this debate. Some of those really believe that the future is reprocessing and that we ought to be exploring that, and it's much better to have them located where you can recover that material.

□ 1540

If my colleague from Georgia wouldn't mind, we are joined by another colleague from Illinois. People wonder why we take up this cause. It's because we're a big nuclear State. It's about 50 percent of our electricity generation. I do a lot of coal. Coal is very important to me, but we are a nuclear power State which means we have a lot of sites, a lot of reactors, and we have a lot of nuclear waste.

So I yield to my colleague and thank him for coming down.

Mr. KINZINGER of Illinois. I thank my colleague from Illinois. I just want to say thank you for your leadership on this issue, among many other things. This is an issue that is very important. It is important not just for the country. It is important for my State, and

it's important for my district. The 11th District of Illinois is kind of north central Illinois. It's a beautiful place. Come spend money there sometime.

But we have three nuclear power plants there. In fact, at each nuclear power plant of course there is stored nuclear waste on site. And then we also have an area that was intended to be early on, the original site of what was going to be nuclear reprocessing in this country, and now it is really just a pool with stored nuclear waste in it.

So in one district—I think there's 131 locations across the country where we are storing this nuclear waste, and in my district alone we have four of those. So this is an issue that is very important not just to the people of Illinois, the people of the 11th District, but mainly to the people of this country.

I mean, Yucca Mountain, the fund was created for this sole purpose of finding a place, a safe place, a safe alternative to store nuclear waste.

Now, going back to the very beginning part of the debate as to why do we need nuclear power, I think we have addressed that. I think most Americans are on board with the understanding that it is good, clean power. It provides a lot of great jobs. I have toured some of the plants in my district, and I can tell you they are good, high-paying American jobs. They take us on that road to energy independence. So understanding then that we need nuclear power and understanding that nuclear power plays an important role, we have to talk about the unfortunate side of it, which is the storage.

Yucca Mountain has been, or was being, created until it was zeroed out for the purpose of storing all of this waste; and it just makes sense. You know, regardless of whether we build the nuclear reactors or reprocess them, we have to store this somewhere. Now here's the question, though. If Yucca Mountain is technologically unable to store this fuel, then I would think the NRC, the Nuclear Regulatory Commission, needs to come out and tell us it's technologically insufficient and show us why.

But they're not doing that because the truth is technologically it's almost perfect, as far as something like this would go. But the chairman of the NRC has turned this into not necessarily what's the right thing to do for the industry, what's the right thing to do for the country, but what's the political thing to do, and turned the commission into a political commission.

When you talk about this and when you talk about the safety of our country, I think for something very basic like this, and I think it is very evident, I think we should take politics out of that. And I would think all of my colleagues joining me today would agree this doesn't need to be a political issue. We need to have the NRC free of the political manipulations; and only President Obama, frankly, can determine the fate of the chairman. I hope he takes that into account. I hope he takes into account what's the right thing to do for this country in the long run.

So we have great jobs here. We have a need for nuclear power. Let's just complete the puzzle, and let's put this stuff at Yucca Mountain.

Mr. SHIMKUS. If my colleague would continue to discuss this for a few minutes, you mentioned a fund in your kind of opening statement. For the benefit of the Speaker, could you explain where this fund comes from and who is paying into it and what is it designed to do and what's going on with it right now.

Mr. KINZINGER of Illinois. Look, if you pay for any kind of nuclear power, ratepayers pay for this fund.

Mr. SHIMKUS. So you have constituents who have been paying into this fund?

Mr. KINZINGER of Illinois. Sure. And paying for a long time. Let me add, for every year we delay opening—Yucca Mountain is not going away; it doesn't disappear off the face of the Earth—for every year we delay, it's costing us half a billion dollars more than what it's ultimately going to cost.

So my constituents, your constituents, anybody who uses any aspect of nuclear power, which is almost everybody, has been paying for this. This isn't some giant expenditure we're going to have to make out of the general fund when we don't have any money. This is already being funded. It's already being paid for. It only makes sense. I think the colleagues that are joining me here today will say the same thing: this just makes sense.

Mr. SHIMKUS. And part of this debate about the nuclear waste and where it's stored and the nuclear waste fund has been litigated in Federal court, and the courts have said it is the responsibility of the national government to take this waste as part of the law, complying with the law. Obviously, we have no place to take it. So we end up having the utility store the high-level nuclear waste on site; and some of them, some have not asked us yet, some of them we are actually paying to hold the waste that we're supposed to be holding.

Mr. KINZINGER of Illinois. If my colleague wouldn't mind, and you mentioned it just a few minutes ago, this idea passed this body with a large majority. That to me seems like this is the will of the American people. It's not just some agenda or some crazy pie-in-the-sky idea. This is the will of the American people, and it's the responsibility of us to ensure that we're being safe. I mean, it just seems very basic to me, and so I'm having a hard time figuring out how and why politics has come into play on this. I think this is a debate we solved decades ago. But nonetheless, out in Washington, D.C., nothing surprises me in the 10 months I've been out here.

Mr. GINGREY of Georgia. If the subcommittee chair from Illinois would yield to me, if the gentleman from the 11th of Illinois lets the gentleman from the 11th of Georgia be somewhat instructive in regard to the politics, because that pure and simple is what it is. Of course comments were made in regard to the chairman of the Nuclear Regulatory Commission.

But the fact is that it is the Secretary of Energy, it's the Secretary of Energy. This Secretary of Energy, a Nobel Laureate in nuclear physics who was essentially told by this administration to tell the Nuclear Regulatory Commission that he was requesting that the license application for Yucca Mountain be withdrawn from the NRC, taken out of their hands, the licensing process stopped with prejudice.

Now, I'm not a lawyer, but if there are any lawyers in the body, they understand when you withdraw something with prejudice, that means you can't bring it back up. So this $14 billion that has been taken out of the ratepayers from the 50 States, or at least where these 103 reactors exist, they are paying for this. And yet this political pressure on a gentleman who's got to be much, much smarter than any of us, a Nobel Laureate in nuclear physics; if I were him, as soon as that word came down to me and I got the memo from the White House, I would immediately resign over righteous indignation.

Mr. KINZINGER of Illinois. If I can just say quickly on that point, Aby Mohseni, acting director for licensing and inspections at the NRC, made this remark: ''Some senior managers contributed to the manipulation of the budget process and information to apparently make sure that the Yucca Mountain project would be left unfunded even if the license application was still before the NRC. We were unprepared for the political pressures and manipulations of our scientific and licensing processes that would come with the appointment of Chairman Jaczko in 2009.''

Mr. GINGREY of Georgia. But, fortunately, if I might interject, the board of the NRC rejected that, rejected what he recommended.

Mr. SHIMKUS. Reclaiming my time, I would kind of close this circle, Mr. Speaker, reminding folks that the chairman of the NRC, Mr. Jaczko, used to work for now-majority leader in the Senate, HARRY REID. And it's the majority leader in the Senate that is blocking the funding for the final scientific analysis, and it is the chairman of the NRC who used to work for the majority leader who is complicit in this plan to shut down an investment of this country of $14.5 billion to comply with Federal law that we passed in 1982.

Now, in 1982 I was serving my country as an Army lieutenant in West Germany before the Wall came down. That's a long time ago. This has been the policy of this country for decades. And to have one man, one majority leader of the Senate, put a halt to that,

that's why we're down here, because he has raised this to a political debate, not a scientific debate.

□ 1550

And because it's a political debate, what I'm attempting to do over a series of weeks is go around the country and just identify where is high-level nuclear waste stored, and would it be better for that waste to be stored underneath a mountain in a desert, the most investigated piece of property on the history of this Earth. There is no piece of property that has been more studied than Yucca Mountain anywhere on the face of this Earth.

So I know this is hard for some folks to see. We're doing a tally as we go around the country to look at, where are the votes? And we have 27 people, bipartisan, who have said this is where it should go from Washington State; of course, Illinois and Wisconsin, Georgia, South Carolina, Arizona, Idaho, Utah, Wyoming, Maine, Vermont, Florida, Alabama, Mississippi, and Louisiana. We have new Senators who have not had an opportunity to publicly either make a statement on it or cast a vote. They're in the middle. We have 27 ''yes,'' 8 unknown. We're going to give them the benefit of the doubt. MERKLEY. FEINSTEIN was a ''no'' but Fukushima Daiichi and the two nuclear power plants that are on the Pacific Ocean in California and the high-level nuclear waste that's stored in ponds have her in a quandary based upon the representation of that State.

TESTER of Montana, unknown; LEE of Utah; BROWN of Massachusetts; AYOTTE of New Hampshire; SHAHEEN of New Hampshire; WICKER of Mississippi.

Bona fide ''noes'': REID of Nevada, HELLER of Nevada, CANTWELL of Washington, BOXER of California, BAUCUS of Montana, KERRY of Massachusetts, and SANDERS of Vermont.

So it's a chance to use the bully pulpit and my position as chairman of the subcommittee to help educate not only the floor, my colleagues, the Speaker, those who are following us, that there's got to be a better way to store high-level nuclear waste than in pools next to Lake Michigan, next to the Savannah River, next to the Pacific Ocean. Surely, there's a better place. And we know there is.

Thirty years of study and research—Federal law says Yucca Mountain in the desert underneath a mountain is probably as good a place as you're going to find, at least in the United States.

Mr. KINZINGER of Illinois. If the gentleman would grant me just a moment. When you said there's a mountain in the desert, or there's I think 131 locations as it exists today, I can tell you I have four of those locations in the 11th District in Illinois. I believe nuclear power is safe, effective, cheap, efficient. But right now there's four nuclear storage waste facilities in the district. That's by the Midewin Tallgrass Prairie. That's by populated areas and towns.

There are a lot of big issues going on in Washington, and this probably isn't at the top of people's priorities, but I would encourage anybody that's watching us right now who sees their senator's name on that board you had up earlier and says, Hey, my senator is a ''yea,'' call and say, Thank you. Encourage that senator if they're unsure. If they have the three yellow question marks, probably call that senator and say, Hey, I really would like to get you onboard with safe nuclear storage. And if they're a ''nay,'' please call them twice. Because we react to what we hear. And if the American people want safe storage—and I know they do—then this is the right alternative.

Mr. SHIMKUS. I appreciate, again, my colleague for coming down for this hour of discussion on really what should be the national policy on high-level nuclear waste in this country.

I didn't get a chance to go through all the areas but I'm going to end with Yucca Mountain versus the San Onofre Nuclear Generation Station between L.A. and San Diego. This is one of the ones I'm talking about. How much nuclear waste is in the desert underneath the mountain? None. How much is on the Pacific Ocean right on the coastline? There's the photo. That's 2,300 waste rods on site. The waste would be stored a thousand feet underground at Yucca. The waste is stored above the ground in pools right on the shoreline of the Pacific Ocean. The waste would be a thousand feet above the water table here. Of course, as you can see from the photo, the waste is right next to the Pacific Ocean. The waste at Yucca Mountain would be a hundred miles from the Colorado River. Again, you can see the waves breaking almost right up to the nuclear generating station between LA and San Diego.

I've gone to Massachusetts. I should have talked about Florida today. I've talked about Illinois. DOE locations like Washington State. There's a lot of nuclear waste defined differently all over this country. Let's do the correct public policy and get it at a single repository in the desert underneath a mountain.

With that, Mr. Speaker, I appreciate your diligence, and I yield back the balance of my time.

CONGRESSIONAL PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the minority leader.

Mr. ELLISON. My name is KEITH ELLISON. I am the cochair of the Progressive Caucus and a Member of Congress from the great State of Minnesota. I'm here claiming time to speak on behalf of the Congressional Progressive Caucus.

The Congressional Progressive Caucus, Mr. Speaker, is 77 members in the United States Congress who believe that when we say the Pledge of Allegiance and we say liberty and justice for all, that means all—all means blacks, whites, Latinos, Asians, straight, gays, the senior citizens and the youngest among us, people with disabilities and people who are able-bodied. It means the great mass of American people included in ''in liberty and justice for all.''

The Progressive Caucus believes in economic justice. We believe in civil rights and human rights for all people. We believe that public employees are valuable to our society, and we honor and respect the services that they give to us. We believe that America, with our awesome military power, should use that power to promote peace in the world. We are the ones who called for the U.S. to not go into Iraq. When we went in there, we were the ones to push to get us out. We are the ones who are raising the issues around Afghanistan. And we'll continue to argue the case for diplomacy and for development and to make friends with the world, to be a good member of the international community in the United Nations and under international bodies.

We're not the ones who believe that the world is a scary, dangerous place and we've got to jack up the military as much as we can. We're not the ones who think that the rich don't have enough money and the poor have too much. We're not the people who believe in dividing Americans based on culture and color and gender and urban versus rural. We believe in unifying Americans and having equal rights for all people.

Yes, we are liberal, and we are proud of it. We're the Progressive Caucus.

Today, Mr. Speaker, I'm here to deliver the Progressive message. The Progressive message is what we're talking about today. The topic I'm going to address, Mr. Speaker, is going to be jobs in this American economy.

Today, Mr. Speaker, we want to speak as bipartisan as we can, but there's no question that the arguments that we have in Congress have a partisan tone. Therefore, for us to sit up here and say we're all just getting along here in Congress and we don't have a different point of view would be not exactly being straight with the American people.

□ 1600

So we're going to say that the debates that we have been having in the House of Representatives have to do with those of us who believe that we as Americans need to live in harmony with the planet, need to try to cut down our carbon footprint, need to try to diminish pollution. And those others of us—mostly on the Republican side of the aisle—who make the case that, for the sake of industry, we have to sacrifice our health, our lungs, our good clean environment, they're making that case.

We're trying to ask Americans to look carefully at the different programs that are being offered on this House floor and to make a decision: Do you believe that we have a responsibility to the poor? The Progressive Caucus does.

Do you believe that public employees and government brings quality and improves the quality of life for Americans? Not all the time. Government needs to be refined like everybody. But the Republicans and conservatives in this House who make the case that government is the problem, we wholeheartedly reject that point of view. That is wrong. We believe in a mixed economy, where the private sector and the public sector exist to benefit the American people in general.

So we're here to talk about these things tonight, and we're here to lay it on the table so that Americans of all backgrounds, all colors, all cultures, all faiths can make decisions about what kind of America they want. Because there are clearly two different visions of what America is about being offered on this House floor every day for the last year and for the next year, and I think Americans should be able to say, I think this is the kind of America I want. And others who think that rich people don't have enough money and poor people have too much, they can support the Republican program.

Mr. Speaker, I want to talk a little bit about jobs tonight; and, therefore, I just want to make the case that, again, I don't think it's a good idea to always draw the partisan divide, but I think it is important to be honest. And my Republican colleagues just have not—even though they're the majority—have not introduced a single bill for jobs this whole time they've been in the majority.

They will say, Oh, yes, we've brought jobs. We had jobs bills. We had jobs bills. Didn't you see us cutting the EPA?

That's not a jobs bill.

Didn't you see us trying to let cement companies be able to emit more pollution in the air?

That's not a jobs bill.

Didn't you see us trying to let coal companies, electric coal companies be able to put more emissions in the air?

That's not a job bill. That's just saying industry can do what it wants to our lungs.

But a jobs bill to help rebuild America's infrastructure? Haven't seen that from our friends on the Republican side of the aisle. A jobs bill that would help refurbish public buildings like schools, haven't seen that. They don't want to do that.

A jobs bill that would say, Look, you know what? We need to train Americans to be able to do the jobs of the 21st century and to promote solar, wind, biomass, the waves, all these kind of ways that we can live in harmony with the Earth and power the Earth at the same time. They haven't had any jobs doing that. To make our grids smarter, our electrical grids smarter, they don't want to put money in that. They think that is a waste of money.

The fact is Republicans have not come up with a jobs agenda. I call it the Republican no jobs agenda.

And, you know, it's clear that the government has an important role in terms of jobs. You hear some of my Republican colleagues say the government doesn't create jobs. This is absurd.

Ask any small retailer out there who's trying to make a go of it in their local community. They may have a nail shop or they may have a hair shop or they may sell retail clothing or they may have just a small little business that they opened up. If they don't have any police protection—that's the government—then that's going to cut the number of customers that come to them. That is going to hurt their business. Government helping business to thrive.

Ask a trucker, somebody who may own their own rig or maybe somebody who owns a trucking company. If we don't have public roads, highways and things like that—that's the government—where would their business model be?

The Internet. Think about Google. Think about all of the wondrous economic activity associated with the Internet. Well, the Internet was started by the government—yes, it was.

I'm telling you that, whether it's the National Institutes of Health coming up with lifesaving innovation and funding important basic research or whether it is the Food and Drug Administration giving Americans confidence that when they buy that product it's not going to kill them, the government helps business thrive. It helps the market operate properly so that we don't have caveat emptor, so that the buyer doesn't have to beware. The buyer knows that somebody somewhere is looking to make sure that the food is edible and the water is drinkable.

Now, my friends on the Republican side of the aisle that say government doesn't do anything to help the economy are wrong.

I was so proud to hear the President discredit the false economic theory of trickle down. What is trickle down? Mr. Speaker, trickle down is the theory that, look, if we give as much money as we possibly can to the richest Americans and we take it from the poorest Americans and the middle class, then maybe the rich people, through investments and stuff, will put money into the economy and maybe it will trickle down and other people will be able to get something out of it. Well, the President said it's an okay theory except for it doesn't work.

The President's right: Trickle down is a failure, and trickle down doesn't work. I'm so glad that the President really helped explain this to the American people. Because trickle down, at the end of the day, it doesn't trickle down. It just stays up there. And that's why we see so much wealth concentrated in the hands of so few, because Republicans think the only way to make the economy work is to cut all of our health and environmental regulations and to give tax breaks to people who already have more money than they know what to do with.

Some of my Republican friends like to say, well, you've never met a payroll. I met a payroll. I was a small business owner for many years. I was a lawyer and ran a law firm, had to pay my staff. And it wasn't taxes and stuff that I worried about. You know what I worried about? Mr. Speaker, I worried about customers. Could I get some clients coming through the door asking me to write a will, to incorporate their business? Could I get some clients to say, Would you represent me in this accident? Or, I got in a little trouble. Would you represent me in that?

Clients is what I needed. And if my customers didn't have any money, they wouldn't be able to hire me. But if the customers aren't working and the economy is poor and there's no money circulating amongst working folk, my business suffered. And if people were doing well, my business would thrive. You ask any business person: What would you rather have, a tax cut or a lot of customers? They're going to say, Customers. I want customers.

And so this claim that the Republicans make, that we don't need to make sure that the average working American is doing well, we just make sure that the money gets up to the top and it will trickle down, is not true. And I'm so glad that the President made that point today.

We've got to destroy myths around this economy because, again, there are people who tell self-serving narratives. They tell stories and narratives that help them make more money.

I'm sure that the Koch bothers, who have given a lot of donations around and who own this big refinery and make a lot of money, would really like it if we all believed that giving them a huge tax cut and getting rid of environmental regulations was good for the economy. Of course we don't believe it because it isn't true. But we know that if we keep on arguing, that masses of American people will say, You know what? I think it's okay to have unemployment insurance for people who are out of work. You know, I think it's okay to, in an economy like this, to extend the payroll tax cut.

Rich people get tax cuts. Republicans like it when rich people get tax cuts. They don't like it when working middle people get tax cuts. They would rather have just the rich people get them.

But the fact is people are waking up all over America. They're saying, Hey, you know, when I voted last time or I didn't vote last time, I was upset because of the job situation. And my friends on the Republican side of the

aisle didn't get to the business of jobs. They got in here going after the EPA and going after tax cuts for the wealthiest Americans. And because of that, you know, things haven't been good.

Now, I will give President Obama some credit. Because of the good work that he has done, we have seen private job growth continue for about 24 months.

□ 1610

The problem is we have cut the government so badly, and at the wrong time, that State and local governments have had to shed public employees left, right, and center. We are literally seeing gains in private sector employment being offset by cuts in public sector employment, and it's unfortunate that that's the situation that we have.

So today, I'm here with the progressive message. Today we're here to illustrate what's at stake in America today. And this week, thousands of Americans all across the country came here to Washington to raise their voices. They call themselves the 99 percent. And I have to say, it's starting to feel like the people's House around here.

I had a number of folks in my office who came on a 24-hour bus ride, Mr. Speaker, from my district in Minneapolis, to come tell me that, look, you know, we've got to rebuild America and put people back to work. Infrastructure crumbling, people can work to rebuild it.

They said, hey, look, you know this income inequality is not working. And as you give more and more tax cuts and loopholes to the richest, it just ends up hurting us.

I had to tell them that two-thirds of all American corporations don't pay any taxes at all. Two-thirds of all American corporations don't pay any taxes at all. And I brought in this chart, Mr. Speaker. I pulled this chart out because they were—it was hard for them to believe.

I told them, I said, you know, the companies on this chart that I'm about to show you, you know, show me however much money you have in your pocket, you paid at least as much taxes as these companies, because if you paid nothing, then you paid the same as them. If you got one penny, you paid more than them.

Bank of America paid no taxes. Now, let me tell the story about Bank of America, Mr. Speaker. Bank of America made bad business deals. When you make a bad deal in business, you're supposed to pay for that. You know, things go wrong, people go out of business.

Bank of America, they went and bought Merrill Lynch after this guy, this CEO named Stan O'Neal, ran the company into the ground. They still gave him a golden parachute of, like, several hundred million dollars. And I often joke and say I'd have been happy to run the company into the ground for just a million dollars. But he did it, they paid him millions to run Merrill Lynch into the ground. And Bank of America bought that company.

And then Countrywide, which is the leading predatory lender, subprime lender, bought them, Bank of America did. Got all these bad mortgages that weren't performing because they were never properly underwritten because people made money by just selling the mortgage and then selling the paper. And it was like a hot potato. Once you sold the mortgage, you got the fees out of it, send it to somebody else to be securitized into a mortgage-backed security. So a lot of those happened.

And Bank of America bought those two companies, and then it started causing them losses. And then they said, America, America, we're going down. Help us, please. And then they called us all together in September and October 2008 and said, we need a bailout, please.

We came up with a bill called TARP and Bank of America got bailed out. Now, the problem is, after Bank of America got bailed out and got back up on its feet somewhat, they paid all their executives big giant bonuses, they laid off 30,000 people.

What? Yeah. That's how they repay the American people helping them out.

Citigroup, another one, paid no taxes. They got saved. They were absolutely going down. They probably are, I don't know, Citigroup is a company with a lot of problems. Paid no taxes.

ExxonMobil. Now these people are making money hand over fist. They are making money. They are very, very, very, profitable. Why? Because you're happy to pay $3 gas. If you can go pay $3 you'd be, like, hooray; this is the store I'm going to go to. And you know you see it going up to four. And over the last few years, it's fluctuated between three and four.

Well, do you think that ExxonMobil is not making money on that? They are absolutely making money hand over fist because of that, and yet they pay no taxes.

So, look, the fact is—oh, GE. Don't let me forget about my friends at GE. I think they're the biggest corporation in the world. No taxes. GE pays no taxes.

I'm like, look, you know, GE, we, the government, because we've cut taxes for the wealthiest people, and two-thirds of all corporations don't pay any taxes, we don't have that much money. We're in a position where we may have to cut Head Start, home heating oil program for senior citizens. Do y'all think you could do a little bit better?

And they say, nope, can't do nothing for you. This is amazing. You mean to tell me you've got more—the executives of these companies got more houses than they could ever, ever visit; they've got more lakes that they live on than they could ever water ski on. They've got more $1,500 Armani suits than they could ever wear. They've got more monogrammed shirts that are tailored than they could ever put on. They've got more expensive shoes. They travel all over the world. They fly around in jets. And they won't pay nothing, and we've got to then talk about cutting home heating oil, the LIHEAP program, cut the food stamp program.

I mean, how do you sleep at night? It's amazing to me. Shocking. Shocking.

And I'm sure all of them look at each other and they say well, you know, we earned it. You can't tell me that you earned that.

This is—and I'm going to tell you, you know, Mr. Speaker, some people want to say, well, they work hard. No, no. This is not true. What they do is they take all that money that they make, and they come down here and they get us to go argue for loopholes for them, and they—$50 million is spent lobbying Congress; $130 million spent giving donations to campaigns.

As of 2008, 94 percent of all candidates with the most money win the election.

And about 261 Members of Congress—and there's only 535 of us—are millionaires. The average worth here is about $700,000. And let me tell you, I'm not one of those rich guys. I actually live on the money my constituents pay me because I'm working for them 24/7. And yet, you know, I go to the grocery store. I know how much bread costs.

And so what I'm saying is, to whom much is given, much is expected. And if America, Nation that I love so much, has a military which protects us all, has a police department that protects us in our local communities, has a fire department that makes sure that Bank of America branches don't burn to the ground, America, if one of their executives or employees gets sick, the EMT truck, the emergency medical truck is going to come help them and bring them back to life if they can. The roads and the bridges that people drive to work on to all these companies, publicly paid for.

And yet they turn around and say, yeah, you've done all that for us, America; but we've got nothing for you. Zero taxes.

It's wrong. And there should be an Occupy movement to say so.

Now, this is a chart, Mr. Speaker, that I do like to pull out now and again. And I want to say that I actually have no beef with Donald Trump or Paris Hilton. I'm sure they're both nice people.

But, you know, do you really think they need a tax break, Mr. Speaker? I think they're getting along just fine.

I think that some of my neighbors who are firefighters and cops and teachers, or who work at the local bank branch, or who work at the local grocery store stocking up groceries, I think they could use a little help. But I do believe that if Donald and Paris don't get a tax break, they'll manage just fine.

These are the millionaires and billionaires of our society. When we cut

taxes for the richest people, you're putting more money in the hands of these folks. I don't think that's wise public policy.

So my point, Mr. Speaker, is just this: you know, you want to talk tax breaks. We're actually talking about extending the payroll tax deduction so that $1,500 bucks, you know, could stay in the hands of people who are really struggling.

We asked—in the U.S. Senate there was a bill that said, you know, millionaires, on your first million, we're not asking you for no more taxes on your first million. But on your second million, can we have 3 percent? You know. What do you think?

They're, like, nope, nothing doing.

I said, even if it's going to help working class people, you know? Will you help then?

Nope. No. Can't do it. Cannot possibly do it. It might sap their incentive to work. If we were to help the working class people of America, it might sap their incentive to work, so we can't help them.

□ 1620

Tax breaks for billionaires or tax breaks for teachers, police, firefighters, job training, small business, investment, better schools, clean energy, health care, infrastructure investment, college affordability.

Now, my question is, Mr. Speaker, what are America's priorities? I've got a feeling that they're with these folks down here. I think America would rather help these folk than these folks. Just a wild guess.

So that's all we're asking for. This payroll tax deduction, you know, $1,000, $1,500 in the pockets of people who really need it. We asked billionaires and millionaires to pony up just a little more. They wouldn't even notice it, wouldn't have to cancel any of your country club memberships. But they said no.

There is a loss of civic virtue among some of our most privileged Americans, but I'm proud to tell you about a group of guys and women called the Patriotic Millionaires. They came to a forum that the Progressive Caucus organized last week, Mr. Speaker, and the Patriotic Millionaires said, You know what, you've invested in research which we used to make our products that made us rich. You invested in roads and bridges and education that we used to help make us rich. And we love America more than we love all that money, and we're here to pay taxes.

And then some smarty-pants Republican said, Well, if you want to pay extra and you're rich, you can. I'm sure the Treasury will accept your checks. And then one of the Patriotic Americans said something really wise. He said, You know, America is not a charity. America is all of our responsibility, and that's what taxes are.

I'm here today, Mr. Speaker, to argue that taxes are the dues we pay to live in a civilized society. Taxes are not a punishment. When they talk about tax relief, really, from what, from good schools and clean water? When they say ''tax burden,'' I mean, let me tell you.

If you want to live in a society where there's no taxes and therefore no public services, you could move to Somalia. That's what it is. No government. I don't see any of our friends who love—I call them the free market fundamentalists—I don't see them running to Somalia, moving to Mogadishu.

So, Mr. Speaker, I just want to say quite frankly that on this Thursday night in this great country, in my view the greatest country in the history of the world, Americans have a question before themselves. Are we going to choose community, choose each other, or is it going to be a selfish pursuit where everybody is only on their own? I view America as people who would look out for each other, even the least-to-be.

Americans don't think that helping seniors who are on Social Security is a bad thing to do. Americans don't think that helping the poor and the sick is somehow a bad thing to do.

In fact, one of the things that illustrated this national debate we're having, Mr. Speaker, is something that happened in the United States Senate today, the other body.

Today, I can't blame my friends in the House, my Republican friends in the House. They didn't do this one. But today, Republicans in the Senate voted to block President Obama's appointment of Richard Cordray to head the Consumer Financial Protection Bureau.

Now, look, the Consumer Financial Protection Bureau came about because of the massive failure of decency on Wall Street that resulted in all of the foreclosures and America having to bail out the likes of Bear Stearns, and Bank of America and a whole bunch of others. And they said, look, you know, a mortgage document can be very complicated, and we just want to have a bureau that will try to make these things simpler so people know what they're signing up for; a bureau that will say you've got to say what the interest rates are going to be, you've got to say what the terms are going to be so that we can have transparency.

Actually, the real free marketeers around here would never be against more information and better and more effective information going to the consumer. I mean, Adam Smith, the one who wrote—oh, my goodness, I can't believe I can't remember the name of that great book—but the one in which he describes the invisible hand and how markets move and people operate and their individual interest yields the economy. He said in that book that consumer information is key to a good market operating. So I don't know why people wouldn't want a good market to operate.

But anyway, Republicans in the Senate—can't blame the House members this time—like to claim that the new Consumer Financial Protection Agency would be reformed before it gets a new director. They say they won't even allow it to exist. They won't allow it to have a director until they change it. Well, we had a vote and it came into being. So now they're trying to wreck it before it even gets up and running.

The truth is that these folks who are against consumer protection and the lobbyists that support them are trying to water down our new consumer watchdog's power so they can't hold Wall Street and predatory lenders accountable. And that's too bad. They don't want anybody to be the new cop on the beat protecting all Americans against these predatory lenders.

I've always said, look, if you're offering a good financial product that helps people and is fair, why would you be afraid of a little transparency? Only if your business model is based on bilking and cheating customers would you want to fight against a Consumer Financial Protection Bureau.

Without an enforcer and without real powers to crack down on predatory loans, we will keep on seeing mortgages that are designed to fail from the very beginning, tricking people with the fine print, cheating consumers to make a quick buck.

So, Mr. Speaker, I see that Republicans are ready to take the time. I'm happy to yield it. I'm going to yield back the balance of my time in just a moment.

But I just want to say that America was a good idea. America is a good idea. But it's an idea that you have to fight for; and the idea of liberty and justice for all living in a fair, prosperous economy is something that Americans all over this country have to stand up for and assert because if we leave it to the big guys, to the 1 percent, to the people with all the money and all the dough, they're going to snatch this great American Dream away from us.

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

THE SPECTER OF GLOBAL GOVERNANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. ROHRABACHER) is recognized for 30 minutes.

Mr. ROHRABACHER. Thank you, Mr. Speaker.

Before I go into my prepared remarks, I would like to point out that I personally have opposed all of the bailouts and the hundreds of billions of dollars that the Obama administration has channeled to different financial wheeler-dealers and cronies, like Goldman Sachs and the others that have received so much money as directed to them from this administration, just to put it on the record.

Many of these so-called corporations that my colleague just pointed out, if

we take a look, when we say if we're going to increase taxes on them, these corporations' biggest stockholders happen to be pension funds. What we're really talking about by trying to say we're going to just tax these big corporations, what we're really doing is taxing the pension funds and are taxing the entities that provide the money for the pension funds for the rest of the citizens of this country. But that is another issue that I will discuss some other day.

Today, Mr. Speaker, as a strong advocate of human progress through advancing mankind's understanding of science and engineering, I rise to discuss the blatant abuse and misuse of science. A few nights ago, I watched a video of President Eisenhower's 1961 farewell address. Unfortunately, his much-heralded warnings about the military industrial complex, which were right on target, I might add, that warning has unfortunately obscured another warning in that farewell address that is just as significant.

□ 1630

Eisenhower pointed to the danger ''of domination of the Nation's scholars by Federal employment, project allocations, and the power of money is ever present—and is gravely to be regarded. Yet, in holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite.''

In my lifetime, there has been no greater example of this threat, which Eisenhower warned us about, than the insidious coalition of research science and political largesse—a coalition that has conducted an unrelenting crusade to convince the American people that their health and their safety and—yes—their very survival on this planet is at risk due to manmade global warming. The purpose of this greatest-of-all propaganda campaigns is to enlist public support for, if not just the acquiescence to, a dramatic mandated change in our society and a mandated change to our way of life. This campaign has such momentum and power that it is now a tangible threat to our freedom and to our prosperity as a people.

Ironically, as the crusade against manmade global warming grows in power, more evidence surfaces every day that the scientific theory on which the alarmists have based their crusade is totally bogus. The general public and decisionmakers for decades have been inundated with phony science, altered numbers, and outright fraud. This is the ultimate power grab in the name of saving the world; and like all fanatics, disagreement is not allowed in such endeavors.

Prominent scientists who have been skeptical of the claims of manmade global warming have themselves been cut from research grants and have been obstructed when trying to publish peer-reviewed dissenting opinions. How the mainstream media or publications like the National Journal, for example, have ignored the systematic oppression that I speak about is beyond me.

If you've heard the words ''case closed,'' it doesn't take a genius to figure out that the purpose of such a proclamation is to limit and repress debate. Well, the case isn't closed, so let's start with some facts about manmade global warming and the theory of manmade global warming.

First and foremost, the Earth has experienced cooling and warming climate cycles for millions of years, which a significant number of prominent scientists believe is tied to solar activity—just like similar temperature trends have been identified on Mars and other bodies in the solar system—and that is the Sun.

So how about those icecaps on Mars that seem to expand and recede, mirroring our own polar icecaps? Doesn't that point to the Sun rather than to human activity? After all, there are very few, if any, human beings around on Mars, and certainly millions of years ago, when we had other cycles in the world, there weren't very many human beings, if any, around. So where do the climate cycles come from? What causes climate cycles?

Right off the bat, let's acknowledge that manmade global warming advocates, who I suggest are alarmists, do not believe the Sun has no impact on climate cycles. They just believe that the Sun has a minimal impact as compared to the increasing level of CO_2 in the atmosphere. Basically, they believe that the Sun does have some impact but nothing compared to the increase in CO_2 in the atmosphere. Today, they believe this increase in CO_2 in the atmosphere has become very frightening because mankind is using fossil fuels, which they believe is causing this dramatic increase in CO_2.

Similarly, skeptics like me believe the solar activity of the Sun is the major factor in creating the Earth's climate cycles, including the one that we're currently in. We also believe that manmade CO_2 buildup may have a minor impact. The debate isn't all Sun or all manmade CO_2. It's over which of these factors is a major determinant or even the significant determinant.

At this point, one other fact needs to be understood. Many intelligent people believe that CO_2—carbon dioxide—represents 10, 20, even 30 percent of the atmosphere. If anyone is reading this or is listening to this, answer this question:

What do you think the percentage is after all we've heard, time and time again, of how CO_2 is changing the climate of our planet?

As I say, most people think it's 10, 20, even 30 percent of the atmosphere. In reality, CO_2 is less—less—than one half of one-tenth of 1 percent of the atmosphere, and humankind's contribution to that one half of one-tenth of 1 percent is a small fraction of that. So to say that what we're talking about is minuscule, no, that's not smart enough. What it really is is microscopic.

Frankly, I believe that CO_2 is so irrelevant that it should not be the focus of air standards and regulations. After all, it is not harmful to human beings unless, of course, you stick it into your automobile in the garage and shut the door for hours and hours at a time. The CO_2 that's in the atmosphere is not harmful. Other gases, like NO_X, which are damaging to human health, should be a much higher priority than CO_2. NO_X is harmful to people's health. It's global pollution, not global warming, that we should be concerned about.

Not making this distinction has cost us billions, maybe more. The temperature of this planet isn't manmade, and we can't do anything about it. Our energy challenges and the air quality that we have are man-influenced, if not manmade. We can do something about these maladies.

But the alarmists are not interested in solving those problems. They are part of a coalition that wants to change our way of life, which requires us to acquiesce—or, better yet, to frighten us into submission. Make no mistake: The manmade global warming theory is being pushed by people who believe in global government. They have been looking for an excuse for an incredible freedom-busting centralization of power for a long time, and they've found it in the specter of manmade global warming.

For the past 30 years, the alarmists have been spouting ''Chicken Little'' climate science. This campaign was turbocharged in the 1990s when the Clinton administration made it part of its agenda, thanks to Vice President Al Gore. One of the first actions that the administration took was to fire the top scientist at the Department of Education, Dr. William Happer, a professional who, at the time, dared to be open-minded about the global warming theory. Al Gore decided Dr. Happer just didn't fit in, and out he went. From there, the pattern became all too clear. In order to receive even one iota of Federal research funds, a scientist had to toe the line on manmade global warming.

There is a biblical quote: ''The truth shall set you free.'' Well, this is a battle for the truth, and we are up against a political machine that has been yelling, ''Case closed,'' and restricting Federal research grants only to those who agree with them.

That we have politicos who believe in centralizing power and are willing to use their own power certainly should surprise no one, but that a scientific-technological elite, the very group that President Eisenhower warned us against 50 years ago, has allied itself with such a political power play is totally contrary to what science and scientists are supposed to be all about.

Because of the retaliation of those alarmists in charge of bestowing the

Federal research grants, opposition to this power grab has taken time to coalesce; but the opposition to the manmade global warming theory is now evident and won't be ignored.

There have been major conferences here in Washington and at other locations around the Nation, with hundreds of prominent members of the scientific community. Individuals, many of whom are renowned scientists, Ph.D.'s and heads of major university science departments, including a few Nobel Prize winners, have all stepped up and spoken out.

□ 1640

Even with little news coverage, this group, who are accurately referred to as skeptics, are gaining ever more recognition and ever more influence. They face a daunting challenge, however, and they, as I say, have to fight for any attention, even though they have just as good credentials as those people who are advocating on the other side. For a list of some of these credentialed and very well-respected skeptics, one can visit my Web site. I'm Congressman DANA ROHRABACHER from California.

So what is this apocalyptic manmade global warming theory that the globalists and radical environmentalists would have us believe? It is that our planet is dramatically heating up because we human beings, especially Americans, put large amounts of CO_2 into the atmosphere as a result of using oil, gas, and coal as fuel.

The CO_2 has an impact in that it entraps a certain amount of heat in the atmosphere, thus dangerously warming the planet. We have been warned about huge changes in our environment, including a 10-degree jump in the overall temperature, and thus a serious rise in the level of the oceans of the world.

Vice President Gore, in his movie, ''An Inconvenient Truth,'' showed what seemed to be a video of melting and breaking icecaps. Inconveniently, somebody squealed, the video was actually a special effect. It was Styrofoam made to look like melting and breaking icecaps. But that's no problem. People still listen to Al Gore.

Over and over again, the alarmists have said that the Earth is dramatically heating up. Look closely at the data that they're talking about. Look closely at the date that was picked by these people as a baseline for comparing temperatures. It is 1850. And what is 1850? It's the end of a 500-year decline in the Earth's temperature. The Little Ice Age was ending in the 1850s. Skeptics say that a 1- or 2-degree increase in the planet's temperature is irrelevant if the basis of comparison is a 500-year low in the Earth's temperature. To skeptics, currently we are just in another natural climate cycle. That's what we as skeptics believe. This is another natural climate cycle, and it's been going on, as was the 500-year decline in the Earth's temperatures. If it's going up a little bit now, that is a natural climate cycle.

To alarmists, however, the sky is falling. A couple of degrees warmer and the sky is heating, or it's falling, that is, or heating, and all of this is caused by mankind pumping CO_2 into the air.

This theory of manmade CO_2 causing global warming emerged when scientists mistakenly believed that the data they were studying from ice cores indicated that a warming of our planet was happening after a major increase in CO_2.

However, later, it was found that the ice cores were misread. Nicholas Caillon pointed out in Science magazine in 2003 that the CO_2 increase lagged Antarctic deglacierization warming by 800 to 200 years, give or take 200 years. So the heating came first, and then the CO_2 increased, not the other way around.

Yes, when Earth heats up, there is more CO_2. But we've been told the opposite over and over again, and we were told it was the CO_2 that was making the Earth heat up, and they were telling us that the Earth will keep heating up until it reaches a tipping point, and then there will be a huge jump in the temperature. The temperature will shoot up once it reaches this tipping point. And we could expect, this is what we were told over and over again by the scientists predicting over and over again that we could expect this warming to go on and on until we quit using CO_2 and quit using these CO_2-emitting fossil fuels as a major source of our energy.

The future they described was hot and bleak, but their frightening illusion began to disintegrate when, about 9 years ago, even as more CO_2 was being pumped into the air and has continued to be pumped into the air, the Earth quit warming and, in fact, it may be now in a cooling cycle. That's right. The NOAA National Climate Data Center shows that ground surface temperatures have flattened, and there hasn't been any net warming since 1998, and the RSS microwave sounding units—that's MSU—operating on NOAA satellites show a net cooling since 1998.

It's totally the opposite of every prediction of the United Nations Intergovernmental Panel on Climate Change, that's the IPCC, and their faulty computer models, as well as the army of global warming scientists who have been warning us about higher and higher temperatures of what we could expect.

Well, miraculously, the frantic claims and predictions of manmade global warming have now been replaced with an all-new encompassing warning. So if it gets colder, or it gets warmer, the alarmists will have their way because that's being caused by too much CO_2.

Well, what is being caused? Well, whatever it is, it's being caused by it. And so they changed the words from global warming to climate change and have replaced, as I say, global warming with their climate change.

Well, I guess they think that we would just forget about the predictions and their predictions over and over again being 100 percent wrong. Even the much-touted melting of the icecaps has now reversed itself in the last few years. According to the most recent data from the National Snow and Ice Data Center in Boulder, Colorado, not all the icecaps are melting now. There's melting, and there is also refreezing going on.

So the polar icecaps aren't going away and, yes, the polar bears are not becoming extinct. They were put on the extinct list even though they weren't extinct. In fact, there are some number of polar bear families that are growing dramatically in the last few years, even as we were warned that polar bears were becoming extinct.

Warming has ended, but the power grab continues. What we are now finding out is exactly how ruthless and, yes, deceitful that power grab has been. One example of blackballing is of prominent scientists like Dr. William Gray, Emeritus Professor of Atmospheric Science at Colorado State University and the head of the Tropical Meteorology Project at CSU's Department of Atmospheric Science. Gray had the courage and honesty to point out that there have not, in recent years, been more or stronger hurricanes and other such storms than in the past. No more research grants for him, no attention in the media, either.

Zealots can usually find high-sounding excuses for their transgressions against other professionals like Dr. Gray. Professional figures in white coats with authoritative tones of voices and lots of credentials repeatedly dismiss criticism by claiming that their so-called scientific findings had been peer reviewed, verified by other scientists. It sounds so much beyond reproach. They gave each other prizes as they selectively handed out research grants.

To those who disagreed, like Dr. Gray, no matter how prominent, they were treated like nonentities, like they didn't exist, or were personally disparaged with labels like ''denier.'' Well, you know, Holocaust denier, that's what you do. Now, how much uglier does it get? How much against the standard of professional science can you be than to try to paint someone like that because he disagrees with you?

□ 1650

Well, these unprofessional tactics won't work forever, and it's becoming ever clearer that the man-made global warming steamroller is beginning to fall apart. We now know that the scientists clamoring for subservient acceptance to their theory of man-made global warming were themselves making a sham out of the scientific methodology. We now know what they were doing. I'm speaking, of course, of Climategate, the publication of over 1,000 emails and 3,000 other unofficially

obtained documents from one of the world's foremost global warming research institutes, the Climate Research Unit of East Anglia University in the United Kingdom. And we have all heard of those quotes. Here's a few of them:

''We can't account for the lack of warming at the moment, and it's a travesty that we can't.''

How about another quote: ''I've just completed Mike's nature trick . . . to hide the decline.''

Here's another quote: ''We'll keep them''—meaning the skeptics of their science. ''We'll keep them out somehow—even if we have to redefine what peer-review literature is.''

How about this for another quote: ''If they ever hear there is a Freedom of Information Act now in the U.K., I think I'll delete the file rather than send it to anyone.''

Deleting files? Trying to prevent peer review? What kind of scientists were these? Well, arrogant and politically motivated scientists, that's who.

The unauthorized release of those internal memos exposed the shenanigans of the man-made global warming alarmists and the crime being committed against science and the public. Even though handpicked panels of their peers held the a kangaroo court—yeah, their own peers judged them, that's right—and that kangaroo court loudly proclaimed there had no wrongdoing by these people, well, public confidence was justifiably shaken in the global warming science advocates.

Now, just as that scandal was about to be forgotten, we have an even larger database being exposed showing even more clearly how this elite operates, and it ain't pretty.

Here are some of the quotes from the newly released database: Unfortunately, there is no way to fix the IPCC, and there never was. The reason is that its information over 20 years ago was to support political and energy policy goals, not to search for scientific truth.

Here's another quote: If you disagree with their interpretation of climate change, you were left out of the IPCC process. They ignore or fight against any evidence which does not support their policy-driven mission, even to the point of pressuring scientific journals not to publish papers which might hurt the IPCC's effort.

Here's another one regarding the IPCC: I also think the science is being manipulated to put a political spin on it.

Here's another one: It's very likely that the mean temperature has shown much larger past variability than caught by previous reconstructions. We cannot, from these reconstructions, conclude that the previous 50-year period has been unique in the context of the last 500 to 1,000 years.

What's that mean? That means the current cycle we're in has nothing to do with the burning of fossil fuel by human beings.

I would like to insert an article from James Taylor of Forbes magazine who said Climategate 2: ''These scientists view global warming as a political 'cause' rather than a balanced scientific inquiry.''

CLIMATEGATE 2.0: NEW E-MAILS ROCK THE GLOBAL WARMING DEBATE

(By James Taylor)

A new batch of 5,000 emails among scientists central to the assertion that humans are causing a global warming crisis were anonymously released to the public yesterday, igniting a new firestorm of controversy nearly two years to the day after similar emails ignited the Climategate scandal.

Three themes are emerging from the newly released emails: (1) prominent scientists central to the global warming debate are taking measures to conceal rather than disseminate underlying data and discussions; (2) these scientists view global warming as a political ''cause'' rather than a balanced scientific inquiry and (3) many of these scientists frankly admit to each other that much of the science is weak and dependent on deliberate manipulation of facts and data.

Regarding scientific transparency, a defining characteristic of science is the open sharing of scientific data, theories and procedures so that independent parties, and especially skeptics of a particular theory or hypothesis, can replicate and validate asserted experiments or observations. Emails between Climategate scientists, however, show a concerted effort to hide rather than disseminate underlying evidence and procedures.

''I've been told that IPCC is above national FOI [Freedom of Information] Acts. One way to cover yourself and all those working in AR5 would be to delete all emails at the end of the process,'' writes Phil Jones, a scientist working with the United Nations Intergovernmental Panel on Climate Change (IPCC), in a newly released email.

''Any work we have done in the past is done on the back of the research grants we get—and has to be well hidden,'' Jones writes in another newly released email. ''I've discussed this with the main funder (U.S. Dept of Energy) in the past and they are happy about not releasing the original station data.''

The original Climategate emails contained similar evidence of destroying information and data that the public would naturally assume would be available according to freedom of information principles. ''Mike, can you delete any emails you may have had with Keith [Briffa] re AR4 [UN Intergovernmental Panel on Climate Change 4th Assessment]?'' Jones wrote to Penn State University scientist Michael Mann in an email released in Climategate 1.0. ''Keith will do likewise. . . . We will be getting Caspar [Ammann] to do likewise. I see that CA [the Climate Audit Web site] claim they discovered the 1945 problem in the Nature paper!!''

The new emails also reveal the scientists' attempts to politicize the debate and advance predetermined outcomes.

''The trick may be to decide on the main message and use that to guid[e] what's included and what is left out'' of IPCC reports, writes Jonathan Overpeck, coordinating lead author for the IPCC's most recent climate assessment.

''I gave up on [Georgia Institute of Technology climate professor] Judith Curry a while ago. I don't know what she thinks she's doing, but its not helping the cause,'' wrote Mann in another newly released email.

''I have been talking w/ folks in the states about finding an investigative journalist to investigate and expose'' skeptical scientist Steve McIntyre, Mann writes in another newly released email.

These new emails add weight to Climategate 1.0 emails revealing efforts to politicize the scientific debate. For example, Tom Wigley, a scientist at the University Corporation for Atmospheric Research, authored a Climategate 1.0 email asserting that his fellow Climategate scientists ''must get rid of'' the editor for a peer-reviewed science journal because he published some papers contradicting assertions of a global warming crisis.

More than revealing misconduct and improper motives, the newly released emails additionally reveal frank admissions of the scientific shortcomings of global warming assertions.

''Observations do not show rising temperatures throughout the tropical troposphere unless you accept one single study and approach and discount a wealth of others. This is just downright dangerous. We need to communicate the uncertainty and be honest. Phil, hopefully we can find time to discuss these further if necessary,'' writes Peter Thorne of the UK Met Office.

''I also think the science is being manipulated to put a political spin on it which for all our sakes might not be too clever in the long run,'' Thorne adds.

''Mike, The Figure you sent is very deceptive . . . there have been a number of dishonest presentations of model results by individual authors and by IPCC,'' Wigley acknowledges.

More damaging emails will likely be uncovered during the next few days as observers pour through the 5,000 emails. What is already clear, however, is the need for more objective research and ethical conduct by the scientists at the heart of the IPCC and the global warming discussion.

Perhaps the most perplexing aspect of all of this, amid all of the consternation about their malpractices to which we have now been exposed: The global warming elite just keeps a straight face. They keep up their PowerPoint presentations, distorted graphs and all, and continue projections of man-made global doom and gloom. They try to ignore the uproar and change the subject, but these recent revelations seriously call into question the basic science of man-made global warming fanatics.

In the meantime, a report was recently issued by world-respected scientists at CERN in Switzerland. The CERN study demonstrated it is cosmic rays from the sun that determine global cloud cover, and the clouds have dramatically more to do with temperature than the minuscule amounts of CO_2 in the atmosphere.

The Cloud Project at a highly respected CERN laboratory published a paper in the journal Nature this past August based on this research which shows that the sun's activity is influencing cloud formation and may account for most of the recorded temperature changes in the last century.

I would like to submit an editorial about this project from The Wall Street Journal by Anne Jolis for the RECORD.

THE OTHER CLIMATE THEORY

Al Gore won't hear it, but heavenly bodies might be driving long-term weather trends.

(By Anne Jolis)

In April 1990, Al Gore published an open letter in the New York Times ''To Skeptics on Global Warming'' in which he compared them to medieval flat-Earthers. He soon became vice president and his conviction that

climate change was dominated by man-made emissions went mainstream. Western governments embarked on a new era of anti-emission regulation and poured billions into research that might justify it. As far as the average Western politician was concerned, the debate was over.

But a few physicists weren't worrying about Al Gore in the 1990s. They were theorizing about another possible factor in climate change: charged subatomic particles from outer space, or ''cosmic rays,'' whose atmospheric levels appear to rise and fall with the weakness or strength of solar winds that deflect them from the earth. These shifts might significantly impact the type and quantity of clouds covering the earth, providing a clue to one of the least-understood but most important questions about climate. Heavenly bodies might be driving long-term weather trends.

The theory has now moved from the corners of climate skepticism to the center of the physical-science universe: the European Organization for Nuclear Research, also known as CERN. At the Franco-Swiss home of the world's most powerful particle accelerator, scientists have been shooting simulated cosmic rays into a cloud chamber to isolate and measure their contribution to cloud formation. CERN's researchers reported last month that in the conditions they've observed so far, these rays appear to be enhancing the formation rates of pre-cloud seeds by up to a factor of 10. Current climate models do not consider any impact of cosmic rays on clouds.

Scientists have been speculating on the relationship among cosmic rays, solar activity and clouds since at least the 1970s. But the notion didn't get a workout until 1995, when Danish physicist Henrik Svensmark came across a 1991 paper by Eigil Friis-Christensen and Knud Lassen, who had charted a close relationship between solar variations and changes in the earth's surface temperature since 1860.

''I had this idea that the real link could be between cloud cover and cosmic rays, and I wanted to try to figure out if it was a good idea or a bad idea,'' Mr. Svensmark told me from Copenhagen, where he leads sun-climate research at the Danish National Space Institute.

He wasn't the first scientist to have the idea, but he was the first to try to demonstrate it. He got in touch with Mr. Friis-Christensen, and they used satellite data to show a close correlation among solar activity, cloud cover and cosmic-ray levels since 1979.

They announced their findings, and the possible climatic implications, at a 1996 space conference in Birmingham, England. Then, as Mr. Svensmark recalls, ''everything went completely crazy. . . . It turned out it was very, very sensitive to say these things already at that time.'' He returned to Copenhagen to find his local daily leading with a quote from the then-chair of the U.N. Intergovernmental Panel on Climate Change (IPCC): ''I find the move from this pair scientifically extremely naive and irresponsible.''

Mr. Svensmark had been, at the very least, politically naïve. ''Before 1995 I was doing things related to quantum fluctuations. Nobody was interested, it was just me sitting in my office. It was really an eye-opener, that baptism into climate science.'' He says his work was ''very much ignored'' by the climate-science establishment—but not by CERN physicist Jasper Kirkby, who is leading today's ongoing cloud-chamber experiment.

On the phone from Geneva, Mr. Kirkby says that Mr. Svensmark's hypothesis ''started me thinking: There's good evidence that pre-industrial climate has frequently varied on 100-year timescales, and what's been found is that often these variations correlate with changes in solar activity, solar wind. You see correlations in the atmosphere between cosmic rays and clouds—that's what Svensmark reported. But these correlations don't prove cause and effect, and it's very difficult to isolate what's due to cosmic rays and what's due to other things.''

In 1997 he decided that ''the best way to settle it would be to use the CERN particle beam as an artificial source of cosmic rays and reconstruct an artificial atmosphere in the lab.'' He predicted to reporters at the time that, based on Mr. Svensmark's paper, the theory would ''probably be able to account for somewhere between a half and the whole'' of 20th-century warming. He gathered a team of scientists, including Mr. Svensmark, and proposed the groundbreaking experiment to his bosses at CERN.

Then he waited. It took six years for CERN to greenlight and fund the experiment. Mr. Kirkby cites financial pressures for the delay and says that ''it wasn't political.''

Mr. Svensmark declines entirely to guess why CERN took so long, noting only that ''more generally in the climate community that is so sensitive, sometimes science goes into the background.''

By 2002, a handful of other scientists had started to explore the correlation, and Mr. Svensmark decided that ''if I was going to be proved wrong, it would be nice if I did it myself.'' He decided to go ahead in Denmark and construct his own cloud chamber. ''In 2006 we had our first results: We had demonstrated the mechanism'' of cosmic rays enhancing cloud formation. The IPCC's 2007 report all but dismissed the theory.

Mr. Kirkby's CERN experiment was finally approved in 2006 and has been under way since 2009. So far, it has not proved Mr. Svensmark wrong. ''The result simply leaves open the possibility that cosmic rays could influence the climate,'' stresses Mr. Kirkby, quick to tamp down any interpretation that would make for a good headline.

This seems wise: In July, CERN Director General Rolf-Dieter Heuer told Die Welt that he was asking his researchers to make the forthcoming cloud-chamber results ''clear, however, not to interpret them. This would go immediately into the highly political arena of the climate-change debate.''

But while the cosmic-ray theory has been ridiculed from the start by those who subscribe to the anthropogenic-warming theory, both Mr. Kirkby and Mr. Svensmark hold that human activity is contributing to climate change. All they question is its importance relative to other, natural factors.

Through several more years of ''careful, quantitative measurement'' at CERN, Mr. Kirkby predicts he and his team will ''definitively answer the question of whether or not cosmic rays have a climatically significant effect on clouds.'' His old ally Mr. Svensmark feels he's already answered that question, and he guesses that CERN's initial results ''could have been achieved eight to 10 years ago, if the project had been approved and financed.''

The biggest milestone in last month's publication may be not the content but the source, which will be a lot harder to ignore than Mr. Svensmark and his small Danish institute.

Any regrets, now that CERN's particle accelerator is spinning without him? ''No. It's been both a blessing and the opposite,'' says Mr. Svensmark. ''I had this field more or less to myself for years—that would never have happened in other areas of science, such as particle physics. But this has been something that most climate scientists would not be associated with. I remember another researcher saying to me years ago that the only thing he could say about cosmic rays and climate was that it was a really bad career move.''

On that point, Mr. Kirkby—whose organization is controlled by not one but 20 governments—really does not want to discuss politics at all: ''I'm an experimental particle physicist, okay? That somehow nature may have decided to connect the high-energy physics of the cosmos with the earth's atmosphere—that's what nature may have done, not what I've done.''

Last month's findings don't herald the end of a debate, but the resumption of one. That is, if the politicians purporting to legislate based on science will allow it.

In this piece, she says: charged subatomic particles from outer space, or cosmic rays, might significantly impact the type and quality of clouds covering the Earth, providing a clue to one of the least understood but most important questions about climate. Heavenly bodies might be driving long-term weather trends.

And while scientists have discovered the sun's relationship to cloud cover, even more recently there's been a study directly undermining the theory that CO_2 levels are a major determinant of the Earth's temperature.

A recent editorial from Investor's Business Daily on the topic of this new study about temperature sensitivity to carbon dioxide undermines the case-closed arguments of the scientific elite.

From the editorial: The left's proposed solutions to the world's ills are based on the idea that carbon dioxide is a climate-heating poison that must be scrubbed from the global economy at all costs. Yet another study shows this to be foolishness.

And I submit that for the RECORD at this point as well.

[From the Investor's Business Daily Editorial, Nov. 25, 2011]

GLOBAL WARMING MODELS CALLED INTO QUESTION BY NEW STUDY

Climate: The left's proposed solutions for the world's ills are based on the idea that carbon dioxide is a climate-heating poison that must be scrubbed from the global economy at all cost. Yet another study shows this is foolish.

The study in the journal Science found that global temperatures appear to be far less sensitive to the amount of CO2 in the atmosphere than originally estimated.

This sounds prosaic, but it's a bombshell—another in a long line of revelations showing the scientific fraud at the heart of the anti-global warming movement.

The study's findings are simple and devastating. ''This implies that the effect of CO2 on climate is less than previously thought,'' said Oregon State University's Andreas Schmittner, the study's main author.

Even with a doubling of CO2 from levels that existed before the Industrial Revolution, the study found a likely increase in Earth's temperature only from about 3.1 degrees Fahrenheit to 4.7 degrees Fahrenheit.

That compares with the U.N. Intergovernmental Panel on Climate Change's 2007 report, which predicted an increase of 3.6 degrees to 8.6 degrees.

Coupled with the fact the average global temperature hasn't increased at all over the past decade—even though under all of the global warming models now in use, this is

impossible—warmist ideology is crumbling. There is no climate armageddon on the horizon.

But don't expect global warm-mongers to admit this. As we've discovered from a new trove of emails sent by leading European climate-change scientists, there has been a vast, global green conspiracy to silence scientific opposition to the idea—even to the point of falsifying data and ruining others' careers.

Subscribe to the IBD Editorials Podcast—The left's entire prescription for solving the world's ills—ranging from population control to strict regulation of businesses to shrinking CO2 output—are premised on the notion that carbon-dioxide is a poison.

Happily, the left's pernicious, economy-destroying and false global warming ideology is collapsing under a growing body of evidence that the CO2 scare is a fraud.

Who says we have nothing to be thankful for?

And despite the weaknesses of the linkage between CO_2 and temperature, the alarmists continue with their tactics. We just heard a report published in Nature Climate Change in the last few days that CO_2 emissions in 2010 went up by 5.9 percent, which scientists claimed was the highest total annual growth ever recorded—except they didn't record any CO_2 emissions. They estimated that based on energy use. They didn't take into account new technologies that make gas and oil and coal cleaner and greener. The scientists didn't care about how cleanly coal and oil might be being burned; they just estimated—or guesstimated—CO_2 emissions based on the total amount of coal and oil used. And the media, like their lapdogs, faithfully reported that this sounds like a calamity when you have so much more CO_2 coming in, even though they never measured any CO_2 emissions. None of it was actually recorded.

The truth is CO_2 is not a pollutant. Anybody perpetuating that myth that CO_2 is dangerous, a dangerous pollutant, is contributing to the health-destructive impact of real pollution by diverting resources and attention away from these very real challenges. We have wasted $25 billion or more on this foolishness. That is money that could have been used to develop new energy technologies, for example, that could have moved us off of our dependence on foreign oil.

Some examples of these technologies are the small modular nuclear reactors which could offer us safety and no pollution, no leftover waste, but we didn't have the money for that. How about space-based solar power, which could collect solar energy from the sun out in outer space and transmit it to the Earth?

Developing these new technologies will take hundreds of millions of dollars for these new reactors, billions of dollars for a space-based solar. Instead, we've squandered our billions of dollars and our limited science money and technology dollars on trying to prove that man-made global warming is something that we have to worry about and spread the fear.

We have not pursued these or other technologies which could have fundamentally benefited everyone on the Earth because we have been wasting our time and our resources. We have been trying to figure out how to bury carbon in the ground and other such things.

Well, Mr. Speaker, I'm here to explain that this is utter nonsense and to warn of the danger that lurks behind this high-sounding cause.

Don't miss the significance, by the way, of the Durban conference in South Africa that is gathering now to determine how best to control our lives.

□ 1700

As happened in Kyoto and Copenhagen in the past, they now are meeting in Durban to try to find ways of issuing mandates to the people of the world in the name of stopping global warming.

Mr. Speaker, I would suggest to the people of the United States they pay close attention to this. Eisenhower isn't here to protect us anymore. The fact is our freedom is at stake. The globalists would like to control the people of the United States. It's up to us to defend our freedom. The patriots will win if we stand together.

I yield back the balance of my time.

YEAR IN REVIEW: FIRST SESSION OF 112TH CONGRESS

The SPEAKER pro tempore (Mr. KINZINGER of Illinois). Under the Speaker's announced policy of January 5, 2011, the gentleman from Florida (Mr. WEST) is recognized for 30 minutes.

Mr. WEST. Thank you, Mr. Speaker.

I think it's very important that, as we draw to the close of this first session of the 112th Congress, we come back and we do what I believe is a yearly review or an assessment.

Mr. Speaker, today, the 8th of December, was the target adjournment day that the leadership of the new majority of the United States House of Representatives hoped would mark the end of the first session of the 112th Congress. Yet today we are short of completing some of the most important work that we must accomplish.

As we enter the final days of 2011 and approach the end of this first session of the 112th Congress, I must take the time to offer an apology to the citizens of the 22nd Congressional District of Florida and to all my fellow citizens across this great Nation. It is not because we have not changed the conversation here in Washington, D.C., but because I would have hoped our exertions would have been as a collective body a bit greater. Failure to pass a balanced budget amendment was a great disappointment and an example of a lack of exertion.

When I was elected to the House of Representatives in November 2010, I was one of over 80 new Members that you, the American people, sent to the House of Representatives, entrusting each one of us to come to Capitol Hill and work diligently—and differently than our predecessors—on the critical issues our country was facing during these challenging times. Record high unemployment; a quickly growing debt; out-of-control spending that leads to budget deficits year after year; a spiraling foreclosure rate around the country, and specifically back in our district in south Florida; businesses shutting their doors, due in part to increasing uncertainty provided by the government from crushing regulations issued by Federal agencies in Washington, D.C., and the list goes on.

Friends, neighbors, colleagues, and our fellow citizens all believed our Nation was on the wrong track, and we were concerned for our future. Many of them felt our country's best days were in the past and that our future looked bleak. Each of them wanted our Federal Government to take a different course of action.

Mr. Speaker, I spent the majority of my adult life—22 years—serving in the United States Army, never having been elected to public office. I have dedicated my career to serving our great Nation. But unlike many of those whom I serve with here in Congress, I am not a career politician. I have led soldiers in combat on foreign battlefields, and was ready to go to our Nation's Capitol and lead from the front on this new battlefield. I understood that where my political experience would fall short, my military training would enable me to serve my constituents well in the Halls of Congress, because in the military we were taught a simple principle, Mr. Speaker, and I think you know it well: We work until the mission is complete. And on election night of 2010, I knew that I was embarking, along with my new colleagues, on one of the most challenging missions that I would ever face.

The leadership of the new majority in the House of Representatives created a calendar for the first session of this Congress, and as a newly elected Member of this body, I provided my assessment, stating that I believed the schedule did not provide the necessary days on Capitol Hill to address the pressing issues our Nation faced. Now, 1 year later, unfortunately, it seems I was correct. On the eve of the holiday season, the United States Congress is dealing with some of its most important issues, all while pressed against the desire to be home and with our families and loved ones.

Mr. Speaker, I, along with you, spent many holidays away from my family and friends while serving our country in the Armed Forces. Every time I was away from home during the holiday season, as well as I'm sure you did, I proudly put on my uniform and did my duty on behalf of the American people. And while I may not wear the uniform of the United States Army any longer, I am proud to put on my new uniform of a suit and tie and spend this holiday away from home, once again putting our country first so that we may finish

the job our constituents entrusted us to do.

Now, I don't want people to think that I am not happy about certain things, because I am truly pleased that the regular order has been established here and returned to the House floor. The American people are able to see vibrant debate on the pressing issues and legislation is developed by Members and cleared through committee. We are slowly seeing a move away from megabills. Yet these so-called omnibus bills do a disservice to the American people because, rather than allowing elected representatives to vote ''aye'' or ''nay'' on certain provisions, these bills create a bill that includes hundreds of provisions for passage.

During the first session in the month of April, I was able to bring to the House floor H.R. 1246. This bill cut $35.7 million of wasteful spending in the form of printing and reproduction at the Department of Defense. What was so important about this legislation is that the vote was 393–0, meaning that we were able to get unanimous support from both Republicans and Democrats.

The American people expect their elected to work together to deal with the issues of our Nation. However, Mr. Speaker, we have witnessed over 900 days without the United States Senate passing a budget. That's 900 days. When the House of Representatives did our job and passed a budget on the 15th of April 2011, Democrats continued to use it as a political weapon since it finally addresses the exorbitant mandatory spending that is bankrupting our country and leaving critical programs like Social Security and Medicare on an unsustainable path.

Americans continue to struggle with 9 percent-plus unemployment for over a year. In south Florida, it is even higher. But instead of debating the 20-plus bills passed by the House, many bipartisan, that address the anemic jobs situation in which we are stuck, these bills languish on Senate Majority Leader HARRY REID's desk while President Obama continues to try to convince the American people that this is a ''do-nothing'' Congress. It is indeed a ''do-nothing'' Senate.

One of the most important and constitutionally mandated functions of the Congress is to fund the Federal Government each year before the beginning of the fiscal year on October 1. This year, of the 12 funding bills, the House completed six of those bills and the United States Senate only completed one. Congress did not finish conferencing any appropriations bills to be signed by the President by the October 1 deadline. This means that once again we had to pass continuing resolutions to prevent a shutdown of the Federal Government.

I wrote the chairman of the House Committee on Appropriations suggesting that appropriations bills should be considered on a priority-based tiered system. I presented several questions, such as what he believed should be considered priority bills and whether or not certain appropriations bills should cover a 2-year period in order to provide more certainty in the marketplace.

Mr. Speaker, in the military something that continues to fail means that it is broken. And when something is broken, it must be fixed. Our fellow citizens understand that the path we are on is broken and they also understand it is time to fix it. Therefore, we must focus on structural reforms to our legislative and appropriations process.

Over the course of my first year in office, I have been asked numerous times why we refuse to compromise and why can't we just get something done. Mr. Speaker, I find it very funny that no one talked about compromise in regard to a $2 trillion health care law or a $1 trillion stimulus package or cap-and-trade or Card Check. But my answer is simple: The House of Representatives has tried to work with the Senate and President Obama; yet they refuse to listen to the will of the people. Tabling the cut, cap, and balance piece of legislation during the debt debate is a prime example. Instead, they wish to remain on the same path that has proved to be a failure year after year. They refuse to believe that we need major structural reforms. They did not heed the message of the American people of November of 2010.

□ 1710

And while Washington, D.C. has a budget deficit, the leadership deficit is even more disconcerting. Mr. Speaker, leaders take responsibility; and rarely do they take credit, a simple lesson that was taught to me as a young captain in the United States Army. A strong American leader would not take the misfortunes facing the American people and leverage it for political gain. And the facts speak for themselves.

Since January of 2009, more than 2 million Americans are unemployed, close to 26 million are underemployed. National unemployment has been at or above 9 percent for 28 straight months, at or above 8 percent for 34 straight months. And it is double that in the black community.

Average gas prices have gone from $1.83 to over $3.45. The Federal debt has gone from $10.6 trillion to over $15 trillion, with 3 straight years of trillion-dollar-plus deficits. And the debt per person, Mr. Speaker, has gone from $34,000 to $48,000.

Food stamp recipients are up by 41 percent. Americans in poverty up 16 percent, with an increase of 6.4 million Americans. The Misery Index is up 65 percent, and nearly 48.5 percent of Americans are on some form of government aid.

Home values are down 11 percent, and health insurance premiums are up 23 percent, from $3,354 to over $4,000. United States global competitiveness is down from first to fifth in the world.

We currently borrow 42 cents on every dollar, a dollar which soon, thanks to the insidious monetary policies emanating from the Federal Reserve, may not any longer be the default currency of the world.

Yet with these abysmal statistics, all we hear from the big megaphone of the White House is that we need to tax people—particularly certain people—more. We hear about extending a payroll tax holiday, which is nothing but a Band-Aid approach that only provides a very short-term impetus. What no one is telling the American people, especially our seniors, is that the constant use of payroll tax breaks continues to erode the funding of Social Security, which for the first time this year was running at a deficit.

When combined with the unemployment situation, we are speeding up the demise of Social Security in America. At some point, there must be structural tax and unemployment reform; and we must incentivize our job creators.

America is suffering, Mr. Speaker, from crony capitalism in which the government is picking the winners and the losers in the free market, using our hard-earned taxpayer dollars. We have an Obama administration which believes it is the preeminent venture capitalist in our Nation. Episodes such as Solyndra and MF Global should cause us all grave concern.

You see, American exceptionalism is not constrained by class or caste. There are income levels in our country; but sound economic, tax, and regulatory policies enable our citizens to transit those levels because America is about equal opportunity and not equal achievement, where liberal progressives believe that they are the arbiters of fairness.

There is no leadership emanating from the White House. Instead, we have policy by election-cycle sound bites where the purpose is just to get reelected.

Too many politicians are now focused on manipulative and deceitful rhetoric and not developing visionary, pro-growth economic policies for America. The obvious goal, it seems to me, Mr. Speaker, is to create more victims in America, an America of dependency, not individual independence.

Therefore, our Nation is truly at a crossroads. There is an ever-widening ideological chasm of what we are going to become as a Nation: Shall America continue as a constitutional Republic led by men and women of courage, conviction, and character? Or shall America become a bureaucratic nanny state, ruled by manipulative deceivers seeking their own political gain?

Is America truly that shining city that sits upon a hill, Mr. Speaker, or will that light be forever extinguished? The choice lies before the American people. I hope that they will choose wisely because our children and our grandchildren are watching, as well as our enemies abroad.

But, Mr. Speaker, for America I say this: fear not, for the Guardians of America's Honor shall ensure that the greatest days for this constitutional Republic lie ahead.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today.

Mr. JACKSON of Illinois (at the request of Ms. PELOSI) for today on account of district/constituent matters.

Mr. PASTOR of Arizona (at the request of Ms. PELOSI) for December 12 and until 4 p.m. December 13 on account of official business in the district.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1958. An act to extend the National Flood Insurance Program until May 31, 2012; to the Committee on Financial Services.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 535. An act to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes.

S. 683. An act to provide to the conveyance of certain parcels of land to the town of Mantua, Utah.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, December 9, 2011, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

4206. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Walnuts Grown in California; Increased Assessment Rate [Doc. No.: AMS-FV-11-0062; FV11-984-1 FR] received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4207. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Onions Grown in Certain Designated Counties in Idaho, and Malheur County, OR; Modification of Handling Regulations [Doc. No.: AMS-FV-11-0025; FV11-958-1 FR] received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4208. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Abamectin (avermectin); Pesticide Tolerances [EPA-HQ-OPP-2010-0619; FRL-8890-2] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4209. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Amides, C5-C9, N-[3-(dimethylamino)propyl] and amides, C6-C12, N-[3-(dimethylamino)propyl]; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0093; FRL-8890-8] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4210. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flutriafol; Pesticide Tolerances [EPA-HQ-OPP-2010-0876; FRL-9325-6] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4211. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Methacrylic acid-methy methacrylate-polyethylene glycol monomethyl ether methacrylate graft copolymer; Tolerance Exemption [EPA-HQ-OPP-2011-0583; FRL-8891-4] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4212. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Methacrylic Polymer; Tolerance Exemption [EPA-HQ-OPP-2011-0333; FRL-8891-1] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4213. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Trifloxystrobin; Pesticide Tolerances [EPA-HQ-OPP-2011-0456; FRL-8890-1] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4214. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Transfer and Redesignation of Certain Regulations Involving State Savings Association Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (RIN: 3064-AD82) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4215. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Rescission of Outdated Rules and Forms, and Amendments to Correct References [Release Nos.: 33-9273, 39-65686, 34-2480, IA-3310 and IC-29855] received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4216. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Miscellaneous Metal and Plastic Parts Surface Coating Rules [EPA-R05-OAR-2010-1001; FRL-9478-4] received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4217. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Drum and Pail Coatings [EPA-R03-OAR-2011-0610; FRL-9479-4] received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4218. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Plastic Parts and Business Machines Coatings [EPA-R03-OAR-2011-0600; FRL-9479-6] received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4219. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Transportation Conformity Rule: MOVES Regional Grace Period Extension [EPA-HQ-OAR-2011-0393; FRL-9478-1] (RIN: 2060-AR03) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4220. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — OMB Approvals Under the Paperwork Reduction Act; Technical Amendment; Community Right-to-Know Toxic Chemical Release Reporting [FRL 94884] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4221. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0312; FRL-9485-4] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4222. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Regulatory Changes to Implement the United States/Australian Agreement for Peaceful Nuclear Cooperation [NRC-2011-0072] (RIN: 3150-AI95) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4223. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Exports and Reexports to the Principality of Liechtenstein [Docket No.: 110818514-1531-01] (RIN: 0694-AF33) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4224. A letter from the Chief Acquisition Officer, General Service Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Set-Asides for Small Business [FAC 2005-54; FAR Case 2011-024; Item VI; Docket 2011-0024, Sequence 01] (RIN: 9000-AM12) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4225. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Sudan Waiver Process [FAC 2005-54; FAR Case 2009-041; Item VII; Docket 2010-0105, Sequence 1] (RIN: 9000-AL65) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4226. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Successor

Entities to the Netherlands Antilles [FAC 2005-54; FAR Case 2011-014; Item VIII; Docket 2011-0014, Sequence 1] (RIN: 9000-AM11) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4227. A letter from the Chief Acquisition Office, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions [FAC 2005-54; FAR Case 2008-025; Item II; Docket 2009-0039, Sequence 1] (RIN: 9000-AL46) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4228. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Certification Requirement and Procurement Prohibition Relating to Iran Sanctions [FAC 2005-54; FAR Case 2010-012; Item IV; Docket 2010-0102, Sequence 1] (RIN: 9000-AL71) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4229. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Representation Regarding Export of Sensitive Technology to Iran [FAC 2005-54; FAR Case 2010-018; Item V; Docket 2010-0018, Sequence 1] (RIN: 9000-AL91) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4230. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-54; Small Entity Compliance Guide [Docket: FAR 2011-0077; Sequence 6] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4231. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Technical Amendments [FAC 2005-54; Item X; Docket 2011-0078; Sequence 3] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4232. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Labor Relations Costs [FAC 2005-54; FAR Case 2009-006; Item IX; Docket 2010-0084, Sequence 1] (RIN: 9000-AL39) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4233. A letter from the Office of Sustainable Fishies, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA757) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4234. A letter from the Deputy Assistant General Counsel for the Office of Aviation Enforcement and Proceedings, Department of Transportation, transmitting the Department's final rule — Enhancing Airline Passanger Protections [Docket No.: DOT-OST-2010-0140] (RIN: 2105-AD92) received November 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4235. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Generation-Skipping Transfers (GST) Section 6011 Regulations and Amendments to the Section 6112 Regulations [TD 9556] (RIN: 1545-BG89) received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 443. A bill to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; with an amendment (Rept. 112–318, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1466. A bill to resolve the status of certain persons legally residing in the Commonwealth of the Northern Mariana Islands under the immigration laws of the United States (Rept. 112–319, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1740. A bill to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System; with an amendment (Rept. 112–320). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2719. A bill to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes (Rept. 112–321). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 3069. A bill to amend the Marine Mammal Protection Act of 1972 to reduce predation on endangered Columbia River salmon and other nonlisted species, and for other purposes (Rept. 112–322). Referred to the Committee of the Whole House on the state of the Union.

Ms. ROS-LEHTINEN: Committee on Foreign Affairs. H.R. 2829. A bill to promote transparency, accountability, and reform within the United Nations system, and for other purposes; with an amendment (Rept. 112–323). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the following actions were taken by the Speaker:

The Committee on Energy and Commerce discharged from further consideration. H.R. 443 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

The Committee on the Judiciary discharged from further consideration. H.R. 1466 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

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. SMITH of New Jersey (for himself, Mr. WOLF, and Mr. MCCOTTER):

H.R. 3605. A bill to prevent United States businesses from cooperating with repressive governments in transforming the Internet into a tool of censorship and surveillance, to fulfill the responsibility of the United States Government to promote freedom of expression on the Internet, to restore public confidence in the integrity of United States businesses, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FINCHER (for himself, Mr. CARNEY, Mr. BACHUS, Mr. CROWLEY, Mr. GARRETT, Mr. MCHENRY, Mr. SCHWEIKERT, Mr. WESTMORELAND, Mr. GARAMENDI, Mr. RENACCI, Mr. HUIZENGA of Michigan, Mr. KIND, Mrs. BLACKBURN, Mr. DESJARLAIS, Mr. TIPTON, Mr. POLIS, Mr. CRAWFORD, Mr. GRIFFIN of Arkansas, Mr. AUSTIN SCOTT of Georgia, Mr. PERLMUTTER, Mr. HIMES, Mrs. MCCARTHY of New York, Mr. CONNOLLY of Virginia, Mr. PETERS, Mr. GRIMM, Mrs. CAPITO, Mr. HENSARLING, and Ms. ESHOO):

H.R. 3606. A bill to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; to the Committee on Financial Services.

By Mr. SMITH of Washington (for himself and Mr. DICKS):

H.R. 3607. A bill to establish a program to improve freight mobility in the United States, to establish the National Freight Mobility Infrastructure Fund, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BLACKBURN (for herself, Mr. FORBES, Mrs. LUMMIS, Mr. WALSH of Illinois, Mr. FLEMING, Mr. POSEY, Mr. FLORES, Mr. GARRETT, Mr. WESTMORELAND, Mr. MARCHANT, Mr. GINGREY of Georgia, Mr. DUNCAN of Tennessee, Mr. POE of Texas, Mr. SAM JOHNSON of Texas, Mr. SENSENBRENNER, Mr. SULLIVAN, Mr. MICA, Mr. KINGSTON, Mr. PENCE, Mr. REICHERT, Ms. HERRERA BEUTLER, Mr. BISHOP of Utah, Mrs. ELLMERS, Mr. GRIFFIN of Arkansas, Mr. BURTON of Indiana, and Mr. KING of Iowa):

H.R. 3608. A bill to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to prohibit certain employees of the Transportation Security Administration from using the title of ''officer'' and from wearing uniforms and carrying badges resembling those of law enforcement officers; to the Committee on Homeland Security.

By Mr. LANKFORD (for himself, Mr. BOREN, Mr. GERLACH, and Mrs. BLACKBURN):

H.R. 3609. A bill to provide taxpayers with an annual report disclosing the cost of, performance by, and areas for improvements for Government programs, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. FOXX (for herself, Mr. ROE of Tennessee, Mr. WILSON of South

Carolina, Mr. ROKITA, Mr. GOWDY, Mrs. ROBY, Mr. HECK, and Mr. KELLY):

H.R. 3610. A bill to consolidate and streamline redundant and ineffective Federal workforce development programs to increase accountability, reduce administrative bureaucracies, and put Americans back to work; to the Committee on Education and the Workforce, and in addition to the Committees on Armed Services, Veterans' Affairs, Agriculture, Natural Resources, the Judiciary, Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HECK (for himself, Ms. FOXX, Mr. ROE of Tennessee, Mr. HANNA, Mr. GOWDY, and Mr. KELLY):

H.R. 3611. A bill to amend the Workforce Investment Act of 1998 to increase business engagement and improve training opportunities for occupations that are in-demand in order to get Americans back to work; to the Committee on Education and the Workforce.

By Mr. GIBSON (for himself, Mr. DOGGETT, Mr. WALZ of Minnesota, and Mr. REHBERG):

H.R. 3612. A bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of Georgia (for himself, Mr. FARR, Mr. KISSELL, Ms. JACKSON LEE of Texas, Mr. CONYERS, Ms. LEE of California, Mr. HONDA, Mr. GRIJALVA, Mr. MICHAUD, Ms. RICHARDSON, Ms. FUDGE, Mr. RYAN of Ohio, Mrs. CHRISTENSEN, Mr. CARSON of Indiana, Mr. TOWNS, Mr. OLVER, Mr. FRANK of Massachusetts, Mr. CLAY, Ms. ROYBAL-ALLARD, Mr. BOSWELL, Mr. FILNER, Ms. SLAUGHTER, Ms. SCHAKOWSKY, Ms. NORTON, Mr. DEUTCH, Mr. HINCHEY, Ms. MOORE, Mr. JACKSON of Illinois, Ms. WOOLSEY, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. LEWIS of Georgia, Mr. KILDEE, and Mr. JONES):

H.R. 3613. A bill to amend title XVIII of the Social Security Act to allow for fair application of the exceptions process for drugs in tiers in formularies in prescription drug plans under Medicare part D; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROYBAL-ALLARD (for herself, Mr. HINOJOSA, and Mr. CARNAHAN):

H.R. 3614. A bill to reauthorize the Enhancing Education Through Technology Act of 2001; to the Committee on Education and the Workforce.

By Mr. PEARCE:

H.R. 3615. A bill to amend title III of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of unemployment compensation; to the Committee on Ways and Means.

By Mr. BERG:

H.R. 3616. A bill to provide that the rules of the Environmental Protection Agency entitled ''National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines'' have no force or effect with respect to existing stationary compression and spark ignition reciprocating internal combustion engines operated to generate electricity for emergency or demand response purposes, or for the purpose of operating a water pump; to the Committee on Energy and Commerce.

By Ms. CLARKE of New York:

H.R. 3617. A bill to amend the Child Abuse Prevention and Treatment Act to require States receiving funds under section 106 of such Act to have in effect a State law providing for a criminal penalty on a person who has knowledge of child abuse or neglect, but fails to report such abuse or neglect to a law enforcement official or child protective services; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Mr. ACKERMAN, Ms. BROWN of Florida, Mr. COHEN, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DINGELL, Mr. ELLISON, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HONDA, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Mr. JOHNSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON LEE of Texas, Ms. LEE of California, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. GEORGE MILLER of California, Ms. NORTON, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RANGEL, Ms. RICHARDSON, Mr. RICHMOND, Mr. ROTHMAN of New Jersey, Mr. RUSH, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. TOWNS, and Mr. WATT):

H.R. 3618. A bill to eliminate racial profiling by law enforcement, and for other purposes; to the Committee on the Judiciary.

By Mr. ELLISON (for himself and Mr. STARK):

H.R. 3619. A bill to permanently extend the Protecting Tenants at Foreclosure Act of 2009 and establish a private right of action to enforce compliance with such Act; to the Committee on Financial Services.

By Mr. ENGEL:

H.R. 3620. A bill to amend title IX of the Social Security Act to improve the quality, health outcomes, and value of maternity care under the Medicaid and CHIP programs by developing a maternity care quality measurement program, evaluating maternity care home models, and supporting maternity care quality collaboratives; to the Committee on Energy and Commerce.

By Mr. ISRAEL:

H.R. 3621. A bill to suspend temporarily the duty on certain adjustable metal lighting fixtures; to the Committee on Ways and Means.

By Mr. ISRAEL (for himself, Mr. TIBERI, Mr. GRIJALVA, Mr. HINCHEY, Mr. ELLISON, Mr. FRANK of Massachusetts, and Ms. NORTON):

H.R. 3622. A bill to amend title XVIII of the Social Security Act to provide comprehensive cancer patient treatment education under the Medicare program and to provide for research to improve cancer symptom management; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATTA (for himself and Ms. KAPTUR):

H.R. 3623. A bill to authorize and request the President to award the congressional Medal of Honor to Arthur Jibilian for actions behind enemy lines during World War II while a member of the United States Navy and the Office of Strategic Services; to the Committee on Armed Services.

By Mr. MICHAUD:

H.R. 3624. A bill to authorize the Secretary of Education to enter into voluntary, flexible agreements with certain guaranty agencies to provide delinquency prevention and default aversion services for borrowers and potential borrowers of Federal Direct Loans under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PALLONE:

H.R. 3625. A bill to amend title III of the Public Health Service Act to authorize and support the creation of cardiomyopathy education, awareness, and risk assessment materials and resources by the Secretary of Health and Human Services through the Centers for Disease Control and Prevention and the dissemination of such materials and resources by State educational agencies to identify more at-risk families; to the Committee on Energy and Commerce.

By Ms. PINGREE of Maine (for herself, Mr. MICHAUD, Mr. WELCH, Mr. LANGEVIN, Mr. CICILLINE, and Mr. MARKEY):

H.R. 3626. A bill to provide level funding for the Low-Income Home Energy Assistance Program; to the Committee on Appropriations, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROE of Tennessee (for himself and Mr. HOYER):

H.R. 3627. A bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools; to the Committee on Energy and Commerce.

By Mr. SCALISE (for himself, Mr. BOUSTANY, Mr. LANDRY, Mr. PALAZZO, and Mr. RICHMOND):

H.R. 3628. A bill to extend the National Flood Insurance Program until May 31, 2012; to the Committee on Financial Services.

By Mr. SERRANO:

H.R. 3629. A bill to require retail establishments that use mobile device tracking technology to display notices to that effect; to the Committee on Energy and Commerce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SMITH of New Jersey:

H.R. 3605.

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

Article I, Section 8, Clause 3

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. FINCHER:

H.R. 3606.

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

Article I, Section 8.

By Mr. SMITH of Washington:

H.R. 3607.

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

Article I Section 8 Clause 3—''To regulate Commerce with foreign Nations, and among the several States, and within the Indian Tribes.''

By Mrs. BLACKBURN:

H.R. 3608.

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

Article I, Section 8, Clause 1 of the Constitution of the United States and Article I, Section 8, Clause 18 of the Constitution of the United States.

By Mr. LANKFORD:

H.R. 3609.

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

Article 1, Section 9

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

By Ms. FOXX:

H.R. 3610.

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

Article I, section 8 of the Constitution of the United States

By Mr. HECK:

H.R. 3611.

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

Article I, section 8 of the Constitution of the United States

By Mr. GIBSON:

H.R. 3612.

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

Article I, Section 8, Clause 18

The Congress shall have Power * * * To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. JOHNSON of Georgia:

H.R. 3613.

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

Clause 3 of section 8 of article I of the Constitution, which sets forth the constitutional authority of Congress to regulate interstate commerce.

By Ms. ROYBAL-ALLARD:

H.R. 3614.

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

Article I, Section 8, Clause 18

By Mr. PEARCE:

H.R. 3615.

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

Article I, Section 8, Clause 1 of the United States Constitution

By Mr. BERG:

H.R. 3616.

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

Article I, Section 8, Clause 4.

By Ms. CLARKE of New York:

H.R. 3617.

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

This bill, the See Something, Say Something Act, 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. CONYERS:

H.R. 3618.

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

Pursuant to Section 5 of the Fourteenth Amendment to the United States Constitution, Congress shall have the power to enact appropriate laws protecting the civil rights of all Americans.

By Mr. ELLISON:

H.R. 3619.

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

Article I, Section 8 of the U.S. Constitution

By Mr. ENGEL:

H.R. 3620.

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

The bill is enacted pursuant to the power granted to Congress under the following provisions of the United States Constitution:

Article I, Section 1;

Article I, Section 8, Clause 1;

Article I, Section 8, Clause 3; and

Article I, Section 8, Clause 18.

By Mr. ISRAEL:

H.R. 3621.

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

Article 1, Section 8, Clause 1 of the Constitution of the United States.

By Mr. ISRAEL:

H.R. 3622.

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

Article 1, Section 8, Clause 1 of the Constitution of the United States. Article 1, Section 8, Clause 18 of the Constitution of the United States.

By Mr. LATTA:

H.R. 3623.

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

This bill is enacted pursuant to Article I, Section 8, Clauses 13 and 14 of the United States Constitution.

By Mr. MICHAUD:

H.R. 3624.

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

Article I, Section 8 of the United States Constitution.

By Mr. PALLONE:

H.R. 3625.

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

Clause 18 of Section 8 of Article I of the United States Constitution.

By Ms. PINGREE of Maine:

H.R. 3626.

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

Article I, Section 8, Clause 1—The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. ROE of Tennessee:

H.R. 3627.

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

Article I, Section 8, Clause 1

Article I, Section 8, Clause 18

By Mr. SCALISE:

H.R. 3628.

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

Article I, section 8, clause 1

By Mr. SERRANO:

H.R. 3629.

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

Clause 3 of section 8 of article I of the Constitution.

The Congress shall have Power * * * To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

In addition, Congress has the power to enact this legislation pursuant to the following:

Clause 18 of section 8 of article I of the Constitution.

The Congress shall have Power * * * To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

ADDITIONAL SPONSORS

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

H.R. 23: Mr. BARROW and Mr. AL GREEN of Texas.

H.R. 50: Ms. NORTON.

H.R. 68: Mr. FRANKS of Arizona.

H.R. 104: Mr. KING of Iowa.

H.R. 111: Mr. COOPER.

H.R. 121: Mr. FRANKS of Arizona.

H.R. 139: Mr. MURPHY of Connecticut and Mr. MICHAUD.

H.R. 157: Mr. SHIMKUS and Mr. DUNCAN of South Carolina.

H.R. 234: Ms. JENKINS.

H.R. 361: Mr. ROGERS of Alabama and Mr. AMASH.

H.R. 396: Mr. THORNBERRY.

H.R. 420: Mr. FITZPATRICK.

H.R. 468: Ms. HANABUSA.

H.R. 615: Mr. PEARCE.

H.R. 809: Mr. WELCH.

H.R. 812: Mr. MCGOVERN, Ms. PINGREE of Maine, Mr. MICHAUD, and Mr. MCDERMOTT.

H.R. 814: Mr. ALTMIRE.

H.R. 933: Ms. CLARKE of New York, Ms. LEE of California, Ms. CHU, Mrs. NAPOLITANO, Ms. MOORE, Mr. SERRANO, and Mr. FARR.

H.R. 959: Mr. HEINRICH.

H.R. 1041: Mr. BASS of New Hampshire.

H.R. 1148: Mr. ENGEL, Ms. ZOE LOFGREN of California, Mr. SARBANES, Mr. SCOTT of South Carolina, Mr. BOUSTANY, Mr. MEEHAN, Mr. PAULSEN, Mr. CROWLEY, Mr. MCNERNEY, Mr. BRADY of Pennsylvania, Mr. GARAMENDI, Mr. PERLMUTTER, Mr. BUTTERFIELD, Mrs. SCHMIDT, Mr. FALEOMAVAEGA, Mr. ANDREWS, Mr. CARDOZA, Mr. GALLEGLY, Mr. BACA, and Mr. DESJARLAIS.

H.R. 1159: Mr. BUCSHON.

H.R. 1172: Mr. RUSH.

H.R. 1195: Mr. CASSIDY.

H.R. 1206: Ms. HERRERA BEUTLER.

H.R. 1236: Mr. LATOURETTE, Mr. LOEBSACK, Mr. MILLER of North Carolina, Mr. BURTON of Indiana, and Mr. COBLE.

H.R. 1259: Mr. BASS of New Hampshire.

H.R. 1265: Mr. CROWLEY, Mr. BARLETTA, and Ms. MOORE.

H.R. 1294: Ms. HIRONO and Ms. CASTOR of Florida.

H.R. 1295: Mr. CARSON of Indiana.

H.R. 1348: Mr. PLATTS and Mr. FITZPATRICK.

H.R. 1370: Mr. MARINO and Mr. GRIFFITH of Virginia.

H.R. 1418: Ms. WILSON of Florida.

H.R. 1443: Mr. BOUSTANY.

H.R. 1463: Mr. SCHOCK and Mr. BERMAN.

H.R. 1478: Mr. TIBERI.

H.R. 1511: Mr. PASTOR of Arizona.

H.R. 1513: Mr. RUSH, Ms. ESHOO, and Ms. CLARKE of New York.

H.R. 1546: Mr. MCGOVERN.

H.R. 1614: Mr. HARRIS.

H.R. 1676: Mr. COOPER.

H.R. 1718: Mr. CONNOLLY of Virginia.

H.R. 1738: Mr. SHERMAN.

H.R. 1744: Mr. MARINO.

H.R. 1895: Mr. DOYLE, Ms. NORTON, and Mrs. LOWEY.

H.R. 1957: Mr. LEWIS of Georgia.

H.R. 1964: Mr. PIERLUISI, Mr. GALLEGLY, Mr. ISSA, Mrs. ELLMERS, and Mr. MARCHANT.

H.R. 1996: Mr. DUNCAN of South Carolina.

H.R. 2001: Mr. FARENTHOLD.

H.R. 2033: Mr. COOPER.

H.R. 2139: Mr. WALBERG, Mr. CANSECO, Mr. CLAY, Ms. PINGREE of Maine, Mr. LATOURETTE, Mr. GRIFFIN of Arkansas, and Mr. FLEISCHMANN.

H.R. 2140: Ms. DEGETTE and Mr. TOWNS.
H.R. 2288: Mr. BARROW.
H.R. 2313: Mr. CASSIDY and Mr. WESTMORELAND.
H.R. 2359: Mr. TIERNEY.
H.R. 2396: Mr. PRICE of North Carolina.
H.R. 2412: Ms. EDWARDS.
H.R. 2432: Mr. LUETKEMEYER.
H.R. 2466: Mr. OLSON.
H.R. 2499: Mr. FARR.
H.R. 2500: Mr. COHEN.
H.R. 2528: Mr. SHIMKUS.
H.R. 2530: Ms. CHU.
H.R. 2536: Ms. HIRONO.
H.R. 2541: Mr. GRIFFITH of Virginia.
H.R. 2543: Mr. COHEN.
H.R. 2547: Mr. HINOJOSA and Mr. HASTINGS of Florida.
H.R. 2569: Mr. NUNES and Mr. CONNOLLY of Virginia.
H.R. 2595: Mr. BLUMENAUER.
H.R. 2617: Mr. SCOTT of Virginia.
H.R. 2655: Ms. MOORE and Mr. RICHMOND.
H.R. 2697: Ms. BROWN of Florida.
H.R. 2706: Mr. LANDRY.
H.R. 2755: Mr. GERLACH.
H.R. 2809: Ms. BERKLEY, Ms. LEE of California, Mr. CLARKE of Michigan, Mr. THOMPSON of Mississippi, and Mr. RUSH.
H.R. 2810: Mr. MARCHANT.
H.R. 2834: Mr. REHBERG.
H.R. 2900: Mr. POSEY.
H.R. 2962: Mr. DENT and Mr. POSEY.
H.R. 2969: Mr. COOPER, Mr. PAYNE, Mr. BENISHEK, and Mr. LUETKEMEYER.
H.R. 3014: Ms. NORTON.
H.R. 3059: Mr. THOMPSON of Pennsylvania, Mr. WALDEN, Mrs. BONO MACK, and FARENTHOLD.
H.R. 3062: Mr. PEARCE.
H.R. 3076: Ms. NORTON.
H.R. 3096: Mr. FLEISCHMANN.
H.R. 3138: Ms. CHU.
H.R. 3166: Mr. WOLF.
H.R. 3200: Mr. BUTTERFIELD.
H.R. 3202: Mr. HIGGINS and Ms. PINGREE of Maine.
H.R. 3207: Mr. GUTHRIE and Mr. MCKINLEY.
H.R. 3216: Mr. GIBBS and Mr. RUNYAN.
H.R. 3243: Mr. FRANKS of Arizona.
H.R. 3269: Mr. LATTA, Mr. JONES, Ms. BALDWIN, Mrs. BIGGERT, Ms. CHU, Mrs. MCCARTHY of New York, Mr. GARDNER, Mr. HIGGINS, Mr. TERRY, Mr. KELLY, and Mr. PEARCE.
H.R. 3307: Mrs. CAPPS, Ms. BORDALLO, Ms. BERKLEY, Mr. ROTHMAN of New Jersey, Mr. BERMAN, Mr. WAXMAN, Mr. MCGOVERN, Mr. MARKEY, Mr. GEORGE MILLER of California, Mr. ISRAEL, and Mr. LEVIN.
H.R. 3325: Mrs. LOWEY.
H.R. 3346: Mr. THOMPSON of California and Mr. MICHAUD.
H.R. 3365: Mr. REICHERT.
H.R. 3366: Mr. SCHOCK.
H.R. 3378: Mr. DINGELL.
H.R. 3393: Mr. BILIRAKIS and Mr. YOUNG of Alaska.
H.R. 3397: Mr. REHBERG.
H.R. 3399: Ms. ROS-LEHTINEN.
H.R. 3400: Mr. CHABOT, Mr. FLAKE, Mr. MANZULLO, Mr. WEST, and Mr. FLEISCHMANN.
H.R. 3421: Mr. BLUMENAUER, Mr. MURPHY of Connecticut, Mr. GRIJALVA, Mr. SARBANES, Ms. WILSON of Florida, Mr. ISRAEL, Ms. ZOE LOFGREN of California, Mr. RUPPERSBERGER, Mr. COOPER, and Mr. BISHOP of Georgia.
H.R. 3425: Mr. SERRANO, Mr. LEVIN, and Mr. BACA.
H.R. 3435: Mr. BERMAN, Mr. CLARKE of Michigan, Mr. CARDOZA, Mr. BOSWELL, Mr. CROWLEY, and Mr. CONYERS.
H.R. 3437: Mr. SERRANO.
H.R. 3440: Mr. SCHWEIKERT, Mr. DUNCAN of Tennessee, Mr. POSEY, and Mr. CALVERT.
H.R. 3441: Mrs. LUMMIS, Mr. DUNCAN of Tennessee, Mr. ROE of Tennessee, Mr. LAMBORN, Mr. TERRY, Mr. MICA, Mr. AMODEI, Mr. ROONEY, Mr. HALL, and Mr. JORDAN.
H.R. 3453: Mr. PETRI and Mr. CAMP.
H.R. 3457: Mrs. LOWEY.
H.R. 3462: Mrs. LOWEY.
H.R. 3465: Mr. PALLONE.
H.R. 3474: Mr. GRIMM.
H.R. 3480: Mr. KELLY.
H.R. 3483: Ms. BROWN of Florida.
H.R. 3503: Mr. FRANK of Massachusetts.
H.R. 3521: Mr. SHULER, Ms. CASTOR of Florida, Mr. HENSARLING, and Mr. DUNCAN of South Carolina.
H.R. 3523: Mr. LATTA, Mr. QUAYLE, Mr. MCHENRY, Mr. FRELINGHUYSEN, and Mr. YODER.
H.R. 3548: Mr. BROUN of Georgia, Mr. FLORES, Mr. LAMBORN, and Mr. WALDEN.
H.R. 3572: Mr. POE of Texas.
H.R. 3578: Mr. MCCLINTOCK and Mr. GOHMERT.
H.R. 3581: Mr. DUNCAN of South Carolina.
H.R. 3583: Mr. DUNCAN of South Carolina and Mr. BOREN.
H.R. 3590: Mr. SABLAN.
H.R. 3594: Mr. COBLE and Mr. MARCHANT.
H.J. Res. 88: Mr. WELCH.
H.J. Res. 90: Mr. ELLISON.
H.J. Res. 92: Ms. LEE of California.
H. Con. Res. 85: Mr. LANGEVIN, Mr. CARSON of Indiana, and Mr. QUIGLEY.
H. Con. Res. 87: Mr. BENISHEK and Mr. FILNER.
H. Con. Res. 89: Mr. GOHMERT, Mr. MULVANEY, Mr. FLORES, Mr. GARRETT, Mr. BROOKS, Mrs. SCHMIDT, Mrs. BLACKBURN, Mr. FORBES, Mrs. LUMMIS, Mrs. HARTZLER, Mr. RIBBLE, Mr. WEST, Mr. STUTZMAN, Mr. MCCLINTOCK, Mr. PEARCE, Mr. YODER, Mr. ROE of Tennessee, Mr. BURGESS, Mr. FLEISCHMANN, Mr. COLE, Mr. GOODLATTE, Mr. WALSH of Illinois, Mr. HUELSKAMP, Mr. FLEMING, Mr. GINGREY of Georgia, Mr. CONAWAY, Mr. POSEY, Mr. CHABOT, Mr. BARTON of Texas, Mr. GRAVES of Georgia, Mr. CAMPBELL, Mr. DUNCAN of South Carolina, Mr. ROKITA, Mr. CHAFFETZ, Mr. LANKFORD, Mr. QUAYLE, Mr. LABRADOR, Mr. WILSON of South Carolina, Mr. HARRIS, Mr. FORTENBERRY, Mr. MANZULLO, MR. HULTGREN, and Mr. HUIZENGA of Michigan.
H. Res. 134: Mr. FALEOMAVAEGA, Mr. RIVERA, and Mr. DUNCAN of South Carolina.
H. Res. 262: Mr. COHEN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 3538: Mr. COOPER.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, THURSDAY, DECEMBER 8, 2011 No. 188

Senate

The Senate met at 9:31 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

King and judge of the universe, You rule with righteousness and govern with justice. You have been good to us, restoring our strength and directing our footsteps.

Today guide our Senators in their labors. In these difficult days empower them to produce dividends of character and grace. We pray not for tasks fitted to their strength but for strength which fits them for their tasks. In the hard decisions of this day, guide them by Your word and spirit.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER, a Senator from the State of Montana, led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 8, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in executive session to consider the nomination of Richard Cordray to be Director of the Consumer Financial Protection Bureau. At 10:30 a.m., there will be a cloture vote on the Cordray nomination. If cloture is not invoked, the Senate will resume consideration of the motion to proceed to S. 1944, the Middle Class Tax Cut of 2011. As a reminder to all Senators, cloture has been filed on the motion to proceed to S. 1944. Unless an agreement is reached, that will be tomorrow morning.

CORDRAY NOMINATION

Mr. REID. Mr. President, shortly the Senate will vote on the confirmation of Richard Cordray to lead the Consumer Financial Protection Bureau. Again, the Consumer Financial Protection Bureau. I stress ''consumer.'' By now we all know my Republican colleagues will filibuster Mr. Cordray's nomination. They said they will. This is not an up-or-down vote. In the Republicans' effort to not allow this vote, they are stopping a vote on this very qualified man.

They are not blocking this nomination because of any fault, real or perceived, in this candidate. He has bipartisan support and is eminently qualified. He has a long history of protecting consumers against the unfair practice of financial predators. He currently serves as chief of enforcement at the Bureau.

Before that, Mr. Cordray served as Ohio's attorney general, a very important job in a very heavily populated State. While there, he recovered billions of dollars from pension funds on behalf of retirees, investors, and others. He took action against fraudulent foreclosures and predatory lending. He is qualified, and he is a man of diligence.

The Republicans are blocking his nomination and not allowing a vote because they don't like the Federal agency he would lead, an agency established by law. This is the first time in the Senate's history that a party has blocked a qualified candidate solely because they disagreed with the existence of an agency that has been created by law.

Republicans are doing this to undermine the system of law we have in our country. Democrats fought to pass Wall Street reform last year to protect against the greed of big banks. Well, without a director, the Consumer Financial Protection Bureau doesn't have the tools it needs to get the job done. It is shocking that despite the economic crash in our rearview mirror—it is easy to look back and see what happened because of Wall Street greed—Republicans, in spite of that, would leave consumers without a watchdog to guard against the greed of Wall Street. That is unfortunate.

Would the Chair announce the business of the day.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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EXECUTIVE SESSION

NOMINATION OF RICHARD CORDRAY TO BE DIRECTOR, BUREAU OF CONSUMER FINANCIAL PROTECTION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:30 a.m. will be equally divided and controlled between the two leaders or their designees.

Mr. REID. I ask that a quorum be called and the time be equally divided between the two sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. This morning the Senate will vote whether the new Consumer Financial Protection Bureau should be able to put a director in place before concerns about its accountability to the American people are addressed. Let me stress that is all today's vote is about. Today's vote is about accountability and transparency. It is a debate about whether we think Americans need more oversight over Washington or less.

Republicans made our position clear more than 7 months ago when 44 of us signed a letter saying we will not support a nominee for this Bureau, no matter who the President is, until three commonsense conditions are met that would bring some transparency and accountability to the CFPB. That letter now has 45 signatories.

The President knew about these concerns months ago and he chose to dismiss them. Now he is suddenly making a push to confirm his nominee because it fits into some picture he wants to paint about who the good guys are and who the bad guys are here in Washington. So, once again, Democrats are using the Senate floor this week to stage a little political theater. They are setting up a vote they know will fail so they can act shocked about it later. This is what passes for leadership at the White House right now.

The President has made his choice about how to deal with this issue, and we have made ours. What we have said is that until this or any other President addresses these legitimate concerns, we cannot and will not support a nominee. Here is what we said in that letter 7 months ago: First, replace the single Director with a board of directors who would oversee the Bureau. Second, subject the Bureau to the congressional appropriations process. Third, allow other financial regulators to provide a check on CFPB rules so they don't imperil the health of financial institutions and lead to unnecessary bank failures.

Look, everybody supports strong and effective oversight, but that has to include the overseers as well. Unelected bureaucrats must be held accountable to the American people, and that is exactly what our proposal would do. So it is up to the President. Republicans have outlined our concerns and they are well known. We are not going to let the President put another unelected czar in place, unaccountable to the American people. And, frankly, his refusal to work with us only deepens our concerns. The CFPB requires reforms before any nominee can be confirmed. It is time the President takes these concerns seriously.

I look forward to hearing from the President on this issue so we can put in place the kind of oversight and accountability the American people expect in an agency of this size and this scope. Until then, I will vote against this nominee for the CFPB and any others that this or any other President sends until he works to fix the problems, until he brings transparency to this bureaucracy and accountability to the American people.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. 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.

Mr. SHELBY. Mr. President, I rise today in opposition to the motion to invoke cloture on the nomination of Richard Cordray to be the Director of the Bureau of Consumer Financial Protection.

Earlier this year, I and 44 of my colleagues sent a letter to the President expressing our concerns with the unaccountable structure of the Bureau. It is now 7 months later and the President has yet to respond.

The majority has called for a vote they know will fail today. It is evident the White House and the majority have decided to place politics ahead of good policy. They have chosen to fabricate a political issue rather than do what is in the best interests of consumers. Nonetheless, they claim this debate is about consumer protection.

There is no disagreement, however, that consumer protection, as the Acting President pro tempore knows, needs to be enhanced. The only real point of contention is whether the new Bureau of Consumer Financial Protection will be accountable to the American people.

If we believe regulators never fail, then the current structure of the Bureau is just fine. Yet we all know regulators do fail and their failures harm consumers.

Members of the majority, I believe, have repeatedly made this point with their criticism of the Fed's failure to regulate subprime mortgages and the OCC's preemption of State consumer protection laws.

I strongly agree with the majority that our regulators failed to do their jobs in the lead-up to the financial crisis. But the lesson we should learn from the financial crisis is not that we need more unaccountable regulators. Instead, all of our financial regulators need to be held more accountable.

Just as banks should be held accountable for their failures, regulators should also be held accountable for theirs. After all, if regulators know Congress can hold them accountable, they will have a far stronger incentive to do their jobs. That will be good, as we all know, for consumers. That is why, if the Bureau is reformed, the biggest winners will be the American consumers.

Today, however, the majority will show that they are now more concerned with insulating bureaucrats from accountability and rewarding political allies than looking out for consumers. The administration and the majority will try to argue that the Bureau already is accountable. Indeed, they will say it is more accountable than any other financial regulator. But let's look at the facts. The facts tell a different story.

First, it is necessary to appreciate the amount of power placed in the hands of the Director of this Bureau. No bureaucrat will have more power over the daily economic lives of Americans than this Director. The Director, in effect, will decide which Americans can access credit to buy homes, purchase cars, and pay for college. The Director will regulate not only financial companies but also tens of thousands of Main Street businesses. Also, the Director will unilaterally decide how the Bureau spends its up to $600 million budget.

Despite the vast power vested in the hands of the Director, there are no effective checks on the Director's authority. To truly understand just how unusual the structure of the Bureau is, one need only compare it to other independent agencies.

Unlike the Chairman of the SEC, the CFTC, and the Federal Reserve, the Director of the Bureau does not have to obtain the agreement of other board members or other government officials before acting. Unlike other consumer protection agencies, the Bureau is not subject to the congressional appropriations process. Indeed, other consumer

protection agencies, such as the Federal Trade Commission and the Securities and Exchange Commission, are both subject to appropriations and are governed by five-member boards.

To further ensure against one party domination, the FTC and the SEC can have no more than three members from the same political party. Another important comparison is with the Consumer Product Safety Commission. This agency actually served as the template for Professor Warren when she first advocated for the creation of a consumer protection agency in an article several years ago. How is the Consumer Product Safety Commission structured? It is, first, funded through appropriations, and there is a five-member commission.

Opponents of accountability have sought to justify the structure of this Bureau by pointing to the Office of the Comptroller of the Currency and the Federal Housing Finance Agency. Once again, the facts refute their argument.

First, the Comptroller can be removed at any time by the President for any reason. In contrast, the President can remove the Director of the Bureau only for limited grounds of ''inefficiency, neglect of duty or malfeasance.'' This means the Director of the Bureau cannot be removed even if the Director pursues policies that are harmful to the American people. How is that good for consumers?

As for the Federal Housing Finance Agency, its Director is far less powerful than the Director of the Bureau. The Director of the Federal Housing Finance Agency oversees the regulation of only 14 financial institutions. He does not have sweeping powers over all consumers and tens of thousands of Main Street businesses like the Director of the Bureau would have.

It should be common sense that the more power an agency has, the more accountable it needs to be. Moreover, rather than attempting to point to other regulators to justify the structure of the Bureau, a more responsible approach would be to make all of our financial regulators more accountable. And we should begin right here with the Bureau.

To make the Bureau more accountable, we have proposed three commonsense reforms.

First, the Bureau should be led by a board of directors, as I have said. This is such a commonsense measure that the President and the Democratic-controlled House originally called for the consumer agency to be structured as a commission.

Second, the Bureau's funding should be subject to congressional appropriations.

Currently, the Federal Reserve is required to transfer up to $600 million to the Bureau each year. These are funds that could otherwise be remitted to the Treasury and used for deficit reduction or other things. Diverting this money to fund an unaccountable Federal agency sets a dangerous precedent of using the Federal Reserve as an off-budget mechanism for funding programs. It had not happened before.

In addition, funding the Bureau through the Fed removes any check on runaway spending. I believe the fiscally responsible way to fund the Bureau is through the congressional appropriations process just as every other consumer protection agency is funded.

Our third reform proposal is to create an effective safety and soundness check for the prudential bank regulators.

Some have said the Bureau already has a check under the so-called Financial Stability Oversight Council veto. But this veto was designed so it would never actually constrain the Bureau. The council can only overturn a rule in an extremely rare case: The rule must put at risk the safety and soundness of the entire U.S. banking system or the stability of the U.S. financial system.

Under this construct, a rule could cause the failure of multiple banks, but the council still would not have standing to alter the rule. Additionally, the procedure is rigged to prevent the council from acting. It takes an affirmative vote of at least two-thirds of the council's members to set aside one of the Bureau's rules, and the Bureau's Director is a voting member of the council.

In addition, only 3 of the council's 10 members are actually bank prudential regulators. This veto is not a check on the powers of the Bureau. It is a sham that they have today. We need to change that.

Recent history shows that taxpayers are ultimately on the hook for bank failures. For this reason, consumer protection needs to be carefully coordinated with bank regulation to prevent against unnecessary bank failures.

As presently structured, the Bureau can ignore any advice offered by banking regulators, even if it undermines the safety and soundness of banks. Unless this structural flaw is remedied, a real possibility exists that the consumer bureau will one day cause bank failures that end up harming consumers, taxpayers, and our economy.

In light of the reasonableness of the reform proposals we have requested, the question remains: Why are the administration and the majority so insistent that the Bureau be unaccountable?

Clearly, they want to use the Bureau as a political issue. A second reason is that they believe nonbank financial institutions are not currently regulated. But this is false. The Federal Trade Commission, the State attorneys general, and State financial regulators all have authority over nonbanks. A more likely reason for today's vote is that the Bureau will provide funding to key liberal activists, such as ACORN.

Other agencies must return to the Treasury funds what they receive from enforcement actions. This consumer bureau, as now structured, is allowed to dole out money it collects from fines and penalties to liberal consumer groups. This reveals why the administration and the majority want so desperately for the Bureau to be unaccountable. They want the Bureau to be a permanent funding machine for their political allies.

Finally, we are going to hear that our methods to achieve reform are unprecedented in the history of the Senate. It has been said:

> Never before has the consideration of a nominee been conditioned on a change in the law.

This, of course, is ridiculous on its face. It is nonsense. Nominees are held routinely in the Senate by both parties, for any number of reasons, including the desire to make changes in existing law. The only thing different in this particular case is that it is completely transparent. No secret backroom deals. We are right here in the open.

After all the harm caused to consumers by financial regulators, it is time the majority stops using consumer protection as a political football and starts taking actions that actually help consumers. We can take the first step by reforming the Bureau to make it accountable to the very consumers it purports to protect.

Until that time, however, we cannot, we should not, and we will not move forward on the nomination of the Director to lead this massive and unaccountable bureaucracy. I urge my Democratic colleagues to stop obstructing reform and join with us to move forward on real consumer protection.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to be recognized for 5 minutes at the conclusion of Senator JOHNSON's remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JOHNSON of South Dakota. Mr. President, 2 months ago the Senate Banking Committee voted along party lines to send to the full Senate the nomination of Richard Cordray to be the first Director of the Consumer Financial Protection Bureau. Due to an unprecedented and irresponsible display of political gamesmanship, Mr. Cordray's nomination and strong protections for American consumers are being held hostage.

Before any candidate was put forth, Senate Republicans pledged to block the nomination, and their objections have nothing to do with Mr. Cordray's qualifications, his politics, or his character. Republican Senators have actually admitted as much, with a public pledge to block any nominee for the new consumer agency until a list of legislative demands, which would greatly weaken the agency, are met. That those demands were debated and rejected by a bipartisan Congress last year is beside the point. The minority

party is distorting the Senate confirmation process, mandated by the Constitution, to rewrite a law against the wishes of the American people.

Why do Senate Republicans remain opposed to consumer protection despite national surveys showing 3-in-4 bipartisan voters support the new agency's creation? Whatever the motivation, it appears to outweigh any concerns about protecting families buying homes, students borrowing for college, and service members or older Americans falling prey to financial scams.

This vocal minority opposed to strong consumer protection and helped by special interests have drummed up misleading claims to hide behind. They claim the CFPB Director will put the economy at risk—ignoring the effects of the foreclosure crisis, which was itself fueled by irresponsible and predatory lending. They claim the agency lacks accountability—ignoring the fact that it is bound by accountability measures comparable to or exceeding that of other independent financial regulators. And they claim restrictions on abusive financial products will hurt lenders—ignoring the damage those products inflicted on consumers tricked into signing unfair contracts filled with hidden fees and penalties.

In reality the CFPB was created as an accountable yet independent regulator in bipartisan negotiations last year. Its mission is to protect consumers—by cracking down on predatory lenders and streamlining disclosures so families can make better informed financial choices. But until it has a confirmed director in place, the CFPB's authority over nonbank financial institutions, like private student lenders and mortgage brokers, will be stifled. Every day Mr. Cordray's confirmation is blocked, vital protections are delayed, millions of Americans—including service members, veterans and older Americans—are left vulnerable, and the Nation's community banks and credit unions remain at a disadvantage to their less-regulated competitors.

The question we consider today should not be whether the minority party can hijack this constitutional process and demand as ransom legislative changes that would hamstring the consumer agency. The question should be whether Mr. Cordray is qualified for the job. And I believe that Mr. Cordray is an outstanding candidate. For years Richard Cordray has worked tirelessly as a public servant. As Ohio's Attorney General he aggressively pursued financial crimes by banks and mortgage firms, and won more than $2 billion in settlements for the State. And as Ohio's first solicitor, he argued cases before the Supreme Court to protect consumers and enhance the quality of our financial markets.

American families paid a steep price for the financial crisis, battered by layoffs and foreclosures. Yet incredibly, many of the bad actors that contributed to the crisis remain poorly regulated and continue to lobby against tougher regulation. Congress created the CFPB to protect consumers and clean up the marketplace, but it needs a director. Richard Cordray has proven himself capable for the job, and there is no legitimate reason to block his confirmation.

I urge my colleagues to reconsider their political game playing and do the right thing.

Stop blocking Richard Cordray's nomination and allow him to have an up or down vote.

I yield to my colleague from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I wish to thank the chairman for his leadership on this important issue and so many others before the Banking Committee.

Since September 2008, we have learned many hard lessons about the factors that contributed to the financial crisis. To address systemic risks and to fix the system, we passed the Dodd-Frank Wall Street Reform and Consumer Protection Act. One of the most important reforms we made in that legislation was the creation of the Consumer Financial Protection Bureau, or the CFPB. The CFPB is charged with stopping abusive mortgage originators, stopping abusive credit card companies, and stopping abusive private student loan lenders.

For years we have had organizations whose purpose was to protect the banking system and, indirectly, consumers. We need to provide a balance. Frankly, if we had this balance in place prior to 2008, we might have avoided some of the incredible costs we have seen not only to consumers but to the entire banking system as a result of predatory behavior by many different financial institutions.

Unfortunately, many of my Republican colleagues are trying not to correct deficiencies in the Dodd-Frank act or improve it. They want to gut it. One of the things they want to take out is consumer protection, and they want to do that by denying a nominee to head up this important agency.

It certainly is a prerogative of my colleagues to work on improving any piece of legislation, but effectively to say: We will not let legislation that has passed this body by 60 votes and that has ample precedent in the law to take effect because we won't put a person in charge is, I think, abusing the process.

We have worked on this issue, and we know consumers need these types of protections. We know that daily there are scams targeting the elderly. There are unscrupulous mortgage lenders and abusive payday lenders. Most financial firms are not like this—in fact, these individuals probably represent a very small minority of the financial community, but they are abusive predators, particularly to the most vulnerable people in our society.

There has been a lot of discussion about the 1 percent and the 99 percent. Well, guess what, the 99 percent are consumers, and the 1 percent are probably those people who are running some of these financial institutions, some of them fairly and scrupulously, but others who are not.

We want to protect consumers in this country—all of us—certainly the 99 percent, but because of Republican opposition of this nominee, we are running into a real problem. If we do not have a head of this organization, then it cannot effectively implement regulations and effectively enforce the laws it has been given the task to oversee and implement.

We have to have rules that apply across the country that get at the shadow banking system, that provide the kinds of protections consumers can rely on, and that, in fact, improve the operation of the marketplace. Again, I think some of the people who regret what happened the most in the 2007, 2008, 2009 time period are financial leaders looking around and saying: Why wasn't anyone checking the behavior of some of the financial companies out there that have ruined my marketplace and ruined my reputation? Well, we have to do that.

The longer Richard Cordray is blocked, the longer such disreputable practices in the financial marketplace can continue. And Richard Cordray is entirely qualified: as former treasurer of the State of Ohio, he knows the financial business and worked closely with banks at the Treasury, as former attorney general of Ohio, he worked to protect consumers, and as an individual, he has the intellect and the character to do an outstanding job. We have to get him in place.

Who suffers if we don't do this? Well, among those who are suffering are military personnel. I had the privilege of commanding a paratrooper company in the 82nd Airborne Division in the 1970s. I was an executive officer, and I handled all the complaints, all the dunning, all the letters that were coming in from my soldiers. It has gotten worse.

Holly Petraeus, who is the head of the Office of Servicemember Affairs at the CFPB, testified before the committee. She talked about Internet lenders who target military personnel—vulnerable soldiers and their families—who are about to deploy or who just came back from Afghanistan. They will give loans of up to 40 percent of a soldier's pay. Of course, the interest rate can be as high as 584 percent APR. We can't stop that until we get somebody such as Richard Cordray in charge of this organization.

She also talked about the dunning calls, 20 times a day, threatening them: We will go to your commander. We will have you court-martialed. We will take away your security clearance. We will ruin your career.

We have to stop that. This is about real people, real consumers. We have to confirm Richard Cordray.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I understand I have 5 minutes.

The PRESIDING OFFICER. There is no order. The Senator may use 5 minutes.

Mr. MENENDEZ. Thank you very much.

Let me first thank Chairman JOHNSON for his leadership in this regard and in so many other major issues before the Banking Committee. He has really exercised a lot of our oversight obligations in making sure we implement Wall Street reform in a way that protects all of us as taxpayers in the country but creates a system that can still let us economically flourish, and this is one of those.

For too long too many in Washington protected Wall Street from commonsense regulations and let consumers fend for themselves. For too long Republican economic policy, when it should have protected the 99 percent of American consumers from the reckless financial games that led us to the brink of economic disaster in 2008, protected the 1 percent on Wall Street instead.

Banks played Russian roulette with the future and economic security of middle-class families, and no one—no one—was watching. Backed up by too-big-to-fail government guarantees, they wreaked havoc on our economy and on the jobs and retirement savings of families who played by the rules.

We have lived through the unfortunate results of lax oversight, and now it is time to work together to correct it. It is time to stop the political games and govern. It is time to act. It is time to work together to make sure middle-class families get the protection they deserve and the watchdog they need.

This is really about whose side a person is on. Cordray and consumer protection are being blocked simply because Republicans want to protect Wall Street. Wall Street already has a legion of lobbyists protecting its interests. We need someone who can protect Main Street's interests, and that is what Richard Cordray would do as the Director of the Consumer Financial Protection Bureau.

Richard Cordray is an unquestionably well-qualified nominee, and no one is disputing that fact—no one. I have not heard anyone dispute his qualifications for the job. We know the Consumer Financial Protection Bureau would be off to a good start with Richard Cordray at the helm, despite efforts by special interests to derail the process. It will be a strong but fair agency under Richard Cordray—to protect financial consumers who are tired of being tricked by the fine print, the ''gotcha'' paragraphs that no one but a bank lawyer would understand.

Despite hysterical claims from Wall Street, the Bureau actually won widespread praise from both consumers and the industry for its first major initiative when it created a new and greatly simplified Know Before You Owe mortgage loan disclosure form so that consumers understand what kind of mortgage they are getting into before they take it. Had we had that type of language early on, maybe we wouldn't have had part of the crisis in which consumers were led to bad mortgage products—products that ultimately had skyrocketing interest rates—when they qualified for a conventional mortgage. Maybe we wouldn't be in the great predicament we have been in since 2008.

Under Wall Street reform, Richard Cordray will be there to prevent those families from being ripped off again. Fixing our broken system was not easy, and it is still not over. We are still fighting to keep the ground we have gained against special interests.

The longer this nomination is delayed, the more consumers will suffer. Without a Director, the Consumer Financial Protection Bureau cannot carry out some of its most vital functions, including regulating payday lenders, pawn shops, private student loan companies, those that make unscrupulous and predatory loans on our military families—we heard Senator REED, who has great experience in this, talk about that—giving them an unfair advantage at the same time as they do that over community banks and credit unions that are regulated, that are good and that play by the rules.

Now is a time to work together to make that happen. I ask that my colleagues stop playing games. Let us go to a final up-or-down vote on Mr. Cordray.

Republicans have continued to couple Mr. Cordray's nomination to weakening the Consumer Financial Protection Bureau, which is unprecedented. Never in Senate history has a nominee been opposed in the Senate because of opposition to the whole agency for which he or she has been nominated.

I say to my Republican colleagues, let's stop playing games with the protections American consumers need. Work with us to do the job we were elected to do and confirm this nominee. Work with us to protect consumers.

We have come a long way toward a middle ground in creating this agency with checks and balances to begin with. The time has come for Republicans to join us in governing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, there has been a lot of wild rhetoric, quite frankly, hyperbole, exaggeration. I wanted to try to bring this discussion and this debate back to reality. To do that, I wanted to remind folks that conservatives objecting to this nomination have, from the very beginning, laid out three very narrow, specific, concrete reforms we are seeking. So this notion that we are against consumer protection, we are trying to gut CFPB, is silly. Let's get back to reality. Let's get back to what we have said from the very beginning: We want these three important reforms.

First of all, we think it is very important for the single Director, a new czar quite frankly, a credit czar, to be replaced with a board to oversee this Bureau. That is how other comparable agencies operate. The best example—the best comparison—is the SEC. I think that is a critical check on the Bureau's authority to have a board that can discuss and come up with a consensus, not a single agency.

Secondly, related to that, there should be safety and soundness checks for the prudential financial regulators who oversee the safety and soundness of financial institutions. One of the core reasons we had the 2008 financial crisis is we had political agendas run amok with regard to financial institutions with no safety and soundness checks.

We are putting that same problem on steroids in this new all-powerful bureaucracy. Again, point No. 1, very specific, very concrete, very commonsense reform that we have proposed from the beginning is a safety and soundness check.

Third, and perhaps most important, the Bureau should be subject to the congressional appropriations process so there is some oversight and accountability from the American people and their representatives. That is the norm. That sort of check and balance, that oversight and accountability, is absolutely the norm. It is way outside the norm to have no oversight and accountability because, as it stands now, this new superbureaucracy has an unlimited check that it gets from the Federal Reserve—never has to get an appropriation, never has to answer a single question from the people or their representatives.

Again, the CFPB, as it sounds now, draws its budget directly from the revenue of the Federal Reserve. By the way, this revenue would otherwise be deposited into the Treasury paying down the debt. The CFPB is not just about mega institutions, mega banks—more hyperbole that has been thrown on the floor—but anyone, any business, for instance, that offers four or more payment installments and an installment plan.

Sure, that includes Citibank. It also includes your dentist, your vet, your local electronics store. CFPB right now is so unlimited in their authority that they are able to limit or prohibit the terms of any such product or service, has power over marketing of any such product or service in its jurisdiction with, again, the Federal Reserve as its basically unlimited piggy bank.

I think these concerns we have are pretty darn fundamental and have a lot of common sense in them. Again, we have three very specific, concrete reforms we want advanced. We are not trying to gut the CFPB. Those reforms would not gut it—not against consumer protection. Those reforms would still have a sound, strong consumer protection agency in place.

I think the American people deserve a more honest debate than, quite frankly, they are getting in a lot of this. This notion that if we are against ObamaCare, we are against all improvement of the health care system is silly. I think Americans get that as their health insurance premiums go up significantly now, by every accounting, by every independent source, well beyond what they would have gone up otherwise.

Being against that is not being against health care reform. We heard even earlier, if we are against the stimulus plan, we are against economic recovery. That is silly. I think Americans know that now that we are still stuck at very high unemployment. How is that recovery working out for everyone?

I was against the stimulus because I was for economic recovery, and it is the same thing here. We need to advance the interests of the American people, certainly including consumers. But we do not need an all-powerful, new czar in Washington who can hurt everyone, including consumers.

So we continue to advance three very specific, concrete, commonsense reforms. That is all we want. That does not gut CFPB. That is not against consumer protection. It is against unbridled, unprecedented authority. The American people, agency after agency, issue after issue, have seen the effects of that sort of unbridled, virtually unlimited Federal Government authority in the last 2 years. They do not like it.

Mr. RUBIO. Earlier this week in Kansas, President Obama tried to score political points by chiding Senate Republicans for refusing to vote on the confirmation of Richard Cordray to be Director of the so-called Consumer Financial Protection Bureau—CFPB—saying we refuse to let him do his job. And the President asked, Why? I am happy to answer his question, again.

Earlier this year, I joined 44 other Senators in recommending to the President three necessary reforms for the CFPB in order to improve accountability in its operations. Specifically, we asked that a board of directors be established to oversee it, that the agency be subjected to the regular congressional appropriations process, and for the establishment of a safety and soundness check for the prudential regulators.

We made clear to the President that without these reforms we would not vote to confirm any nominee to run the CFPB, regardless of political affiliation or qualifications. The President chose to ignore our suggestions. Although the President frequently pays lip service to accountability in the regulatory process, when push came to shove, he made this serious issue just another talking point.

President Obama is now trying to pressure my colleagues to vote to confirm Mr. Cordray by traveling around the country giving speeches. I want to reiterate that I will not vote to confirm any director for this rogue bureaucracy until appropriate checks and balances are put into place. President Obama promised that ''transparency and accountability will be a hallmark of my administration'', making his refusal to make CFPB more transparent especially disappointing.

Without reform, CFPB's director would serve with unprecedented and unconstitutional amounts of power. The director would have the power to decide what rules are issued in the name of consumer protection, how funds are spent, and how its enforcement authority will be used. In short, it empowers a single, unelected person with seemingly endless and unchecked authority. This bureaucracy holds the sweeping ability to limit choices when it comes to commonly-used financial products such as home equity loans, credit cards, and student loans. Simply put, a designation from the CFPB director saying these products are ''abusive'' could restrict the availability of credit to consumers and increase the cost of goods or services for all Americans.

This year alone, over 70,000 pages of new regulations have been added to the books from agencies such as the Environmental Protection Agency and the National Labor Relations Board, oftentimes without any compelling justification for their existence. The last thing job creators in America need is more uncertainty from a powerful government agency such as the CFPB that will receive a blank check for a half billion dollar budget with virtually no input from Congress.

President Obama has urged the American people to ''help hold [him] accountable''. I stand with my Republican colleagues in an effort to do just that. The truth is we need transparency in government that provides greater confidence that regulations are designed to protect consumers from unfair practices, without destroying jobs. Until basic transparency requests are made, I will not support allowing the CFPB to operate with unaccountable leadership.

Mr. CRAPO. Mr. President, both sides agree that everyone benefits from a marketplace free of fraud and other deceptive and exploitative practices. The disagreement is over the best way to structure our Federal regulatory agencies to accomplish this goal and provide accountability.

One of the lessons of the financial crisis is that we need a supervisory program that looks and considers how safety and soundness and consumer protection work together and reinforce better and safer services to banking customers. Far too often, supervision either looked at consumer issues in isolation—promoting access to credit and home ownership—or it looked at safety and soundness in isolation, such as ensuring that customer information was legally accurate but not asking whether it was understandable to bank customers.

We should have strengthened the link and coordination between prudential supervision and consumer protections rather than severing it. Instead Congress institutionalized this separation by creating a Consumer Financial Protection Bureau and blurred the role and accountability of the prudential regulators and the new Bureau.

Mortgage underwriting is a good example of an issue that was found lacking before the financial crisis and has the potential to be subject to an even more bureaucratic regulatory system going forward. I say potential because it is unclear to me where the authority of the Bureau stops and where the authority of the prudential regulators overlaps on several important issues that will likely cause confusion and potentially inconsistent regulatory approaches. Already we are seeing conflicts among regulators with different regulators adopting different consumer protection rules and duplication in examinations.

From my perspective, the new Bureau is a massive, expensive government bureaucracy that is immunized against meaningful oversight by either Congress or the President, and dramatically extends the Federal Government's control over the economy.

According to analysis from Andrew Pincus, a partner in the law firm Mayer Brown LLP:

> The Bureau's structure has a number of features that, when taken together, concentrate an amount of unchecked authority in a single individual—the Director—that is unprecedented for a federal agency that regulates private entities and individuals:
>
> First, the Bureau will be headed by a single Director with complete, unilateral authority to make all regulatory and enforcement decisions and to hire and fire all personnel, including his or her own deputy.
>
> Second, the Bureau's Director does not serve at the pleasure of the President. Rather, during his or her five-year term, the Director may be removed only for inefficiency, neglect of duty, or malfeasance in office. That standard eliminates the President's power to remove the Director based on a policy disagreement: once nominated and confirmed, the Director cannot be overruled by the President.
>
> Third, the Bureau is exempt from the congressional appropriations process. It is funded instead by a transfer of money from the Federal Reserve in an amount determined solely by the Director, subject only to a cap that already exceeds $550 million, will increase 10% for the next fiscal year, and is subject to automatic inflation adjustments thereafter.

While I appreciate the willingness of Richard Cordray to serve and answer questions, I can't support the consideration of any nominee to be the Director of the Bureau until the agency is reformed to make it more accountable and transparent.

First, we would establish a board of directors to oversee the Bureau. This would allow for the consideration of multiple viewpoints in decisionmaking and would reduce the potential for the politicization of regulations. A board of directors structure is consistent with the organization of the Federal Reserve

Board, National Credit Union Administration, FDIC, SEC, CFTC, and Federal Trade Commission.

Second, we would subject the Bureau to the congressional appropriations process to ensure that it doesn't engage in wasteful or unnecessary spending. This also gives Congress the ability to ensure that the Bureau is acting in accordance with our legislative intent. The SEC, CFTC, and the Federal Trade Commission have long been subject to the appropriations process for the same reasons.

Finally, we would establish a safety and soundness check. This would strengthen the link and coordination between prudential supervision and consumer protections.

Given the enormous impact the Bureau will have on the economy, it is important for Congress to revisit its structure and authorities to make it more accountable and transparent.

Mrs. MURRAY. Mr. President, I come to the floor to speak about the nomination of Richard Cordray to lead the Consumer Financial Protection Bureau and to urge my colleagues to join me in voting in support of his confirmation.

In July of last year, I was proud to join many of my colleagues in the Senate to pass comprehensive Wall Street reform legislation that is already working to protect middle-class families, hold Wall Street accountable, and put in place policies to make sure taxpayers will never again be left holding the bag for the big banks' mistakes. I supported this legislation because for far too long the financial rules of the road had not favored the American people. They were tilted toward big banks, credit card companies, and Wall Street, and they were twisted and abused to make sure no matter what happened, the financial industry would come out ahead.

When the economy was roaring, the big banks made enormous sums of money and handed out huge bonuses to their employees. But when the products they created brought down the banks and pulled Main Street down with them, it was the taxpayers who had to foot the bill to prevent absolute calamity. Wall Street had a pretty good system going for a while: Heads they won, tails the taxpayers lost. To correct this, we fought to pass Wall Street Reform last year over Republican objections, and we took a huge step in the right direction. We strengthened the rules. We increased the oversight. And critically, we created the first-ever agency dedicated to protecting middle-class families, seniors, and small business owners from the financial fraud and scams that have devastated so many.

The mission of this new Consumer Financial Protection Bureau is clear: to make sure that consumers come first—that the financial industry can no longer pull fast-ones on their customers—and, fundamentally, that the markets for consumer financial products and services actually work for all Americans. The CFPB's job is to help consumers understand the financial products that are being marketed to them every day because we know the big banks win when the American people don't understand the fine print. And it is to make sure that the financial firms are playing by the rules and to stand up for the American people and enforce those rules if consumers are being lied to, scammed, or cheated.

Over the last year the CFPB has been staffing up and ramping up and has already started working to protect consumers. But without a confirmed Director, they are simply unable to do everything possible to stand up for middle-class families. Their hands are tied. Without a confirmed Director, the CFPB doesn't have the full authority to protect consumers who use nonbank financial institutions such as payday lenders, credit-reporting agencies, and debt collectors, which are services many working families depend on, as well as so many of our Nation's veterans and servicemembers. This isn't right. We created the CFPB to protect all families and consumers, and we need to confirm a Director to give them the tools they need to do that.

I was proud to support President Obama's appointment of Elizabeth Warren to help set up the new Bureau. I think she did a fantastic job, and I am deeply disappointed that Republicans were so opposed to her work standing up for middle-class families against the big banks that they said they would block any attempt to name her as full-time Director. I thought the way Elizabeth Warren was treated by Senate Republicans was truly shameful. But she hasn't given up, and she is still fighting for the middle-class families and consumers she has always been such a passionate advocate for.

I am very glad that President Obama nominated another strong advocate for the middle-class to fill this role. Richard Cordray has been serving as the Chief of Enforcement at the CFPB, so he understands the mission and the need to fight for the rules that protect consumers. He previously served as attorney general and State treasurer in Ohio, where he amassed a strong record of standing up for seniors, investors, business owners, and consumers. He has received support from Democrats and Republicans, and he is the right man for the job.

But the Republicans who have come out in opposition to this nomination don't seem to be opposing Richard Cordray. They seem to be opposed to the very idea that anyone should be in a position to stand up for consumers and families in the financial products market. They want to keep this position open because they are worried that this agency is going to have too much power.

Well, the Consumer Financial Protection Bureau was designed to have power. It was created to put that power in the hands of middle-class families and consumers and to take some away from the big banks and credit card companies that had it all before.

So once again we have a simple choice before us in the Senate: Do you stand up for middle-class families who deserve to be protected from scams and financial gimmicks or do you stand up for the big banks and Wall Street firms that are scared to death that a powerful consumer advocate will cut into their fat profits and big bonuses? I know where the American people stand. I stand with them. And I truly hope that Republicans have a change of heart and stand with us to confirm this highly capable and effective nominee so the CFPB can do the job the American people expect and deserve.

Mrs. BOXER. Mr. President, I wish to express my strong support for the President's nomination of Richard Cordray to be the first Director of the Consumer Financial Protection Bureau, CFPB. Mr. Cordray is an exceptionally well-qualified nominee who deserves an up-or-down vote in the Senate.

The opposition to this nomination has nothing to do with Mr. Cordray's credentials and is yet another attempt by Republicans to undermine the CFPB and stop it from cracking down on unscrupulous and fraudulent practices by big banks, credit card companies, payday lenders, and other financial firms.

The CFPB was established as part of the Dodd-Frank financial reform legislation that overhauled our banking system. Before the financial crisis, no single agency coordinated Federal consumer protection. Banks and financial companies could choose their own regulator, which enabled them to avoid regulations with real teeth. The failure of Federal agencies to coordinate and the lack of any effective consumer watchdog agency allowed financial firms to pursue deceitful lending practices that hurt American families and caused the worst recession since the Great Depression.

The CFPB was created to solve this problem and to make sure that financial markets work for all Americans, not just big business. The CFPB has already begun reviewing many areas of consumer protection law, including mortgage disclosure forms. It will enforce new rules for credit cards, require mortgage servicers to better assist homeowners in avoiding foreclosure, and enforce new rules on bank overdraft fees.

President Obama appointed Elizabeth Warren, a respected law professor and dedicated consumer advocate, to set up the CFPB. Elizabeth Warren was selected for her long history of independent, unflinching consumer advocacy, and under her leadership the CFPB had a running start. But Republicans adamantly opposed her as CFPB director, before she had even been nominated. They knew she would crack down on abusive practices in the banking and credit card industries. And they know that by law, the CFPB cannot exercise its full authority without

a confirmed Director. That is why 44 Republican Senators signed a letter promising to oppose any nominee, of any party, until their demands to cut back the agency's power and independence are met.

Mr. Cordray would be an outstanding leader of the CFPB. He currently leads the CFPB's Enforcement Division. He has built his career around protecting the public interest, reflecting his commitment to consumers and his dedication to fairness. After having been a State Representative, Solicitor General and Treasurer in the State of Ohio, Mr. Cordray was elected Attorney General of Ohio in 2008. In this role, he prosecuted fraudulent foreclosures and predatory lending, and recovered more than $2 billion for Ohio's retirees, investors, and business owners.

Mr. Cordray's nomination has broad, bipartisan support. Attorneys General from 37 States, representing both political parties, signed a letter in support of this nomination, calling him ''both brilliant and balanced,'' with a ''superior knowledge of the financial services marketplace.'' Sixty-one mayors from around the country, led by Mayor Villaraigosa of Los Angeles, also wrote to support his confirmation. The California Reinvestment Coalition, Center for Responsible Lending, Consumers Union, Main Street Alliance, NAACP, National Association of Consumer Advocates, AFL–CIO, AFCSME, International Brotherhood of Teamsters, SEIU, UAW, and UFCW have all expressed support for Mr. Cordray, and for confirming a director so that the CFPB can operate as intended.

It is stunning that Republicans continue to block any effort to rein in the type of reckless and abusive behavior that caused the worst economic crisis since the Great Depression.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, it never ceases to amaze me to hear my colleagues whose first loyalty is to Wall Street banks, who continue to make excuses for being against putting a consumer cop on the beat. This is an office that will be a few-hundred-million-dollar office, this consumer protection—this consumer cop on the beat.

But this consumer cop on the beat has to look at trillions of dollars in mortgages, has to protect consumers when there are $30 billion in overdraft fees alone that banks are charging, when many times those overdraft fees are because consumers simply cannot figure out the fine print and do not understand the terms of the agreement.

In the end, again, people on this floor and their special interest friends in the Congress, the friends of the Wall Street banks, the friends of these interest groups that continue to fleece the American people—if we had had Rich Cordray or Elizabeth Warren, for that matter, the consumer cop on the beat, would we have had those kinds of foreclosures in places such as Cleveland and Dayton? Would we have had these fly-by-night mortgage brokers from Ameriquest and New Century and others moving in and taking advantage of people? I am not sure we would have.

But my Republican colleagues, my colleagues who always do the bidding—not all of them, but many of them always do the bidding of these special interest groups that have inflicted far too much damage on this economy—I hear all this, that if we would just make some changes in the agency. I talked to the Senate Historian because I have heard these arguments: If we just change this agency, I would vote for it. First of all, I talked to the Senate Historian, who said: Never in the history of the Senate has one political party tried to block the nomination of a Presidential appointee based on wanting to change the agency. It is nothing about the qualifications of Rich Cordray. I know Rich Cordray better than anybody in this institution. He is from my State. He was our attorney general. He was the State treasurer. He was county treasurer. He was a State legislator. I have known Rich for over 20 years. I know he is qualified. Many of my colleagues on both sides say he is qualified.

But they say: We want to change the agency. We worked with Republicans to change this agency as it went through the process in Dodd-Frank. They kept shifting the goalposts. In order to accommodate Republican concerns, we made the CFPB a bureau at the Federal Reserve. Many of us thought it should be totally independent. We were willing to make that concession in order to get Republican support.

They then, after we did that, asked for regular GAO audits of the books. They got them. The GAO said the CFPB passed with flying colors. They said: We do not like Elizabeth Warren, give us someone else. Elizabeth Warren withdrew. She was a great consumer activist, would have been very good at this. We are replacing her—the President is—with Richard Cordray from Ohio. He will do this job well.

Then, after he is appointed, they say—and Richard Cordray has support from banks and credit unions and consumer groups. That is still not good enough. They asked the President not to recess appoint a Director. The President agreed to that. They are moving the goalposts. Now they are saying they will not approve anyone to serve as the Director of the consumer bureau unless we change the Bureau.

In other words, to protect their Wall Street friends, they are saying: We are not going to allow a Director to be in place unless we weaken this agency. As Senator REED from Rhode Island said, would we not appoint a Director of the Food and Drug Administration in the future until we rolled back all food safety laws? Are we not going to protect the Consumer Products Bureau in the government, in the Department of Commerce, until we roll back child toy safety laws? That makes no sense.

This was voted with more than 60 votes—61 or 62, if I recall—a supermajority in this Congress 2 years ago. We allowed all kinds of amendments. We accepted many changes that Republicans wanted. But in the end, it is a choice: Are we for consumers or are we for Wall Street? We know who it is. I am not asking my colleagues to vote for him. I am asking my colleagues to let us have an up-or-down vote. Let us vote on it. Do not filibuster. Do not block the vote.

Understand, this is a vote coming up that is to break a filibuster, to break a Republican filibuster, where Republican Senators almost always are flacking for Wall Street. They do that. It never ceases to amaze me.

So all we ask is an up-or-down vote. Vote yes for cloture so we can have an up-or-down vote for Attorney General Cordray.

I yield the floor and ask for a ''yes'' vote.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SHELBY. I yield back my time.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection:

Harry Reid, Joseph I. Lieberman, Jeff Bingaman, Patty Murray, Patrick J. Leahy, Kent Conrad, Sheldon Whitehouse, Jack Reed, Benjamin L. Cardin, Barbara Boxer, Al Franken, Max Baucus, Richard J. Durbin, Robert Menendez, Jon Tester, Sherrod Brown, Tom Harkin, Tim Johnson.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the nomination of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection, for a term of 5 years, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Ms. SNOWE (when her name was called). Present.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 223 Ex.]

YEAS—53

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson (SD)	Reid
Blumenthal	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (MA)	Landrieu	Schumer
Brown (OH)	Lautenberg	Shaheen
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (CO)
Casey	Manchin	Udall (NM)
Conrad	McCaskill	Warner
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murray	

NAYS—45

Alexander	Enzi	McCain
Ayotte	Graham	McConnell
Barrasso	Grassley	Moran
Blunt	Hatch	Murkowski
Boozman	Heller	Paul
Burr	Hoeven	Portman
Chambliss	Hutchison	Risch
Coats	Inhofe	Roberts
Coburn	Isakson	Rubio
Cochran	Johanns	Sessions
Collins	Johnson (WI)	Shelby
Corker	Kirk	Thune
Cornyn	Kyl	Toomey
Crapo	Lee	Vitter
DeMint	Lugar	Wicker

ANSWERED ''PRESENT''—1

Snowe

NOT VOTING—1

Kerry

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45, and one Senator responded ''present.'' Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

VOTE EXPLANATION

Mr. KERRY. Mr. President, I was necessarily absent for the cloture vote on the nomination of Mr. Richard Cordray to be Director of the Consumer Financial Protection Bureau. If I were able to attend today's session, I would have supported cloture on this nomination.

LEGISLATIVE SESSION

MIDDLE CLASS TAX CUT ACT OF 2011—MOTION TO PROCEED

The PRESIDING OFFICER (Mr. BINGAMAN). Under the previous order, the Senate will resume legislative session and the motion to proceed to S. 1944, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to the bill (S. 1944) to create jobs by providing payroll tax relief for middle-class families and businesses, and for other purposes.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. LEE. I ask unanimous consent to enter into a colloquy with my Republican colleagues for up to 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEE. Mr. President, I stand today to urge my colleagues to support efforts to bring forward a balanced budget amendment, one that can be passed out of both Houses of Congress and submitted to the States for ratification.

Article V of the Constitution gives us the power to change the Constitution from time to time, to modify our laws, that 224-year-old document that has fostered the development of the greatest civilization the world has ever known.

We have done this 27 times. We have done it at times in order to protect and preserve the Nation our ancestors fought so valiantly to create and later again to defend. We have to modify our government, the manner in which we do business, in order to preserve that system, in order to make it strong, in order to ensure that it will continue to be strong for future generations.

We made it stronger when, for example, we added the Bill of Rights shortly after the ratification of the Constitution. We made it stronger again when, for example, we added the so-called Civil War amendments, amendments XIII, XIV, and XV, ending slavery and the badges and incidents thereof. We made it stronger when we made clear that women must always be given the right to vote. We have made it stronger a number of times. And the time to make it stronger has come yet again.

It is time to modify the Constitution to limit—to restrict—Congress's current power granted by article I, section 8, clause 2 of the Constitution to borrow money on credit of the United States. The reason we need to do this is because this power has been so severely abused over such a prolonged period of time that it is causing devastating consequences for our economy and for our ability to fund the operations of the government.

We have now accumulated over $15 trillion in debt as a country. That works out to about $50,000 for every man, woman, and child in America. It works out, arguably, to about $120,000 to $150,000 for every taxpayer in America. This is lot of money. It also represents between 90 and 100 percent of our gross domestic product annually, depending on whose statistics you follow. This is troubling, given that there is an abundant amount of research indicating that once a country's sovereign debt-to-GDP ratio crosses the significant 90-percent threshold—which we have now done—economic growth tends to slow, tends to slow to a point that an economy as large as ours can expect to lose as many as 1 million jobs a year. We can't afford to lose jobs, especially when we know one of the major causes is our national debt. It is time we change the way we do business. It is time to change the manner in which Congress acquires new debt.

This is no longer an issue that is either Republican or Democrat, that is either liberal or conservative. It is simply American. I remind my colleagues, whether you are concerned on the one hand about preserving America's leading edge, its ability to fund its national defense program or, on the other hand, if you are most concerned about funding our entitlement programs, you should want a balanced budget amendment because this is what we need to do, this is what we have to do in order to protect our ability to fund both of those things and everything else we do, you see, because by the end of this decade, according to the White House's own numbers, we will be paying close to $1 trillion every year to pay the interest on our national debt. Just the interest alone. We are currently spending a little over $200 billion a year on interest—still a lot of money but about $800 billion lower than what we are likely to be spending by the end of this decade.

Where will that additional $800 billion every single year come from? This isn't a discretionary sum. This is money we have to pay. It is the first thing we have to pay. Where will that $800 billion difference be made up? At that point, we can't expect simply to raise taxes to make up that difference. I am not aware of any tax increase plan that could bring in that much additional revenue every year, without stagnating our economy to the point that we might, within 1 year or 2 years, bring in less revenue rather than more—certainly not $800 billion more. Nor am I aware of any plan whereby we could simply borrow an additional $800 billion to pay that interest, because doing so, of course, would cause our interest rates to skyrocket, grow out of control, and our interest payments would be even more significant at that point, thus further impairing our ability to fund everything from defense to entitlements. So at that point, the only option on the table would be dramatic, severe, abrupt, even Draconian cuts to everything from defense to entitlements and everything in between. We don't want this. There is a better way. And the better way forward consists of a severe permanent structural spending reform that can be achieved only through a balanced budget amendment.

Let me explain what I mean by that. And, more importantly, let me explain what I don't mean by that.

We have to be aware of things that masquerade as balanced budget amendments, things that will actually do the job instead of purporting to do the job, distracting the public's attention away from the need to do this while in effect doing nothing. We need to be aware of what I sometimes call the Trojan horse balanced budget amendment proposal.

There are a few hallmarks of what a real, effective balanced budget amendment would accomplish. First and foremost, it has to apply to all spending in requiring Congress to provide a supermajority vote for any borrowing authority. There are some who have suggested we should have a balanced budget amendment that exempts certain categories of entitlement spending. But, of course, as we all know, it is entitlement spending that continues to

consume a larger and larger share of our national budget each and every year. It is entitlement spending that is anticipated to have shortfalls for sums that will have to be expended for Americans alive today. It could range anywhere from $50- to $60- to $110 trillion in unfunded entitlement liabilities. So simply exempting entire categories of entitlements is one of these hallmarks of a Trojan horse balanced budget amendment. We can't do that. We need it to apply to all Federal outlays, all Federal spending.

Second, an effective balanced budget amendment must cap spending at the average historic level of Federal revenue. Over the last 40 years, our average take, our average income as a percentage of GDP, has been about 18 to 18.5 percent of our gross domestic product. We need to make sure we are not spending more than that; that Congress can't, without a supermajority vote, spend more than 18 percent of GDP in any given year. Otherwise, we run the risk that Congress will find a way through tricky accounting schemes to circumvent the restrictions to make sure it is not spending more than it takes in.

Third, the supermajority requirement must apply to the folks in both Houses of Congress every time Congress wants to spend more than it takes in. Any balanced budget amendment proposal that allows for a simple majority to bring about an exception to these spending limitations is one that Congress can and will use to circumvent the amendment entirely. Let me explain what I mean.

We have had in the past certain statutory legislative limitations on Congress's spending and borrowing power. Some of these have been known as the Graham-Rudman-Hollings legislation, and also the pay-go rules. But because Congress makes those laws and because they haven't been reduced to a constitutional amendment, just as Congress giveth, Congress taketh away, and Congress has seen fit to exempt itself of those rules. A balanced budget amendment, even while enshrined in our Constitution, becomes no more effective than those statutory or internal rules unless every time Congress wants to get around those limitations Congress is required to cast a supermajority vote to justify that excess.

Finally, an effective balanced budget amendment must require that Congress cast a supermajority vote anytime we raise the debt limit. This will give us an additional guarantee that tricky accounting mechanisms will not be used to circumvent some of these most important restrictions. Without these restrictions, Congress will continue to spend out of control, because Members of Congress tend to be rewarded when they spend and they tend to be criticized when they cut, and political pressures are such that I fear this spending will continue out of control in perpetuity until that moment in which we reach our natural mathematical borrowing limit—not our statutory debt limit, our natural mathematical borrowing limit. It is at that point when the most abrupt, the most painful, the most Draconian cuts will have to be made. We can do this in a way that makes sense. We can do this in a way that is sensitive to the needs of the most vulnerable Americans, those who have become the most dependent upon our entitlement State, most dependent for their day-to-day existence on these very programs. Those programs will have to be cut abruptly and in a most painful manner unless we take the necessary steps right now and start moving onto a smooth glidepath toward a balanced budget amendment.

We may not be able to balance our budget overnight, but we can do it over the course of a few years. That is exactly what this would allow us to do.

I have worked closely with a number of my Republican colleagues in supporting S.J. Res. 10, a balanced budget amendment proposal that has the support of all 47 Republicans. One of my close allies in this endeavor has been my friend and colleague, the junior Senator from Kentucky. I would like to ask him to share his perspective on why this is necessary.

So I ask Senator PAUL why does he think this is so important for us to have this amendment right now.

Mr. PAUL. I think Congress has failed. We have not passed a budget in 2 years, much less a balanced budget. We cannot even pass a budget under the normal procedures, and we are showing no signs of being able to balance our own budget.

They say the American public, when we ask them are they for a balanced budget, 70 to 75 percent of the people are for it—Republicans, Democrats, and Independents. Congress currently has about a 10-percent approval rating. My thought is maybe our approval rating is so low because we are not listening to what the people want. The people want us to balance our budget. They want us to do the responsible thing. But they also do not want to say: Oh, Social Security, we are going to put that off to the side. They want the Social Security fund to be sound too.

What are we doing right now? We are reducing the funding to Social Security. We are doing exactly the things we should not be doing. So it is important, as my colleague said, that the balanced budget amendment include all spending, and we need to balance our budget.

Mr. LEE. If the Congress is consisting of a Senate and House, and the Members of the Senate and House are elected representatives of the people who stand for reelection at regular intervals, and if the American voting public overwhelmingly supports a balanced budget amendment, why haven't we then passed it and given the States an opportunity to ratify such an amendment?

Mr. PAUL. The big driving force here is the entitlements. If we look at the revenue coming into the government, it is all being spent on entitlements and interest. Forty percent of every dollar is borrowed, but that means we have to borrow all the money for national defense, for our roads, all the rest of government. Forty percent of every dollar, $40,000 a second, is being borrowed. Why don't we come to an agreement?

I have been asking many people on the other side that, and they say we will not fix entitlements until we have a $1 trillion tax increase. If that is the starting point, we are never going to fix entitlements because many of us think raising taxes is a mistake, in the middle of a recession, and we think more money left in the private sector would be better spent for jobs.

We have the balanced budget debate as part of this debate on how to reduce spending on the entitlement programs because they consume 60 percent of the budget. But there is this unwillingness up here. I think people would like us to find solutions. When I go home to my State, it doesn't matter whether they are a Republican or Democrat or Independent; they want us to fix the entitlement programs. They don't want it to be dependent on increasing taxes on everyone also.

Mr. LEE. What is my colleague's sense as to how the various State legislatures are likely to respond to a constitutional amendment proposed by both Houses of Congress? Does he think they would likely ratify such an amendment by the necessary three-fourths margin?

Mr. PAUL. In the last year, I spoke before my State legislature to a joint session of the House and Senate, and there was overwhelming support for a balanced budget amendment. I think there is actually a movement out there to do it if we do not do it. There is so much feeling among the public that this enormous debt is hurting us.

When I go home and talk to people, I say: Look, the people the debt hurts the worst are those on fixed incomes, senior citizens, and those in the working class. Those are the people who are being hurt by this debt because it causes rising prices. As we print the new money, those people are hurt every time they go buy gas at the pump, every time they go to the grocery store. The rising prices are hurting senior citizens and the working class. The only way we are going to fix it is to have rules that must be obeyed.

Mr. LEE. So they are paying for Washington's fiscal irresponsibility in the form of job losses and in the form of increased prices for goods and services and in the form of inflation.

It is likewise my experience with my State legislature that they seem to be very supportive of it. In fact, I have a document here signed by the legislative leaders of my State: by Governor Gary Herbert, by Utah house of representatives speaker Rebecca

Lockhart, and by Utah State senate president Michael Waddoups. It concludes essentially as follows:

> We urge the United States Senate and House of Representatives to pass a balanced budget amendment and send it to the states for ratification. Additionally, we urge Congress to make Utah's current resolution part of the CONGRESSIONAL RECORD.

They also proceed to explain why they feel so strongly about this. They say:

> Not only for our own sake, but for future generations as well, the states must now combine in an unwavering resolve with convincing action to put the nation's financial house in order. Passage of your own state's resolution urging the support for a balanced budget amendment can help make this happen. Please join with Utah to call upon Congress to immediately pass a balanced budget amendment. We respectfully encourage you to urge your congressional delegation to act in your behalf.

They are calling not only on Congress but also their fellow State legislators throughout the country to urge this same action from Congress. In the same breath, they also adopt it, and they supported wholeheartedly the specific balanced budget amendment proposal that is found in S.J. Res. 10.

I thank them for doing that. I think they reflect the views of so many of our State legislatures which balance their budgets every single year. Most of them do. It is not news when they do it. It is not news because it is what is expected. It is expected because that is what they do.

I look forward to the day and age when it is no longer news when Congress balances its budget.

I would like to ask Senator PAUL another question. Why is it that so many are fond of saying, as our President has recently said, ''We don't need a balanced budget amendment; what we need is for Congress to just do its job''? Why isn't that enough to carry the day?

Mr. PAUL. The problem is, in the past we have had rules—as the Senator mentioned, Gramm-Rudman-Hollings, pay as you go. I think pay as you go, which was passed in the late 1990s, was broken 700 times. There doesn't seem to be the spine or will power here to say no. Everybody wants something from government, but they do not realize that by getting things from government we do not pay for has ramifications.

Admiral Mullens said last year that the biggest threat to our national security right now is our debt. Erskine Bowles, head of the Debt Commission, said the most predictable crisis in our history is going to be a debt crisis.

For those on the other side who will oppose a balanced budget, they will need to explain to the American people when chaotic situations come and we are having trouble paying for those things that come from government, when the value of the money is destroyed and when prices are rising dramatically, they will have to explain to the American people why they thought it was not necessary to balance the budget.

I have seen no willpower to attack entitlements. There are simple ways. We could gradually raise the age of the entitlement eligibility and means test the benefits. We could fix Social Security tomorrow. We could fix Medicare tomorrow. But the other side is unwilling to talk about entitlement reform unless—they believe they are owed some obligation of raising taxes by $1 trillion. That would be a disaster for the economy, and it is beyond me why the other side will not say let's fix Social Security.

What would it take to fix Social Security? What would it take to fix Medicare? I think we could fix all of these problems, but I do not think the dialog is there. I have been trying to ask questions to the other side for months now, and we are not getting anywhere.

Mr. LEE. I think most Members of Congress would acknowledge that their constituents want the Federal budget balanced. Why is it not enough for us just to tell Members of Congress: Please balance it. We don't want to have to restrict your authority. We don't want to have to take the keys away from the irresponsible driver. We just want you to be responsible. Why doesn't that work?

Mr. PAUL. I think because so much of government spending is considered to be mandatory, so it just keeps enlarging and expanding. Also, because people have great big hearts and they want to help everyone, but they do not realize the ramifications of accumulating such a massive debt. As we accumulate this debt there are ramifications. There are higher prices and the threat of an economic collapse.

Greece is going under. Italy is behind them. Portugal, Spain—they are struggling under this burden of debt. They say when a country's debt equals its economy, when it is about 100 percent of its gross domestic product, it is losing 1 million jobs a year.

Our debt is stealing American jobs, it is making us weaker as a country, making us vulnerable, making our national security vulnerable. But we have to do something. There is no evidence in this body we can even pass a budget, much less a balanced budget.

I think everything about this body shows a failure to be fiscally responsible and we need stronger rules.

Mr. LEE. Perhaps it is inherent in the institution itself, in the forces at play, that have made Congress uniquely vulnerable to this kind of massive deficit spending. Whatever the reason, we know Congress is not willing, is not able, or at least in recent years has not been inclined except in rare, unusual circumstances to balance its own budget.

That being the case, we cannot assume that Congress will all of a sudden start doing its job, as those who have used this argument have insisted. Part of Congress's job, as Congress has come to perceive it, is to engage in deficit spending. One of Congress's powers, as Members of Congress who read the Constitution will point out, is to borrow money on the credit of the United States. So it is not enough to simply tell Congress to do its job because it has regarded this kind of massive deficit as consistent with that mandate, consistent with that injunction.

Meanwhile, Congress is continuing to occupy a larger and larger share of the American economy. We have to remember that for the first 150 years or so of our Republic's existence, we were spending between 1 percent and 4 percent of gross domestic product at the Federal national level, with only two brief exceptions—once during the Civil War and once during and then the immediate aftermath of World War I. But that all started to change in the 1930s when we broke into double digits for the first time ever during peacetime. We have never really gone back.

Now the Federal Government is spending about 25 percent of GDP annually. Roughly a quarter out of every dollar that moves through the American economy every year is taken out of the real economy by Washington. It is absorbed within the Federal morass that is our government. That is a problem. That needs to change.

I fear, I suspect, I firmly believe that it will not change until we take this power away, until we at least impose severe restrictions on Congress's borrowing power because it has become part of Congress's nature to engage in this kind of out-of-control deficit spending.

I would like to ask Senator PAUL another question. How does he think it would impact the lives of Americans, of Kentuckians, on a day-to-day basis, if we were to pass a amendment such as this and have it ratified by the States?

Mr. PAUL. People maintain that they are for jobs, for getting the economy growing again. If we were to pass a balanced budget amendment and send it to the States this year, it would create more jobs and create a better psychology than we have had in this country in decades. I think we would see a rise in the stock market like we have never seen before if we said to Wall Street and said to investors worldwide: We are going to balance our budget; we are not going to spend more than we take in.

I think we would see an economic recovery begin as we have never seen in this country. I think we would see millions of jobs created. That is why we have to do this. That is what the American people want.

What amazes me about this debate is we are going to have this debate and have this vote and the vast majority of the other side said they will not vote for a balanced budget amendment.

I say take that home. Tell your people at home that you are opposed to balancing the budget, and let's run on that. Let's see who wins the elections in the future because our country's future depends on balancing our budget

and controlling the debt. I hope we do not wake up when it is too late.

Mr. LEE. I could not agree more with that assessment. It is important for us to remind our colleagues of that because according to a recent CNN poll, the American people overwhelmingly support this by a margin of about 75 percent. Those who oppose it, those who are Members of this body, those who are Members of our sister body—the House of Representatives—who choose not to support it, will cast their ''no'' vote at their own political peril because the American people are standing and they are demanding more. They understand that, in the words of Benjamin Franklin: ''He'll cheat without scruple who can without fear.''

When Congress is free to spend more than it takes in every single year without political consequence, bad things happen. When Congress starts to manipulate more and more of the economy, that is something the American people understand is hurtful rather than helpful to them, to the people on the ground, to the person who is unemployed and looking for a job, to the person who is underemployed or underpaid for the work he does, to the single mother who is just worried about taking care of her children, to the grandparents who are worried about the future of their grandchildren, worried about the fact that for the first time in American history, Americans fear their posterity will enjoy a lower standard of living than what they have enjoyed.

All this is due to the fact that Congress has no real boundaries to its authority and recognizes no real limits on its ability to spend our hard-earned money. This has real consequences. We can forestall those negative consequences right now if we will act to restrict, on a permanent and structural basis, Congress's ability to engage in deficit spending.

Accept no imitations, beware of the Trojan horse balanced budget amendment, the one that can be circumvented easily by a simple majority vote. Beware of the balanced budget amendment that limits, as a percentage of GDP, Congress's ability to spend money. Look out for these principles. If we get this balanced budget amendment passed, submit it to the States for ratification. They will ratify it, and we will find our best days, as Americans, are yet ahead of us.

I urge my colleagues to cast a vote in favor of S.J. Res. 10.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senior Senator from Iowa.

HEALTH CARE LITIGATION

Mr. GRASSLEY. Mr. President, in a few minutes, the Supreme Court will be addressing four issues in connection with the constitutionality of the Obama health care law. Previously, I spoke about the unconstitutionality of the individual mandate. Today, I wish to discuss the second issue of four: how much of the law must be struck down if the Court finds the individual mandate to be unconstitutional. This legal question is called severability.

When a court rules a law is unconstitutional, it can strike down only those parts it considers unconstitutional. It can strike down the parts that are intertwined with the unconstitutional provision or it can strike down the whole law. Its action will depend upon whether the remainder of the law can function as Congress intended when it passed it.

There are rules governing severability. Normally, when only parts of a law are held to be unconstitutional, only those parts of the law are struck down by the Court. But when a statute's unconstitutional provisions are severed, the whole law falls when Congress would not have passed the constitutional provisions without the unconstitutional ones being in it as well.

It is not enough that some of the remaining provisions are constitutional. The Supreme Court has asked whether the remaining provisions ''would function in a manner consistent with . . . the original legislative bargain.''

The lower courts have reached four different conclusions concerning the health care reform law; first, that the individual mandate can be severed from the rest of the bill; second, that the individual mandate can be severed but only if the law's related provisions that require mandatory issue and community ratings are also severed; third, the opposite position, that the mandate and the related provisions are not severable; and, finally, that the mandate is not severable and that the whole law must fall.

One of my Judiciary Committee colleagues has stated, for the Democrats, ''worst-case scenario, the mandate falls.'' But even the Obama administration does not take that view. The administration argues that if the mandate falls, the guaranteed issue and community rating provisions must also be struck down. The President's administration says health insurance markets will not function if all Americans are not forced to buy health insurance and insurance companies must, nonetheless, insure everyone who seeks coverage at prices that do not reflect their health risk.

If the mandate falls, keeping any of this law would violate the original legislative bargain. I would like to remind my colleagues of that original legislative bargain. The health care law passed because the majority party—in its own partisan way—was going to pass this bill by any means necessary. The individual mandate was very critical to the ability to pass this law and to particularly pass it only by partisan considerations.

We considered an amendment in the Finance Committee that would have granted exemptions from the individual mandate to everybody who asked for that exemption. My good friend, the chairman—and that is Senator BAUCUS, as we all know—correctly stated: ''The system won't work if this amendment passes.'' He further called it ''an amendment which guts and kills health reform.'' He commented that ''if we are serious about making sure that the Americans have health insurance, we all have to participate. . . .'' So the bill's sponsors knew the whole operation of the law depended upon this very important provision that the Court is now considering on the individual mandate and whether that issue was constitutional.

Let me repeat that. The people promoting this legislation that passed on a partisan vote knew the whole operation of the law depended upon the compulsion of the individual mandate. The legislative bargain also showed this law would not have passed if a single comma had been changed. Congress could not have enacted any part of this law without the individual mandate or any other provision. That situation comes about from the fact that the bill passed the Senate by one vote and individual Senators were able to extract specific provisions that benefited their State in return for agreeing to provide their deciding vote for the bill. I think we all know the outrage that came from the grassroots of America over some of those very special provisions. We also know the American people were disgusted by these deals. But without those arrangements and deals, none of the law would have passed.

Those deals were one of the reasons why the Democrats lost their 60-vote majority in the last election. So when the other body could pass a bill only by accepting the Senate bill, they blocked any amendments that would have changed so much as a comma. Had anything changed, the new 59-vote Senate majority would have prevented passage. The bill was offered on a take-it-or-leave-it basis, all or nothing. If the individual mandate is struck down, then the whole law must fall. Although it is not conclusive, it is certainly relevant that the law does not contain a severability clause. This is one more indication Congress thought the law was a unified whole.

It is simply not reasonable to argue that the law should survive without the mandate. The most important political accomplishment of the law is the additional coverage, not the lower costs we were promised. Without the mandate, coverage under the law evaporates.

Does anyone believe that without the coverage in the law, Congress could have passed the massive Medicaid expansion? Does anyone believe that without the coverage in the law, Congress could have passed the Draconian cuts in Medicare? Does anyone believe that without the coverage in the law, Congress could have passed hundreds of billions of dollars in new taxes? Of course not. It is simply not a legitimate argument that the rest of the bill could have ever stood on its own without the individual mandate enabling additional coverage.

I am pleased the Supreme Court has granted oral arguments devoted to the severability question all by itself. In the past, the Supreme Court has issued very activist severability rulings in which it rewrote a statute in a way Congress never would have passed it.

For instance, it completely rewrote the campaign finance laws in the 1976 Buckley v. Valeo decision in a way that produced an unworkable system that no Member of Congress would have ever voted for. In the Booker case, the Supreme Court rewrote the sentencing laws in a way that produced a very unworkable system that no Member of Congress would have voted for. This time, the Supreme Court should not use the severability doctrine to rewrite the health care law into something Congress never would have passed in the first place. It should strike down the entirety of the law in keeping with the law on this subject. Such a ruling would give us the chance to do what we did not do before: work in a truly bipartisan way to address these issues.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

LAS VEGAS HELICOPTER CRASH

Mr. REID. Mr. President, I am saddened to have learned this morning that five people were killed late yesterday in the terrible helicopter crash just a few miles outside Las Vegas. My sympathy is with the families of those who died, including pilot Landon Nield and four passengers. My thoughts are with them as the recovery efforts continue this morning and as they lay their lost loved ones to rest.

Reports indicate the aircraft was on a tour of Hoover Dam. It crashed into a remote and rocky terrain in the River Mountains between Lake Mead and Henderson, NV, a few miles from Las Vegas.

I have taken those helicopter tours. It is an exciting trip. People don't realize this, but we are just a few miles from the Grand Canyon there in Las Vegas. It takes just a short time to travel to that beautiful canyon to see where millions of people go every year to see the Grand Canyon. Hundreds of thousands of tourists come from Las Vegas to see it.

I am truly grateful for the efforts of the National Park Service rangers, the metropolitan police department, the search-and-rescue team, and the Henderson fire departments that responded rapidly to the scene of the accident.

The Federal Aviation Administration and the National Transportation Safety Board are investigating this accident as we speak. I will continue to monitor the investigation as well as the recovery efforts that are in progress.

Hundreds of thousands of tourists, I repeat, enjoy these helicopter tours each year. I am sorry innocent people lost their lives in such a rare tragedy. Nevada puts great stock in protecting the safety of its tourists, whether flying over the Grand Canyon or walking down the Las Vegas strip. I hope the inquiry into the cause of this crash will help us better protect helicopter pilots and passengers in the future.

Again, my heart goes out to the families as they mourn this awful tragedy.

I 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 Iowa.

Mr. GRASSLEY. 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. GRASSLEY. If the Democrats aren't going to take their time, I would like to take 5 or 6 minutes on another subject, and I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

BROKEN ACCOUNTING SYSTEM

Mr. GRASSLEY. Mr. President, I come to the floor today to commend Secretary of Defense Leon Panetta for personally focusing top-level attention to what has been a festering problem, and I think it is fair for me to say a festering problem for decades. I am talking about the Defense Department's broken accounting system and lack of financial accountability.

Secretary Panetta has grabbed the bull by the horns and told the military services to get on the stick and move out smartly. He wants them to fix the problem now, not later. Secretary Panetta's bold initiative is laid out in a Department-wide memorandum dated October 11 this year. In this document, he calls for an all-hands-on-deck priority effort to accelerate plans to create a modern, fully integrated finance and accounting system. Such a system, if it ever comes to be, would be designed to generate reliable, accurate, and complete financial information. Such a system should be capable of producing credible financial statements that can earn clean opinions from independent auditors. If that happens, the Department will achieve what is called full audit readiness. But now I want to warn Secretary Panetta about what has happened to so many well-intentioned Secretaries of Defense. That could be a big ''if.''

Under the Chief Financial Officers Act of 1990, all government agencies were supposed to reach full audit readiness 15 years ago. As I understand it, the Defense Department is now the only delinquent agency. After the passage of so much time, how is it, then, that the Pentagon cannot provide an accurate accounting of all the money it spends? Doing it is a constitutional responsibility. Not doing it is unacceptable. Why are the military services dragging their feet as they are? What is the problem? Are all of the petty fiefdoms entrenched in Pentagon bureaucracy causing the problem? Is it because they do not want to surrender control of the money to a centralized financial authority?

This is a festering problem Secretary Panetta has tackled. As a former chairman of the House Budget Committee and Director of the Office of Management and Budget, he has the necessary knowledge and the necessary experience to get this job done.

The magic date for achieving full audit readiness at Defense was set in concrete 2 years ago. Unfortunately, this goal has a long and elusive history, and that long and elusive history is best characterized by relentless slippage. It is a rolling target date, and most experts believe the 2017 deadline is unattainable.

I am sure our tax-paying public doesn't understand why the Federal Government wouldn't have the best accounting system in the world, but they don't, particularly in the Defense Department.

Under Secretary Panetta's leadership, I hope all the slippage comes to a screeching halt and all the bureaucratic roadblocks are torn down. He has definitely turned up the heat and turned up the pressure. He has drawn a line in the sand. He wants to see results and see results now. He is calling for a revised plan for achieving audit readiness. It is due on his desk December 13. So Army, Navy, Air Force, Marines, Coast Guard, and everybody else—well, the Coast Guard is not involved but everybody else—get on the stick because that is next week. He has set a near-term goal. He wants the Department to produce partial financial statements by 2014.

As a first step, Secretary Panetta has called for the production of statements of budgetary resources by 2014. A statement of budgetary resources is just one component of a financial statement, but it represents a big important chunk of the whole. If credible statements of budgetary resources can be produced 3 years ahead of schedule, then maybe the full audit readiness by 2017 is, indeed, possible.

I also understand that Secretary Panetta's near-term goal is being incorporated in legislation working its way through Congress right now. That should help to move the ball further down the field.

Secretary Panetta's decision to set a preliminary goal of 2014 will be a good gauge—a good test—of what is and is not possible. Can the Defense Department achieve full audit readiness by 2017? We won't have to wait 6 years to find that out under the process Secretary Panetta is instituting. If problems surface early on, we in Congress can help the Department take corrective action to keep this effort on track and moving in the right direction.

A willingness and a commitment on the part of the Secretary of Defense to take on this problem goes way beyond the production of credible financial statements required by the Chief Financial Officers Act of the late 1970s. It

goes right to the heart of a much larger constitutional issue; that is, whether the Department of Defense is going to be held accountable.

The Department must be able to provide a full and accurate accounting of all the money it spends. Under article I, section 9 of the Constitution, such an accounting must be published from time to time. The taxpayers expect and deserve nothing less than that. Today, DOD can't do that. The status quo is unacceptable.

While I began conducting oversight of the Defense Department financial management issues more than 20 years ago, I did not come to fully appreciate the true understanding of the root cause issue until 3 years ago.

After receiving a series of anonymous letters alleging misconduct and mismanagement within the inspector general's audit office, I initiated an in-depth oversight review of audit reporting. Early on in the review, there was a startling revelation: One all-important, central element was adversely affecting every facet of the inspector general's audit effort, and that was the Department's broken accounting system. This dysfunctional system is driving the audit freight train. The success or failure of an audit turns on the quality of the financial data available for audit by competent examiners. The record clearly shows the quality of financial data presented for audit by the Department should be rated poor—or maybe I ought to say even worse than poor. This is what I call the ''no audit trail'' scenario. It is frequently encountered by auditors trying to examine Department of Defense books of account. That is the exact problem Secretary Panetta is attempting to address.

All my audit oversight work tells me that fixing the accounting machinery is the first step to audit readiness. Once a modern, fully integrated system is up and running, it should be a simple matter of punching the right computer buttons and credible financial statements will roll off of the printer. Doing routine oversight audits should be a piece of cake. Today's labor-intensive and time-consuming audit trail reconstruction work which auditors now endure in the absence of reliable accounting records will be a thing of the past. Most importantly, effective internal controls will be in place to protect the taxpayers' money against fraud, theft, and waste.

What I am saying to my colleagues is this: Secretary Panetta is on the right track. He is trying to take us to a place where we need to go and go soon. I want to help him lead us there, so I am here today to encourage and support this courageous effort to clean up the books. I admire and respect his personal commitment to such a noble cause.

I am also here to reinforce the words of encouragement contained in a letter that my friend from Oklahoma, Dr. COBURN, and I penned to Secretary Panetta on November 17. We, being Senator COBURN and I, want to work with him to achieve this most worthy goal. And in the process of these remarks to the Senate, I hope other Members of the Senate, particularly those who are on the Armed Services Committee, will also give Secretary Panetta encouraging words of support and thanks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, on behalf of the majority leader, I ask unanimous consent that the time until 2:30 p.m. be equally divided between the two leaders or their designees for debate on the Reid motion to proceed to Calendar No. 251, S. 1944; that at 2:30 p.m., the Senate vote on the motion to proceed to S. 1944; that upon disposition of the Reid motion to proceed, it be in order for the Republican leader or his designee to move to proceed to Calendar No. 244, S. 1931; that there be 2 minutes of debate equally divided between the two leaders or their designees prior to the vote; that both motions to proceed be subject to a 60-vote threshold; finally, that the cloture motion relative to the motion to proceed to S. 1944 be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

BALANCED BUDGET AMENDMENT

Mr. DURBIN. Mr. President, a little earlier today the junior Senator from Utah, Mr. LEE, came to the floor to discuss the balanced budget amendment. Under the budget agreement agreed to in Congress in August, both the House and Senate were required to vote on a constitutional amendment to balance the budget before the end of this calendar year. The House has already taken the vote. The measure failed. The Senate still has a responsibility to take it up, which we will do in the closing hours of the session this calendar year.

There are at least two proposals before us for a constitutional amendment, and my subcommittee, the Subcommittee on the Constitution, Civil Rights and Human Rights of the Committee on the Judiciary, held a hearing last week asking questions about these approaches to the Constitution.

The leading approach on the Republican side comes from both Senators HATCH and MCCONNELL. I am not certain which they will offer or whether the language might change at the last minute, but it would enshrine in our Constitution a disciplinary mechanism to reduce the budget deficit. This has been brought before the Senate and the House before many times. This particular proposed constitutional amendment would:

Require that in each fiscal year Federal outlays shall not exceed receipts unless two-thirds of each House votes to waive.

It caps outlays at 18 percent of gross domestic product each year unless two-thirds of each House votes to waive.

It requires a two-thirds vote in each House for any tax or revenue-raising measure.

It requires a three-fifths vote in each House for raising the debt limit.

It allows for waiver of the amendment in times of declared war or serious military conflict.

It prohibits courts from ordering any increase in revenue to enforce the amendment.

It directs Congress to enforce the amendment through appropriate legislation.

It takes effect 5 years after ratification.

This is far more extreme than the clean House balanced budget amendment, which failed to pass in that Chamber on November 18.

The testimony before our subcommittee from experts in the field said that this amendment, proposed by Senators HATCH and MCCONNELL, will require Draconian cuts in Social Security, Medicare, Medicaid, our military retirement system, and many programs important to working families.

It will make Republican fiscal policies the constitutional law of the land, giving protection to those in higher income categories from any tax increase forever, without an extraordinary vote in either House.

It would delegate the task of resolving budget disputes to our court system.

It would make recessions worse by requiring cuts in countercyclical safety-net programs such as food stamps and unemployment just at the time when those expenditures are most needed.

It would increase the likelihood of debt limit standoffs each year.

It would lead to increased burdens on our States.

During the course of the hearings, several people came forward to testify. I recommend to my colleagues that they carefully read these testimonies, which are available on the Senate Judiciary Committee website.

The first was Robert Greenstein, president of the Center on Budget and Policy Priorities. Mr. Greenstein, who is well recognized and respected on Capitol Hill, spoke about the countercyclical aspect and said that if you cut spending in the midst of a recession, you will not have the resources you need to provide unemployment benefits, food stamps, and the things that save families when they are out of work or making very little money.

I ask unanimous consent that Mr. Greenstein's statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF ROBERT GREENSTEIN, BEFORE THE SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS AND HUMAN RIGHTS HEARING ENTITLED, ''A BALANCED BUDGET AMENDMENT: THE PERILS OF CONSTITUTIONALIZING THE BUDGET DEBATE,'' NOVEMBER 30, 2011

Thank you for the invitation to testify today. I am Robert Greenstein, president of

the Center on Budget and Policy Priorities, a policy institute that focuses both on fiscal policy and on policies affecting low- and moderate-income Americans. We, like most others who analyze fiscal policy developments and trends, believe that the nation's fiscal policy is on an unsustainable course. As part of our work, we have been analyzing proposed changes in budget procedures for more than 20 years. We have conducted extensive analyses of proposals to write a balanced-budget requirement into the Constitution, among other proposals.

The purpose of changing our fiscal policy course is to strengthen our economy over the long term and to prevent the serious economic damage that would likely occur if the debt explodes in future decades as a share of the economy. But we need to choose our fiscal policy instruments carefully. We want to avoid ''destroying the village in order to save it.''

The goal of a constitutional balanced budget amendment is to address our long-term fiscal imbalance. Unfortunately, a constitutional balanced budget amendment would be a highly ill-advised way to try to do that and likely would cause serious economic damage. It would require a balanced budget every year regardless of the state of the economy, unless a supermajority of both houses overrode that requirement. This is an unwise stricture that large numbers of mainstream economists have long counseled against, because it would require the largest budget cuts or tax increases precisely when the economy is weakest. It holds substantial risk of tipping faltering economies into recessions and making recessions longer and deeper. The additional job losses would likely be very large.

When the economy weakens, revenue growth drops and revenues may even contract. And as unemployment rises, expenditures for programs like unemployment insurance—and to a lesser degree, food stamps and Medicaid—increase. These revenue declines and expenditure increases are temporary; they largely disappear as the economy recovers. But they are critical for helping to keep struggling economies from falling into a recession and for moderating the depth and length of recessions that do occur.

When the economy weakens, consumers and businesses spend less, which in turn causes further job loss. The drop in tax collections and increases in unemployment and other benefits that now occur automatically when the economy weakens cushions the blow, by keeping purchases of goods and services from falling more. That is why economists use the term ''automatic stabilizers'' to describe the automatic declines in revenues and automatic increases in UI and other benefits that occur when the economy turns down; these actions help stabilize the economy.

A constitutional balanced budget amendment, however, effectively suspends the automatic stabilizers. It requires that federal expenditures be cut or taxes increased to offset the effects of the automatic stabilizers and prevent a deficit from occurring—the opposite course from what sound economic policy calls for.

Over the years, leading economists have warned of the adverse effects of a constitutional balanced budget amendment. In Congressional testimony in 1992, Robert Reischauer—then director of the Congressional Budget Office and one of the nation's most respected experts on fiscal policy—explained: ''[I]f it worked [a constitutional balanced budget amendment] would undermine the stabilizing role of the federal government.'' Reischauer noted that the automatic stabilizing that occurs when the economy is weak ''temporarily lowers revenues and increases spending on unemployment insurance and welfare programs. This automatic stabilizing occurs quickly and is self-limiting—it goes away as the economy revives—but it temporarily increases the deficit. It is an important factor that dampens the amplitude of our economic cycles.'' Under the constitutional amendment, he explained, these stabilizers would no longer operate automatically.

Similarly, when a constitutional balanced budget amendment was under consideration in 1997, more than 1,000 economists including 11 Nobel laureates issued a joint statement that said, ''We condemn the proposed 'balanced-budget' amendment to the federal Constitution. It is unsound and unnecessary. The proposed amendment mandates perverse actions in the face of recessions. In economic downturns, tax revenues fall and some outlays, such as unemployment benefits, rise. These so-called 'built-in stabilizers' limit declines of after-tax income and purchasing power. To keep the budget balanced every year would aggravate recessions.'' This summer, five Nobel laureates in economics issued a new statement opposing a constitutional balanced budget amendment for this reason.

Earlier this year, the current CBO director, Douglas Elmendorf, sounded a similar warning when asked about a constitutional balanced budget amendment at a Senate Budget Committee hearing. Elmendorf observed:

''Amending the Constitution to require this sort of balance raises risks . . . [t]he fact that taxes fall when the economy weakens and spending and benefit programs increase when the economy weakens, in an automatic way, under existing law, is an important stabilizing force for the aggregate economy. The fact that state governments need to work . . . against these effects in their own budgets—need to take action to raise taxes or cut spending in recessions—undoes the automatic stabilizers, essentially, at the state level. Taking those away at the federal level risks making the economy less stable, risks exacerbating the swings in business cycles.''

Finally, a month ago, Macroeconomic Advisers (MA) analyzed the economic impacts of a constitutional balanced budget amendment. One of the nation's preeminent private economic forecasting firms, Macroeconomic Advisers provides analysis to major corporations and government entities, such as the President's Council of Economic Advisors under Presidents of both parties, including Presidents Reagan and George W. Bush.

MA concluded that 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.'' If the 2012 budget were balanced through spending cuts, MA found, those cuts would total about $1.5 trillion in 2012 alone—and 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.

Even if a BBA were implemented when the budget was already in balance, MA concluded, it would still put ''new and powerful uncertainties in play. The economy's 'automatic stabilizers' would be eviscerated [and] discretionary counter-cyclical fiscal policy would be unconstitutional . . . . Recessions would be deeper and longer.''

MA also warned that ''The pall of uncertainty cast over the economy if it appeared a BBA could be ratified and enforced in the middle of recession or when the deficit was still large would have a chilling effect on near-term economic growth.'' MA concluded that a BBA would have detrimental effects on economic growth in both good times and bad.

Proponents of a constitutional amendment often respond to these admonitions by noting that the proposed constitutional amendment would allow the balanced-budget requirement to be waived by a vote of three-fifths of the House and the Senate, so the BBA would be set to the side in recessions. But this response is too facile, and the three-fifths waiver provision does not solve the problem. It is difficult to secure three-fifths votes for anything; consider the paralysis that marks much of the work of the Senate. Moreover, it may take months after a downturn begins before sufficient data are available to convince three-fifths of the members of both houses of Congress that a recession is underway. Furthermore, it is all too likely that even after the evidence for a downturn is clear, a minority in the House or Senate would hold a wavier vote hostage to demands for concessions on other matters (such as new, permanent tax cuts). By the time that a recession were recognized to be underway and three-fifths votes were secured in both chambers, if such support could be obtained at all, extensive economic damage could have been done and hundreds of thousands or millions of additional jobs unnecessarily lost.

The bottom line is that the automatic stabilizers need to continue to be able to work automatically to protect American businesses and workers. The balanced budget amendment precludes that.

Nor is a recession the only concern. Consider the savings and loan crisis of the 1980s, or the financial meltdown of the fall of 2008. A constitutional balanced budget amendment would have hindered swift federal action to rescue the savings and loan industry or to rapidly put the Troubled Assets Relief Program in place. In both cases, history indicates that federal action helped save the economy from what otherwise likely would have been far more dire problems.

Moreover, the federal government provides deposit insurance for accounts of up to $250,000; this insurance—and the confidence it engenders among depositors—is critical to the sound functioning of our financial system so that we avoid panics involving a run on financial institutions, as occurred in the early 1930s. A constitutional prohibition of any deficit spending (unless and until a supermajority of both houses of Congress voted to authorize it) could seriously weaken the guarantee that federal deposit insurance provides. That is a risk we should not take.

These are illustrations of why fiscal policy should not be written into the Constitution.

A parallel problem is that the proposed constitutional amendment would make it even harder than it already is to raise the debt limit, by requiring a three-fifths vote of both the House and Senate to raise the limit. This is playing with fire. It would heighten the risk of a federal government default. A default would raise our interest costs and could damage the U.S. economy for years to come.

MISTAKEN ANALOGIES TO STATES AND FAMILIES

Proponents of a constitutional amendment sometimes argue that states and families must balance their budgets every year and the federal government should do so, too. But statements that the constitutional amendment would align federal budgeting practices with those of states and families are mistaken.

While states must balance their operating budgets, they can borrow to finance their capital budgets—to finance roads, schools, and other projects. Most states do so. States also can build reserves during good times

and draw on them in bad times without counting the drawdown from reserves as new spending that unbalances a budget.

Families follow similar practices. They borrow—they take out mortgages to buy a home or student loans to send a child to college. They also draw down savings when times are tight, with the result that their expenditures in those periods exceed their current incomes.

But the proposed constitutional amendment would bar such practices at the federal level. The total federal budget—including capital investments—would have to be balanced every year, with no borrowing allowed for infrastructure or other investments that can boost future economic growth. And if the federal government ran a surplus one year, it could not draw it down the next year to help balance the budget.

I would also note that the fact that states must balance their operating budgets even in recessions makes it all the more important from the standpoint of economic policy that the federal government not be subject to the same stricture. American Enterprise Institute analyst Norman Ornstein addressed this matter in an article earlier this year, where he wrote: ''Few ideas are more seductive on the surface and more destructive in reality than a balanced budget amendment. Here is why: Nearly all our states have balanced budget requirements. That means when the economy slows, states are forced to raise taxes or slash spending at just the wrong time, providing a fiscal drag when what is needed is countercyclical policy to stimulate the economy. In fact, the fiscal drag from the states in 2009–2010 was barely countered by the federal stimulus plan. That meant the federal stimulus provided was nowhere near what was needed but far better than doing nothing. Now imagine that scenario with a federal drag instead.''

S.J. RES. 10 AND S.J. RES. 23 RAISE ADDITIONAL ISSUES

The foregoing concerns apply to all versions of the balanced budget amendment that have been introduced. Some versions of the balanced budget amendment, such as S.J. Res. 10 and S.J. Res. 23, which are identical, raise additional concerns, because they would write into the Constitution new barriers to raising any revenues—including closing wasteful tax loopholes—to help balance the budget and also would prohibit federal expenditures in any year from exceeding a figure such as 18 percent of the Gross Domestic Product in the previous calendar year. These constitutional requirements could be overridden only by supermajority votes in both the House and the Senate.

This requirement for a supermajority to raise taxes would be extremely unwise. It would protect what President Reagan's former chief economic advisor, Harvard economist Martin Feldstein, has called the biggest area of wasteful government spending in the federal budget—what economists call ''tax expenditures'' and Alan Greenspan has called ''tax entitlements.''

In 2010, tax expenditures amounted to $1.1 trillion, more than the cost of Medicare and Medicaid combined (which was $719 billion), Social Security ($701 billion), defense ($689 billion, including expenditures in Iraq and Afghanistan), or non-defense discretionary spending ($658 billion, including expenditures from the Recovery Act). Many of these tax expenditures are fully the equivalent of government spending. Let me use child care as an example.

If you are low- or moderate-income, you may get a federal subsidy to help cover your child care costs, and the subsidy is provided through a spending program. If you are higher on the income scale, you still get a government subsidy that reduces your child care costs, but it is delivered through the tax code, as a tax credit. (Moreover, if you are a low- or moderate-income parent with child care costs, you likely will miss out because the spending programs that provide child care subsidies are not open ended and can only serve as many people as their capped funding allows. By contrast, if you are a higher income household—and there is no limit on how high your income can be—your child care subsidy is guaranteed, because the tax subsidy that you get operates as an open-ended entitlement.) It is difficult to justify making the tax-code subsidy sacrosanct and the program subsidy a deficit-reduction target merely because one is delivered through a ''spending'' program and the other is delivered through the code.

And as the child care example illustrates, sharply distinguishing between subsidies delivered through the tax code and those delivered through programs on the spending side of the budget also has a ''reverse Robin Hood'' aspect. Low- and moderate-income households receive most of their government assistance through spending programs; affluent households receive most of their federal subsidies through tax expenditures. Effectively barring reductions in tax expenditures from contributing to deficit reduction is a prescription for placing the greatest burden of deficit reduction on those who can least afford to bear it.

The problems do not stop there. If it requires a supermajority to raise any revenue, another likely outcome is a proliferation of tax loopholes. New loopholes—including loopholes that Congress did not intend but that high-priced tax lawyers and accountants have found ways to create—could become untouchable once they appeared, because it would require a supermajority of the House and Senate to raise any revenue. It would become more difficult to close tax loopholes that opened up, since (under S.J. Res. 10 and S.J. Res. 23) special-interest lobbyists could block such action simply by securing the votes of one-third plus one member in one chamber.

Finally, as noted, S.J. Res. 10 and S.J. Res. 23 would bar federal spending from exceeding 18 percent of GDP in the prior calendar year, which translates into a limit of about 16.6 percent of the current fiscal year's GDP. To hit that level would require cuts of a truly draconian nature. Consider the austere budget that the House of Representatives passed on April 15, sometimes referred to as the Ryan budget. Under that budget, Medicare would be converted to a voucher system under which, the Congressional Budget Office has said, beneficiaries' out-of-pocket health-care costs would nearly triple by 2030 (relative to what those costs would be that year under the current Medicare program). CBO also has written that under the Ryan budget, federal Medicaid funding in 2030 would be 49 percent lower than it would be if the Affordable Care Act's Medicaid expansion were repealed but Medicaid otherwise was unchanged. And funding for non-security discretionary programs would be cut more than one-third below its real 2010 level. Yet CBO says that under this budget, total federal spending would be 20¾ percent of GDP in 2030, so it would breach the allowable limit under S.J. Res. 10 and S.J. Res. 23 by four percentage points of GDP. This illustrates the draconian nature of the proposed 16.6 percent-of-current-GDP requirement.

Another way to look at this stricture is to examine federal expenditures under Ronald Reagan. Under President Reagan, who secured deep budget cuts at the start of his term, federal expenditures averaged 22 percent of GDP. And that was at a time before any members of the baby boom generation had retired and when health care expenditures throughout the U.S. health care system (including the private sector) were one-third lower as a share of GDP than they are today. It also was before the September 11 terrorist attacks led policymakers to create a new category of homeland security spending, and before the wars in Iraq and Afghanistan led to increases in veterans' health-care costs that will endure for a number of decades.

ESTIMATING THE EFFECTS OF SPENDING CAP IN S.J. RES. 10 AND S.J. RES. 23

To provide a more precise and detailed analysis of the impact that the spending cap in S.J. Res. 10 and S.J. Res. 23 would have, we recently conducted an analysis of its effects, using the latest Congressional Budget Office ten-year budget projections. We considered the impact if the balanced budget requirement would take effect in fiscal year 2018, as would occur if Congress approved it now and the requisite number of states ratified it by September 30, 2013. Here are the results.

—Congress would have to cut all programs (except interest on the debt) by an average of 24.9 percent in 2018. It would have to cut programs by $1.1 trillion in 2018 alone, and by $6.1 trillion through 2021.

—If all programs were cut by the same percentage, Social Security would be cut $265 billion in 2018 alone and $1.7 trillion through 2021; Medicare would be cut $168 billion in 2018 and $1.1 trillion through 2021; and Medicaid and the Children's Health Insurance Program (CHIP) would be cut $115 billion in 2018 and $724 billion through 2021.

—Veterans disability payments, compensation, and other such benefits would be cut $19 billion in 2018 and $122 billion through 2021.

—Defense spending would be cut $141 billion in 2018 and $879 billion through 2021, on top of the reductions made to comply with the discretionary spending caps that the Budget Control Act establishes and the reductions made under the sequestration order that is expected to be issued in January 2013, pursuant to that act.

Congress would not, of course, have to cut all programs by the same percentage and likely would not do so. But if Congress chose to spare certain programs, others would have to be cut even more deeply. For example, if Social Security were spared, the average cut to all other programs would rise by more than one third, from 24.9 percent in 2018 to 34.2 percent. Similarly, if the defense budget were increased by placing it at 4 percent of GDP (exclusive of war costs) and maintaining it at that level, as presidential candidate Mitt Romney has proposed, then all other programs—including Social Security—would have to be cut an average of 38.2 percent in 2018 under S.J. Res. 10 and S.J. Res. 23.

Even if the so-called ''plain vanilla'' version of the BBA is pursued, rather than S.J. Res. 10 and S.J. Res. 23, the required level of budget cuts would be massive, assuming taxes are not raised to help balance the budget. Congress would have to cut everything an average of 17.3 percent in 2018, an average of 23.8 percent if Social Security were protected, and an average of 29.4 percent if the defense budget were set at 4 percent of GDP and Social Security were not protected.

CONCLUSION

Policymakers need to begin to change our fiscal trajectory. As various recent commissions have indicated, we need to stabilize the debt as a share of GDP in the coming decade and to keep it stable after that (allowing for some fluctuation over the business cycle). But establishing a balanced budget amendment in the Constitution would be exceedingly unwise. It would likely exact a heavy toll on the economy and on American businesses and workers in the years and decades

ahead. It is not the course that the nation should follow.

Mr. DURBIN. Mr. President, another testimony that I thought was extremely compelling came from Alan Morrison. Alan Morrison is an accomplished attorney and has argued many cases before the U.S. Supreme Court. He is the Lerner Family Associate Dean for Public Interest & Public Service Law at George Washington University Law School.

Professor Morrison really asked us to think through what we are doing. In fact, he asked us the most important question: If you put an amendment to the Constitution that requires a balanced budget, who will enforce it? Who will make it work? Who will decide if you have lived up to its terms? He concluded, based on his background in constitutional law and arguing before the Supreme Court, not the President. The President is not in that position to do it. The President, of course, with his budget, has his own favorites when it comes to spending and revenue.

Professor Morrison said this case ultimately has to find its way to our court system. But he made it clear that any constitutional balanced budget amendment must expressly give to the Federal courts the standing to decide the question. He raised a question that without that expressed language, he really was doubtful that the courts would take it up. They might view it as just a political question to be resolved by Congress itself.

Now, Senator LEE, who spoke on the floor earlier, has a version of the balanced budget amendment that expressly gives standing to Members of Congress, if I am not mistaken. But the point made by Professor Morrison is that any balanced budget amendment has to expressly give to our Federal court system the power of judicial review. In other words, who is going to call the fouls, the balls, the strikes, and the outs? It is going to have to be the court system when it comes to whether the balanced budget amendment is being complied with.

That is the first question but certainly not the last question.

Professor Morrison then went on to say: Now, put this in the real world. In the real world, where Congress has passed a budget, appropriations bills, and now someone is arguing that what Congress did does not comply with the new provision of the Constitution requiring a balanced budget—arguing that, in fact, Congress is overspending the amount it is allowed to spend, for example—then, of course, that case has to find its way from the Capitol Building to the President, who signed the bill, and then over to the court system.

Keep in mind, while we are in doubt about the outcome on appropriations bills and the budget, there is a serious question about how we will continue to fund our government, whether we can continue to make important payments to military retirees, Social Security recipients, Medicare recipients. All of it is in doubt while there is a question raised as to whether the budget passed by the Congress is unconstitutional.

This is the thicket we are being led into by those who very glibly say: All we need to do is mandate in the Constitution a balanced budget, and it will just flow naturally from that mandate.

Well, listen to what Professor Morrison said:

> The federal courts will (rightly) be extremely reluctant to wade into these budget battles and thus will want to be sure that there is likely to be a violation before agreeing to decide the merits. But budgets are inherently uncertain in their impact, depending on such factors as whether revenue targets are met, whether the demand for entitlements is higher or lower than anticipated, whether discretionary spending is fully realized, and whether an existing war winds down or a new one starts, each with great uncertainties accompanying them. Thus, it will be far from clear on October 1st of a given fiscal year whether a duly enacted budget will or will not be in balance, assuming that the question is reasonably close, as it is likely to be in at least some years. Unless Congress makes it clear, either in the [constitutional] amendment or perhaps by subsequent legislation, that the courts should resolve all doubts in favor of finding claims ripe, the courts are likely to be very reluctant to reach the merits even for those persons who are expressly given standing in the amendment.

Then, of course, is the question of a remedy. What if Congress passes a budget and appropriations bills, the President signs them, and they are challenged in court, and the court says: Yes, in fact, Congress has overspent beyond the requirements of the Constitution. What is next? What remedy would the courts order? What can the court do?

> Can they order the recipients (of salaries, social security benefits, Medicare payments, payments under Government contracts etc) to ''pay back'' [a certain percentage]? Or can it order Congress to rectify the balance in the next year's budget, which would almost certainly trigger a new lawsuit? To be sure, the courts will not dismiss as moot claims that are capable of repetition, yet evade review because the duration of the violation is so limited that the courts cannot decide its legality before it has ceased.

Professor Morrison asks us to get beyond the bumper stickers and to think twice before we amend our Constitution.

In the 220 years since the enactment of the Bill of Rights, we have amended this Constitution precious few times. We have done it for compelling national reasons. We have done it to extend the right to vote to women. We have done it to make it clear that African Americans treated as slaves will be treated as citizens in the United States. We have done it to deal with questions of Presidential disability and succession. These are things which were compelling, major, national issues which could be resolved in a clear, definitive way by our Congress, working with the States for ratification.

Now comes the flavor of the day. In the midst of the deficit crisis debate, there are those who are arguing that we should not accept our responsibility in the Senate and the House to balance the budget. No, we should just put in the Constitution that we are required to do it. And then they go further. If we are going to address it, they say, we are going to draw certain lines that future Congresses, forever, as long as this constitutional amendment applies, will be bound by—to make it more difficult to raise taxes on anyone in the United States; to make it imperative, if not mandatory, that cuts be made in programs such as Social Security and Medicare. These are questions that should be decided by Congress and the President on a timely basis.

I have been involved in the past 2 years with a lot of debate about our national budget deficit, both on the Bowles-Simpson Commission and with the voluntary effort by six Democratic and Republican Senators. It is not easy. It is very hard. But it can be done if the political will is there.

I think we need to summon the courage, the political courage and the will to do it. But we should reject—summarily reject these efforts to amend our Constitution. They are not well thought out. The Constitution is too important a document, a historical guidepost for our Nation, and an inspiration for nations around the world to put in a fatally flawed constitutional balanced budget amendment in the heat of the moment.

This is a significant vote. Those of us—and that includes every single Member of the Senate—who have sworn to uphold and defend the Constitution need to take that document very, very seriously. Those who want to amend it in quick fashion, changing their amendment language by the day, should be dismissed. If they do not show the reverence for this document that it deserves, if they do not take the time to make certain their proposals are consistent with the sanctity and importance of this document, they should not be taken seriously.

I do not believe any of my colleagues can go home having voted for that amendment and expect wild applause from audiences across America. They will understand that this was just a political reaction to a very important issue. Let's not amend the Constitution with a balanced budget amendment.

(Mrs. HAGAN assumed the chair.)

Mr. DURBIN. Madam President, I would like to make one additional brief statement. I see the Senator from Ohio in the Chamber.

The holiday season is upon us, and a lot of us are thinking about our families, and we are thinking about being with them as quickly as we can. It is a time of year that has a special significance for so many of us. But what was made clear by President Obama yesterday—and my colleagues should take note—we are not going home for

Christmas, Hanukkah, or any holiday season until we have done our job for the people of this country.

Millions of people in Illinois and across America are counting on Congress to extend the payroll tax cut. What does it mean in my State? With an average income of $50,000 a year, it is worth more than $1,000 a year to those families. It is worth about $125 to $150 a month to have a payroll tax cut—money that working families, struggling from paycheck to paycheck, desperately need to fill the gas tank, to pay the utility bills, to provide clothing for their kids, to make sure they can stay in their home. These are the basics.

No Member of Congress is going to be allowed to go home and ignore the imposition of such a new payroll tax on America. President Obama met with the Democratic leaders of the Senate yesterday, and he said point-blank—he has told the First Lady, Michelle, and his girls that, if necessary, they can have their Christmas vacation in Hawaii, which they go to each year, by themselves, and he will wait here until this job is done. I hope that does not happen for the sake of his family or for the sake of any family of any Member of Congress, but in order to avoid that, we have to do the right and responsible thing.

This afternoon, there will be a vote on the payroll tax cut offered by Senator CASEY of Pennsylvania. It is a payroll tax cut that would help millions of America's working families have more to spend and help the economy to recover. And he pays for it. He does not add to the deficit. He pays for it by imposing a surtax—listen closely—on the second million dollars earned by a person in a year, not the first million. You do not pay a penny on the first million you earn. On the second million, you will pay a surtax, and I think it is 2 percent, maybe less.

The Republicans have said: Absolutely unacceptable. We will not allow you to impose this onerous tax on these people.

People who are already making $20,000 a week, we cannot ask them to pay 2 percent more on the next dollar they make? I do not think it is unreasonable. And if it leads to a payroll tax cut that helps families across this country, if the economy continues to recover even at a faster pace, if we see more business activity and business life and more people working, do you know what is going to happen? Those same wealthy people will prosper again, as they always do. It is in their best interests for this economy to get well. For our Republican friends to fold their arms and say: We are just not going to let you touch the wealthiest people in America, is an irresponsible position.

Senator CASEY has led this effort. It is the second effort we have made. We had one last week. The Republicans offered their alternative last week. It had 20 votes on the floor of the Senate—20 out of 47 Republican Senators. Twenty voted for it. They want to bring it up again today. They will probably get more than 20 votes this time, but it is pretty clear that the Republican Senators are halfhearted in their support of this Republican alternative.

One Republican Senator from Maine had the courage to step across the aisle last week and join us. We salute Senator COLLINS for doing that. We hope others will do it today.

We can bring this challenge to a close the right way by extending the payroll tax cut, paying for it with a tax on the wealthiest people in America. We can do our job and go home and be with our families. If Republicans will not come to the table to work with us on a reasonable compromise, I am afraid the American people will know very clearly who is to blame for continuing a tax on working families across America.

The facts are that we want working Americans to have a good year, get through a difficult time, and the economy to recover.

We should be doing this on a bipartisan basis. The President said: Roll out your Christmas trees and blankets here in the Senate because you are going to stay here, even through the holidays if necessary. We are not going to go home to celebrate until we can celebrate with American families who are counting on us across America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I go home every weekend, back to northeast Ohio where I live in a town called Avon in Lorain County. I want to go home at Christmas. I want to be with my 3-year-old grandson and my three daughters and son. But I also think our obligation, as Senator DURBIN said, the assistant majority leader, is to stay here and get our work done. And ''get our work done'' means extend the payroll tax cut and extend unemployment benefits.

If we do not do that, frankly, we are ruining the holiday season for tens of thousands and dozens of tens of thousands, if you will, of Ohioans and Illinoisans and North Carolinians. If we do not do that, we do not deserve to be able to go home and be with our families. I am not trying to be a martyr, but I think it is shameful a group of people, in order to protect the highest income taxpayers in this country—those making over $1 million a year—continue to block an extension, a continuation, if you will, of this tax cut for working families.

In my State the average tax cut that we will vote for today, and continue until it happens is about $100, $110, $120 per family per month. It is absolutely unconscionable not to do that.

Senator DURBIN also talked about the constitutional amendment to balance the budget. I want to recount something I heard earlier today on the Senate floor. Two of my conservative colleagues—one from Kentucky, one from Utah—spoke about the importance of a balanced budget amendment. I supported a balance budget amendment in the past when I was in the House of Representatives. In here I have actually voted—it was part of an effort to get us to a balanced budget in reality in the 1990s. When President Bush took office we had the largest budget surplus. We balanced the budget and then some. We had the largest budget surplus in American history.

I was part of that. I was proud of that. We accomplished what we set out to do. We accomplished what we said we would, and we accomplished something very important for our country. It was then in the first years of the last decade—in 2001, 2002, and 2003—that we went to war, two wars, Afghanistan and Iraq, and we did not pay for them.

President Bush, in those days, pushed through two tax cuts—one in 2001, one in 2003—that went overwhelmingly to the wealthiest Americans, without paying for it, without offsets, cuts, or other taxes. Then President Bush also pushed through—at a very close, middle-of-the-night vote in the House of Representatives, by, I believe, one vote or two votes—a Medicare privatization bill that basically was a bailout for the drug companies and the insurance companies and did not pay for that. That is why we got to this situation, unfortunately, where we have had this terrible budget problem.

What I wanted to address is what the solution of a couple of my colleagues seems to be. To their minds, there seems to be sort of a moral equivalent of, on the one hand, asking millionaires, people making a million dollars and up, to pay their fair share and making Medicare beneficiaries and Social Security beneficiaries take big cuts.

So I heard my two colleagues basically say this: that if the Democrats were serious about moving toward a balanced budget—and, again, 15 years ago we did it. We absolutely did it with President Clinton, got to a balanced budget, got to a surplus.

They said if the Democrats are serious about that, they will raise the retirement age for Social Security, and they will raise the eligibility age of Medicare. Let me tell you why that is a bad thing. I was in Youngstown not too long ago at a townhall meeting. A 63-year-old woman stood up and said—62, 63 years old.

She said: I just need to stay healthy and stay alive until I am 65 so I have health insurance. I need to be able to stay alive for another couple of years so I can get on Medicare and have health insurance.

Imagine living your life that way, when you are thinking: I just have to stay alive until I am 65. Then I will have good government Medicare health insurance. So some people here say: Well, tough luck. We are going to have to raise the eligibility age of Medicare to 66, 67, 68, whatever my very conservative colleagues are proposing—from

Utah and Kentucky—raise the eligibility age for Medicare as if that is going to make them better.

When you think about it—I want 62-year-olds—one reason we passed the health care reform, I want 62-year-olds to have health insurance. One, it is good for them. Second, it is way better for the country, including taxpayers, that they get health care before they get sicker and sicker and end up in the emergency room or end up with cobbled-together health care that is much more expensive, let alone what it does to this lady and her family.

Second, they proposed to raise the eligibility age for Social Security. Now, it is easy for people around here to dress like this who, for all intents and purposes, talk for a living—work hard at what we do but talk for a living and work in offices and, you know, do not do heavy lifting and are not exposed to the elements and all of that. It is easy for us to say: Let's raise the Social Security age to 70 because, God willing, we will still be here if the voters vote us in and we can keep doing this. Most of us are pretty healthy and do not work around asbestos and are not doing heavy lifting, are not working in the snow, in the rain, in the heat.

Well, when I think about raising the retirement age to 70, here is who I think about. I think about construction workers. I think about women who cut hair. I think about a waitress who works at a diner. I think about someone who works at a factory in Brunswick, OH. I think about people who walk the floors in retail. We are going to tell them that—we who dress like this, we who have jobs like this are going to tell those constituents—and there are millions in my State and tens and tens and tens of millions around the country, working-class citizens of this country who simply cannot work until they are 70.

If you are cutting hair, if you are changing sheets in a hotel, cleaning out bathrooms in a hotel, if you are working as a carpenter or a laborer or sheet metal worker, if you are working as an auto worker, a steel worker or nonunion in a tool-and-die or machine shop, you probably cannot work until you are 70. Your body probably will not be able to function in the workplace, with the physical and mental demands now to work in the workplace until 70. Yet people here think it is OK to do that.

The people here, I would add, can retire if they have 20 or 25 years in the House and Senate. They can retire at 60 or 62 or whatever and get a full pension. That is why I have introduced legislation—not opposed to their balanced budget amendment. I think it has all kinds of mechanisms in it that lock in low tax rates for the richest people in this country. I will not get into that. Senator DURBIN talked about that.

But I have introduced the legislation that simply says if we raise the retirement age to 70, then Members of Congress cannot retire with a pension until 70. Why should Members of Congress be able to get a pension at 62 or 58 if they served enough years, but a Social Security beneficiary should not until a decade or so later?

So it is important, as we talk about balancing the budget, as we talk about our fiscal situation, not to make a moral equivalence between the richest people, the richest 1 percent in this country paying their fair share in taxes, making that a moral equivalence to Social Security and Medicare beneficiaries having to endure significant cuts.

Some people around here call Medicare and Social Security entitlements. They can be dismissive: We have to fix entitlements. Well, talk to a 72-year-old in Dayton or a 68-year-old in Zanesville or an 81-year-old woman in Xenia or Springfield, OH, and they will tell you oftentimes this is not really an entitlement, this is an investment. They paid into Social Security. They paid into Medicare. They want to make sure the government fulfills the covenant that we made over the last 75 years in the case of Social Security, 45 years in the case of Medicare, the covenant that we made between our government and the citizens of this country. That is the importance of that. We need to think twice.

That is why my legislation was introduced, in part, that Congressmen and Congresswomen cannot receive a pension before the same retirement age as Social Security beneficiaries. We need to think twice before we are going to tell a carpenter or a barber or a retail worker or a steel worker that we are going to raise the retirement age and make them work until 70 so they can receive Social Security benefits.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING TOUGH CHOICES

Mr. COBURN. I am coming to the floor now because we will not have an opportunity to debate on the payroll tax cuts because the vote is going to be at 2:30 and that time is taken.

I think it is important for the American public to look at what is happening in Washington right now. There is not a disagreement in Washington about whether we want people to continue to receive this tax cut. The disagreement is, should it come out of Social Security? Should we continue to undermine Social Security or should we do it a different way? That is No. 1.

No. 2 is, if we are going to borrow $117 billion against our children knowing that we have significant waste, fraud, abuse, and duplication in the Federal Government of in excess of $350 billion a year, should we not eliminate some of that, pay for this rather than borrow the money?

So we have the posturing between the two parties based on the election that is coming to create a predicate that some people only care for the rich and some people only care for those who are less fortunate, which is all smoke and mirrors. There is unanimity that we want this to continue. So what the American people are not hearing is the real debate.

The real debate is, should we eliminate some of the waste, some of the stupidity, some of the duplication in the Federal Government and actually do that to be able to pay for this so that as we do this thing that we all want to do—in other words, keep this $1,000 to $2,000 per family in the economy now—that we do not do that by crippling the children of the very people who are in the economy.

You know it is a zero-sum game. Somebody is going to pay the bill sometime. If it is us who refuse to do the hard work of ferreting out waste, duplication, fraud, then our service will have been in vain because what we are really doing is transferring to our children the responsibility for us today. Actually, it is going to come doublefold because the way this bill is lined out is we are going to borrow the money in the market to pay for this continued decrease in Social Security taxes.

We have already stolen $2.6 trillion from Social Security, Congresses have the last 20 years. When we borrow that money and put it back in, there is no reduction in what is owed, so our kids are actually going to get to pay for it twice. They are going to pay for it now with the new debt that we are taking, and the fact that new payment was not recognized as a reduction, they are going to get to pay it again.

So it is going to cost our children a quarter of a trillion dollars. There is a lack of honesty in talking plainly with the American people. They know we are in trouble. The question is, Will we be honest with them, treat them as adults in terms of how we go about solving the problem? We hear the mess. The press takes advantage of that. There is not a lot of difference between the Senator from Ohio who just spoke, in terms of what we want to do in terms of protecting seniors. But the politics surrounding it and the game playing poorly serves our country.

So for all the press that is watching, we are going to get this done. I know it is the game Blood Sport that is happening right now, with the press saying: Will they or will they not? It is going to happen. We are going to fix unemployment so that we have a continuation of that. The real question is, Will we fix the real things that the

country needs fixed or are we just going to kick the can down the road?

What we are doing is kicking the can down the road because we won't make the tough choices to pay for it. We won't pay for the unemployment benefits. The first 26 weeks is what is earned; that is what people contributed to. We are up to 99 weeks, and that comes directly from the American taxpayer—it actually comes from the future American taxpayer.

Some real questions ought to be asked. What is the game being played in Washington by both sides—trying to get advantage in the next election? As our country drowns in debt, we continue to further mortgage our children's future, and we continue to treat the American people like children rather than the adults they are. Everybody knows we are all going to have to sacrifice. Does that mean we are going to abandon the social safety net? No, it doesn't. Does that mean a 62-year-old who is trying to get on Social Security is not going to get there? No; they are. Those are the tactics of fear that something will not be there. As a fiscal conservative or a constitutional conservative, I want us to fulfill our obligation to the promises we have made and to our oath, which is to uphold the Constitution. Thomas Jefferson said you should never borrow money which you have not laid a tax to pay for. He is a Founder—one of the Founders of our country. We would do well to go back and revisit the wise and prudent advice of our Founders. You don't see that or hear that much anymore in the U.S. Congress.

These are big problems our country is facing. I am 63—soon to be 64—years old. We have never faced anything close to what we are facing today. How we react and how we respond is going to make all the difference in the world—not only for our short-term future but also for our long-term future.

I hope the American people who are listening right now understand that we are going to do what is necessary to help get the economic process of our country running again in a better and viable way. I hope you will dismiss the partisan rhetoric and the class warfare rhetoric that is all too commonplace today. If we will focus on what the problem is rather than the next election, we will have a great deal more success in coming together and forging solutions the American people can be proud of and we will actually move our country ahead.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BEGICH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORDRAY NOMINATION

Mr. BEGICH. Madam President, first, I want to comment on the Cordray appointment that was attempted a little bit ago, and then I want to bring up some more good news on the economic front.

First, I was somewhat disappointed in the vote of 54 to 45, garnering only 1 Republican from the other side—only 1—and on such an important agency that ensures the protection of consumers in a variety of areas. It seems illogical to me that we would not find compromise in a vote to appoint someone to run an agency that this body, in a 60-vote margin, approved to help protect consumers, particularly considering what has happened over the last several years and the glaring problems and challenges consumers have had to endure with the financial institutions of this country as well as from other entrepreneurs, such as pawnshops and payroll check cashers. All of these institutions would have firm regulations and provide the consumer an opportunity to respond, or those who get abused by those programs.

I am a little disappointed. I wasn't intending to come and speak on that issue, but I wanted to have my voice on the floor that I was disappointed that an appointment could not happen, which I believe is raw politics. It has nothing to do with the individual's ability to make this agency run properly. They didn't want to appoint him because they didn't like the agency—the 45 or so who didn't vote for it. And I think it all boils down to one very simple thing: Consumers are now, once again, left without someone running an agency that will help protect them against these people who prey on individuals in the financial arena.

THE ECONOMY

Again, Madam President, I am somewhat disappointed, but let me get to the real reason I came to the floor. I came down yesterday and had a lot to say about the economy and where we are and the headlines that were reported yesterday. And in less than 48 hours—27 hours—there are more good news headlines.

These are some of the headlines I talked about yesterday: ''Jobless Rate Dips to Lowest Level in More Than 2 Years.'' New York Times. CNN: ''Dow Closes With the Largest Gain Since March 2009.'' ''Private Sector Jobs Soar. Payroll Forecasts Rise.'' That is Reuters. The Wall Street Journal: ''Online Sales Reached Record $1.25 Billion on Cyber Monday.''

On top of that, we had record sales for Thanksgiving weekend—Black Friday they call it, and Small Business Saturday. Again, an incredible impact for our economy.

What this tells me—even though we get a lot of criticism from the other side and others who complain maybe we are not doing our job and are frustrated that Washington isn't working as well as it could—and I agree there are a lot of areas where we are not able to move forward, such as the appointment I mentioned a few minutes ago—is there are good examples of policies we have worked through over the last 3 years during this great recession. We have fought kind of a lonely war to get these policies in place.

Once again, more good news, and let me read off a couple. This week's Time magazine has a whole article entitled ''How America Started Selling Cars Again.'' Why is this important? Because this is a manufacturing base for our country. It employs people not only in jobs in the automobile industry but it trickles all the way through the economy of the country. It doesn't matter if they are at a port, for example.

I remember meeting recently with the folks from the Detroit Port Authority talking about ships and the movement of product from the automobile industry across this country, but also manufacturing and other activities throughout the country that support the automobile industry. It is moving forward. It is growing.

We took a dramatic step and got a lot of criticism for it. As a matter of fact, no one wants to even mention the words, because everyone is so nervous about it. Some call it an auto bailout. And, yes, we did do that. That result is a healthy, strong, profitable industry that is bringing jobs to America and creating jobs in America. As a matter of fact, there was an article in the Wall Street Journal not long ago talking about how we are importing jobs from Japan and China back to the United States, to the automobile industry, because it is successful.

And, oh, by the way, they are paying back all those loans they got from the Federal Government with interest. So the taxpayers are getting their money back in full. The net result is, because we helped at the right time, we have ensured we are still a player in the automobile industry not only in this country but in the world market. So for those who want to continue to complain and to demonize that action, the net result is we are bringing jobs back to the United States in this industry.

The Cash for Clunkers Program was another piece of legislation that barely passed. Again, many of us on this side of the aisle took that lonely road because we thought it was the right thing to help move this economy forward. Again, the net result is this industry is profiting more in the last several years. They are producing more jobs not only in their industry directly but indirectly. And the naysayers on the other side rarely bring this up anymore, because in less than 3 years—really, less than 2 years—this industry has turned itself around because of American ingenuity and with the help and support from the U.S. Government, and that help and support is being paid back with interest in the good old American way.

So from my perspective, once again, this is a great story, and I commend Time magazine for talking about the future.

Let me also talk about another one. This is from CNBC. I pulled this off because I like looking at all the business magazines and Web sites every morning. I glance through quickly to see what is happening, what the markets are doing, what the industry is doing, who is investing, what are the new businesses, and what is happening out there. Here is this one: ''U.S. Mortgage Applications Jumped Last Week.''

This is the industry that fell apart in the beginning of the great recession—the housing industry. A lot of people say that was the main reason the economy collapsed. It was a significant portion of it, no question about it. But let me read this.

The Mortgage Bankers Association said its seasonally adjusted index of mortgage application activity, which includes both refinancing and home purchase demand, spiked 12.8 percent in the week December 2. The MBA's seasonally adjusted index of refinancing applications also jumped, gaining 15.3 percent, while the gauge of loan requests for home purchases rose 8.3 percent.

By loan requests, these are people who are now saying, I want to think about buying a home. I want to purchase today. I want to start examining what is out there.

Here is what the Mortgage Bankers Association's vice president of research and economics said. These are his words:

Applications increased significantly as mortgage rates dropped to their lowest levels in about 2 months.

Actually, overall, it is the lowest level in decades. But we now measure things by an eighth of a point. So when you are at 4.125 or 4.25, we are now measuring which is lower overall, but it is lower for the last several decades. Incredible.

Let me read another one. This is from Politico, but it is reporting on the Bloomberg Global Poll—which they started doing in 2009 to sort of see where foreign investors will put their money. Where will they invest? Where will they take the dollars they have accumulated or will gather through investors and shareholders and so forth? Where are they going to put their money?

More than . . . 41 percent, said they expect the U.S. will have one of the strongest performing economies in the world in the coming year—the highest percentage the country has seen since the Bloomberg Global Poll began in October 2009.

Here is another one. Today, again MSNBC. ''Jobless claims drop to 9-month low.''

. . . jobless claims dropped 23,000 to adjusted 381,000—

That is actually below the magical threshold of 400,000, which people watch. The question is, Will it be consistently under 400,000? We have received more of these under 400,000 recently than in the last 3 years. That is a good signal that the economy is moving.

I know some will say it is not enough. Well, when I came here, half a million people were losing their jobs every single month. So we have now had 21 consecutive months of job growth in the private sector. That is a great statement for us as an economy, this 21 consecutive months of job growth. It is an indication our economy is moving.

Do we want it to move faster? Of course we do. That is what America is about. We want to see things happen right now—today. But this has been called a great recession. Yet we are pulling ourselves out of it. It takes time and it takes good policy. And, yes, it takes some opportunity and taking a little risk, and we did some of that here. We made some decisions that were tough and were not necessarily very popular at times.

I remember many of the calls I received on some of these issues. But what is the end result? That is what we have to measure by. Leadership is not about waiting for a poll to tell us what is right or wrong or waiting for someone to say, here is the right move because your constituency will vote for you if you do this thing this way. It is about leadership. Sometimes the leadership role is tough. It means getting a few trucks running over you a little bit, leaving some tire tracks on your back, but the end result is what we look for.

Today, where we are, we have job growth—not as significant as we want but job growth. Where were we? Half a million jobs a month disappearing.

Let me cite another one. This is a big issue people are concerned about. As a former mayor, managing a city, you are always looking at the revenues because the revenues tell you how your local economy or, if it is State revenue, how your State is doing. If you remember, at the end of 2008, 2009, and beginning of 2010, there was incredible concern about local governments collapsing under the debt and deficit spending and unable to manage.

As a matter of fact, the markets were concerned about municipal and State debt and what that might mean. Oddly enough—and I wish I had brought that article—it hasn't panned out as people thought. Local governments, State governments are doing better than people anticipated. It is still a tough road, no question about it. We still have firefighters, police officers, and teachers who have been laid off. We tried to pass a bill here to help that out, but that didn't happen because too many on the other side opposed it.

But for State and local governments, here is the latest State revenue report by the Nelson A. Rockefeller Institute of Government, University at Albany, NY: ''Overall Tax Revenues Show Strong Growth in Second Quarter.'' The article speaks to State tax revenues growing by 10.8 percent in the second quarter of 2011.

As a matter of fact, the year ending June 2011—which is the end of a lot of fiscal years for State and local governments—the period corresponding to 46 States—almost all of the States' fiscal years—total State collections increased by $58 billion in that year, or 8.4 percent, from the previous year, the strongest annual gain since 2005.

What does that mean? That means local economies, State governments, are starting to recover. It is still a rough road but starting to recover. Good signs. That means there is more economic activity within their communities. It means businesses are replanting and redesigning their opportunities in those communities. People are buying homes, as I mentioned, which means they are paying property taxes, which means those local governments can hire police and fire and paramedics and teachers.

Again, I could probably come here every day and give this kind of good news. Because what we all hear—today, the market is down. I forget what it is—70, 80 points, maybe 100 today—but the headlines will be: market crashes or market dips significantly.

Here is the reality. Since March of 2009, the market is up, even with today's activity, 81 percent. That means my son's 529 account is better today than it was 3 years ago. That is good because that means my wife and I can afford to make sure he can go to college someday. But it also means retirement accounts have more resources in them today than they did 2½ or 3 years ago. It means public pension programs and investment retirement programs that invest in these kinds of markets also are doing better. But, again, the headline will be that the sky is falling because that is what people like to do. They like to prey on fear rather than opportunity.

I think a lot of us on this side believed in the opportunity, in the future of this great country 3 years ago when we sat here and made some tough decisions over the first 18 months in my term. Tough decisions. But we believed in what was possible. We believed that this economy would turn around with a little help from the people who live here, work here, and see the future.

We also knew we had to do a little bit. We had to do something extraordinary to create the opportunities for the future of this great country. As I mentioned, private sector jobs increased, the automobile industry better than ever before, home sales doing better than they were 2½ years ago, the market is up by 80 percent—all good news. But we don't hear a lot of those as the front-page, above-the-fold, big, bold headlines because they are not sexy. They are not controversial. But that is what is happening. If a lot of us around here had more belief in the potential, it would be incredible what could happen.

Let me end on this note; that is, we are in the middle of the debate on continuing tax relief for the folks who are working every day, the people I just talked about who are buying homes, buying cars, paying taxes. We are saying to them: We want to make sure you

continue to receive the dollars in your pocket.

In my State, that is $300 million—just in my State, $300 million with the payroll tax deduction that they get to keep for 400,000 Alaskans instead of the IRS taking it. I don't know about you, but I think that is a good thing.

I know some will say: We have no proof this works. Well, I just gave proof. I will give proof every day if necessary. Yes, we can't say this certain industry came back because of this one little item. But I will tell you, if we put $300 million in my State into the hands of 400,000, Alaskans, a little over $1,000 per person, the net result is they are going to spend that money in the economy. They are going to buy that car, that washing machine, or go on that vacation. They are going to spend that money in this economy. Yes, there is no fancy report that said this business succeeded because we gave them this special tax break—which we shouldn't do. We gave to the people of this country an incredible opportunity to take their money and put it to work.

Mr. President, 160 million families will benefit—160 million families will benefit by this action today. People making $50,000 or less will put back about $1,000 into their pockets again—not in the IRS's pocket but into the consumers' pockets that they will spend.

Again, I will hear from the other side how bad it is, that there is no proof, that this may not work. It is working. They can deny it all they want, but I will continue to lay all the facts down. It is not me producing this out of some government document. It is mostly some very conservative publications reporting on the good news.

I hope the folks on the other side—and I know we picked up a Republican from when we had this before. This is a modified, compromised version that didn't pass last week to say: OK, we are trying to compromise. But we are keeping it simple and trying to do it in a way that ensures that middle-class Americans, and Alaskans whom I represent, put more money in their pockets, people who are working every day, making a difference in the economy—not people who are just on the top end of the cycle. I know that is the great debate, and we differ and I differ with several people on the other side.

I do believe people who make $1 million or more should pay a little bit more. I don't have any heartburn over that. It is 235,000 people we are talking about versus 160 million. That is who I want to put my investment in because I know those people, who are individuals, families, and a significant portion of small businesspeople who will continue to build this economy.

As a matter of fact, the best growth period and growth pattern right now is small business. They are the ones that are the backbone of this economy. Those are the ones that we need to help. That is what this bill does. I hope we find the magical success.

I wish we would have 50 majority votes like the rest of this world operates under. For some reason, this place has to have special rules and make it complicated and hard for anything to get done. But maybe there will be some people who join and want to support the American people and support giving them tax relief and making sure their lives are better, especially at this time of year with Christmas around the corner. I would love to give them a good Christmas gift. I think all of us would. Let's do it. Let's do it today. Let's do it for the American people. Let's do it for my constituency in Alaska, for your constituency, Mr. President, and all the rest in this room.

Mr. President, if there is one thing I look for, if it makes a difference for Alaska, if it is about Alaska, I am there. This is not only about Alaska, it is about this country. It is about the middle class. Not only am I there, I am double there, and I hope we find opportunity in this Chamber to do the right thing.

Mr. President, I ask unanimous consent that any time spent during a quorum call between now and 2:30 p.m. be equally divided.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

The Senator from Nevada.

Mr. HELLER. Mr. President, today the Senate will consider my legislation again to extend the temporary payroll tax cut.

This week, the Senate has been given another opportunity to do the right thing and provide much needed relief to the American worker.

It shouldn't be news to anyone that Americans are desperate for solutions. Millions of Americans are unemployed, underemployed, or have simply given up looking for a job.

In between looking for a job or higher paying employment, Americans are busy trying to figure out how to handle high health care costs, looming bankruptcy, and the threat of foreclosure.

As a Senator from Nevada, I understand how difficult it is, perhaps more than any of my other colleagues. My State has the unfortunate distinction of leading the Nation in unemployment, in bankruptcies, and in foreclosures. I hear from my constituents every day on these issues. Nevadans—Democrats, Independents, and Republicans—are looking to Congress for answers, and they are frustrated that they are not getting them.

Even with the economic difficulty Americans across the country are experiencing, Congress appears to be prepared to stage a partisan standoff rather than extending a payroll tax cut for hard-working Americans. I cannot allow this to happen. Americans deserve solutions.

The plan I have introduced to extend the payroll tax cut is a workable solution that will provide relief for Americans responsibly. In fact, the solution I am proposing today borrows a cost-cutting idea from the bipartisan Simpson-Bowles Commission that can actually pass Congress and be signed into law.

My proposal allows American taxpayers to hold on to more of their hard-earned wages while not punishing the Nation's job creators as the majority proposes. Under my plan, American taxpayers will not see a tax increase. In fact, my plan prevents a tax increase on those already receiving a payroll tax credit. Today, Congress can do the right thing by allowing employers to continue to invest in their businesses so they can plan for the future and, of course, hire more workers.

I understand that Democrats would prefer to pay for the payroll extension by raising taxes on employers. But treating tax dollars responsibly is absolutely necessary if we are going to see long-term economic growth in this country. In this case, we can extend the payroll tax cut and still pay for it.

I also understand that not all Republicans support my plan. To be honest, I disagree with some of my colleagues who claim a payroll tax holiday is not necessary. I believe that we should allow more Americans to hold on to their hard-earned wages. For those who are already struggling to live within their means, this payroll tax cut will continue some much needed relief.

Today, I am asking my Republican and Democratic colleagues to come together and join me to help continue the payroll tax holiday without raising taxes on businesses in America. This will help preserve long-term job growth in the future.

My proposal is a workable solution containing provisions endorsed by both the majority and my colleagues in the House of Representatives. This is the only version of the payroll tax cut that has the potential to pass Congress and to be signed into law.

My proposal pays for the payroll tax cut by reducing government spending where it is no longer needed and requires the richest Americans to pay higher premiums for Medicare. This will allow us to strengthen and preserve Medicare for those Americans who rely on the program the most.

This is the same approach endorsed by Democrats who say the richest Americans should do more. Americans want solutions. They do not want more partisan bickering.

This week Congress has another opportunity to do the right thing to help hard-working Americans extend the payroll tax cut holiday.

I make calls back to my home State every week. In those calls, I ask Nevadans if they think their children will have access to a better, brighter future than their own. For the first time in history, a majority of Americans and a majority of Nevadans believe their children will have less opportunity. By continuing down this path of partisanship, Congress is robbing the American people of the dream for their children. This needs to stop.

We in this body need to seriously consider the high stakes of the political games that continue to unfold on this Senate floor. American workers need solutions and they need relief right now. Congress should come together today, put partisanship aside, and pass meaningful legislation that will benefit all Americans.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. 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. CASEY. Mr. President, I also ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I rise this afternoon to speak about an issue we will be voting on today and we have been discussing and debating now for a number of days. We are into our second week of debate about a cut in the payroll tax. Just by way of review—and so many Americans have been following this debate—here is where it basically stands between what we did last year and what we are trying to do this year.

Last year, as part of a larger tax bill, we reduced the payroll tax for employees across the country from 6.2 percent to 4.2. So that 2-percent reduction meant millions of American families were able to have about $1,000 in their pocket of take-home pay they wouldn't have had otherwise absent that action in the tax bill. What we are trying to do this year—and I should start with what I tried to do last week, and we got 51 votes for this—is to say we should not only continue or extend that cut in the payroll tax but we should expand it. So instead of saying it should go from 6.2 to 4.2, we take it down to 3.1. In essence, what we tried to do last week was cut in half the payroll taxes that relate to employees. We wanted to add to that cutting in half the payroll tax for small businesses, and they would benefit disproportionately. Thirdly, we wanted to add to that a tax credit so that if an employer hired or increased wages for employees, if an employer expands their payroll in one of several ways, they can get a tax credit equal to an elimination of the payroll tax. So instead of the usual 6.2, you would be down to zero. So the combination of those three would mean we would be helping employees by cutting their payroll tax in half, helping employers by cutting their payroll contribution in half, and then have this third element as well for employers who actually hired people or added to their wage base.

Unfortunately, in the Senate, because we needed 60 votes and got 51, we knew at that point we couldn't get enough support from the other side of the aisle. So what I did, in working with our leadership and working with folks in the Senate, was to refashion the legislation so that we made it smaller. We reduced the cost of the overall proposal by some $80 billion. We also concentrate on just the element we worked on together last year, which was the employee side.

Here is where we are in this debate about cutting the employee payroll taxes. It is down to this question: Should we cut it to 4.2, as we did last year, or should we cut it further and reduce it in half? I believe we should, and I think most Americans believe that.

Here is what it means to folks out there. Instead of saying we will continue what we did last year—which would be about $1,000 per worker, in essence, per family, on average—if we cut it in half, we can get that number up to $1,500. So it is not just putting money in people's pockets and continuing to do that for another year, but it is more money. It would go from roughly $1,000 to approximately $1,500.

That is where we are. Unfortunately, we are not yet sure we can get the support we need to do that.

Here is what it means to Americans. It means more money in their pockets, more take-home pay, but it also means that if we don't, at a minimum, extend the payroll tax cut from last year—here is what it means on two issues: GDP—gross domestic product—and jobs. According to Mark Zandi of Moody's—someone we have quoted often on both sides of the aisle and relied on his expertise—not extending the payroll tax at least to the 4.2 level would reduce 2012 growth of real GDP in a State such as Pennsylvania, by way of example, by 0.52 percentage points. That means we are talking about gross domestic product or gross State product, in a sense, in a State such as Pennsylvania, cutting it in half instead of allowing it to grow. So this has a real adverse consequence for Pennsylvania and for the country if we don't do what we did last year.

Of course, if we did more than we did last year, as I think we should and I think most people do, we could not only not fall behind, but we could move forward dramatically.

Here is another way to look at it: Jobs. According to Mark Zandi, not extending the payroll tax cut will cost Pennsylvania 19,700 payroll jobs in the calendar year 2012. For context, in the State of Pennsylvania last year, the payroll tax job creation number—or payroll jobs added last year—was 54,500. So we created last year in a State such as Pennsylvania almost 55,000 jobs. But if we don't extend the payroll tax cut this year, we are talking about losing as many as almost 20,000 jobs. This is a substantial factor in the discussion about our economy. It would have a substantially adverse impact if we don't keep the payroll tax cut in place.

As I said before, we should do more than we did last year. We should cut it in half. It would give people across the country peace of mind in two time periods: The next couple weeks when they are going out and shopping and enjoying the holidays. We want people to spend as much as they feel they can, and if they know they are going to get $1,000 to $1,500, they can spend more in this upcoming holiday season. But it is especially important for 2012. Why should taxpayers have to live with a tax increase because Washington just didn't get along and the same old political games were played in Washington instead of saying let's come together in a bipartisan way and extend and expand the payroll tax cut from last year.

We have lots to do in the next couple days and weeks. But maybe the most important thing we can do in the next few days is to make sure we cut the payroll tax again. Because this is about whether we are going to give people peace of mind as we head into a new year and whether we are going to put more money in their pockets in order to jump-start the economy, to give the economy the jolt we got at the end of last year. Last year, we came together and passed a tax bill and we had average job growth from February, March, and April 2011—those 3 months—average private sector job growth of just about 240,000 jobs. We need another 3-month period similar to that. In fact, we need another 6 or 7 or 8 months similar to that. But the only way to get there is to put in place this payroll tax cut.

I hope when we vote later today, we will get at least 60 votes for this effort to make sure we are giving Americans peace of mind and more money in their pockets.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent to speak despite the expiration of the majority's time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BLUMENTHAL. Thank you, Mr. President.

Mr. President, I begin by thanking my colleagues, many of whom served in the last Congress. I thank them for extending the payroll tax cut at that time, providing a payroll tax cut from 6.2 percent to 4.2 percent. I thank them on behalf of myself. I was not a Member of this body at that time. I thank them on behalf of the American people. They are due that thanks and appreciation for that vision and courage in extending that measure in cutting the

payroll tax so as to lessen the recession. We have only to listen to the virtually unanimous opinion of economists to the effect that we saved the Nation, this body saved the Nation from a deeper recession.

Now I ask my colleagues to undertake a similar mission, to accomplish the same goal, to once again save the Nation from a deeper recession. The recovery of this Nation's economy has been fragile and slow. Many economists—notably, Mark Zandi, who has been quoted by my distinguished colleague from Pennsylvania—say that a failure to extend it will mean a new recession. We are talking about average Americans, ordinary people who are hurting and struggling. They are hurting economically and struggling to find jobs. They are struggling to stay in their homes and keep their families together at a time of year when joy and satisfaction ought to be the quality of their lives. They deserve this measure of peace of mind, as my colleague from Pennsylvania, BOB CASEY, has referred to it. But all of us—the entire Nation—deserve the economic security, which is a matter of national security.

Rescuing this country from continuing debt and deficit means returning to full employment. Twenty-five percent of our deficit can be eliminated by going back to lower rates of unemployment.

Economic recovery is a means to countering and curtailing what the former Chairman of the Joint Chiefs of Staff called a national crisis and a security threat.

Economic recovery depends on consumer demand. As I go around the State of Connecticut, businesspeople tell me what they need most is consumer demand. Their confidence and certainty about the future of the economy, their willingness to invest, depends on consumer demand. That kind of factor, that need is what ought to motivate all of my colleagues—every Member of this body—to vote for this measure, not only extending that payroll tax cut but also reducing it by 3.1 percent.

We are talking about anywhere from $1,400 to $1,500 or more in the pockets of people around the country, people around the State of Connecticut. The average middle-class family in Connecticut earns $83,797 per year and would save $1,676 in taxes under the current payroll tax cut. Let me give you those numbers again. The average middle-class family in Connecticut earns $83,797 per year—back in their pockets $1,676 in taxes under the current payroll tax cut as proposed in this measure.

We are talking here about a compromise. Our side of the aisle has modified this bill to make it about one-third smaller in size and cost. This legislation will no longer give employers a tax break. We have pulled back on the magnitude of this measure. But it will still affect 160 million workers who will receive nearly $1,500 in additional take-home pay.

This bill will be paid for by measures that were coming from the deficit reduction proposals contained in a number of the supercommittee's ideas. It is paid for by fees charged by Fannie Mae and Freddie and by a proposal suggested by my colleague, the Republican leader. The cost-saving reform suggested by him would make millionaires ineligible for unemployment compensation and food stamps.

This legislation also levies a surcharge, a temporary 10-year surcharge, on the highest earners in American society, who can well afford it when their own interests would be extraordinarily well served by the consumer demand and economic recovery that would be generated.

I know many of my colleagues, including the Presiding Officer, are concerned about the effect on Social Security, and so am I. The Social Security trust fund is a trust, a sacred trust that we are honor bound to protect. And I would not vote for this measure if I thought it created a threat, a real threat, to the viability of that fund. But I believe the assurance we have received from the chief actuary of that fund—and it is contained in a letter to Secretary Geithner and to Jacob Lew, it was printed in the CONGRESSIONAL RECORD yesterday by Senator CASEY, and it assures that the effect would be negligible. In fact, it says the trust funds would be ''unaffected.'' It uses that word, and I will quote directly from the letter.

> We estimate that the projected level of the OASI and DI Trust Funds would be unaffected by enactment of this provision.

That letter comes from the chief actuary of the trust fund, and I am prepared to rely on that assurance and to say that I believe this kind of measure is the responsible thing to do at this point in our economic history to make sure our recovery is continuing.

The effects of failing to do so: The economists differ whether the rate of growth will suffer by .5 percent, which is Mark Zandi; or .66 percent, Goldman Sachs; or 1 percent, RBC Capital Markets; or 1.5 percent, Michael Pond. Whatever the specific percentage, we know it will be grave and serious in the damage to our economy if we fail to extend and enlarge the tax cut.

So I urge my colleagues to heed the voices they are hearing back home, as I am hearing from ordinary citizens, middle-class families.

We are talking about a middle-class family measure that will benefit people like Marilyn in Bloomfield, who writes to me:

> I believe these cuts need to remain in effect in order to avoid deepening the recession we are in. I urge you to support the President's jobs plan and pass as much of it as you can in upcoming legislative sessions, for the benefit of struggling families.

She writes and she says ''to urge you to vote in favor of extending the payroll tax cut for workers beyond Dec 31. . . . ''

Listen to people like Ginny. They are in every one of our States. Ginny, who is from Southport, CT, writes:

> I know you will do the right thing when the payroll tax cut and increasing the taxes of only the 2nd million and above of wealthy Americans comes up for a vote. I have faith in you.
>
> With the economy still struggling to recover and millions of Americans struggling to put food on the table this holiday season, we cannot afford to raise taxes on working Americans.

Those voices from middle-class families are reaching this body every day. We have heard them before. This body heeded them last year in enacting this tax cut. I thank every Member who voted for it. It was a bipartisan vote. I hope this one will be as well. I will be proud to join Members from both sides of the aisle, and I hope this measure will have support—overwhelming support—from both sides of the aisle in showing the American people we can come together, bridge our differences, and compromise.

This measure reflects a compromise on both sides. I hope it will be passed later in the day.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. 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. WHITEHOUSE. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to the motion to proceed to S. 1944, which is subject to a 60-affirmative-vote threshold.

Mr. WHITEHOUSE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Wisconsin (Mr. KOHL) are necessarily absent.

The PRESIDING OFFICER (Mrs. MCCASKILL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—50

Akaka	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Blumenthal	Johnson (SD)	Rockefeller
Boxer	Klobuchar	Schumer
Brown (OH)	Landrieu	Shaheen
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Collins	McCaskill	Warner
Conrad	Menendez	Webb
Coons	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feinstein	Murray	

NAYS—48

Alexander	Graham	McConnell
Ayotte	Grassley	Moran
Barrasso	Hatch	Murkowski
Blunt	Heller	Paul
Boozman	Hoeven	Portman
Brown (MA)	Hutchison	Risch
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sanders
Coburn	Johnson (WI)	Sessions
Cochran	Kirk	Shelby
Corker	Kyl	Snowe
Cornyn	Lee	Thune
Crapo	Lugar	Toomey
DeMint	Manchin	Vitter
Enzi	McCain	Wicker

NOT VOTING—2

Kerry	Kohl

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 48. Under the previous order requiring 60 votes for the adoption of this motion, the motion is rejected.

The Republican leader.

TEMPORARY TAX HOLIDAY AND GOVERNMENT REDUCTION ACT—MOTION TO PROCEED

Mr. McCONNELL. Madam President, I move to proceed to S. 1931.

The PRESIDING OFFICER. Under the previous order, the motion is now pending.

The majority leader.

Mr. REID. Madam President, this will be the last vote of this week. We will have a couple of votes on Monday night. I will announce later as much of the schedule as I am able to do. Right now, I can't do that, but I will before the day is out.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided.

The Senator from Pennsylvania.

Mr. CASEY. Madam President, what is about to happen is we are going to be taking a vote on a measure that got 20 votes last week—this same vote. I don't know what the vote will be today, obviously, but this is an exercise in futility to vote on this again.

What we should do is cut the payroll tax in half for American workers. That is what we have been trying to do. I hope we can continue to work together, but we should move beyond this measure that got 20 votes last week and cut the payroll tax in half for 160 million American workers. We should do that and give people the peace of mind and dollars in their pockets they would not have otherwise.

I urge a ''no'' vote on this motion, and I hope we can continue to work together to support the American worker.

The PRESIDING OFFICER. Who yields time?

Time is yielded back.

Under the previous order, the question is on agreeing to the motion to proceed to S. 1931, which is subject to a 60-affirmative-vote threshold.

Mr. CORKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Wisconsin (Mr. KOHL) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 22, nays 76, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—22

Ayotte	Heller	Portman
Barrasso	Hoeven	Risch
Brown (MA)	Hutchison	Rubio
Cochran	Lugar	Snowe
Collins	McCain	Vitter
Crapo	McConnell	Wicker
Enzi	Murkowski	
Grassley	Paul	

NAYS—76

Akaka	Franken	Moran
Alexander	Gillibrand	Murray
Baucus	Graham	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Hatch	Reed
Blumenthal	Inhofe	Reid
Blunt	Inouye	Roberts
Boozman	Isakson	Rockefeller
Boxer	Johanns	Sanders
Brown (OH)	Johnson (SD)	Schumer
Burr	Johnson (WI)	Sessions
Cantwell	Kirk	Shaheen
Cardin	Klobuchar	Shelby
Carper	Kyl	Stabenow
Casey	Landrieu	Tester
Chambliss	Lautenberg	Thune
Coats	Leahy	Toomey
Coburn	Lee	Udall (CO)
Conrad	Levin	Udall (NM)
Coons	Lieberman	Warner
Corker	Manchin	Webb
Cornyn	McCaskill	Whitehouse
DeMint	Menendez	Wyden
Durbin	Merkley	
Feinstein	Mikulski	

NOT VOTING—2

Kerry	Kohl

The PRESIDING OFFICER. On this vote, the yeas are 22 and the nays are 76. Under the previous order requiring 60 votes for the adoption of this motion, the motion is rejected.

VOTE EXPLANATION

● Mr. KERRY. Mr. President, I was necessarily absent for the votes on the motion to proceed to the Casey Middle Class Tax Cut Act of 2011, S. 1944, and the motion to proceed to the Temporary Tax Holiday and Government Reduction Act, S. 1931. If I were able to attend today's session, I would have supported the motion to proceed to the Casey Middle Class Tax Cut Act of 2011, S. 1944, and opposed the motion to proceed to the Temporary Tax Holiday and Government Reduction Act, S. 1931.●

The PRESIDING OFFICER. The majority leader is recognized.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent we proceed now to a period for morning business, with Senators allowed to speak for up to 10 minutes each until 6 o'clock this evening.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Vermont.

(The remarks of Mr. SANDERS pertaining to the introduction of S.J. Res. 33 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Florida.

MEDICARE

Mr. NELSON of Florida. I wish to thank the Senator from Tennessee for his graciousness to make a very few brief remarks.

I wish to call to the attention of the Senate that there are some good things that are happening in Medicare. In the health care bill—which was a very complicated piece of legislation—there are a lot of good things. There were some things that are implemented over time, that if mistakes had been made, we can correct those mistakes as they are starting to be implemented.

I wish to point out some of the salutary things that are happening under the new health care reform bill with regard to Medicaid. It was just this week that the agency that runs Medicare, the Centers for Medicare and Medicaid Services, CMS, announced that more seniors and people with disabilities on Medicare are seeing significantly lower costs for important health care because of this new law.

For example, what we are seeing for the first time is that millions of Americans on Medicare are now getting free physical exams as part of their preventive medicine. Because of the doughnut hole, which is that complicated black hole senior citizens would fall into when they were getting assistance for their prescription drugs, well, lo and behold, that doughnut hole is being filled by the Federal Government assisting them in paying for those drugs. Therefore, they are getting a lot more of their drugs without having to pay for them.

For example, Nationwide has over 2.5 million people on Medicare who have saved more than $1.5 billion on their prescriptions. If we boil that down to my State of Florida, we have 172,000 Medicare recipients who save $96 million, which is an average for the senior citizen in Florida of $563 per person per year.

In the case of physical exams, we have over 24 million people in the country who now have taken advantage of having one of these free physical exams in order to help with the preventive health care aspects that the bill was aimed at. In my State, where there are a lot of senior citizens, close to 2 million senior citizens have taken advantage of those physical exams.

Remember how we were discussing the doom and gloom of Medicare Advantage? What has happened to Medicare Advantage? We had to change it because Medicare Advantage before, under the previous law, had a 14-percent bump over and above Medicare fee-for-service. The Federal Government was going to go broke if we did

not do something about that. Where was that money going? It was going to the insurance company because Medicare Advantage is a fancy term for Medicare given through an insurance company and HMO.

What has happened? If we look all across the country at Medicare Advantage, enrollments are up and the premiums senior citizens pay are down. Look at the State of Florida in this last year. Enrollment was up by 6 percent, premiums decreased by about 10 percent. What is happening now in 2012? Enrollments are up almost 20 percent and the premiums are going down by a whopping 26 percent. That means more seniors are going to have access to higher quality care while paying less, and it is a win-win-win. It is clearly a win for the country that we are leveling out all of the excess bumps. It is clearly a win to the senior citizen and, in the process, the insurance companies are giving better quality care.

I wanted to bring this to the attention of the Senate, and I do thank my colleague from Tennessee for his generosity in allowing me to make these comments prior to his.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

MARKETPLACE FAIRNESS ACT

Mr. ALEXANDER. Madam President, we hear a lot about tax breaks and tax loopholes around the Senate. I wish to talk about a tax loophole, a big one, that is on its way out. It is a $23 billion tax loophole. It is not a loophole in the tax code of Washington, DC. It is a loophole in virtually every State in the country. It is a loophole that prefers some taxpayers over other taxpayers. It subsidizes some businesses over other businesses. Because of that loophole, it causes tax rates in States to be higher, and it causes States to have less money to fund the universities or the State parks or the schools or the other expenses that are legitimate in the operation of a State.

I say it is a tax loophole that is on its way out because after 10 years, Senator ENZI of Wyoming and Senator DURBIN of Illinois have produced a piece of legislation that is rare in Washington, DC. It is only 10 pages long. It is very simple. It is a States rights piece of legislation that gives each State the right to decide for itself how to collect its State sales tax from everybody who owes it, whether that person buys a pair of cowboy boots in Nashville or whether that person buys a pair of cowboy boots online.

Senator ENZI and Senator DURBIN introduced the Marketplace Fairness Act 4 weeks ago. It has five Republican sponsors and five Democratic sponsors. I am one of those sponsors. This is the bill that solves the problem of the online sales tax loophole, the one I described a little earlier. I mentioned cowboy boots. Let me describe what I am talking about in practical terms.

I called the owner of the Nashville Boot Company a couple weeks ago. His name is Frank Harwell. He sold boots online, and he sells them to people who walk into his store in west Nashville. When he started the company, almost all of his boots were sold online. Here is what he says is happening to him today: People come into the store in Nashville and they try on cowboy boots. They find a pair they like and then they go home and buy the cowboy boots online in order to save the State sales tax.

They owe the sales tax. Many people don't know they owe it. They owe the sales tax as much as if they had bought the boots at the cowboy boot store in Nashville. They don't pay it. Why is that? Under the State law, when Frank Harwell sells a pair of cowboy boots in his store in Nashville, he collects the sales tax and sends it to the State.

But under the law, the Supreme Court said 20 years ago, the State of Tennessee or the State of Missouri or the State of Washington could not require an out-of-State seller to collect the same sales tax. They had a reason for doing so, and it was a good reason. They said it was so complicated to do that it put a burden on interstate commerce. But at the same time, the Supreme Court invited the Congress to fix the problem. By fixing the problem, that means the Congress could act in order to create a fair way for States to require retailers that are out-of-State to collect the same sales tax retailers on Main Street collect.

Over that 20 years, the online sales tax loophole got to be a big loophole. It subsidizes some businesses at the expense of others and, as I said earlier, prefers some taxpayers at the expense of others.

Last week, the Hudson Institute, a generally conservative organization, released a new report that explains how the subsidizing of out-of-State sellers works and how the Federal Government—those of us in Washington—are keeping States from closing this loophole. Hudson concludes that this online sales tax loophole is distorting the marketplace, and I urge my colleagues to take a serious look at the Hudson Institute report.

Governors and legislators are up in arms because they are being deprived of the right to enforce their own sales tax law. This is a little different loophole—actually, a little worse one. Usually, loopholes are written into the law. Those are the kind we are trying to change in our tax reform proposals in Washington. This is a tax that is already owed. This is a tax that is already owed that Governors and legislators want to collect. It is used to pay for the things States need to pay for or reduce a tax. In the State of Tennessee, which has a very high sales tax, if the State was allowed to collect sales tax from out-of-State retailers the same way it does from Main Street retailers, then we might postpone the day of a State income tax, which are probably three of the most hated words in the tax vocabulary in Tennessee.

I said, when Senator ENZI and Senator DURBIN introduced their bill, that I believed they had solved the problem and that if I were an out-of-State retailer or an online retailer, I would begin to make plans to collect sales tax the same way Main Street collectors collect it today, and many have. For example, Amazon—which had opposed for a long time this kind of legislation because, in their view, it was too complicated for them to figure out what the tax might be—changed their mind, and said the Enzi-Durbin bill is a good bill and Amazon now supports it. That is not all. Mississippi Gov. Haley Barbour, a strong conservative Republican Governor and former chairman of the Republican Governors Association, wrote a letter on November 29 which I wish to quote:

> In the early days of the Internet, the complexities of collecting State sales taxes across thousands of State and local sales tax jurisdictions were major obstacles. The technology simply didn't exist to expect startups to comply with the various tax compliance rules in every part of the country. But today, e-commerce has grown, and there is simply no longer a compelling reason for government to continue giving online retailers special treatment over small businesses who reside on the Main Streets across Mississippi and the country.

Governor Barbour continues:

> The time to level the playing field is now, as there are no effective barriers to complying with state sales tax laws.

Here is what Governor Barbour is saying: Twenty years ago we didn't have the kind of software and information we do today. If I want to know what the weather is in Maryville, TN, where I live, I put in ''weather'' and my ZIP Code, 37886. Under this new bill and under the technology that exists today, States will be required to give out-of-State retailers or online retailers the software that will permit them to do the same thing. If I order a pair of cowboy boots, they can put in my name, the cost of the boots, and the ZIP Code, and the software will compute the tax and even find a way to send it on to the State. It will be just as easy, or maybe even easier, for the out-of-State retailers to collect the sales tax that is owed as it will be for a cowboy boots store selling it out of the front door in Nashville.

The National Governors Association sent a letter last week saying that the Enzi-Durbin bill represents a commonsense approach that will allow States to collect taxes they are owed, help businesses comply with different State tax laws, and provide fair competition between retailers that will benefit consumers.

Last week, the Judiciary Committee in the House of Representatives held an oversight hearing to discuss all three bills that have been introduced to address this issue and there was a lot of good discussion. I wish to share a few things that were said and I hope we can have a similar hearing in the Senate soon.

MIKE PENCE of Indiana, one of the leading conservatives in Congress and a fellow who knows a tax when he sees one, said:

I don't think Congress should be in the business of picking winners and losers. Inaction by Congress today results in a system that does pick winners and losers.

Congressman PENCE also talked about something I want to make sure my colleagues understand. The Enzi-Durbin bill is not talking about taxing the Internet. It is not talking about creating a new tax. As far as the Internet access tax goes, the Senate debated that a few years ago. I was in the middle of that debate and I was in the middle of the solution that imposed a moratorium on the Internet access tax. That law is still there. We are not talking about an Internet access tax. Neither are we talking about a new tax. We are talking about the plain old State sales tax that already exists. It is very hard to imagine how anyone can say collecting a tax that is already owed is a new tax.

Governor Barbour and Congressman PENCE are correct; 20 years ago the technology didn't exist. Today it does. About the only ones complaining are the taxpayers and businesses that enjoy being subsidized by other taxpayers and other businesses, and that, in our opinion, is not correct tax policy.

As Republicans, I believe our party should oppose government policies that prefer some taxpayers over others or some businesses over others. As Republicans, I believe we should support States rights, and our bill does that by giving the State the right to make the decision about how to collect its own taxes: Do you want to collect taxes from everybody who owes the tax, or do you not want to? Do you want to prefer some out-of-State businesses over in-State businesses, or do you not want to? Do you want to collect the tax, reduce tax rates, or spend the money on services? That is up to the States.

These sentiments are also shared by the late William F. Buckley and Al Cardenas, chairman of the American Conservative Union. Ten years ago William Buckley, who many people see as the father of the modern conservative movement, wrote in the National Review:

The mattress maker in Connecticut is willing to compete with the company in Massachusetts, but doesn't like it if out-of-State businesses are, in practical terms, subsidized; that's what the non-tax amounts to. Local concerns are complaining about traffic in mattresses and books and records and computer equipment which, ordered through the Internet come in, so to speak, duty free.

That is William F. Buckley.

Then Al Cardenas, the chairman of the American Conservative Union, a distinguished man from Florida, and the head of an outfit that is arguably as strong and influential as any conservative organization in Washington, said in his recent essay:

There is no more glaring example of misguided government power than when taxes or regulations affect two similar businesses completely differently.

As I have said many times before, I believe the Enzi-Durbin legislation solves the problem. I believe it is going to happen. I hope that out-of-State sellers and online sellers will move ahead to work with States to make voluntary agreements as, for example, Amazon has in Tennessee, and begin to allow States to enforce their tax policy properly.

Our bill is a remarkable feat in Washington, DC. I have mentioned it before and I wish to emphasize it again. It is only 10 pages long. It is only about allowing States to make a decision about whether they want to close a tax loophole. It is about stopping the subsidization of some taxpayers over others. It is about stopping the subsidization of some businesses over others. I am glad others are starting to share this view, and as more Senators learn about the Marketplace Fairness Act and look at the options it gives each State, I hope and I believe we will have more cosponsors.

Ten years ago the bills introduced weren't adequate to solve the problem. Fortunately, today, Senator ENZI and Senator DURBIN have solved the problem. I agree, Democratic Senators agree, the chairman of the American Conservative Union agrees, a former chairman of the Republican Governors Association agrees, Congressman MIKE PENCE agrees: It is a matter of marketplace fairness.

I ask unanimous consent to have printed in the RECORD the letter to which I referred from Mississippi Governor Barbour, a letter from the National Governors Association, and the National Journal article published last week regarding the House Judiciary Committee hearing on this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF MISSISSIPPI,
OFFICE OF THE GOVERNOR,
Jackson, MS, November 29, 2011.

Hon. MIKE ENZI,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Hon. LAMAR ALEXANDER,
Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR ENZI AND SENATOR ALEXANDER: I am writing to congratulate you on the introduction of the Marketplace Fairness Act and offer my support for its timely passage.

Fifteen years ago, when e-commerce was still a nascent industry, it made sense to exempt startups like Amazon.com from collecting and remitting sales taxes in states where they had no facilities. As chairman of the Republican Party, I was there when discussions surrounding the Internet commerce tax moratorium took place, and this was only to last until e-commerce had truly taken root. I supported this effort then, because I believed this budding industry needed every opportunity to thrive and grow. Looking back, I think it's clear we made the right call as America is home to the largest and most dynamic e-commerce companies in the world.

In the early days of the Internet, the complexities of collecting sales taxes across thousands of state and local tax jurisdictions were major obstacles. The technology simply didn't exist to expect startups to comply with the various tax compliance rules in every part of the country. But today, e-commerce has grown, and there is simply no longer a compelling reason for government to continue giving online retailers special treatment over small businesses who reside on the Main Streets across Mississippi and the country. The time to level the playing field is now, as there are no effective barriers to complying with states' tax laws.

As Governor of Mississippi, I value the important role that our Main Street retailers play in our communities. Failure to level the playing field threatens to, and in fact has, run many of them out of business, taking with them jobs and the sizable contribution they make to not just our community culture, but to the Organizations who have long benefited from their charitable involvement.

States should not be deprived of their right to establish and collect taxes as they see fit. I've stood for lower taxes and smaller government my entire career in public life, but I've also stood for the authority of states to devise their own tax laws without being overridden by the federal government for no existing purpose.

Finally, government shouldn't be picking winners and losers. In this area, at least, the Marketplace Fairness Act will end that practice, and that's something conservatives should be proud to support.

I again applaud you for addressing this important issue and I look forward to working with you to end the special treatment for online retailers and give everyone the opportunity to compete fairly.

Sincerely,

HALEY BARBOUR,
Governor.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, November 28, 2011.

Hon. RICHARD DURBIN,
U.S. Senate, Washington, DC.

Hon. TIM JOHNSON,
U.S. Senate, Washington, DC.

Hon. MICHAEL ENZI,
U.S. Senate, Washington, DC.

Hon. LAMAR ALEXANDER,
U.S. Senate, Washington, DC.

DEAR SENATOR DURBIN, SENATOR ENZI, SENATOR JOHNSON AND SENATOR ALEXANDER: The National Governors Association applauds your efforts to level the playing field between Main Street retailers and online sellers by introducing S. 1832, the ''Marketplace Fairness Act.''

As you know, years ago the Supreme Court opinion in Quill Corp. v. North Dakota stated that Congress has the authority to require out-of-state sellers to collect sales taxes. At present, states are unable to collect more than $22 billion in sales taxes annually from remote sales made through catalogues or over the Internet. This also creates a price disparity between goods bought from the corner store and those bought online, effectively giving a continuing and growing subsidy to Internet sales.

Since the Quill ruling, at least two facts have changed: (1) the proliferation of computers to calculate taxes due on sales—just as shipping costs are determined based on Zip Code—and (2) a state agreement on streamlining and simplifying sales taxes so that it is easier to collect and remit sales taxes wherever a company does business.

The Marketplace Fairness Act recognizes these changes and uses them to grant authority to states that simplify their tax systems to make it easier to do business. This common sense approach will allow states to collect the taxes they are owed, help businesses comply with different state laws, and

provide fair competition between retailers that will benefit consumers.

NGA looks forward to working with you as you work to enact the Marketplace Fairness Act and create a more level playing field for all sellers and consumers.

Sincerely,

GOVERNOR BILL HASLAM,
Tennessee.

GOVERNOR CHRISTINE O. GREGOIRE,
Washington.

[From the National Journal Daily, Nov. 30, 2011]

STATES TELL CONGRESS ONLINE TAX LOOPHOLE COSTLY

(By Juliana Gruenwald)

State officials and some retailers urged Congress on Wednesday to finally close a loophole that they say benefits online retailers by allowing them to avoid collecting sales taxes from out-of-state customers.

The issue the House Judiciary Committee examined relates to a 1992 Supreme Court decision in Quill v. North Dakota that found catalog and other retailers do not have to collect sales taxes from customers in states where they do not have a physical store or other facility. Since then, online retailers have exploited the loophole to the tune of billions in lost tax revenue, according to state officials.

''It is estimated that currently in the state of Texas between $600 million and $800 million is not collected on out-of-state sales. . . . That points out to me the unfair competition that my storefronts are competing against,'' Texas state Rep. John Otto, a Republican, told the committee.

Even some tax-averse lawmakers such as Rep. Mike Pence, R–Ind., said congressional action is warranted.

''I don't think Congress should be in the business of picking winners and losers,'' Pence said. ''Inaction by Congress today results in a system today that does pick winners and losers.''

State calls for congressional action on the issue got a big boost earlier this month when Amazon, after years of battling efforts to address the loophole, endorsed bipartisan online-sales-tax legislation introduced by Sens. Michael Enzi, R–Wyo., Dick Durbin, D–Ill., and others. That bill would authorize states that meet certain minimum standards to require online retailers to collect sales taxes from customers even in states where those firms have no facility. A similar bill has been introduced in the House by Reps. Steve Womack, R–Ark., and Jackie Speier, D–Calif.

Mr. ALEXANDER. Madam President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR.) Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DREAM ACT

Mr. DURBIN. Madam President, it has been 10 years since I introduced the DREAM Act, legislation that will allow a select group of immigrant students with great potential to contribute to America. The DREAM Act would give these students a chance to become legal in America. They came to the United States as children. They have to be long-term residents of our country, have good moral character, graduate from high school, and complete 2 years of college or military service in good standing. Those are the basic standards we apply.

I think if we enacted the DREAM Act, as I have tried to for many years, it would make America a stronger country, giving these talented young immigrants a chance to serve in our military and make us a stronger nation. Tens of thousands of highly qualified, well-educated young people would enlist in the Armed Forces if the DREAM Act becomes law. We have the support of the Department of Defense and the President. They understand that these young people could make us a stronger and safer nation by serving in our military. And they are willing. Many of them are willing to risk their lives for this country.

Studies have also found that these DREAM Act participants could literally build our economy in years to come with their talent.

Remember, these students we are talking about were brought to America as children and as infants. They grew up here believing they were Americans. They went to class every day, pledged allegiance to the only flag they knew, and sang the only national anthem they had ever heard. They are American in their hearts, and they should not be punished because their parents made a decision to bring them here.

These young people are tomorrow's doctors, engineers, soldiers, teachers. They are the people with whom we can build an America on. We should not squander their talent by deporting them to countries they may not remember at all.

Last year, Republican Senator RICHARD LUGAR of Indiana joined me in asking the Department of Homeland Security to suspend the deportation of these DREAM Act students. Now, for the record, if there is any evidence of wrongdoing by these students, they are completely disqualified from this conversation. We are talking about students of good moral character who are in the United States basically without a country.

Earlier this year, Senator LUGAR and I were joined in our request by 21 other Senators, including majority leader HARRY REID, Judiciary Committee chairman PATRICK LEAHY, and Senator BOB MENENDEZ, asking that these DREAM Act students be given an opportunity to stay and not be deported. In response to our letters, John Morton, the Director of Immigration and Customs Enforcement, issued a memo in June of this year establishing new priorities for deportation. The Morton memo says: It is a high priority to deport those who have committed serious crimes or those who are a threat to public safety, while it is a low priority to deport individuals who have been in the United States since childhood, like those who are eligible for the DREAM Act.

During hearings this summer on the DREAM Act, Homeland Security Secretary Janet Napolitano told me and my subcommittee that the Department of Homeland Security would establish a process to implement the Morton memo. Under this new process, high-priority cases will be expedited, and low-priority cases will be closed in many instances.

Recently, the Department of Homeland Security announced the next step in the process. Immigration and Customs Enforcement officers and attorneys will receive comprehensive training on the new deportation policy. By January, all ICE officers and attorneys will have the training they need. ICE attorneys will review all new deportation cases to identify low-priority cases that should not be placed in the immigration court.

A review of the cases currently in immigration court is also underway. Department of Homeland Security attorneys will review pending deportation cases in Baltimore and Denver to identify-low priority cases that should be removed from the docket. This trial review of new and pending cases will be completed by mid-January and then expanded nationwide.

Let me commend the President and his administration for these thoughtful and humane steps to implement this new deportation policy.

Today, there are approximately 11 million undocumented immigrants in the United States. It would take billions and billions of dollars to deport all of them. It would likely lead to the collapse of many parts of our economy. You can't go to a hotel or restaurant in the city of Chicago—I have been told this by restaurant owners—and not find at least some place in that establishment an undocumented person doing the tough, hard work immigrants do.

DHS has to set priorities about which people to deport—and not deport—using its limited resources. Some of my Republican colleagues have claimed that this is kind of a backdoor amnesty. That could not be further from the truth. This is simply a temporary decision not to use limited government resources to deport low-priority individuals who are no threat to the United States of America. Individuals whose cases are closed will not receive any permanent legal status. So there is no amnesty involved.

Ironically, some Republican critics of the administration's new policy called on the Clinton administration to establish deportation guidelines—exactly what the Obama administration has done here. In response to this request from some Republicans in Congress, the Clinton administration established a policy on prosecutorial discretion.

The Bush administration kept the policy in force from the Clinton years and issued several followup memos without any criticism from any Republicans in Congress. The Bush administration also stopped deportations of a number of DREAM Act students, again without any criticism from Republican Members.

Let's be clear. What the Obama administration has done in establishing this new process for prioritizing deportations is perfectly appropriate and legal. Throughout our history, our government has had to decide who to prosecute and who not to prosecute based on law enforcement priorities and available resources.

I strongly support the administration's new deportation policy but more needs to be done to implement this policy and it needs to be done quickly. Many young people who would be eligible for the DREAM Act are still facing deportation proceedings. Almost every day my office is contacted by DREAM Act students who are at risk of being deported in a matter of hours or days. Today, let me tell you the story of two of these young people.

Here is a photo of Minhaz Khan. Eighteen years ago, in 1992, Minhaz Khan's parents brought him to the United States from Bangladesh. At the time, he was 4 years old. Today, Minhaz is 22—18 years later—and he has overcome amazing obstacles to complete his education. In 2009, Minhaz graduated from the University of California Riverside with a bachelor's degree in neuroscience.

Minhaz sent me a letter, and here is what he said about his future:

> My dream is to make several contributions to science, and become a physician's assistant as a career, and eventually a teacher as well. I have great aspirations, but I do not dream of big houses or tons of cars. I want normality, stability, and liberty.

Today, Minhaz lives in Palo Alto, CA, with his wife, who is an American citizen. Minhaz's wife has filed an application for her husband to become an American citizen, but under our broken immigration laws he has been placed instead in deportation proceedings. Eighteen years in the United States, a bachelor's degree in neuroscience, aspiring to become a researcher or teacher, married to an American citizen, and he is under threat of being deported. What threat is he to America? The threat is losing a person who is talented and can make such a difference in the lives of so many people.

Minhaz was scheduled to be deported last month. Under President Obama's new deportation policy, the Department of Homeland Security put his deportation on hold for 3 months so that his application for legal status can be considered. I think that was the right thing to do. Minhaz grew up in America, he is married to an American, and he wants to make America a better nation.

In his letter to me, Minhaz spoke about what it would mean to him if the DREAM Act became law.

> Imagine the countless numbers of individuals ready to contribute to our society as law-abiding, successful individuals who live life with a sense of strength and morality. Abraham Lincoln once said, ''I have always found that mercy bears richer fruit than strict justice,'' and this is more true now than ever. I have a great amount of hope, optimism, and belief in this country and that one day we shall see the DREAM Act enacted into law.

Here is another DREAMer. This is a photo of Jose Librojo. In 1995, when he was a child—16 years ago—Jose's parents brought him from the Philippines to the United States. Shortly after they arrived here, Jose's parents filed an application to stay in this country as legal permanent residents. For more than 15 years, their immigration application has been stuck in the courts.

In the meantime, Jose grew up in America. He graduated from San Francisco State University with a bachelor's degree in biology. As a member of Alpha Phi Omega National Service Fraternity, Jose volunteers, working with the elderly and young Asian Americans, among other things.

Jose has been authorized to work while his immigration case is pending. For more than 10 years, he worked as a registered dental assistant and a dental laboratory x-ray technician. The dentist who employs him was so impressed by his work, he filed papers to sponsor Jose for legal permanent residency in the United States. The employer's petition was approved, but because of our broken immigration laws, Jose has been placed in deportation proceedings. After all of these years in America—16 years—and earning a bachelor's degree in biology, currently working in the health field in dentistry, and one who has done such a good job that his employer wants to have him here permanently, he is now facing the prospect of being deported to a country he cannot even remember.

Jose was scheduled to be deported last month, 3 days before Thanksgiving. But the Department of Homeland Security put his deportation on hold, so he will have a chance to apply for legal status and keep working.

Jose sent me a letter, and this is what he said:

> I have followed the laws of our system, but the logjam in the courts has put me in this untimely predicament. I have lived in the U.S. for 16 years, and I consider this country as my home. I have always felt like an American. I wish to stay, live my dreams, and build my own family here in the United States. I hope that someday the DREAM Act becomes a reality so that I may continue making contributions to the country I call home.

I ask my colleagues who are critical of the administration's deportation policy, would America be better off if we deported Minhaz or Jose back to Bangladesh and the Philippines? I don't think so. These two young men were brought here as infants, children. They grew up in our country. They have overcome great odds and achieved great academic success, without the support of Federal assistance. They didn't qualify for it. They have no problems with moral character, and they pose no threat to America. They would make us a better country if we gave them a chance.

Minhaz and Jose are not isolated examples. There are literally thousands of others like them in this country. We have a responsibility in the Senate to give them a chance to let them prove what they can do for America.

I commend the Obama administration for its new deportation policies. I urge the Department of Homeland Security to move forward on an expedited basis. As long as young people such as Minhaz Khan and Jose Librojo are facing deportation, work still needs to be done.

It is also clear that this policy is only a temporary solution. The deportations of many DREAM Act students will be temporarily suspended. Ultimately, the responsibility lies with Congress and with us to fix these broken immigration laws and give these good young people a chance.

I ask my colleagues to support the DREAM Act. It is the right thing to do. It will make America a stronger nation.

I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Minnesota.

THE COLLAPSE OF MF GLOBAL

Ms. KLOBUCHAR. Mr. President, I rise today to discuss the collapse of MF Global. While its demise hasn't triggered the sort of economic turmoil we saw in 2008, let me assure you it is having a devastating impact on the livelihoods and savings of many in my State.

Sadly, the story of MF Global is all too familiar. It is the story of another overleveraged financial firm that took on too much risk and did little to disclose its bets. Once again, the folks whom the system was supposed to protect have been left holding the short end of the stick. Three years after the U.S. financial system was nearly toppled by this sort of recklessness, it seems little has changed on Wall Street.

Today, Mr. Corzine appeared before the House Agriculture Committee to testify on events that led to the bankruptcy of MF Global—the firm he led—as well as the whereabouts of roughly $1.2 billion in customer funds that remain missing. While taking responsibility for the collapse of the firm in his testimony today, Mr. Corzine chose to use much of his testimony defending the strategy that ultimately led to the firm's demise and that left many in my State with their life savings on the line. In regard to the missing customer funds, he responded that, as CEO of MF Global, he wasn't really in the position to know what happened.

If executives at MF Global were willing to steer their ship into dangerous waters, they should be able to account for the safety of their customers' funds

held in segregated accounts—something considered sacred within these markets.

If anybody still doubts that Wall Street has not learned from its mistakes, I would have you talk with the farmers in my State who can't access their life savings and aren't sure when or how much of it they will ever get back.

Dean Tofteland, from Luverne, MN, a town of 4,600 people—his family grows corn, soybeans, and raises pigs on their farm in southwest Minnesota. He currently has over $200,000 in what was supposed to be a segregated MF Global account, which he cannot access and which he may never fully recover. He is not a speculator. He invested to reduce his risk—locking in prices ahead of the growing season so he is protected from price fluctuations that can eat into his profits.

Talk to Dennis Magnuson, a pork producer from Austin, MN, who had a substantial amount of money with MF Global that he used to stabilize the cost of feed for his pigs. Both Senators in the Chamber are from States that have livestock, and they know the cost of feed has been escalating. That is why he vested. He knows the risks—price swings, poor crops, bad weather. These are all part of farming. But his account at MF Global was supposed to help manage those risks, not become one.

It is not just individual farmers; the effects of MF Global's collapse are rippling through the whole agricultural community.

Here is a letter from Philip Deal, who writes:

> I am the CEO and General Manager of Wheaton-Dumont Co-Op Elevator in Wheaton, MN.
>
> Wheaton is located on the western edge of Minnesota by the North Dakota/South Dakota border. Our cooperative has approximately 1,200 active members and a total membership of more than 5,000. So the MF Global situation affects a great number of people here.
>
> We employ about 115 people, and we are easily the largest nongovernment employer in all of the communities we operate in.
>
> Our business uses a Chicago Mercantile Exchange and Minneapolis Grain Exchange to hedge grain purchases and sales. We do not speculate. We have always relied on the implied fiduciary responsibility of the Commodity Futures Trading Commission and the Chicago Mercantile Exchange to safeguard our segregated funds.
>
> The impact to our business has been huge. We have been forced to double-margin the missing funds. This has increased our interest expenses and decreased our ability to buy and sell grain.
>
> Simply put, we cannot afford to lose any money on this deal. On a local level, the very future of our business is at stake. On a larger level, if segregated funds are lost, market participants will leave the market, open interest will decline, and market liquidity will fall. Everyone loses.

Sadly, Philip Deal is correct. The failure of MF Global has caused millions in investor losses, created significant uncertainty in the markets, and has left many in my State confused and angry—and they should be angry. Just 3 years after the 2008 financial collapse, and what has changed? How can ordinary folks trust this system? Who can they trust to protect them?

Two weeks after the collapse of MF Global, it was announced the Commodity Futures Trading Commission, which is leading the investigation into the missing funds, will receive only two-thirds of their budget request for 2012, potentially limiting the agency's ability to do its job at a time when the markets they oversee are expanding exponentially. This is not acceptable. We need to make sure our regulatory agencies aren't allowing Wall Street bankers to go down the street in their Ferraris while those standing up for the middle class—those at the agencies that are supposed to regulate them—are not following behind in a Model T Ford.

We don't know with certainty what the ongoing investigations into MF Global will find, but there is little doubt Congress has work to do. Already the CFTC, after our hearing in the Senate Agriculture Committee last week, has come up with some changes they are proposing to how these funds can be invested. I think more needs to be done. There are also rules of disclosure being considered and that were discussed today at a House hearing, as well as in our Senate Agriculture hearing, that need to be changed. These changes were made to the CFTC rules in 2000 and in 2005 they loosened the rules and expanded things. They need to go back to where they once were, where they protected investor savings.

Investor trust in segregated accounts is vital to market confidence and is the cornerstone of customer protection in the commodity futures market. This trust has been breached. I urge my colleagues to join me in demanding those responsible for the MF Global failure be held accountable for their actions and that steps are taken to prevent this from ever happening again.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Wyoming.

Mr. ENZI. Madam President, I ask unanimous consent to speak as in morning business for whatever time I might use.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPENDING VERSUS REVENUE

Mr. ENZI. Madam President, I wanted to take this opportunity to share with you what has been keeping me awake, and I am sure, if I explain it well enough, it will keep you awake as well. Misery loves company. This is misery that is going to affect your future, and the Senate has to make some changes to have a future for this country.

For 14 years, I was the only accountant in the Senate. I have been joined by Senator JOHNSON of Wisconsin, who is an accountant, and these kinds of numbers always bother us a little bit. I have put together a couple of pie charts here. This one on the left represents the spending we are doing; the one on the right represents the revenue we are receiving to do the spending. These are proportionately correct. This is the spending; this is the revenue to do the spending. Dramatically different. The revenues are dramatically lower.

There are a number of pieces to this that I think probably will reveal more. The spending, incidentally, is $3.456 trillion. We are spending $3.456 trillion. We are taking in $2.2 trillion. That is $1.3 trillion less than we are spending. So we are spending a third more than we are taking in.

How long can you do that? There is no end in sight. What is that made up of? Well, one of the things we worry about is Medicare, Medicaid, and Social Security. I have the revenues represented here for Social Security and other social insurances, and we are taking in $865 billion a year to support these programs. This piece of the pie is what we are having to put out for those same programs. We are having to put out $1.494 trillion; so $865 billion versus $1.494 trillion.

When we say these programs are going broke, I think that fact is pretty evident. If you don't make any changes, this kind of spending will eliminate a program that seniors rely on. I used to say when we are spending at this rate, we are stealing from our grandkids. Now we are to a point where we have spent so much, it is no longer our grandkids we are stealing from, it is our kids. And in a matter of months the bill could come due.

Europe is having some difficult financial times, and they are changing the way money is going to be available to secure the bonds that allow us to do this kind of spending. These actions could have widespread implications for the United States very soon. We also took Social Security money and put it in a trust fund. I always say, don't trust the trust funds. What we did is put IOUs in a drawer and we spent the money. We are spending some of the money twice. How long can you spend the money twice?

Let us take a look at some of the other parts of this pie, because we always talk about the nondiscretionary spending. Well, to cover our discretionary spending, which includes Defense and all of the nonmandatory items, we are spending $1.349 trillion. And the income? Individual income tax is paying $899 billion. Corporate income tax pays $191 billion. I bet people thought there was a lot more corporate tax than that.

Part of the reason for this corporate number is that a lot of people have single proprietorships, partnerships, or small business corporations. If a business is in one of those three categories, the money their company makes goes straight to their tax line, even though hardly anybody in business can take

out all of the money they make. If they do not reinvest that money into the business, it business would go broke. So they do not get to take the money out, but have to count it through the individual tax code. That goes in this $899 billion of individual income, as opposed to the corporate tax of $191 billion. There is also an excise tax of $67 billion. These are the kinds of numbers that have to fund $1.349 trillion of spending.

We have discretionary spending of $660 billion and we have military spending of $689 billion. I mentioned Social Security, Medicare, and Medicaid, but besides that we have other mandatory spending adding another $416 billion in spending. That $416 billion accounts for the other items we have said will definitely be paid no matter what kind of shape the Federal Government is in. There are all sorts of programs included in that tally.

This little yellow sliver here, a very important one, is the interest we have to pay. That is mandatory as well. We don't have an option on whether we are going to pay the interest on the bonds that we owe. Those interest costs come to $197 billion a year and that is at the lowest interest rate in the history of the United States. What happens when that goes up? As European countries have more trouble trying to sell their bonds, they are going to have to pay a higher rate to be able to sell those bonds. When they have to pay a higher rate, we will have to pay a higher rate. We are all competing for the same dollars, and there aren't enough dollars out there to fund this kind of an increase in spending each and every year. How do we make up the $1.2 trillion more we are spending than we are taking in? It's a huge difference we aren't coming close to addressing.

I hope people can grasp the difference between spending and revenues. If you look at your own personal budget, your spending better be lower than your revenues, or at least no greater than the revenues. We haven't grasped that concept here yet. We did eliminate earmarks for the most part, and that helps, but it was still a rather small amount and we are still adding programs.

Sometimes we add programs as a demonstration project. A group of Senators get together and they say, our five States could do something beneficial with this new program we have devised, so we will put a little money in the budget and draw up the criteria so just those five States can receive these monies. And the purpose is to see whether the program is effective. In my 14 years here, I have rarely seen one of these types of tailored programs that wasn't effective. I suppose there are some I never heard reported on, but I yet to see one that isn't effective. This means the following year the same group comes back and says, we just had this revelation, this marvelous experiment that happened in our State. It was spectacular and it ought to be expanded to every State in the Nation. Well, if it is that good, it probably ought to be expanded to every State in the Nation. But with whose money? With what money? We are already spending more than we are taking in.

We can't do the demonstration programs on new ideas unless we can eliminate some of the old ideas, which brings up another problem. Another thing we do around here is we say we are going to eliminate this program, and over 10 years it will bring in the $5 billion needed to fund a new program. Well, that savings is accrued over 10 years, but the money on the new program is going to be spent over 1 year or 2 years at the most. That is pretty bad accounting. That is how you get to a situation where you have the current spending level versus the current revenues, by using creative accounting to pay for that new program.

Well, you can't bind a future Congress, so there is no assurance that the current method of getting the revenue will stay around. There is also no assurance we won't use that same pot of revenue two or three times. We will probably be told this is not the case, but I have seen some instances around here where revenue has been spent more than once.

One of the other problems we have around here is that we have too many spending decisions to make. There isn't a business in the world, with the exception of a business like Wal-Mart, that spends $3.456 billion in a year—1 year. There aren't many businesses that comes close to that. And they have a bevy of accountants figuring out how to make expenditures, cuts, and balance the budget for the year.

What we do here in the United States Senate is an appropriations process. We have broken that process down into 12 pieces to make it more manageable, but 12 pieces doesn't cut it. You can't get into the detail for spending the billions. One of those numbers is $689 billion. How long would it take to go through the expenditures on $689 billion? We have to trust some of the past spending and some of the past obligations, but we can't be as conscientious and detail-oriented as we should be.

So what do we do about it? Well, we do omnibus bills. That is where we look at what we spent last year, and we put everything into one package and hurry up and pass it so the government can continue to operate. Before that happens, we might do a series of continuing resolutions. We say, we can't shut down government because there are so many things people need that we have already approved—to the tune of $3.456 trillion—so we have to keep government operating. What we end up with is a continuing resolution.

A continuing resolution allows a government agency to spend one-twelfth of what they had the previous year each month until we get a funding agreement for the remainder of the fiscal year. In 2008, we spent 27 percent less than we spend right now. I think a lot of the agencies would be delighted to have us keep continuing one-twelfth of their last year's allotted spending each month this year. That is what we have been doing, and it's not getting us anywhere.

I think there ought to be a penalty, which would be reflected in every one of the budgets. I think every time we pass a continuing resolution there ought to be a reduction in the amount spent each month until we get a final resolution. That could be 1 percent or ½ percent or ¼ percent, but there should be some kind of a reduction if we are ever going to reduce spending and pay down our debt.

There is another responsibility, and that is for appropriators to figure out how to get this spending circle down to the size of the revenue circle. This is the only part that the Appropriations Committee has worked on—this little third of the square that contains discretionary spending.

What we are going to have to do now is come up with some solutions. I have some solutions. I am not going to go into those today, but what I want people to do right now is to think about how much we are spending versus the revenue we have. Every person in America needs to be thinking about the way the programs they are involved in can be a part of getting the spending circle down to the size of the revenue circle. It is everybody's responsibility.

What we continually run into are the groups—particularly from our States—that come in and say: I have this fantastic program and we just need a little increase for inflation because it is such a phenomenal program. For years, we have been able to do that. That is how the balloon got this big. We are not going to be able to do that anymore.

What would be helpful is if people could suggest how, in their program, they could make it better for less money. It is either going to have to be better for less with a little pain right now, or wait a couple years and have it worse for less with a lot of pain.

We are at a point right now where we reduce spending 1 percent for each of 7 years and get to a balanced budget; that is, 1 percent true cuts. That isn't 1 percent less growth. It is 1 percent true cuts each and every year, and it has to cover the whole circle, not just the discretionary part of the spending circle—which is what we usually concentrate on—and then have some discretionary capability on it. The fact is, the largest amounts we spend in this whole piece of the pie is spent on mandatory spending, and it is conversely funded by a much smaller amount. We can't do that for long. We are going to have to propose solutions.

Instead we have been in scenario where people come in and say we need a little bit more money or don't cut my program; keep it the same size. I ask for suggestions on how we could keep this practice going in light of our disproportionate revenues and expenditures. The usual approach is to tell me

and my fellow senators there are a couple of other programs that we ought to eliminate. We are looking at those too.

We looked at them in the Health and Human Services areas, Senator COBURN and I did, and found there was $9 billion of duplication. Do we need duplication? I would hope not. Senator COBURN got so excited, he did this same study for the entire Federal Government and found $900 billion in duplication. Does that mean a whole lot of other agencies were a whole lot less efficient than Health and Human Services? No. It means we have duplicative programs in every single agency.

We also have financial literacy programs in every single agency. If we are spending $3.456 trillion and only getting $2.2 trillion in revenue, is the financial literacy in our government working? I don't think so.

When I first got here, there were 119 preschool education programs. Preschool is important. The start children get from when they are first born until they go to school makes a huge difference in their growth and development for the rest of their lives. However, we had 119 programs and once we took a closer look, we found many of them, according to their own evaluation, were failing. We now have that number down to 69 programs. Do you know why we can't go below 69? My jurisdiction as Ranking Member of the Health, Education, Labor, and Pensions Committee is over the Department of Education, which only has 8 programs—8 of 69 preschool programs. The Department of Agriculture has the most preschool programs.

That's why, when Senator COBURN is talking about duplication and looking at the complete picture of everything the Federal Government does, there is duplication in each and every agency. What we are going to have to do is pick out those that operate with the most efficiency and results, give them a little more funding and eliminate the other duplicative programs. Getting rid of duplication is a surer way of solving the problem than some of the other ways that have been talked about.

One other avenue we keep talking about is waste, fraud, and abuse. Yes, there is waste, fraud, and abuse. We need everybody in America to help us find that waste, fraud, and abuse, but in reality, the total cost of waste, fraud, and abuse is a rather elusive number. Does anybody know how big that is? Everybody is guessing. It is only a guess how much there is. We need to find it, and we need to be taking the money from eliminating these actions before we spend it.

We will sometimes attempt to use the waste, fraud, and abuse numbers as the pay-for for a new program. We aren't able to spend that money until we actually have it, but what happens it is used as pay-for and the program goes into effect, but nobody follows up to go out and dig up that waste, fraud, and abuse. Instead, the waste, fraud, and abuse money ought to go into a fund before it can be spent on something else.

However, when I am talking about duplication, the $900 billion worth of duplication, I am talking about numbers that we can go to the Federal budget and look up. We can find out exactly how much those programs are spending. In its duplication, we wouldn't eliminate all of them, but we ought to be able to eliminate half of them. Madam President, $450 billion alone, half of Senator COBURN's total duplication findings, would be a huge change for this country.

I hope we look at some of those ideas to cut spending. I have a 15-page speech that would explain some ways we could solve this problem, but what I am trying to do is get people to grasp the concept that our Federal tax receipts, and total revenue, is far outweighed by the circle that shows what we are spending. As a family, people know they can't budget this way. As a government, we can't do it for very long, even if we print our own money. Somehow we are going to have to shrink the spending circle down until it is that size or grow the revenue circle until it is—they are comparable in size, or a combination of the two. As I said, I will give some other speeches to outline some of my other ideas. In the meantime, I hope everybody will take a look at the chart I have shown today.

We can't look at it and say don't touch Medicare, Medicaid, and Social Security, we can't have $½ trillion of extra expenditure spending in that category alone for long. There is another $416 trillion in mandatory spending in that same category. How long can we keep spending at this rate? What happens if interest rates go up? This piece of the spending pie can become much bigger and probably will. I don't know how long we can keep interest rates as low rate as they are now. If they go up, it will help some seniors because they have some investments in cash that would get higher interest rates, but for the country as a whole, rising interest rates that already make up 6 percent of our budget will only be more cause for worry. When that one expands above the 1 percent we are spending right now—and it is going to expand in the next couple of years because of what is happening in Europe—we had better be worried about it.

This is the kind of picture shown by the deficit commission that Erskine Bowles and Alan Simpson chaired. I was hoping we would repaint this picture a number of times between the time they released their report 1 year ago and now, because we have to get America to understand. Actually, I can tell you the people in my State understand this. I don't need to explain it to them. They know how much more we are spending versus what we are taking in. They can even tell you the numbers. They are concerned, and they need to be concerned. We all need to be concerned.

I am open to suggestions on this. I will have some speeches I'll give later reiterating this definite problem we are in. I have said a number of times our country has maxed out its credit cards.

A couple weeks ago during a trip to Wyoming, I checked into a hotel and I used my Senate credit card. The lady a few moments later, very embarrassed, said: ''I am sorry, but your card is being rejected.'' I said: ''I guess the Federal Government is in worse trouble than I thought,'' and used my own card and it went through.

We had better be worrying about it now because we do have a problem. We have maxed out our credit cards, and there are not any other places we can go for money. We have been the bastion of money for years.

Keep in this in mind. Start thinking of ways we can actually make some cuts and increase some revenues. I have ideas for both in speeches I'll give in the future. We are in a crisis. It will be a more immediate crisis any time and we are no longer spending our grandkids' money; we are spending our kids' money, and it is about to come due on us. When I say ''on us,'' I am even including myself and the seniors in that count. The day of reckoning is not far away.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I ask to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUTURE OF AMERICA

Mr. LAUTENBERG. Mr. President, we are here now deciding what kind of a country America might be in the future—whether it will be a place we can look back at and remember when everybody had a chance at success.

It is hard to believe that when we look at the vote we just had. It confirmed where the Republicans are on the issue of whether middle-class families should get a tax break. The Republican answer, was no. The answer they gave on the middle-class families tax break was: Absolutely no. No, no, no.

To the struggling single parent who wants to provide for their family, works hard every day, the Republicans said no way. To the recent college graduate trying to start a career but having trouble paying back college loans, paying rent, paying living costs, the Republicans said no. To the working couple, a family with a couple of kids who needs some help in this tough economy, the Republicans said no. No, no, no. The Republicans refuse to help them because their mission is to shield the wealthy from paying their fair share of our country's obligations.

Across our country, Americans are watching Republicans in this Congress and wondering what they are going to do to supply encouragement and hope for people who need it. Are we going to be simply a big accounting firm, simply doing the auditing, or are we going to be there to stimulate activity for people, to give them a chance to elevate their living standards for their family, to get their kids educated, and take care of the family necessities?

Right now, 14 million Americans are jobless, and they are worried about how they are going to stay in their homes, feed their children, and keep their families warm this winter. But unemployed Americans are not the only people who are struggling. Hardworking Americans from all walks of life are struggling to make ends meet. They are coping with skyrocketing grocery prices, surging health premiums, soaring college tuition.

In my home State, 1 in 10 New Jerseyans is on food stamps, the highest level in more than a decade. New Jersey has traditionally been among the top States per capita income in the country, within the top three, often in the first position.

On this side of the aisle, we are trying to help struggling families. I learned the hard way about family struggles when I was growing up. My father took ill with cancer when he was 42; I was 18. My mother, when my father died, was 37 years old. We had all kinds of obligations to pay. My mother took over the family leadership. We owed money for the pharmacy, for hospitals, for doctors. We were virtually bankrupt. I had enlisted in the Army. Next week, it will be 69 years ago that I enlisted in the Army, in December of 1942.

I know how tough it was and how much aggravation accompanies a family who just cannot keep their heads above water.

Here we are, in a day of some incredible wealth around this country—around this room—and Republicans are trying to thwart our efforts to extend and expand the payroll tax cut for working families—for people who depend upon their incomes to take care of their family needs; not on their savings, not on their inheritance, on their jobs.

Millions of American families have benefitted from this tax cut that we have had this year, but it stands to expire at the end of December. Our side is eager to continue this tax cut and increase the size of that cut to help these families. In my State, this means a typical family would receive a total tax cut of $2,100 next year. For parents who are trying to feed their families, educate their kids, pay their bills, an extra $2,100 goes a long way. To make sure that all working families receive this much needed relief next year, we are asking America's millionaires to pay their fair share, but the Republicans would rather protect their wealthy friends than continue the payroll tax cut for working families.

First, the Republicans blocked our side's efforts to cut taxes for the middle class. Then the Republicans offered their own plan. It was a disgrace. Their plan calls for a much smaller middle-class tax break, which they would have paid for by laying off 200,000 middle-class government workers. That is how they would solve the problem—fire people. Don't take it out of your bank account, don't take it out of your salary—even if you make over $1 million a year—fire people. That will make sure they understand we are not as concerned about them as we are about the person who makes over $1 million a year.

It was a cynical ploy. It showed the other side's true stripes. The Republicans say they are for lower taxes, but we now see that only goes for the jet set. Their tax-cutting zeal doesn't extend to the middle class. Republican priorities? Raise taxes on middle-class families. Middle-class families do not have it easy in America today. Republicans want to raise their taxes to protect the luxuries for the millionaires.

Make no mistake. Working families will suffer if the Republicans continue to block our efforts to extend and expand the payroll tax cut, and so will our economy. Last week, Barclays Bank warned that our GDP will drop 1.5 percent if the payroll tax cut is allowed to expire.

The choice is clear. We can continue the payroll tax cut for working families or we can allow the Republicans to continue running their millionaires' protection ring. The fact is, American millionaires are doing just fine. They don't need protection from the Republicans. Since the 1980s, our country's wealthiest 1 percent have seen their average household income increase by 55 percent. But for the bottom 90 percent, average household income has not increased at all.

As we see here, even though incomes are growing for the very wealthy, their taxes are actually going down.

We can also look at CEOs to see how well the wealthy are faring. CEOs at the largest companies are now paid an average salary of $11 million a year. That is 343 times as much as the average worker's salary of $33,000.

It used to be a much more modest comparison. In 1980, CEOs made 42 times the average worker's pay. Just look at that. Just a few decades ago the pay was much more reasonable, and the people who were working in the mills and making products and doing the service jobs and all of that were living significantly better than they are today.

Millionaires are making much more money today than they did in those years past. This is something I know something about directly. I was the president of a very large company when I came to the Senate. And you know how I got there: I had a boost from our country. I had enlisted in the Army, and I served in Europe. I got the GI bill. I went to Columbia University. It happened because the country said: Frank, if you can learn we will help you. We will pay your tuition because you served your country. I've done well because my country invested in me, and I'm willing to invest more in my country today to help the next generation.

That company I helped start with two other fellows has 45,000 employees today; 45,000 people are working at ADP, the company I helped start, because we had a chance at an education and to learn what we had to do to be in management, what we had to do to be in leadership.

Our goal should not be to protect millionaires and billionaires who don't need our help. We should focus on the foundation that our society requires to function. We should be focused on protecting Medicare, food safety, Head Start.

Imagine, they want to take seats away from Head Start Programs. I visited a Head Start Program in New Jersey just a few weeks ago, and I saw the children. They were 3, 4, 5 years old. They were interested in learning something. I talked to them, and I wanted—one of the little kids came over and hugged me around the knees. I wanted to pick him up and take him home. He was so beautiful, so nice. I thought: Here is a child, learning. He came from a single-parent family.

The people who need help—we should be focusing on protecting them and giving them a chance to grow. We should be about making sure they have proper Medicare, that food safety is taken care of. Head Start, home heating for the poor, and other essential programs—we should be protecting them from reckless cuts.

The Republicans who served on the supercommittee refused, before the negotiations were started—refused to ask wealthy Americans to pay their fair share. They practically took an oath that they would demand nothing more of the wealthy, when the country is deeply in debt, starving for a better way to solve our problems.

As a result, the poor and the middle class are going to have to make up the difference. These are the people who need help the most right now. We must act now to protect the vital programs on which they rely. If we fail to act, our country and our economy will continue to suffer—especially Americans who are already struggling. It is just plain heartless to continue asking the poor, the middle class, the elderly, and our children to bear the entire burden of these brutal economic times.

It does not hurt any of us who have been successful to pay a fair share. It might cost a few dollars more, but if you are making over $1 million a year, look in the mirror and see if you have done it all by yourself or whether it took the help of your country to get there. There is a whole cadre of people working across America—they go to work every day because they want to make a week's pay and take care of

their kids and take care of their obligations. That is the foundation that built America. It is the foundation of the development of something that was called the ''greatest generation.''

That was the generation in the last century who served in World War II. All of us had an opportunity to get a college education when we otherwise would not have been near a college.

That built our country. That strengthened our foundation. Now we see people, Republicans, who want to make it tougher for people to make a living, tougher for people to get an education, tougher to provide heat for people who desperately need it in the wintertime, tougher to think ahead and say: You know what. I know my children will do better than I have done in my life.

That used to be a truism in our view of life in this country. We don't hear that much anymore because people are unsure, and it does not help to have the Republicans sticking up for the wealthiest among us and turning their backs on working-class families in this country, the middle-class families. It is not right.

I hope the people across this country will say: No. We are going to say no to these Republican policies. I hope our Republican colleagues will disband their millionaires' protection game, stop standing in the way, and start standing up for everyday Americans who need our help.

Help us continue the payroll tax cut for working families. Help us protect the programs that benefit the people who need them most. Help us, friends on the Republican side, to make America even stronger than it is today. We can do that.

Countries are failing all over the globe. America need not to do that. We just have to make sure that while we take care of our expenses, we also make sure we have the revenues to do the job.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF NORMAN L. EISEN TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CZECH REPUBLIC

NOMINATION OF MARI CARMEN APONTE TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR

Mr. REID. Madam President, I ask unanimous consent that we now proceed to executive session to consider Calendar Nos. 360 and 501, and I send two cloture motions to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the nominations.

The assistant legislative clerk read the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic:

Harry Reid, Barbara Boxer, Patrick J. Leahy, Patty Murray, Richard J. Durbin, Kent Conrad, John D. Rockefeller IV, Jeff Bingaman, Tim Johnson, Daniel K. Inouye, Debbie Stabenow, Robert P. Casey, Jr., Max Baucus, Charles E. Schumer, John F. Kerry, Mark Udall, Michael F. Bennet.

The assistant legislative clerk read the nomination of 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.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of 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:

Harry Reid, John F. Kerry, Barbara Boxer, Patrick J. Leahy, Patty Murray, Richard J. Durbin, Kent Conrad, John D. Rockefeller IV, Jeff Bingaman, Tim Johnson, Robert Menendez, Daniel K. Inouye, Max Baucus, Charles E. Schumer, Mark Udall, Michael F. Bennet, Al Franken.

Mr. REID. Madam President, I ask unanimous consent the mandatory quorum under rule XXII be waived in each instance; that on Monday, December 12, at 4:30 p.m., the Senate proceed to executive session to consider the following nominations concurrently: Calendar No. 360 and Calendar No. 501; that there be 1 hour of debate, equally divided, in the usual form; that upon the use or yielding back of that time, the Senate proceed without interviewing action or debate to vote on Calendar No. 360; and that if cloture is invoked, the Senate immediately vote on confirmation of the nomination, and following disposition of Calendar No. 360, the Senate proceed to vote on cloture on Calendar No. 501; further, that if cloture is not invoked on Calendar No. 360, the Senate proceed to vote on cloture on Calendar No. 501; that any statements be printed in the RECORD, and the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

TRIBUTE TO JACOB'S TREE

Mr. MCCONNELL. Madam President, I rise today to extend my personal blessing this holiday season to the family of Jacob Akin of Somerset, Kentucky. This year, the town of Somerset has graciously chosen to honor the Akin family by accepting their donation of a 20-foot cherry spruce tree to be displayed in the town's Fountain Square as the county Christmas tree. More important, however, is the solemn but heart-warming story of the tree's origin, and the inspiration it brings to the people of the community.

The tree, known as ''Jacob's Tree,'' was planted in remembrance of Jacob Akin, who was tragically killed in a terrible accident on December 6, 1994. Five-year-old Jacob was playing with his older brother, Abraham, in a house when a chimney unexpectedly collapsed on top of him. Thus, the holiday season each year is especially burdensome for his family, as it serves as a constant reminder of the horrific accident that took place 17 years ago.

A year after his death, his family decided to plant a tree to honor young Jacob. Over the years, the tree has helped bring comfort and peace to the family. ''We decided to put up the tree in memory of my son,'' Jacob's mother, Rebecca Buis, says. ''I felt like as the tree grew, I could keep up with the

years and somehow see how my son might have grown. It's kind of a reminder, and it helps with the grieving process to plant something in memory of someone you love.''

Almost two decades later, Jacob's spirit remains ever-present in the magnificent 20-foot cherry spruce tree that Rebecca hopes will bring a joyful light to the community on Fountain Square. ''Over the years, it just grew and grew,'' she says. ''It's a beautiful, well-rounded tree and would make a wonderful Christmas tree.''

On December 3, Jacob's Tree was scheduled to be lit for the first time in Fountain Square in a special tree-lighting ceremony during this year's annual Christmas parade. In the spirit of the season, Jacob's family hopes that the community will come together around the tree and share in its joy. ''Christmas is a time of giving,'' Rebecca said.

The story of Jacob's Tree and the selflessness of the Akin family is truly inspirational. I would like to extend my personal blessing to Jacob's mother, Rebecca Buis, his father, David Akin, and his brother, Abraham Akin, this holiday season. And I ask my Senate colleagues to join me in wishing the family a very Merry Christmas and a Happy New Year. It is my hope that the tree brings them comfort, and that it shine especially bright in honor of young Jacob.

The Commonwealth Journal, a Somerset-area publication, recently published an article telling the story of Jacob's Tree. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From the Commonwealth Journal, Nov. 25, 2011]

'JACOB'S TREE' WILL WARM THE SPIRIT THIS SEASON

(By Chris Harris)

The Christmas season is seen as a time of miracles, a time of redemption for mankind.

This year, one of Somerset's proudest symbols of the Christmas tradition will be its own miracle of sorts—a chance to redeem joy and light out of the clouds of tragedy.

The Christmas tree in the town's Fountain Square is scheduled to be lit in a special ceremony on Saturday, December 3, as is the annual custom.

This year's tree comes from the yard of Rebecca Buis, known to local bank customers as a branch manager and loan officer at First & Farmers National Bank in Somerset.

Anyone who has driven down Denham Street lately has probably noticed the towering cherry spruce standing out with its bold green hue, even as the trees around it have shed their leaves and stand bare and bland.

The tree was planted around the holiday season of 1995—one year after a horrific accident that changed Buis's life forever.

On December 6, 1994, Jacob Akin, Buis's 5-year-old son, was killed in what his mother can only call a ''freak accident.''

Jacob and his brother Abraham, who was 10 at the time, were playing in a house on Newton Street in Ferguson that their father was in the process of razing.

''(The father, David Akin) did construction work,'' said Buis. ''This wasn't anything that was new to (the children). They were used to playing around that kind of stuff.''

This time, however, was different.

After Abraham exited the structure to ask his father a question, a chimney crumbled and collapsed on top of young Jacob.

A parent's worst nightmare had come to pass—and during the holiday season meant to be a happy time for families.

The memories remain painful to this day.

''They couldn't find my son underneath the bricks,'' recalled Buis, who still finds herself overcome with emotion when talking about the incident. ''They had to pull them off brick by brick until they found him.''

According to then-county coroner Alan Stringer, Jacob died of multiple skull fractures as a result of the toppled bricks. Buis noted that Jacob's neck was broken immediately, which meant that death came quickly. This and the fact that Abraham survived provided the only sources of solace in that terrible time.

''My worry was that he suffered, and they told me he had not,'' said Buis. '' I'm lucky in the sense that I felt like God could have taken both my boys that day, playing in the house together. I could have lost them both.''

Still, the holiday season was unalterably affected for Buis and her family.

''I wasn't able to focus on Christmas at all,'' said Buis. ''We didn't put up a tree that year.''

For one thing, Buis felt like she had to stay strong for her other son's sake. The necessity of putting on a brave face took its own toll on the devastated mother.

''You have to carry on because you have two children,'' she said. ''Kids grieve differently. It's not an easy thing to deal with; kids don't usually tell you, but they feel responsible. I tried hard not to show grief because I didn't want (Abraham) to feel responsible. Nobody could have done anything. It was a freak accident.''

Buis recalls Jacob, in kindergarten at Hopkins Elementary at the time, as ''a funny little young man,'' as well as one who was both handsome and intelligent.

''He was a very smart young man,'' she said. ''He understood lots of things, I think.''

The calendar pages turned, and soon enough, it was the Christmas season again. Buis decided it would be appropriate to pay some kind of tribute to Jacob, and decided to plant the household Christmas tree, only about five feet tall at the time, in the ground outside their home.

''We decided to put up the tree in memory of my son,'' she said. ''I felt like as the tree grew, I could keep up with the years and somehow see how my son might have grown. Every time I would pull in the driveway, I would see the tree.''

''It's kind of a reminder,'' she added. ''It helps with the grieving process to plant something in memory of someone you love.''

Today, the majestic tree stands about 20 feet tall. It's ''reached its potential,'' as Buis put it, and has ''overgrown the place.''

As such, Buis decided it might be the perfect time to inquire about donating ''Jacob's Tree,'' as it's called, to use on the Fountain Square as the county's official Christmas tree. County officials happily obliged.

''Over the years, it just grew and grew,'' said Buis. ''I'd been thinking for some time about (donating it), and just decided, 'You know, it's time to cut the tree down.' ''

Buis said she also took Abraham's feelings into consideration. Now 27, still in Pulaski County working in construction, Abraham ''thinks it's a good idea,'' according to Buis, but she wanted to make sure he was okay with the choice to donate the tree given the effect Jacob's death had on him as well.

Much as the tree reached its adult size, Jacob would have been 22 years old this year. However, his legacy has managed to live on in other ways as well.

After Jacob's death, Buis decided to donate his corneas and heart valves to help save the lives of other individuals. ''(Christmas) is a time of giving,'' she said, noting that Jacob's untimely passing was able to give hope to others.

''I received letters telling me that one of Jacob's corneas went to a child who was born with a birth defect, and another went to an older man in his 60s with an eye injury from a work accident,'' said Buis. ''His heart valves also went to adults. I didn't realize how important heart valves were to people who need them (until then).''

''It's a hard decision to make because you have to make it quickly,'' she added, referring to the decision to donate Jacob's organs. ''You can't think about it for days. You have to know at the time of death, and it's a very hard time.''

Just as Jacob's body was donated to bring a new light of hope to those in need, his spirit remains in the tree that has now been donated to bring a similarly joyful light to the community.

''It's a beautiful tree,'' said Buis. ''It's well-rounded and would make a wonderful Christmas tree.''

Citizens can see ''Jacob's Tree'' lit for the first time on December 3. The annual Christmas parade, sponsored and organized by the Chamber of Commerce, begins at 5 p.m. with the tree lighting activities set for 7 p.m.

As a Chamber Ambassador, Buis is looking forward to the yearly festivities that are so beloved by locals—but especially since she will get to see that special memorial to her son shining in all its glory.

''I just hope that (those who see it) will enjoy the tree and that it will be beautifully decorated,'' said Buis. ''I hope that people will get a warm feeling from the tree, and know that it's given in a good spirit.''

COMPUTER SCIENCE EDUCATION WEEK

Mr. CASEY. Mr. President, I rise today to speak about Computer Science Education Week, which began on December 4, 2011, and continues until December 10, 2011. This celebration includes events in my home State of Pennsylvania that advance the teaching and learning of computer science. These activities help to engage students and build their interest in a field that promises good jobs in a rapidly expanding sector. The week also draws attention to the critical need for strong computer science education in our schools.

E-mails, text messages, financial transactions, cell phone calls and doctor's visits are just a few of the activities that rely on computer science. In the last 20 years, we have undergone a technological revolution that has transformed industry, created entirely new segments of the economy, and transformed our daily lives. Pennsylvania's high-tech industry has played a crucial role in this growth, and we must prepare the next generation to continue innovating. The events of Computer Science Education Week help to build momentum for students to learn computer science.

In Pittsburgh, Carnegie Mellon University, which boasts one of the best

computer science and informatics programs in the country, will host high school students and expose them to the multitude of academic and professional opportunities in computer science. At Emmaus High School in Emmaus, young people will demonstrate programmable robots and hear from alumni who have successfully pursued careers in computer science, all while honoring computing pioneer Grace Hopper with a birthday cake. Even the White House is celebrating Computer Science Education Week by honoring the week's organizers and representatives of the Computer Science Teachers Association as ''Champions of Change.''

I have introduced S. 1614, the Computer Science Education Act, to help students develop the skills to compete for the growing number of jobs in computer science. Our Nation's economy and security depend upon computing professionals, but the current pipeline of graduates will satisfy only 52 percent of the more than 1.4 million computing job openings expected by 2018. The other 48 percent of these jobs will either go unfilled or move to other countries. America should continue to lead in the high-tech sector by preparing students to take these well-paying jobs. This legislation would strengthen computer science education in elementary and high schools by ensuring that students not only use technology but also learn the technical skills needed to work in computer science and grow our economy.

Computer Science Education Week will help to increase the interest of students who will invent the next mobile technology or start the next technology company. This week was established in 2009 by the Computing in the Core Coalition, a group of organizations, companies, and scientific societies that strive to advocate for computer science as a core academic subject. Computer Science Education Week coincides with the birthday of Grace Murray Hopper, a pioneer in computer science, who was born on December 9, 1906. She rose to the rank of rear admiral in the U.S. Navy, engineered new programming languages and developed standards for computer systems that laid the foundation for many computer science advances.

The economy of the future and the jobs that will accompany it demand that we prepare our students to remain competitive as leaders in the high-tech global marketplace. For that reason, I urge my colleagues to join me in recognizing Computer Science Education Week and to cosponsor the Computer Science Education Act.

HOOVER POWER ALLOCATION ACT

Mrs. FEINSTEIN. Mr. President, I rise today to speak about the importance of the Hoover Power Allocation Act of 2011, of which I am a cosponsor.

This legislation passed the Congress after a multiyear effort led by Senator HARRY REID, the bill's lead author, and I thank him for his work.

Upon enactment, Californians will be able to continue buying Hoover Dam's power at the cost of production for the next 50 years.

The legislation allows the people of southern California whose local governments and utilities signed the 50-year contracts that made building Hoover Dam possible to receive 56 percent of the energy produced by the dam for another five decades.

For the people of my State, the Hoover Dam has been a consistent supply of affordable, pollution-free power for decades. The Hoover Dam is one of the largest power plants in the United States, with a capacity of 2,080 megawatts approximately the size of each of California's nuclear powerplants.

Its average production between 1999 and 2008 was about 4.2 billion kilowatt-hours per year, approximately 2.4 billion kilowatt hours of which goes to southern Californians who buy their power from Southern California Edison, the Los Angeles Department of Water and Power, or members of the Southern California Public Power Agency.

Hoover's power also plays an essential role moving water into parched and populous southern California.

The Metropolitan Water District uses Hoover's power to move its 550,000 acrefeet annual allocation of water from the Colorado River, over five desert mountain ranges, to Los Angeles.

Without Hoover's power, the Metropolitan Water District's cost of moving that water would be inordinately more expensive.

And if California rate payers had to buy that much power at market rates instead of Hoover Dam's 2.5 cents per kilowatt hour cost of production, it would cost approximately $180 million more each year.

And that power would likely come from dirtier, more distant sources, including coal plants.

Instead, continued access to Hoover's low-cost, renewable hydropower will keep rates low as California's utilities bring on new, more expensive renewable power to comply with the State's 33-percent renewable portfolio standard.

The legislation also sets up a process through which new power recipients in California will be determined by the Western Area Power Administration.

As explained in the House committee report accompanying this bill, Congress expects the agency to conduct an open hearing and review the process to determine power allocations fairly and equitably.

The process should provide the opportunity for irrigation districts, rural electric cooperatives, and other eligible entities to receive allocations.

Congress also expects that Western Area Power Administration will evaluate the relevant power requests of potential new Hoover power recipients in an open, thorough, and transparent process to assess both the applicants' power needs and the classes of customers they serve.

The agency should make allocation determinations in an impartial, unbiased, and objective manner, consistent with State and Federal preference standards, and in a way that provides the most benefit to the most Californians.

My colleagues and I also expect that the process and analytical results will be documented and made available for review.

Finally, no discussion of Hoover Dam would be complete without acknowledging efforts to protect endangered species.

Hoover contractors have committed to providing more than $150 million over 50 years to support the Lower Colorado River Multi-Species Conservation Program for the protection of 26 endangered, threatened and sensitive species.

The legislation authorizing the MSCP was enacted in the 111th Congress and signed into law on March 30, 2009.

I thank the parties for reaching this agreement.

The Hoover Dam is an American success story. And it is a renewable energy success story.

During the depths of the Great Depression, Americans stepped forward to help build one of the great engineering marvels of all time.

Between 1931 and 1936, our Nation made a massive effort involving thousands of workers more than 100 of whom lost their lives to build a powerplant unlike anything the world had ever seen.

Many in Congress at the time argued the cost of Hoover Dam was too high.

They argued that government should not be making such large investments in infrastructure.

They opposed efforts to invest in an unproven energy technology like hydropower.

The debate was strikingly similar to debates we are having in this body today.

Luckily for the people of California, believers in American infrastructure and technology won the Hoover Dam debate.

The U.S. Congress provided Federal funds, but only after the Department of the Interior arranged power contracts at prices sufficient to both, No. 1, cover the operating and maintenance charges and, No. 2 repay the capital appropriated by the U.S. Congress within 50 years.

When the communities and utilities of California, led by the City of Los Angeles, stepped forward to sign those contracts, construction began.

As the years have passed, the investment has been repaid and the wisdom of Congress's decision has become apparent.

And now we have enacted a law that continues the legacy of Hoover Dam.

I thank the generations before us for having the foresight to fund the Hoover

Dam, and I hope we can again rekindle the spirit and invest in America.

RECOGNIZING LORELEI SHEPARD

Mrs. FEINSTEIN. Madam President, I rise today to recognize and thank Ms. Lorelei Shepard, who will be retiring from the United States Senate at the end of the year. Lorelei began her career on the Hill in 1993, working for the Secretary of the Senate as an elevator operator in the Capitol. She eventually became a supervisor where she was responsible for managing the weekly schedule of 20 operators and supervising their day to day duties. Her pleasant demeanor and calm nature served her well as she guided and delivered confused visitors and harried staff and Senators to their destinations in the Capitol.

She joined the staff of the Senate Select Committee on Intelligence in 1995, as the Committee's receptionist, where once again her calm and friendly approach and knowledge of the Capitol served her well. In 2000, Lorelei decided to pursue one of her dreams and she moved to a beautiful home in a little town in Vermont. As a Californian, I think it is safe to say that although beautiful, the winters in Vermont leave something to be desired. Thanks to that New England winter, Lorelei decided she needed to thaw out and she soon returned to Washington. Through a combination of good luck and timing, the Committee was able to have Lorelei join the Committee staff again, at the end of 2001.

She has served for the last 10 years on the Committee's staff, including for the last 5 years as our security assistant, making sure that classified documents are logged and distributed appropriately, handling classified correspondence, and keeping track of the secrets entrusted to the Committee.

It is the Intelligence Committee's constitutional responsibility to oversee the intelligence activities of our nation. Through her many years of service on the Committee, Lorelei has made a quiet but critical contribution to this effort. For that, I thank her.

Though Lorelei will be leaving, the Shepard family still remains a part of the Senate community. Lorelei's daughter, Lori, and son, Peter, have followed in their mother's footsteps and both work in the Senate today. This is quite a testament to their family's commitment and dedication to our nation and one for which they should be proud.

I wish Lorelei all the best as she retires and eventually returns to Vermont. I know she will enjoy the new-found time she will have to pursue her love of quilting, writing and the myriad of other talents with which she has been blessed.

On behalf of the Intelligence Committee, many thanks Lorelei, best wishes, and stay warm.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT

Mr. WHITEHOUSE. Madam President, I rise to speak in support of the Violence Against Women Reauthorization Act of 2011, which I am pleased to cosponsor today. As attorney general of Rhode Island, I saw firsthand the good work the Violence Against Women Act, VAWA, has done to protect victims of domestic violence, to provide crucial services to those in need, and to hold batterers accountable. The VAWA Reauthorization Act builds on that record of success and makes important updates to strengthen the law, while cognizant of the challenging budget circumstances we face. I congratulate Senators LEAHY and CRAPO for their hard work and leadership on this bill.

I am particularly appreciative that Senators LEAHY and CRAPO have included the Saving Money and Reducing Tragedies through Prevention Act of 2011, or the SMART Prevention Act, which I previously introduced, within the Violence Against Women Reauthorization Act.

Far too many teens suffer abuse at the hands of a dating partner. According to the Centers for Disease Control, for example, 1 in 10 teenagers reported being hit or physically hurt on purpose by a boyfriend or girlfriend at least once in the past year. The SMART Prevention Act will support innovative and effective programs to protect our children from this dangerous abuse.

Earlier this year, as chairman of the Senate Judiciary Committee's Subcommittee on Crime and Terrorism, I held a field hearing in my home State on ''Preventing Teen Violence: Strategies for Protecting Teens from Dating Violence and Bullying.'' With hundreds of students from Tolman High School in Pawtucket, RI, in the audience, prominent advocates and experts testified about the importance of educational and community programs in preventing dating violence among teenagers.

The witnesses explained that teen dating violence remains a serious problem, but that we can take important preventive measures. Ann Burke, a leading national advocate, explained that school-based teen dating violence prevention programs, especially those focused on middle schools, have proven effective in changing behaviors. The Lindsay Ann Burke Act, named in memory of Ann's daughter, a victim of dating violence, supports abuse education programs for teens in Rhode Island. Since its passage, physical teen dating violence rates in our State have decreased from 14 percent in 2007 to 10 percent in 2009.

These preventive measures are most effective when part of a community-wide approach. As Kate Reilly, the executive director of the Start Strong Rhode Island Project, explained at the hearing, effective prevention programming should not be limited to schools alone, but should ''meet kids where they live and play.'' That requires involving parents, coaches, mentors, and teen and community leaders, as well as using new technology and social media in innovative ways.

One group of children needs particular attention: children who have witnessed abuse in their home. Deborah DeBare, the executive director of the Rhode Island Coalition Against Domestic Violence, explained at the hearing that ''growing up in a violent home may . . . lead to higher risks of repeating the cycle of abuse as teens and young adults.'' By supporting robust services for children exposed to domestic violence in the home, we can help break the intergenerational cycle of violence.

The SMART Prevention Act builds on each of these insights. It would create a new grant program within VAWA to support dating violence education programs targeting young people, with a particular focus on middle school students. The bill would also support programs to train those with influence on youth, including parents, teachers, coaches, older teens, and mentors. The new teen dating violence prevention program would be coordinated with existing grant programs focused on prevention, including a program directed at children who have witnessed violence and abuse. By requiring coordination with these programs, and focusing resources on prevention, the SMART Prevention Act is also smart policy fiscally. Abuse that is prevented reduces the strain on our already overburdened health and education systems.

New laws in several States, as well as innovative and hard-working organizations such as the Lindsay Ann Burke Memorial Fund and the Katie Brown Educational Program in New England, have demonstrated how effective such prevention programs can be, so now is the time for Congress to act.

I again thank Senators LEAHY and CRAPO for their leadership in reauthorizing the Violence Against Women Act. I look forward to working with them and other Senators from both sides of the aisle toward a country that is free from dating and domestic violence.

INTERNATIONAL HUMAN RIGHTS DAY

Mr. CARDIN. Madam President, I rise today to mark International Human Rights Day, a day which celebrates the adoption of the Universal Declaration on Human Rights by the UN General Assembly on December 10, 1948.

In the immediate after math of World War II, and reacting with revulsion to the horrors of that global war and the Holocaust, the community of nations organized itself with the goal of protecting international peace and security. Although the United Nations founding Charter recognized the protection of human rights as one of the

UN's most basic purposes, it was quickly recognized that it would be necessary to further elaborate these fundamental freedoms in order to ensure their protection. The resulting document—the Universal Declaration of Human Rights—has since served as the foundation upon which all other human rights work at the international level has stood. It remains to this day an enduring guide for human rights advocates around the globe.

This has been an exciting and dramatic year that will be remembered for the triumphs of the Arab Spring. The fall of so many dictators who have been responsible for the deaths, torture, and other atrocities meted out against so many has opened up the exhilarating prospect of real reform and meaningful human rights improvements. But the final chapter of the Arab Spring has not yet been written, and nothing can be taken for granted.

Progress in this field is not necessarily linear. As Ronald Reagan said in his inaugural address, ''Freedom is a fragile thing and is never more than one generation away from extinction.''

I believe it is especially critical, at this historic moment, for the United States to remain vigilant in the protection and promotion of human rights—abroad and at home.

Overseas, the United States must continue to use our voice to speak on behalf of those silenced by brutal regimes. We must continue to lift up those who cannot stand on their own. And while we must inevitably pursue a multifaceted foreign-policy that advances American goals in a broad range of areas including hard security and the economy, we must never treat human rights as something expendable.

I take particular note of the countries that stand shoulder to shoulder with us in that effort. I welcome Polish Foreign Minister Radek Sikorski's call for a ''European endowment for democracy,'' similar to the National Endowment for Democracy which the United States has supported since 1983. I commend Poland for the leadership it has shown on human rights issues during its presidency of the European Union.

In all of these efforts, the role of civil society remains critical. On the 50th anniversary of the adoption of the Universal Declaration of Human Rights, the United Nations adopted a declaration on the rights of human rights defenders. They are the first line of defense and they often pay the highest price.

There are, unfortunately, too many cases of human rights defenders who are imprisoned, persecuted or worse, for me to raise them all here. But I would like to mention one in particular that maybe emblematic of many others: the case of Evgenii Zhovtis, Kazakhstan's most well-known human rights activist.

Zhovtis is the Director of the Kazakhstan International Bureau for Human Rights and Rule of Law and even a member of the OSCE Office for Democratic Institutions and Human Rights' panel of experts on freedom of assembly. But he was involved in a tragic car accident in which a pedestrian was killed and, after a trial widely condemned for lacking due process, he was sentenced in 2009 to 4 years in prison.

A year ago, at the OSCE Summit in Astana, civil society activists called for Zhovtis' release. As one NGO participant remarked:

> Evgenii is the human rights Everyman. If this can happen to him, it can happen to anyone.

A year later, Evgenii Zhovtis remains in a Siberian penal colony, even as Kazakhstan prepares to host an OSCE election observation mission. In the spirit of the Universal Declaration of Human Rights, I once again urge President Nazarbayev to review his case and to release him.

Thank you.

TRIBUTE TO JOAN McKINNEY

Ms. LANDRIEU. Madam President, I rise today to pay tribute to Joan McKinney, who has been a beloved and respected mainstay of the Senate Press Gallery for almost 40 years.

Joan retired recently after a decade of service on the Press Gallery staff. Prior to that, she served the people of my home State of Louisiana for 2½ decades as Washington correspondent for the Baton Rouge Advocate.

Joan is originally from Greenville, SC, and is a graduate of Winthrop College. She came to Washington in 1971 to work on the press staff of our dear colleague Senator Fritz Hollings.

As her career advanced, she chose to return to journalism, working first as a reporter for the Greenville News, where her father served as editor, and then for another paper from my home state, the Shreveport Journal.

Joan was hired away by the Advocate when she continually beat the Advocate's reporter—who happened to be the son of the publisher—on stories. I came to know and respect Joan during our many hallway meetings that so often occur between Members and the press. I also had the great fortune of getting to know her as a person and as a friend.

In her tenure as the Advocate's congressional correspondent, Joan came to be well respected by members of the Louisiana delegation from both parties. The Members from my State knew her as fair-handed and tough, and most of all, that there was nothing, nothing that could get by her.

Through her work, Joan became an expert on the intricacies of the Senate and the Supreme Court. She took this knowledge with her into her role as a member of the Senate daily press gallery staff. I know her Senate acumen on the institution and its procedure was of great value to the reporters roaming the gallery who relied on her for deep insight about the Chamber they cover.

Joan, who has won reporting awards from the South Carolina and Louisiana press associations, is a longtime member of the elite Gridiron Club of newspaper writers. She was one of the first women to become a member.

I know that one of Joan's biggest interests is dance, something I am told she plans to be very active with in retirement. Long before ''American Idol'' and ''So You Think You Can Dance,'' Joan was an excellent competitive dancer. Her specialty is Shag, a regional dance popular in the Carolinas.

This year, Joan won her first national Shag championship. With more time to practice, I am sure more dance titles are on the way.

For those of us who have been fortunate to work with Joan, it is almost impossible to imagine the Press Gallery without her. But I know I join the entire Senate press corps in wishing Joan the best as she embarks on this new adventure in her life.

Joan, thank you for sharing with this institution and our entire country your knowledge, experience and good heart. All of us are better as a result of your service to the best ideals of our democracy.

CROWDFUNDING

Mr. MERKLEY. Mr. President, I rise today to address a promising new idea for investors and small businesses: crowdfunding.

In recent years, small businesses and startup companies have struggled to raise capital. The traditional methods of raising capital have become increasingly out of reach for many startups and small businesses. There is another option, but Congress must act to authorize it and provide for appropriate safeguards.

Low-dollar investments from ordinary Americans may help fill the void, providing a new avenue of funding to the small businesses that are the engine of job creation. The CROWDFUND Act would provide startup companies and other small businesses with a new way to raise capital from ordinary investors in a more transparent and regulated marketplace.

The promise of crowdfunding is that investments in small amounts, made through transparent online forums, can allow the ''wisdom of the crowd'' to provide funding for small, innovative companies. It allows ordinary Americans to get in on the ground floor of the next big idea. It is American entrepreneurism at its best, which is why it has the support of the President and many in the business community.

That said, there are real risks of investment losses at a rate far beyond ordinary investing. Crowdfunding, if done without proper oversight, provides significant opportunity for fraud. Indeed, it was not too long ago that our financial regulators were doing daily battle with scam artists pitching huge returns on fraudulent schemes through small, unregistered securities.

That is why the CROWDFUND Act will tap the opportunity of crowdfunding while reducing the risks.

The CROWDFUND Act provides a capital-raising alternative for startups and other small businesses, while not undercutting essential investor protections. It allows companies to raise up to $1 million each year from ordinary Americans. It provides more disclosure, more accountability and accuracy, and limits the exposure of any individual investor.

I thank my colleague Senator BENNET for joining me in this effort, and I hope to partner with more of my colleagues to move this idea forward in the days to come.

TRIBUTE TO CHRISTOPHER L. CUGINI

Mr. THUNE. Madam President, today I recognize Christopher L. Cugini, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Chris is a graduate of Glen Oak High School in Canton, OH. Currently, he is attending the University of Mount Union in Alliance, OH, where he is majoring in communication. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Chris for all of the fine work he has done and wish him continued success in the years to come.

TRIBUTE TO ROBERT CUYLER HASKINS

Mr. THUNE. Madam President, today I recognize Robert Cuyler Haskins, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Cuyler is a graduate of L.D. Bell High School in Hurst, TX. Currently, he is attending Texas Christian University in Fort Worth, TX, where he is majoring in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Cuyler for all of the fine work he has done and wish him continued success in the years to come.

TRIBUTE TO KATI M. SEYMOUR

Mr. THUNE. Madam President, today I recognize Kati M. Seymour, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Kati is a graduate of Jones County High School in Murdo, SD. This past August, Kati graduated from Sinte Gleska University in Mission, SD, where she majored in English and American history. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Kati for all of the fine work she has done and wish her continued success in the years to come.

TRIBUTE TO MICHELLE MATTHIES

Mr. THUNE. Madam President, today I recognize Michelle Matthies, an intern in my Sioux Falls, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Michelle is a graduate of Parker High School in Parker, SD. Currently, she is attending Augustana College, where she is majoring in English and secondary education. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Michelle for all of the fine work she has done and wish her continued success in the years to come.

ADDITIONAL STATEMENTS

REMEMBERING ELDEN HUGHES

• Mrs. BOXER. Madam President, last weekend California and the Nation lost one of our great environmental champions when Elden Hughes died at his desert home in Joshua Tree, CA, at age 80.

As a longtime activist with the Sierra Club and former president of its Angeles Chapter, Elden led successful campaigns to protect California's wild rivers and preserve the historic Union Pacific Railroad depot in the desert town of Kelso, CA.

But Elden Hughes is best known and fondly remembered as one of the tireless leaders of the long grassroots effort to enact the 1994 California Desert Protection Act, which created a new national park in the Eastern Mojave Desert and established higher levels of protection for Death Valley, Joshua Tree, and other desert lands.

Elden was born in 1931 in Whittier, CA, the son of cattle farmers from Modoc County. When he was 13, the family moved out of town and bought a ranch where Elden made enough money raising hogs to buy an old car and begin a lifetime of exploring California's wild places. After earning his way through college, he worked in the family plumbing supply business, which he then sold to become the executive vice president of a major computer service company.

Elden's interest in river-running, spelunking, archaeology, nature photography, and the desert led him to join Sierra Club expeditions and gradually become involved in the club's conservation activities. In the early 1980s, he led a grassroots letter-writing campaign that convinced California Senator Pete Wilson to sponsor ''wild and scenic'' designation for a major stretch of the Tuolumne River. In the late 1980s, Elden led the successful ''three rivers campaign'' that obtained wild and scenic designations for portions of the Kings, Kern, and Merced Rivers.

Elden worked with Congressman JERRY LEWIS to save the historic Kelso Depot, in what was then the Eastern Mojave National Scenic Area. Showing their usual flair and creativity, Elvin and his wife Patty galvanized public opinion on the depot issue by convincing Amtrak to run a special ''Desert Wind'' train from Los Angeles to Kelso, where Elden led the crowd in singing railroad songs.

In 1986, as the new chair of the Sierra Club Angeles Chapter, Elden was invited to attend a press conference on the introduction of the first Desert Bill, authored by Senator Alan Cranston. He brought along some of his photos of the Mojave and was soon leading a group of amateur photographers on a 2-year project cataloguing the fragile beauty of this unique natural area.

In 1990, Elden retired from business to become the west coast spokesman for the Desert Bill. He was a natural, and the media loved him. As Frank Wheat noted in his book ''California Desert Miracle,'' Elden was also ''knowledgeable, quotable, pleasant to be with, and willing to go to great lengths to show members of the press what the Desert Bill was intended to protect. Soon he was drawing reporters as a lamp draws moths.''

Meanwhile, Elden and Patty had adopted a pair of abandoned pet tortoises and successfully bred a new family. When the babies were 5 months old, Elden and Patty took them on a cross-country tour to raise media and public interest in protecting the desert tortoise. Over the years, they made nine trips to Washington, DC, to gain congressional support for the Desert Bill. Once, when an airline security guard told them they couldn't bring pet tortoises on the plane, Patty said, ''They aren't pets, they're lobbyists.''

Finally, in 1994, Congress passed the California Desert Protection Act, and I was proud to cosponsor this bill with Senator FEINSTEIN. Elden Hughes was instrumental in passing this landmark legislation. Today, the Mojave National Preserve and the Kelso Depot stand as monuments to this joyous, creative, and inexhaustible man who did so much to protect California's priceless natural heritage.

On behalf of the people of California, who have benefitted so much from Elden's life work, I send my deepest gratitude and condolences to his wife Patty; his sons, Mark, Paul, and Charles; and his three grandchildren.•

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:39 a.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1541. An act to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1639. An act to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

At 1:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 10. An act to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

H.R. 944. An act to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes.

H.R. 1254. An act to amend the Controlled Substances Act to place synthetic drugs in Schedule I.

H.R. 1560. An act to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

H.R. 2351. An act to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

H.R. 2360. An act to amend the Outer Continental Shelf Lands Act to extend the Constitution, laws, and jurisdiction of the United States to installations and devices attached to the seabed of the Outer Continental Shelf for the production and support of production of energy from sources other than oil and gas, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 535. An act to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes.

S. 683. An act to provide for the conveyance of certain parcels of land to the town of Mantua, Utah.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 32. Concurrent resolution to authorize the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 470, an Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

ENROLLED BILLS SIGNED

At 4:40 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 535. An act to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes.

S. 683. An act to provide for the conveyance of certain parcels of land to the town of Mantua, Utah.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 10. An act to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law; to the Committee on Homeland Security and Governmental Affairs.

H.R. 944. An act to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1021. An act to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts; to the Committee on the Judiciary.

H.R. 1254. An act to amend the Controlled Substances Act to place synthetic drugs in Schedule I; to the Committee on the Judiciary.

H.R. 1560. An act to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe; to the Committee on Indian Affairs.

H.R. 2351. An act to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area; to the Committee on Energy and Natural Resources.

H.R. 2360. An act to amend the Outer Continental Shelf Lands Act to extend the Constitution, laws, and jurisdiction of the United States to installations and devices attached to the seabed of the Outer Continental Shelf for the production and support of production of energy from sources other than oil and gas, and for other purposes; to the Committee on Energy and Natural Resources.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, December 8, 2011, she had presented to the President of the United States the following enrolled bills:

S. 1541. An act to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1639. An act to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1400. A bill to restore the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of Gulf Coast States, to create jobs and revive the economic health of communities adversely affected by the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, and for other purposes (Rept. No. 112–100).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 678. A bill to increase the penalties for economic espionage.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1886. A bill to prevent trafficking in counterfeit drugs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*Rebecca M. Blank, of Maryland, to be Deputy Secretary of Commerce.

*Ajit Varadaraj Pai, of Kansas, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2011.

*Jessica Rosenworcel, of Connecticut, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2010.

*Jon D. Leibowitz, of Maryland, to be a Federal Trade Commissioner for a term of seven years *pm September 26, 2010.

*Maureen K. Ohlhausen, of Virginia, to be a Federal Trade Commissioner for a term of seven years from September 26, 2011.

By Mr. LEAHY for the Committee on the Judiciary.

Kathryn Keneally, of New York, to be an Assistant Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ISAKSON:

S. 1963. A bill to revoke the charters for the Federal National Mortgage Corporation and the Federal Home Loan Mortgage Corporation upon resolution of their obligations, to create a new Mortgage Finance Agency for the securitization of single family and multifamily mortgages, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW (for herself and Mr. PORTMAN):

S. 1964. A bill to amend the Internal Revenue Code of 1986 to exempt from the harbor maintenance tax certain commercial cargo loaded or unloaded at United States ports in the Great Lakes Saint Lawrence Seaway System; to the Committee on Finance.

By Mr. MORAN (for himself and Mr. WARNER):

S. 1965. A bill to jump-start economic recovery through the formation and growth of new businesses, and for other purposes; to the Committee on Finance.

By Ms. AYOTTE (for herself, Mr. BEGICH, Mr. VITTER, and Mr. RUBIO):

S. 1966. A bill to direct the Secretary of Homeland Security to reform the process for enrolling, activating, issuing, and renewing Transportation Worker Identification Credentials so that applicants are not required to visit a designated enrollment center more than once; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSON of South Dakota (for himself and Mr. COCHRAN):

S. 1967. A bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare Program; to the Committee on Finance.

By Mr. WARNER (for himself and Mr. KIRK):

S. 1968. A bill to require the Secretary of Transportation to establish a pilot program to increase accountability with respect to outcomes of transportation investments, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself and Mr. MENENDEZ):

S. 1969. A bill to amend title XI of the Social Security Act to improve the quality, health outcomes, and value of maternity care under the Medicaid and CHIP programs by developing a maternity care quality measurement program, evaluating maternity care home models, and supporting maternity care quality collaboratives; to the Committee on Finance.

By Mr. MERKLEY (for himself, Mr. BENNET, and Ms. LANDRIEU):

S. 1970. A bill to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INHOFE (for himself and Mr. JOHANNS):

S. 1971. A bill to provide for the establishment of a committee to assess the effects of certain Federal regulatory mandates and to provide for relief from those mandates, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COATS (for himself and Ms. AYOTTE):

S. 1972. A bill to amend the Food and Drug Administration's mission; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. LAUTENBERG, and Mr. KERRY):

S. 1973. A bill to prevent gun trafficking in the United States; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico (for himself, Mr. HELLER, Mr. BINGAMAN, Mrs. FEINSTEIN, and Mrs. GILLIBRAND):

S. 1974. A bill to amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act, and for other purposes; considered and passed.

By Mr. DEMINT (for himself, Mr. CORNYN, Mr. VITTER, Mr. TOOMEY, Mr. RISCH, Ms. AYOTTE, Mr. JOHNSON of Wisconsin, Mr. LEE, Mr. PAUL, Mr. BLUNT, Mr. HATCH, Mr. BOOZMAN, Mr. GRAHAM, Mr. KYL, Mrs. HUTCHISON, Mr. CRAPO, Mr. INHOFE, Mr. BARRASSO, Mr. CHAMBLISS, Mr. COBURN, Mr. THUNE, Mr. BURR, Mr. HELLER, Mr. RUBIO, Mr. JOHANNS, and Mr. SESSIONS):

S. 1975. A bill to repeal the authority to provide certain loans to the International Monetary Fund, to prohibit loans to enable the Fund to provide financing for European financial stability and to oppose the provision of such financing, and for other purposes; to the Committee on Foreign Relations.

By Ms. COLLINS (for herself and Mr. COONS):

S. 1976. A bill to authorize educational assistance under the Armed Forces Health Professions Scholarship program for pursuit of advanced degrees in physical therapy and occupational therapy; to the Committee on Armed Services.

By Mr. SANDERS (for himself and Mr. BEGICH):

S.J. Res. 33. A joint resolution proposing an amendment to the Constitution of the United States to expressly exclude for-profit corporations from the rights given to natural persons by the Constitution of the United States, prohibit corporate spending in all elections, and affirm the authority of Congress and the States to regulate corporations and to regulate and set limits on all election contributions and expenditures; 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 Mr. VITTER (for himself, Mr. SHELBY, Mr. COCHRAN, and Mr. WICKER):

S. Res. 346. A resolution expressing the sense of the Senate regarding the Government of Antigua and Barbuda and its actions relating to the Stanford Financial Group fraud; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 306

At the request of Mr. WEBB, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 306, a bill to establish the National Criminal Justice Commission.

S. 494

At the request of Mr. LIEBERMAN, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 494, a bill to amend the Public Health Service Act to establish a national screening program at the Centers for Disease Control and Prevention and to amend title XIX of the Social Security Act to provide States the option to increase screening in the United States population for the prevention, early detection, and timely treatment of colorectal cancer.

S. 506

At the request of Mr. CASEY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 626

At the request of Ms. CANTWELL, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 626, a bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States.

S. 752

At the request of Mrs. FEINSTEIN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 955

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 955, a bill to provide grants for the renovation, modernization or construction of law enforcement facilities.

S. 985

At the request of Ms. MIKULSKI, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 985, a bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1174

At the request of Ms. STABENOW, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1174, a bill to provide predictability and certainty in the tax law, create jobs, and encourage investment.

S. 1175

At the request of Mrs. HAGAN, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1175, a bill to provide, develop, and support 21st century readiness initiatives that assist students in acquiring the skills necessary to think critically and solve problems, be an effective communicator, collaborate with others, and learn to create and innovate.

S. 1440

At the request of Mr. BENNET, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors 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. 1591

At the request of Mr. KIRK, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1629

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1629, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 1680

At the request of Mr. CONRAD, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1749

At the request of Mr. WARNER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1749, a bill to establish and operate a National Center for Campus Public Safety.

S. 1866

At the request of Mr. RUBIO, the names of the Senator from Utah (Mr. LEE), the Senator from New York (Mr. SCHUMER) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1866, a bill to provide incentives for economic growth, and for other purposes.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer epinephrine at schools.

S. 1896

At the request of Ms. AYOTTE, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 1896, a bill to eliminate the automatic inflation increases for discretionary programs built into the baseline projections and require budget estimates to be compared with the prior year's level.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from New York (Mr. SCHUMER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1954

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1954, a bill to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

S. 1959

At the request of Mr. BURR, the names of the Senator from South Carolina (Mr. DEMINT) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 1959, a bill to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes.

S. 1961

At the request of Mr. REED, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1961, a bill to provide level funding for the Low-Income Home Energy Assistance Program.

AMENDMENT NO. 1209

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mr. COONS):

S. 1976. A bill to authorize educational assistance under the Armed Forces Health Professions Scholarship program for pursuit of advanced degrees in physical therapy and occupational therapy; to the Committee on Armed Services.

Ms. COLLINS. Mr. President, I rise today to introduce a bill to allow physical and occupational therapists to enroll in the Armed Forces Health Professionals Scholarship Program. I am pleased to be joined in this effort by my colleague, Senator COONS of Delaware. Our legislation provides tuition assistance to critical health care professionals in exchange for service as a commissioned medical officer.

Unfortunately, while the need for physical therapists has grown during the last ten years of combat, neither the Department of Defense nor the military services have conducted a separate analysis of the current or future DoD workforce requirements for occupational and physical therapists, even though such an analysis was required by last year's Defense authorization bill.

This legislation would allow the military services to extend the same kind of educational benefits to physical and occupational therapists that are already afforded to physicians, dentists, physician assistants, and even veterinarians.

Physical and occupational therapists at the military's major medical centers serve approximately 600 wounded warriors every day on their road to recovery. More than 32,000 service members have been wounded in Iraq and Afghanistan, including many who have suffered very serious injuries and amputations. Physical and occupational therapists play a critical role in the prevention of injury, rehabilitation, and recovery of wounded warriors. They not only serve in medical facilities, but are also embedded with combat brigade teams on the battlefield. They use their medical training and skill to overcome impairments, regardless of the cause to enable service members to overcome disability and succeed in all aspects of life.

The idea for this bill came directly from a visit I had with a wounded Marine from Maine at the National Military Medical Center in Bethesda, Maryland in November. He was severely wounded by an IED in Afghanistan. He lost part of one leg and his other leg contains shrapnel wounds. Both of his arms were wounded, and he has a traumatic brain injury as well. In short, he has very serious wounds that are going to require a very lengthy recovery period. But, his spirits are amazingly strong and upbeat.

However, when I asked him if he had any concerns, while he praised the care he was receiving, he said there was a severe shortage of physical therapists and other trained clinical personnel to help him in what is going to be a very long recovery. He is expected to be at Bethesda for another nine months. It troubles me that he believes there are not a sufficient number of physical therapists to help him and the other wounded warriors who are hospitalized at Bethesda.

While the Department of Defense reports that it does not face a shortage in these professions overall, both the Air Force and the Navy report shortages in physical therapists, physical therapy technicians, and occupational therapists. One out of every four physical therapist positions in the active duty Navy is currently unfilled. So including these medical professions in this existing educational program would help meet this need.

This bill is also endorsed by both the American Physical Therapy Association and the American Occupational Therapy Association, who agree this effort will help curtail a possible shortage of these valuable professionals in the future.

I wish to point out, we are not authorizing additional or new funding in

this bill, it is simply an important insurance policy against a shortfall of these medical professions that will help the Navy and the Air Force fill vacancies. After all, it is these talented and committed professionals who are helping our wounded warriors return to living full and independent lives.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

AMERICAN PHYSICAL THERAPY ASSOCIATION.

Senator SUSAN COLLINS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the more than 77,000 members of the American Physical Therapy Association, I write to thank you for your amendment to the National Defense Authorization Act and your introduction of legislation to include physical therapists in the Health Professions Scholarship Program (HPSP).

APTA commends your efforts to add physical therapists to the HPSP. This legislation will enable more of these highly qualified professionals to help treat our nation's wounded warriors and ensure that there will be no shortage in the future. There should never be any disruption in care for the reason of inadequate personnel.

As you know, physical therapists play a critical role in the prevention of injury, rehabilitation, and recovery of wounded warriors around the world. They not only serve at medical facilities like the Walter Reed National Military Medical Center (WRNMMC), but they are also found on the battlefield with the Army Medical Specialist Corps and are embedded with combat brigade teams. They aid in shortening the recovery time of soldiers so they can return to service, and are a necessary and integral part of the health care structure of the armed forces.

Thank you for your commitment to improving the rehabilitation and well being of our wounded warriors. Please contact Michael Hurlbut, Associate Director of Congressional Affairs, at michaelhurlbut@apta.org or 703–706–3160, if you have any questions or would like any additional information.

Sincerely,

R. SCOTT WARD, PT, PhD,
President.

THE AMERICAN OCCUPATIONAL THERAPY ASSOCIATION, INC.,
Bethesda, MD, December 7, 2011.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the American Occupational Therapy Association (AOTA), the national professional association representing the interests of more than over 140,000 occupational therapists, occupational therapy assistants and students of occupational therapy, I am writing to thank you for sponsoring legislation to promote occupational therapy within the United States military. This legislation seeks to authorize educational assistance under the Armed Forces Health Professions Scholarship program for the pursuit of advanced degrees in occupational therapy and physical therapy.

Occupational therapy is a skilled health, wellness and rehabilitation service with the goal of improving function, independence and quality of life so that individuals can lead more productive and rewarding lives. Occupational therapists work within the military from the frontlines in Combat Stress Control teams throughout the continuum of care to long-term rehabilitation and stateside community reintegration. While occupational therapists are present in every branch of the service the Army has the largest and most prominent role for occupational therapy; using the professions unique focus on overcoming impairments regardless of the cause to enable soldiers to overcome disability and succeed in all aspects of life.

The current wars in Iraq and Afghanistan have dramatically increased the demand for occupational therapy practitioners within the military. The signature injuries of these conflicts include traumatic brain injury, post-traumatic stress disorder, traumatic amputation and poly-trauma. Within both the military and the Veterans Administration occupational therapists work as critical members of the treatment teams to address each of these conditions.

AOTA and our members in the civilian world and the military appreciate your leadership and vision in promoting occupational therapy education and training for service members so that they can go on to meet the needs of fellow soldiers and society as a whole. Both within the military and the private sector, demand for occupational therapy is expected to increase dramatically and your legislation can help meet those needs.

We look forward to working with you and your staff to enact this legislation during this session of Congress so that more occupational therapists are trained to meet the health care, rehabilitation and reintegration needs of our service members.

Sincerely,

TIM NANOF, MSW,
Director of Federal Affairs.

By Mr. SANDERS (for himself and Mr. BEGICH):

S.J. Res. 33. A joint resolution proposing an amendment to the Constitution of the United States to expressly exclude for-profit corporations from the rights given to natural persons by the Constitution of the United States, prohibit corporate spending in all elections, and affirm the authority of Congress and the States to regulate corporations and to regulate and set limits on all election contributions and expenditures; to the Committee on the Judiciary.

Mr. SANDERS. Mr. President, I am submitting a resolution to amend the U.S. Constitution. I do not do this lightly, nor have I ever done something such as this before. The U.S. Constitution is an extraordinary document which has served our country well for over 200 years and, in my view, it should not be amended often.

But in light of the disastrous Supreme Court's 5-to-4 decision in the Citizens United case, I see no alternative but a constitutional amendment. I should add that a similar resolution has been offered in the House by Congressman TED DEUTCH of Florida. This constitutional amendment is supported by such grassroots organizations as Public Citizen, People for the American Way, and the Center for Media and Democracy.

Let me go on record as strongly as I can, and as clearly as I can, in stating that I strongly disagree with the Supreme Court's Citizens United decision. In my view, a corporation is not a person. In my view, a corporation does not have first amendment rights to spend as much money as it wants, without disclosure, on a political campaign. In my view, corporations should not be able to go into their treasuries and spend millions and millions of dollars on a campaign in order to buy elections.

I do not believe that is what American democracy is supposed to be about. I do not believe that is what the bravest of the brave from our country, fighting for democracy, fought and died to preserve. Almost 2 years ago, in its now infamous Citizens United decision, the United States Supreme Court upended over a century of precedent, taking a somewhat narrow legal question and using it as an opportunity to radically change our political landscape, unleashing a tsunami of corporate spending on campaign ads that has just begun. Make no mistake, the Citizens United ruling has radically changed the nature of our democracy, further tilting the balance of power toward the rich and the powerful at a time when already the wealthiest people in this country have never had it so good.

In my view, history will record that the Supreme Court's Citizens United decision is one of the worst decisions ever made by a Supreme Court in the history of our country. While there is no way of knowing for sure, since there are no disclosure requirements in place to track what was spent, it is no secret that already in the 2010 midterm elections, corporations and some very wealthy individuals spent a huge and unprecedented amount of money to further their political goals. There is no question this is just the beginning of their efforts. At a time when corporations have over $2 trillion in cash in their bank accounts and are making recordbreaking profits, the American people should be concerned when the Supreme Court says these corporations have a constitutionally protected right to spend, spend, spend shareholders' money to dominate an election as if they were real live persons. There will be no end to the impact corporate interests can have on our campaigns and our democracy if we do not end this Citizens United decision and its impact on our Nation.

All of us in the Senate share one common characteristic. We all run for elections. We all live in the real political world. Let me speak for a moment what I think many of my colleagues in their heart of hearts know to be true; that is, that while the campaign finance system we had before Citizens United was, in my view, a disaster—there is no question it is a disastrous situation where candidates, Members of the Senate, spend huge amounts of time having to raise money, and I know that is distasteful not just for Democrats, it is distasteful to Republicans, it is distasteful for an Independent; that is what we do—now, as a result of Citizens United, that bad situation has become much worse because

infinitely more money is going to come into the political process through nondisclosed donations suddenly appearing on TV screens in our States.

According to an October 10, 2011, article in Politico:

The billionaire industrialist brothers David and Charles Koch plan to steer more than $200 million—potentially much more—to conservative groups ahead of Election Day [2012].

What do we think? Do we think American democracy is about a couple of wealthy billionaires putting hundreds of millions of dollars into campaigns without disclosure? Is that the democracy Americans fought and died for in war after war? I think not.

It clearly is not just Republican operatives. There will be Democrats doing the same. So more and more money comes into the system. We do not know where it comes from, and in order to defend ourselves candidates are going to have to raise more money and become more and more dependent on big money interests. Does anybody believe that is what American democracy is supposed to be about?

Let's talk about the practical impacts. What happens on the floor of the Senate? The six largest banks on Wall Street have assets equal to over 65 percent of our GDP, over $9 trillion—six banks. When an issue comes up that impacts Wall Street—some of us, for example, think it might be a good idea to break up these huge banks. Members walk to the desk up there and they have to decide am I going to vote for this, am I going to vote against it—with full knowledge that if they vote against the interests of Wall Street, 2 weeks later, there may be ads coming down into their State attacking them. Every Member of the Senate, every Member of the House, in the back of their minds, will be thinking: Gee, if I cast a vote this way, if I take on some big money interests, am I going to be punished for that? Will a huge amount of money be unleashed in my State?

Everybody here understands that is true. It is not just taking on Wall Street, maybe it is taking on the drug companies, maybe it is taking on the private insurance companies, maybe it is taking on the military-industrial complex. But whatever powerful and wealthy special interest we are prepared to take on, on behalf of the interest of the middle-class and working families of this country, when we walk to that desk and we cast that vote, we know in the back of our mind we may be unleashing a tsunami of money coming into our State, and we are going to think twice about how we cast that vote.

I am a proud sponsor of a number of bills that would respond to Citizens United and begin to get a handle on the problem. I would like to acknowledge them very briefly. One is the Disclose Act, sponsored by Senator SCHUMER, which would force corporations spending money on campaign ads to disclose their identity, as candidates have to do. That is a good thing. I support it.

Another is the Fair Elections Now Act, sponsored by Senator DURBIN, which would move us to publicly financed elections. I think that is a very good idea. I support that.

The third piece of legislation is a recent resolution for a campaign finance constitutional amendment, introduced by Senator TOM UDALL of New Mexico, that would make it clear that Congress and the States have the authority to write laws to regulate campaign spending across the country and make sure our State and Federal elections are about what is right for our democracy, and I support Senator UDALL's resolution. But even these excellent pieces of legislation are not enough.

The Constitution of this country has served us well for more than 200 years. But when the Supreme Court says—for purposes of the first amendment—corporations are people, that writing checks from the company's bank account is constitutionally protected speech, and that even attempts by the Federal Government and States to impose reasonable restrictions on campaign ads are unconstitutional, when that occurs, our democracy is in grave danger. Something more needs to be done. There needs to be something more fundamental and indisputable, something that cannot be turned on its head by a 5-to-4 Supreme Court decision.

We have to send a constitutional amendment to the States that says simply and straightforwardly what everyone—except five members of the U.S. Supreme Court—seems to understand; that is, corporations are not people. Bank of America is not a person. ExxonMobil is not a person.

The resolution I am offering calls for an amendment to be sent to the States that would do that. It would make perfectly clear, No. 1, corporations are not persons with equal constitutional rights as real-life, flesh-and-blood human beings; No. 2, corporations are subject to regulation by the people; No. 3, corporations may not make campaign contributions, which has been the law of the land for the last century; No. 4, Congress and States have the power to regulate campaign finance as Senator UDALL's amendment would also say.

This amendment is cosponsored by Senator BEGICH of Alaska, and I would urge all my colleagues to cosponsor this amendment which, in fact, does what its title suggests, saves American democracy.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 346—EXPRESSING THE SENSE OF THE SENATE REGARDING THE GOVERNMENT OF ANTIGUA AND BARBUDA AND ITS ACTIONS RELATING TO THE STANFORD FINANCIAL GROUP FRAUD

Mr. VITTER (for himself, Mr. SHELBY, Mr. COCHRAN, and Mr. WICKER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 346

Whereas the Government of Antigua and Barbuda has committed numerous acts against the interests of United States citizens and operated the financial sector and judicial system of Antigua and Barbuda in a manner that is manifestly contrary to the public policy of the United States;

Whereas 20,000 investors, including many United States citizens, lost $7,200,000,000 in an alleged Ponzi scheme involving fictitious certificates of deposit from Stanford International Bank, an offshore bank chartered in Antigua and Barbuda;

Whereas the Government of Antigua and Barbuda violated the order of the United States District Court for the Northern District of Texas regarding the receivership proceeding initiated at the request of the United States Securities and Exchange Commission (referred to in this preamble as the ''Securities and Exchange Commission''), in which the court took exclusive control of all the assets owned by Allen Stanford and Stanford-affiliated entities around the world and documents relating to those assets;

Whereas the Government of Antigua and Barbuda challenged the authority of the United States District Court for the Northern District of Texas by—

(1) initiating a separate and competing liquidation proceeding for Stanford International Bank; and

(2) appointing liquidators who have defied the orders of the court in multiple jurisdictions around the world by litigating for control of hundreds of millions of dollars in bank accounts in the United Kingdom, Switzerland, and Canada;

Whereas the Government of Antigua and Barbuda challenged the authority of the United States Department of Justice by seeking to obtain control of hundreds of millions of dollars in bank accounts in the United Kingdom, Switzerland, and Canada that had been frozen at the request of the Department of Justice in accordance with multilateral criminal asset forfeiture treaties;

Whereas the courts of Antigua and Barbuda have denied recognition of the United States district court-appointed receiver for all assets of Allen Stanford and Stanford-affiliated entities;

Whereas the Stanford International Bank liquidators appointed by the Eastern Caribbean Court of Appeals now seek recognition of the Antigua and Barbuda liquidation proceeding as a foreign insolvency proceeding under chapter 15 of title 11, United States Code, in the United States District Court for the Northern District of Texas;

Whereas the Government of Antigua and Barbuda acknowledged in a statement in March 2010 that—

(1) Stanford International Bank ''was operating in Antigua as a transit point and for purposes of registration and regulation''; and

(2) ''[t]he business of Stanford International Bank, Ltd. was run from Houston, Texas, and its books maintained in Memphis, Tennessee'';

Whereas Allen Stanford, the Stanford Financial Group, and the Government of Antigua and Barbuda enjoyed a mutually beneficial business relationship involving numerous economic development projects and loans to the government of at least $85,000,000, and forensic accounting reports have identified those loans as having been made from Stanford International Bank certificate of deposit funds;

Whereas, in June 2010, the Securities and Exchange Commission alleged that Allen

Stanford bribed Leroy King, the chief executive officer of the Financial Services Regulatory Commission of Antigua and Barbuda, to persuade Leroy King to—

(1) not investigate Stanford International Bank;

(2) provide Allen Stanford with access to the confidential files of the Financial Services Regulatory Commission;

(3) allow Allen Stanford to dictate the response of the Financial Services Regulatory Commission to inquiries by the Securities and Exchange Commission about Stanford International Bank; and

(4) withhold information from the Securities and Exchange Commission;

Whereas, in June 2010, the United States Department of Justice indicted Leroy King on criminal charges and ordered Leroy King to be extradited to the United States;

Whereas the Government of Antigua and Barbuda has failed to complete the process of extraditing Leroy King to the United States to stand trial;

Whereas Dr. Errol Cort, who served as the Minister of Finance of Antigua and Barbuda from 2004 to 2009, allegedly received more than $1,000,000 of fraudulently transferred Stanford investor funds either directly or indirectly through his law firm, Cort & Cort;

Whereas Cort & Cort, the law firm of Dr. Errol Cort, served as the official registered agent for Stanford International Bank until June 2009;

Whereas the Government of Antigua and Barbuda, along with the Eastern Caribbean Central Bank—

(1) seized control and possession of the Allen Stanford-owned Bank of Antigua without compensation to the United States district court-appointed receiver;

(2) renamed that bank the ''Eastern Caribbean Amalgamated Bank''; and

(3) allocated a 40 percent ownership position to the Government of Antigua and Barbuda and 60 percent ownership to 5 Eastern Caribbean Central Bank member banks;

Whereas, after the fraud that the Stanford Financial Group allegedly perpetrated was made public, the Government of Antigua and Barbuda expropriated numerous Allen Stanford-owned properties in Antigua and Barbuda worth up to several hundred million dollars, and the government has not turned over those properties to the United States district court-appointed receiver;

Whereas the Government of Antigua and Barbuda expropriated without compensation the property known as the Half Moon Bay Resort, which is owned by a group of 12 United States citizens; and

Whereas the Government of Antigua and Barbuda—

(1) has sought and obtained loans from the International Bank for Reconstruction and Development and the International Development Association (commonly known as the ''World Bank'') and the International Monetary Fund; and

(2) is the recipient of other direct and indirect aid from the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) provision of all further direct or indirect aid or assistance, including assistance derived from Federal funds, by the United States Government to the Government of Antigua and Barbuda should be suspended until the Government of Antigua and Barbuda provides complete redress of the issues described in the preamble, including through—

(A) the full cooperation of the Government of Antigua and Barbuda and any appointee of that government, including the joint liquidators of Stanford International Bank, with the United States Securities and Exchange Commission, the United States Department of Justice, the United States district court-appointed receiver, and the United States district court-appointed Stanford Investors Committee, in investigating the Stanford Financial Group fraud and marshaling the assets of Allen Stanford and all Stanford-affiliated entities;

(B) an agreement by the Government of Antigua and Barbuda to be subject to the jurisdiction and bound by the judgment of any United States court that adjudicates the claims relating to the Stanford Financial Group fraud;

(C) the transfer of the assets seized by the Government of Antigua and Barbuda, or obtained by the joint liquidators of Stanford International Bank, to the United States district court-appointed receiver for the benefit of victims of the Stanford Financial Group fraud;

(D) a contribution by the Government of Antigua and Barbuda to the United States receivership estate for the benefit of victims of the Stanford Financial Group fraud, in an amount equal to the amount of any funds that Allen Stanford or any Stanford-affiliated entity provided to the Government or government officials of Antigua and Barbuda;

(E) a contribution by the Government of Antigua and Barbuda to the United States receivership estate for the benefit of victims of the Stanford Financial Group fraud, in an amount equal to any payments that Allen Stanford or the Stanford Financial Group made to Leroy King or any other official of the Government of Antigua and Barbuda for the purpose of subverting regulatory oversight of Stanford International Bank;

(F) the fulfillment by the Government of Antigua and Barbuda of its obligations relating to the expropriation of the Half Moon Bay Resort; and

(G) an agreement by the Government of Antigua and Barbuda to not—

(i) interfere with the receivership commenced by the United States Government; and

(ii) seek control of assets claimed by the United States Government; and

(2) the Secretary of the Treasury should direct the United States Executive Directors of the International Bank for Reconstruction and Development and the International Development Association (commonly known as the ''World Bank'') and the International Monetary Fund to use the voice and vote of the United States to ensure that any future loan made by the World Bank or the International Monetary Fund to the Government of Antigua and Barbuda is conditioned on providing complete redress of the matters, and satisfaction of the requirements, described under paragraph (1).

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, December 15, 2011, at 10 a.m. in SD–430 to conduct a hearing entitled ''Prescription Drug Shortages: Examining a Public Health Concern and Potential Solutions.''

For further information regarding this meeting, please contact the committee at (202) 224–7675.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 8, 2011, at 10:00 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''ICANN's Expansion of Top Level Domains.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 8, 2011, in the President's Room, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on December 8, 2011, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on December 8, 2011, at 9:30 a.m., in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 8, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate to conduct a hearing entitled ''Tales from the Unemployment Line: Barriers Facing the Long-Term Unemployed'' on December 8, 2011, at 9:45 a.m., in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on December 8, 2011, at 2:15 p.m., in

room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 8, 2011, at 10 a.m., in SD–226 of the Dirksen Senate Office Building to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 8, 2011, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate on December 8, 2011, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSENT OF CONGRESS TO AN AMENDMENT TO THE COMPACT BETWEEN THE STATES OF MISSOURI AND ILLINOIS

Mr. REID. I ask that the Chair lay before the Senate a message from the House with respect to S.J. Res. 22.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S.J. RES. 22

Resolved, That the resolution from the Senate (S.J. Res. 22) entitled ''Joint resolution to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years.'', do pass with the following amendment:

Strike out all after the resolving clause and insert:

SECTION 1. CONSENT.

(a) IN GENERAL.—The consent of Congress is given to the amendment of the powers conferred on the Bi-State Development Agency by Senate Bill 758, Laws of Missouri 2010 and Public Act 96–1520 (Senate Bill 3342), Laws of Illinois 2010.

(b) EFFECTIVE DATE.—The amendment to the powers conferred by the Acts consented to in subsection (a) shall take effect on the date of enactment of this Act.

SEC. 2. APPLICATION OF ACT OF AUGUST 31, 1950.

The provisions of the Act of August 31, 1950 (64 Stat. 568) shall apply to the amendment approved under this joint resolution to the same extent as if such amendment was conferred under the provisions of the compact consented to in such Act.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this joint resolution is expressly reserved.

SEC. 4. RESERVATION OF RIGHTS.

The right is reserved to Congress to require the disclosure and furnishings of such information or data by the Bi-State Development Agency as is deemed appropriate by Congress.

Mr. REID. Madam President, I ask unanimous consent that the Senate concur in the House amendment, that the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVILIAN SERVICE RECOGNITION ACT

Mr. REID. Madam President, I ask unanimous consent that the Homeland Security Committee be discharged from further consideration of H.R. 2061 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2061) to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read the third time and passed, that the motion to reconsider be laid upon the table, with no intervening action or debate, and that any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2061) was ordered to be read a third time, was read the third time, and passed.

CORRECTING THE ENROLLMENT OF H.R. 2061

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to consideration of H. Con. Res 86, which was received from the House.

The PRESIDING OFFICER. The clerk will report the resolution of title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 86) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 2061.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 86) was agreed to.

ULTRALIGHT AIRCRAFT SMUGGLING PREVENTION ACT OF 2011

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. 1974.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1974) to amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that there be no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1974) was ordered to be read a third time, was read the third time, and passed as follows:

S. 1974

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 cited as the ''Ultralight Aircraft Smuggling Prevention Act of 2011''.

SEC. 2. CLARIFICATION OF DEFINITION OF AIRCRAFT AND OFFENSES UNDER AVIATION SMUGGLING PROVISIONS OF THE TARIFF ACT OF 1930.

(a) IN GENERAL.—Section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) DEFINITION OF AIRCRAFT.—In this section, the term 'aircraft'—

''(1) has the meaning given that term in section 40102 of title 49, United States Code; and

''(2) includes a vehicle described in section 103.1 of title 14, Code of Federal Regulations.''.

(b) CRIMINAL PENALTIES.—Subsection (d) of section 590 of the Tariff Act of 1930 (19 U.S.C. 1590(d)) is amended in the matter preceding paragraph (1) by inserting '', or attempts or conspires to commit,'' after ''commits''.

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to violations of any provision of section 590 of the Tariff Act of 1930 on or after the 30th day after the date of the enactment of this Act.

SEC. 3. INTERAGENCY COLLABORATION.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense has worked collaboratively with the Department of Homeland Security to identify equipment, technology, and expertise used by the Department of Defense that could be leveraged by the Department of Homeland Security to help fulfill its missions.

(2) As part of that collaborative effort, the Department of Homeland Security has leveraged Department of Defense equipment, technology, and expertise to enhance the ability of U.S. Customs and Border Protection to detect, track, and engage illicit trafficking across the international borders between the United States and Mexico and the United States and Canada.

(3) Leveraging Department of Defense equipment, technology, and expertise is a cost-effective inter-agency approach to enhancing the effectiveness of the Department of Homeland Security to protect the United States against a variety of threats and risks.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should—

(1) continue the broad program of cooperation and collaboration with the Secretary of Homeland Security described in subsection (a); and

(2) ensure that the Department of Homeland Security is able to identify equipment and technology used by the Department of Defense that could also be used by U.S. Customs and Border Protection to enhance its efforts to combat illicit trafficking across the international borders between the United States and Mexico and the United States and Canada, including equipment and technology that could be used to detect and track the illicit use of ultralight aircraft.

ORDERS FOR MONDAY, DECEMBER 12, 2011

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, December 12, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 4:30 p.m. with Senators permitted to speak for up to 10 minutes each; and that following morning business the Senate proceed to executive session under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, there will be at least two rollcall votes at 5:30 p.m. on Monday in relation to the Eisen and Aponte nominations. Next week, we have additional nominations we expect to consider, and we have to do either a CR or an omnibus spending bill—or one of each, which is possible. We have the balanced budget amendments, the payroll tax, we have unemployment insurance, Medicare reimbursement, tax extenders, including the Medicare reimbursement, and, of course, what we are talking about there is the SGR or the doctor fix.

All of these matters are set to expire at the end of the year.

ADJOURNMENT UNTIL MONDAY, DECEMBER 12, 2011, AT 2 P.M.

Mr. REID. 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 6:25 p.m., adjourned until Monday, December 12, 2011, at 2 p.m.

EXTENSIONS OF REMARKS

RECOGNIZING THE 10TH ANNIVERSARY OF THE BRANDYWINE HEALTH FOUNDATION OF COATESVILLE

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. GERLACH. Mr. Speaker, I rise today to congratulate The Brandywine Health Foundation of Coatesville, Chester County, Pennsylvania, on the occasion of its 10th anniversary.

Over the last ten years, the Brandywine Health Foundation has made over $10 million in grants and scholarships to improve health and encourage youth development in the greater Coatesville area. Its efforts have resulted in bringing ChesPenn Health Services, the only Federally Qualified Health Center in Chester County, to Coatesville. This helps to provide over 8,000 patient visits to low income County residents. Additionally, the Foundation has assisted in the development of a new Dental Center, Chester County Community Dental, and has partnered with the Chester County Department of Mental Health and Mental Retardation, as well as the Coatesville Area School District, to bring behavioral health services to child guidance research centers.

The Brandywine Health Foundation is also responsible for the construction of the four-story Brandywine Center, which opened in April 2008 and houses the non-profit organizations such as ChesPenn Health Services, Chester County Community Dental, Child Guidance Resource Centers, and Human Services, Inc., as well as offering 24 units of affordable senior housing.

Mr. Speaker, in light of its years of exemplary service to the community and outstanding accomplishments, I ask that my colleagues join me today in recognizing The Brandywine Health Foundation in celebration of its 10 year anniversary.

HONORING THE CAREER OF MAYOR RICHARD FREY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. HIGGINS. Mr. Speaker, I rise today to honor the career and accomplishments of a distinguished public servant and friend, the Mayor of the City of Dunkirk, New York, the Honorable Richard Frey.

With a long career in the private sector—and distinguished wartime service in Korea, including earning the Purple Heart—before running for Mayor, Dick Frey has unquestionably been a hands-on Mayor for the residents of Dunkirk.

Dick's key focus as Mayor was community revitalization and economic development, and he delivered for his constituents. On each example of progress you see in Dunkirk today—from waterfront development to the Dunkirk Boardwalk Market, from the SUNY Fredonia Incubator to the redevelopment of the vacant Crocker-Sprague building—you see Dick Frey's fingerprints. Through Dick's efforts, underutilized recreational parks and other brownfields throughout the city were turned into clean and development-ready sites.

Never shy about fighting for his city, I first met Dick Frey in 2005, shortly after I took office representing Dunkirk and Chautauqua County as a Member of Congress, and I'll confess to being a little concerned. After all, Dunkirk and Chautauqua had not been represented in Congress by a Democrat in nearly a generation. But after our first meeting, two things were clear: number one, Dick Frey was a man of his word who passionately cares about the constituents he served; number two, Dick Frey cares about people, and not politics.

Dick once said in an interview with the Dunkirk Observer newspaper, ''As far as politics go, you can expect to leave politics at the door when dealing with [people's] concerns.'' That statement embodies my experience with him completely. Though we come from different political sides of the aisle, politics was never an issue between us. We both represented the same people—the hard-working folks in the city of Dunkirk—and we each had a responsibility to deliver for them.

Now as his wife Pat and their large extended family will welcome Dick back to them after loaning him, his time and attention to the city and its residents for the past ten years, we wish them good luck as Dick leaves active civic life for a much deserved respite.

Mr. Speaker, I thank you for allowing me a few moments to commemorate the service of one of the most honorable public servants that I have had the good fortune to know. I am thankful all the more, however, to call Dick Frey my friend, and to wish him Godspeed in all of his future endeavors.

RECOGNIZING CITY OF SAN LUIS OBISPO POLICE CHIEF DEBORAH E. LINDEN

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mrs. CAPPS. Mr. Speaker, it is with the greatest respect that I rise today to recognize Deborah Linden on the event of her retirement as Police Chief for the City of San Luis Obispo.

Chief Linden is a native Californian, raised in Sunnyvale. She moved to Santa Barbara in 1979 to attend U.C. Santa Barbara, graduating in 1984 with a Bachelor of Arts degree in sociology. She began her law enforcement career with the Santa Barbara County Sheriff's Department as a Deputy Sheriff at the age of 22.

During her 18 year tenure at the Sheriff's Department, Chief Linden served in a variety of assignments including Patrol Deputy, Narcotics Detective, Major Crimes Detective, Patrol Sergeant, Major Crimes Sergeant, Lieutenant, and Commander.

She was hired by the City of San Luis Obispo as Chief of Police on January 1, 2003.

Chief Linden holds a Master of Arts degree in Leadership from St. Mary's College in Moraga and she is a P.O.S.T. Command College graduate. In 2004, she was honored with a three-year gubernatorial appointment to the California Commission on Peace Officer Standards and Training and she was reappointed to subsequent terms in 2007 and 2010. Chief Linden serves on the Board of the California Police Chiefs Association and is a lifetime member of the California Narcotic Officers Association. Chief Linden is also dedicated to future members of law enforcement, as she has been a criminal justice instructor for Santa Barbara City College, an academy instructor for Allan Hancock Law Enforcement Academy, and an instructor of Public Policy for St. Mary's College Graduate Leadership Program.

Chief Linden also takes an active role in our local community in addition to her commitments as Police Chief. She is involved with many community and non-profit groups, including serving on the boards of the Anti-Defamation League, Transitions Mental Health Association, and the Monday Rotary Club in San Luis Obispo. She is the law enforcement representative on the San Luis Obispo County Homeless Services Oversight Council.

Mr. Speaker, I ask that my colleagues join me in honoring Deborah Linden, for her leadership, dedication, and outstanding service to our community and the San Luis Obispo Police Department.

IN HONOR OF SCOTT KENNEDY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. FARR. Mr. Speaker, I rise today to honor the life of a good friend and great leader who passed away unexpectedly on November 19, 2011. His energy, intelligence, and dedication served the City of Santa Cruz since 1976, when he co-founded the Resource Center for Nonviolence. In 1991, Scott began his political career, serving on the Santa Cruz City Council from 1991 to 1998 and again from 2001–2003. He also served as the mayor of Santa Cruz in 1994 and 2004. Throughout his life, Scott demonstrated a strong commitment to his community and he will be dearly missed. I am proud to honor my friend and his service to the City of Santa Cruz and to the rest of the world.

Scott was born in Nebraska on December 9, 1948, and grew up in San Jose, California. He began his advocacy for international peace while attending the University of California at Santa Cruz when as a freshman he first traveled to the Israel-Palestine region. Middle

Eastern issues were at the forefront of Scott's advocacy and he led some 25 delegations to the Middle East with increasing success over three decades of involvement. Since the mid–1970s Scott attempted to amplify the voices of Israelis and Palestinians who are committed to participating in a nonviolent struggle for lasting peace. Scott's tenacity and passion provided the foundation from which the Resource Center for Nonviolence has continued to prosper to this day. His later heavy involvement with the Washington, D.C.-based group Interfaith Peace Builders only adds to his great strides toward world peace. His lifetime of humanitarian service was honored in 2010 when he received the Pfeffer Peace Prize.

The Loma Prieta earthquake in 1989 was a jumping off point for Scott's local political career. Several affordable housing activists, afraid the disaster would result in a lack of affordable housing, recruited Scott to be their voice and run for city council. During his time in elected office, he worked to construct low-income housing, build a community soccer field, pass a resolution against the first Iraq war and permanently preserve several greenbelt properties on the city's perimeter. His intelligence and passion challenged and taught those who served alongside him to do their very best for Santa Cruz.

Throughout all of these great achievements, Scott had the stalwart support of his loving family. He is survived by his wife and soulmate, Kristin (Kris), his two sons, Peter and Benjamin and his daughter Megan, who served in this Chamber as a Congressional House Page. His entire family actively supported his work by door-to-door canvassing and later travelling to Israel and Palestine. Scott described his family, and his wife Kris in particular, as his bedrock. The support she gave him made possible his lifelong humanitarian and political success.

Mr. Speaker, on behalf of the House of Representatives, I would like to extend our Nation's deepest condolences to Scott Kennedy's family for their loss. I would like to honor his great struggle for peace and his service to the City of Santa Cruz. He was a treasured Mayor, father, and husband and he will be greatly missed.

RECOGNIZING THE COLONIAL HIGH SCHOOL CHAMBER CHOIR

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. WEBSTER. Mr. Speaker, it is my pleasure to recognize the Colonial High School Chamber Choir during their visit to Washington, DC. Founded in 1959, Colonial High School is located in Orlando and is committed to educating its students in a learning environment based on excellence in academic performance, enabling students to become productive and responsible citizens.

The Chamber Choir is made up of 26 audition-selected students from the 150-student Colonial High School Chorus. Their talent is most recently marked by an invitation to perform at the White House on Friday, December 9, 2011. The parents and educators of these students should be very proud of the dedication and discipline required to get to this level.

On behalf of the citizens of Florida's 8th Congressional District, I am pleased to recognize the Colonial High School Chamber Choir and congratulate the students for their hard work and accomplishment.

A TRIBUTE TO REV. BYRON LEAVANCE BENTON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor the Rev. Byron LeaVance Benton for his pastoral and community service that has benefited the youth and religious community of Brooklyn.

Rev. Benton, a native of Greensboro, North Carolina, is a graduate of North Carolina Agricultural and Technical State University where he majored in Business Education with a concentration in Administrative Systems. He earned his Master's of Divinity degree from Princeton Theological Seminary, focusing his studies on homiletics and pastoral care. He is currently pursuing a Doctorate of Arts in Marriage and Family Therapy at Eastern University in Philadelphia, Pennsylvania.

At A&T, he sat on the board of several programs that reached out to troubled youth in the Greensboro area, and he served as the percussion section leader and chaplain of the A&T University Band: The Marching Machine.

While at Princeton, Rev. Benton served as a chaplain for both the Trenton Psychiatric Hospital in Trenton, New Jersey and the Association of Black Seminarians at Princeton Theological Seminary. He was awarded the Aaron E. Gast Award in Urban Ministry, the Jagow Award in Homiletics and Speech, and the Ray Lindquist Award in Pastoral Care.

Rev. Benton started a community drumline in Brooklyn, New York through the Berean Community and Family Life Center. The drumline's vision is to encourage positive, holistic health in youth by providing physical activity that combats obesity, prevents disease, and encourages an overall healthy lifestyle, while simultaneously creating self-discipline and encouraging community service. Their performances include: museums, numerous church and youth ministry events, and as accompaniment for the Jamal Jackson Dance Company. They were also featured in the 2011 Black History Calendar by Aetna Healthcare. They placed second in both the 2011 Hot 97 Battle in the Apple and Battle of the Drumlines.

Rev. Benton currently serves as the Associated Pastor of the Berean Baptist Church in Brooklyn, New York under the mentorship of the Senior Pastor, Rev. Dr. Arlee Griffin, Jr. He also sits on the board of directors for the Berean Community and Family Life Center.

Rev. Benton has traveled extensively throughout the world, partnering with the National Baptist Convention in Liberia, Africa.

Mr. Speaker, I would like to recognize Rev. Byron Benton for his exceptional dedication to the youth of Brooklyn and his years of pastoral service.

REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2011

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law:

Mrs. MALONEY. Mr. Chair, I rise today to oppose H.R. 10, the Regulations From the Executive in Need of Scrutiny (REINS) Act.

This bill is another instance of the Republican Majority playing politics, rather than focusing on passing legislation that creates jobs, grows our economy, and protects the American people. Requiring that Congress approve all agency rules and regulations with an annual economic cost of $100 million or more would not only handicap our government's ability to regulate health and safety laws, it would also distract Congress from addressing pressing issues like job creation, national security and reducing our deficit. After an entire year in which the Republican Majority has demonstrated an inability to take up a productive legislative schedule—forcing last-minute votes on critical issues and not even introducing any kind of serious jobs agenda—it seems ludicrous to suggest that Congress should be spending its time nitpicking federal agencies about enacting regulations that Congress has authorized or ordered be done.

Additionally, this bill would actually harm job creation and hurt businesses. By creating a scenario in which regulations are proposed, and then potentially overridden, and then potentially proposed yet again in a new form, businesses will be forced to spend significant time and resources just keeping track of all the changes—decreasing their productivity and bottom line. This will create uncertainty for businesses and harm job creation—the very thing that the Republican Majority asserts that this bill will prevent. This is nothing more than blatant political posturing, as evidenced by the fact that Congress already has the authority to review and override federal rules under the Congressional Review Act.

The fact is that federal agencies need to be able to issue rules in a timely and efficient manner to protect the health and welfare of the American people and help grow our economy. Industries and individuals in areas from finance to farming rely on rulemaking and regulations to facilitate their businesses, and this bill would undermine that. I urge a no vote.

IN RECOGNITION OF RICHARD J. LEONARDINI

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. GARAMENDI. Mr. Speaker, I rise today in honor of Captain Richard J. Leonardini, who

is retiring after more than 31 years of law enforcement service, with 22 years of that service to the City of Fairfield. As his colleagues, friends and family gather together to celebrate the next chapter of his life, I ask all of my colleagues to join me in saluting this outstanding public servant and defender of peace and safety.

Richard started his law enforcement career as a Deputy Sheriff, serving three years for the El Dorado County Sheriff's office and over five years with the San Joaquin County Sheriff's office. On March 6, 1989, he was hired as a Police Officer with the Fairfield Police Department. As an officer, Richard worked in various capacities that included Patrol, Investigations, Street Crime Apprehension (SCAT) and Field Training. He joined the Crisis Negotiations Team in 1991, the Special Activity Felony Enforcement (SAFE) Team in 1992 and was promoted to Police Sergeant on July 30, 1999.

As a Police Sergeant, Richard served in Patrol and then Personnel and Training before being promoted to Police Lieutenant on December 14, 2001 and serving as the Commander of the Special Operations Division. He was a thoughtful and capable manager which led him to receiving the Manager of the Year award in 2002. On March 19, 2004 he was promoted to Police Captain and served in Administration, Support Services, and Field Operations.

Richard has been a valued employee and his commitment to the community was evidenced on a daily basis. He was a loyal representative of the law enforcement community and admired for his hard work, dedication, and positive work ethic.

Mr. Speaker, I am truly honored to pay tribute to this dedicated public servant. I ask all of my colleagues to join with me in wishing Richard J. Leonardini continued success and happiness in all of his future endeavors.

HONORING THE NATIVE AMERICAN CODE TALKERS

HON. JARED POLIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. POLIS. Mr. Speaker, I rise today to honor the Native American Code Talkers for their selfless contributions to America's defense during World Wars I and II. During these times of worldwide turmoil, hundreds of American Indians joined the United States' Armed Forces with the goal of protecting freedom and human rights around the world.

The Code Talkers, as these brave soldiers became known, used their ancient tribal languages to develop a military communications code that no enemy was ever able to crack. American Indians served bravely in both World Wars, though the most well-known code group, the Navajo Code Talkers, was not formed by the Marine Corps until the 1940s.

The Navajo Code Talkers came up with a code that enabled them to send and receive messages that were unintelligible to eavesdroppers. The Navajo language had no alphabet, and only an extraordinarily few individuals outside of the Navajo community were fluent in it, making it the ideal foundation for updating the U.S. military's slow-to-decipher and easily broken codes. Over 400 Navajo Code talkers served bravely in World War II, and their code was considered so secretive that they were prohibited from writing it down. It was not until the declassification of the code in 1968 that Americans were truly able to appreciate the contributions of the Code Talkers.

Mr. Speaker, it is fitting that as we remember the brave Americans whose lives were lost at Pearl Harbor 70 years ago this week, we also honor all of America's veterans who have committed their time and risked their lives to protect our nation. It is with great honor and respect that I offer my appreciation to the Code Talkers for exemplifying the spirit and commitment of public service and duty to country. Indeed, both their code and their commitment to America remain unbreakable, and to this day we remain in awe of their achievements.

REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2011

SPEECH OF

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law:

Ms. HIRONO. Mr. Chair, I rise today to express strong opposition to legislation this chamber passed yesterday, H.R. 10, the Regulations from the Executive in Need of Scrutiny (REINS) Act of 2011.

The REINS Act requires that both chambers of Congress pass a resolution approving every regulation with an economic impact of $100 million or more. If Congress fails to pass such a resolution, that regulation would not take effect, and the law would go unimplemented.

I oppose this legislation, which would hurt the health, safety, and well-being of my constituents and Hawaii's communities. We cannot let our constituents and communities down when it comes to these vital responsibilities.

For example, this bill would stop the rules that are being written now to implement the Wall Street Reform and Consumer Protection Act—which will rein in reckless behavior in financial markets. Important rules to implement the health care law—which is already lowering drug costs for seniors—would also be stopped. And rules relating to the recent food safety legislation and protecting clean air and water would be stopped.

These rules—and the laws they are implementing—were and are opposed by various powerful corporate special interests. Those special interests know they don't have the votes to repeal these laws—and they know the American people don't want them repealed.

So instead, corporate special interests and their allies claim that the costs of these types of rules are too big to be worth it.

They're wrong.

Even the Bush Administration recognized that the benefits of rules like these outweigh their costs. In fact, in 2008, the Office of Management and Budget—which must sign off on all major rules developed by federal agencies—estimated that costs to the economy for major rules it approved were between $46 billion and $54 billion. These costs were far outweighed by the benefits of those same regulations, which they estimated to be between $122 billion and $656 billion. Imagine if the rules that are being written to implement Wall Street Reform had been on the books in 2005, before the financial crisis came to a head?

I believe our country could have reined in rampant, out of control behavior of Wall Street, and such regulations could have saved our economy trillions of dollars in lost economic growth and hard-earned retirement and college savings. Millions of people who have lost jobs could still be working. And this body could be focused on matters like improving U.S. education, economic competitiveness, and reducing our deficit.

Not only would this bill halt our regulatory system in its tracks, but it is also unnecessary. The Congressional Review Act already gives Congress the ability to review and disapprove of regulations if they are contrary to Congressional intent. This system ensures that the laws enacted by Congress are implemented appropriately, while preventing the law and its implementation from being hijacked by special interests on a whim—and creating disruptive uncertainty for our economy and legal system.

Mr. Speaker, people in Hawaii are tired of these politically motivated bills. They want the federal government to get to work helping to create jobs, protecting health and safety, and to do so responsibly.

The REINS Act also fails miserably on that front. This legislation would require federal agencies to conduct the rigorous analysis required to develop a rule—a process that can take several years—only to have that rule stopped by Congress. This is a waste of federal resources and irresponsible at a time when Congress needs to focus on creating jobs and reducing our deficit.

These are just some of the concerns I have with the REINS Act, and some of the reasons that I voted against this unnecessary and ill conceived legislation.

IN RECOGNITION OF THE 20TH ANNIVERSARY OF THE CAPITOL CORRIDOR

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Ms. MATSUI. Mr. Speaker, I rise today in recognition of the 20th anniversary of the Capitol Corridor train service, which connects the Sacramento Region to the San Francisco Bay Area. It is a great pleasure to recognize the corridor's stellar track record of providing cost-effective, public transportation that stimulates economic development, reduces emissions, and promotes partnerships among passengers, private investors, and the communities. As the Capitol Corridors' supporters and partners gather to celebrate this milestone, I ask all my colleagues to join me in honoring the essential role that the Capitol Corridor plays in Northern California.

Since its inception on December 12, 1991, with a mere six trains between Sacramento

and San Jose, the Capitol Corridor has significantly grown and invested in infrastructure, increasing the number of weekday trains to thirty-two, weekend trains to twenty-two and expanding its corridor to span seven counties with a total population of 6.7 million. In addition to investing in railcars and tracks, it has established signaling systems and sixteen stations that directly connect its passengers to the Bay Area Rapid Transit (BART) system, Santa Clara Valley Transportation Authority buses, and Sacramento Regional Transit light rails.

Over the past twenty years, the Capital Corridor has experienced a 600 percent increase in ridership, up to 1.7 million passengers in the 2010–2011 fiscal year. In all, it has carried nearly 19 million people to travel 1.3 billion miles. With this popular intercity train service, the downtown Sacramento Valley Station is now the seventh busiest Amtrak station in the country.

The Capitol Corridor has been managed by the Capitol Corridor Joint Powers Authority (CCJPA) since 1998. Previously, the Capitol Corridor was a partnership between Amtrak and Caltrans. The CCJPA consists of a partnership of six transit agencies from the counties serviced by the Capitol Corridor. Operating funds for the CCJPA are provided by Caltrans. Administrative costs are kept down because of the strong partnership between Amtrak, BART, Caltrain, Caltrans, CCJPA and Union Pacific Railroad. In the past twenty years, the Capitol Corridor has stayed major accident-free and also improved lives by reducing air pollutants and greenhouse gas emissions.

Mr. Speaker, I am honored to pay tribute to the Capital Corridor, and its record of giving Northern Californians more transportation options, on their 20th anniversary. I ask my colleagues to join me in honoring the Capitol Corridor's outstanding work in providing the community with much needed services.

ANNOUNCING RECIPIENTS OF THE INAUGURAL CONGRESSIONAL VETERAN COMMENDATION FOR THE THIRD DISTRICT OF TEXAS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a privilege to announce before my colleagues in the United States House of Representatives the names of eleven distinguished military veterans and community servants who call the Third District of Texas home. For their selfless service and dedication to their neighbors and nation, the following individuals have been selected as recipients of the inaugural Congressional Veteran Commendation:

Thomas C. Garner joined the United States Army on March 5, 1943, eager to serve his nation during World War II. Originally assigned to the revered 78th Infantry Division, Garner soon applied and was selected for Army Air Corps pilot training. He served nearly a year abroad with the Air Corps, running an oxygen generating plant on Guam in support of the B–29 bombers that raided Japan.

Six months after the war's end, Garner decided to make military service his career and reentered what was now the United States Air Force. Garner's troop carrier organization serviced all the embassies in Central and South America and the Caribbean and, from 1948–1949, participated in the Berlin Air Lift. Over the course of his career, Garner also deployed to Japan, Wake Island, Bermuda, Bangkok, and Thailand.

Garner retired in 1970 after 27 years of active duty service. He then became a civil servant, kicking off a second, 20-year career with the Social Security Administration. During those years, Garner also served with the Texas State Guard, receiving numerous awards and citations and achieving the rank of Colonel.

An active community servant with the Plano VFW and Air Force Sergeant's Association, Gamer continues to put others first.

For these reasons, it is my pleasure to name Thomas Garner a recipient of the inaugural Congressional Veteran Commendation for the Third District of Texas.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Ms. WOOLSEY. Madam Speaker, on December 7, 2011, I was unavoidably detained and was unable to record my vote for Rollcall No. 898. Had I been present I would have voted:

Rollcall No. 898: ''Yes''—Jackson Lee of Texas Part B Amendment No. 6.

A TRIBUTE TO NIKITA DAVIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Ms. Nikita Davis for her passion for teaching and serving as a mentor to the youth in her community.

Ms. Davis was influenced at a young age by her peers and teachers to serve as a role model for young adults in New York City. When she attended Mary Louis Academy for girls in Jamaica Estates, New York, her mathematics teacher made such a great impression on her that it has transcended into her current work. At the time Ms. Davis gained an affinity for working with adolescents and other students, tutoring and teaching them alongside her teachers.

When Ms. Davis enrolled in Mount St. Mary College and began studying mathematics and secondary education, she continued her work with teens in the community. Upon completion of her undergraduate studies, Ms. Davis was offered a teaching position in the Mathematics Department of the NYC Department of Education. She has served in this capacity for the past eight years and truly loves the difference she can make among the youth.

Ms. Davis reminds herself of how her grassroots involvement with her peers at a young age propelled her to this current post. To this day Ms. Davis still works with students after school for personal tutoring, and is a member of the United Federation of Teachers Delegate Assembly where she serves as a union delegate for her colleagues.

A quote that offers a unique perspective into the drive Ms. Davis has for her profession is by Sasha Azevedo. ''When you love people and have the desire to make a profound, positive impact upon the world, then you will have accomplished the meaning to live.'' For Ms. Davis this is the essence of her mission as an educator.

Ms. Davis lives in Brooklyn, NY, and is married to her wonderful husband Derrick and has two daughters, Anaiya and Laila.

Mr. Speaker, I urge my colleagues to join me in recognizing the profound accomplishments of Ms. Nikita Davis to continue the fight of educating our youth.

THE REOPENING AMERICAN CAPITAL MARKETS TO EMERGING GROWTH COMPANIES ACT OF 2011

HON. STEPHEN LEE FINCHER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. FINCHER. Mr. Speaker, unemployed Americans are crying out for more jobs and urging Congress to review rules and regulations that stifle innovation, economic growth, and job creation. I am introducing the Reopening American Capital Markets to Emerging Growth Companies Act of 2011 for one reason: to increase job creation on Main Street. Burdensome costs are discouraging companies from going public, which deprives firms of the capital needed to expand their businesses and hire more American workers.

During the last fifteen years, fewer and fewer start-up companies have pursued Initial Public Offerings (IPOs) to access the capital needed to expand their businesses, develop innovative products, and hire new employees. The number of IPOs in the United States is slipping behind the rest of the world in terms of growing our markets. Other markets are growing or holding steady, while the United States continues to decline. This is especially true in the Asian markets, which have seen an explosion of new public companies in recent years.

Since 2010, the Asian markets have had nearly 700 new IPOs compared to less than 300 in the United States during the same time-frame. Unfortunately, federal regulatory burdens are a major contributing factor in the steep drop of IPOs in the United States.

This decline is of concern because going public provides opportunities for companies to raise badly needed capital in order to expand, reinvest, and create jobs. From 2008–2010, 21 percent of the United States GDP was generated by venture capital-backed start-up companies. In addition, an August 2011 survey of CEOs conducted by the IPO Task Force found that over 90 percent of job growth occurs after a company goes public.

Unfortunately, a series of ''one-size-fits-all'' laws and regulations have changed the nature of the United States' capital markets and had a disproportionate cost on smaller American public companies. Washington's regulatory oversteps have harmed American workers by eliminating jobs that are created when a start-up company decides to go public. Instead, to

avoid costly regulatory requirements, many companies decide to merge with others, which usually results in job cuts.

To help solve this problem, my bill would create a new category of issuers, called ''Emerging Growth Companies'' that have less than $1 billion in annual revenues when they register with the SEC and less than $700 million in public float after the IPO. These companies will have as many as five years to transition to full compliance with a variety of federal regulations that are expensive and burdensome to new companies. This ''on-ramp'' status will allow small and midsize companies the opportunity to save on expensive compliance costs and create cash needed to successfully grow their businesses and create new American jobs.

I am proud to have Mr. CARNEY from Delaware and 26 additional co-sponsors from both sides of the aisle join me in introducing this bill today. With unemployment holding steady just under 9 percent, this bill would help bring investments back to the United States and help our best job creators put Americans back to work.

IN RECOGNITION OF DR. MARVIN ANDREW MCMICKLE

HON. MARCIA L. FUDGE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Ms. FUDGE. Mr. Speaker, on behalf of the citizens of the Eleventh Congressional District of Ohio, I rise today to recognize a religious leader, constituent, and friend in my District. At the beginning of January 2012, Reverend Dr. Marvin Andrew McMickle will assume his new full-time role of President at Colgate Rochester Crozer Divinity School. For the past 24 years, Dr. McMickle has been the Pastor of Antioch Baptist Church, leading his flock and many others to join him in the fight for social, racial, and economic justice. Dr. McMickle's travels to Israel, Greece, Austria, Senegal and the West Indies are testaments of this effort to uphold his teachings of justice. His leadership in Northeast Ohio is unmatched. He served on numerous boards and led organizations, including President of the Cleveland NAACP between 1989 and 1992.

Dr. McMickle's many accomplishments can be attributed to his educational credentials. Over the years, Dr. McMickle has obtained several post-secondary degrees, two of which are Doctorates from Princeton Theological Seminary and Case Western Reserve University. He used his many years of education to perpetuate the transfer of biblical knowledge and insight to instruct a Homiletics course at Ashland Theological Seminary in Ohio. In addition to academic leadership, Dr. McMickle has written numerous books, articles and sermons to serve as tools and guidelines for others to develop their ministries.

Congratulations to Colgate Rochester Crozer Divinity School for selecting such an exceptional man, husband, father and leader as their new President. Dr. McMickle will be deeply missed in my district, but I know his work at Colgate will continue to change the world.

IN HONOR OF THE LEMAY FIRE DISTRICT

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. CARNAHAN. Mr. Speaker, I rise today to recognize the Lemay Fire District, which will be celebrating its 100th Anniversary in 2012.

The history of Lemay Fire District can be traced back as early as 1902. Due to unrestricted building, no fire protection, and bad roads, some insurance companies refused to write insurance in the Lemay area. So, after several disastrous fires, the Luxemburg Improvement Association organized a volunteer fire department in 1902. The Longwood Volunteer Fire Department Fire Association was organized two years later to provide protection to the south side of Lemay.

There still remained an area between the two that had no fire protection, so a group of citizens organized the Bismark Heights Volunteer Fire Department. The department added equipment through the years but had experienced difficulty keeping track and caring for the equipment. So in July 1911, the Bismark Heights Volunteer Department incorporated so it could have recourse to law to protect the equipment. This incorporation would eventually lead to the Lemay Fire Protection District.

In 1917 the Bismark Heights Volunteer Department changed its name to Dewey Heights Volunteer Fire Department, the change being recorded in 1922. A fire house was built in the summer of 1919 at the corner of Orient and Erskine Avenue.

On December 6, 1920 the Longwood and Luxemburg Volunteer Fire departments were invited to consolidate with Dewey Heights as one organization. By 1921, both departments turned their equipment and assets over to Dewey Heights.

In 1933, a tag system was introduced to pay for the protection which consisted of 1500 people. Later that year, full time firefighters were added, giving 24 hour service.

In May 1942, the voters in the Lemay area approved a tax-supported fire district. The Dewey Heights Fire Department was officially named the Lemay Fire Protection District. The district operated out of the fire station located at Erskine and Orient Avenue until 1992.

In 1979, the fire district added another service to help the community; it hired paramedics and established an ambulance service. The fire district not only responded to fires, but began treating and transporting sick and injured people to the hospital.

In 1991, land was purchased, and a new firehouse was built at 1201 Telegraph Road in central Lemay. The firehouse opened in 1992 and is still being used today.

The great flood of 1993 impacted the Lemay area and the Lemay Fire District responded to help its citizens once again. The north part of Lemay has been flooded causing propane tanks to become loose and creating an exposing hazard. With the help of many fire agencies, the disaster was prevented and lives were saved.

The Lemay Fire Protection District continues to serve the citizens of Lemay with twenty four firefighters. While many things have changed over the last 100 years, the one constant that has remained the same has been the unwavering commitment to the community.

HONORING ERIC MASSARI

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to honor the dedication and service of Mr. Eric Massari of Waterbury, Connecticut, one of our nation's distinguished heroes.

Mr. Massari served in the 5307th Composite Unit (Provisional), also known as ''Merrill's Marauders,'' a group that operated in Southeast Asia during World War II. This elite and all-volunteer unit successfully conducted numerous daring missions behind Japanese lines.

Throughout their service, these volunteers suffered from a multitude of illnesses and diseases, extreme malnutrition and countless encounters in which they were both outgunned and outnumbered. By the end of the war, the Marauders had advanced approximately 750 miles through one of the harshest jungles in the world. Of the 2,750 men to cross enemy lines, only two were left alive who had not been hospitalized. Mr. Massari was one of these two men, and explains that he ''had the good lord on [his] shoulders at all times.''

The Marauders have received widespread and deserved recognition for their heroic acts. There have been books, movies, and comic books depicting their brave encounters.

Waterbury is lucky to have such a hero living in Town Plot. Each soldier has been awarded the Bronze Star, and the unit has been awarded a Distinguished Unit Citation. However, one of the most meaningful recognitions for Mr. Massari came in the form of a postcard that he received last month. It was a thank you card from a group of Chinese students, who had recently learned about the Marauders in school. They wanted to express their appreciation for being rescued from the Japanese by Massari's unit some 67 years ago.

Mr. Speaker, Eric Massari represents the kind of courage, honor, and character that all of us should admire. As a distinguished veteran and a former employee at the Waterbury Tool Company, Mr. Massari has spent his life serving our country and the great state of Connecticut. I ask my colleagues and the entire country to join me in honoring the service of Eric Massari, and all of our veterans.

A TRIBUTE TO LAVERNE NIMMONS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Laverne Nimmons for her service towards educating the youth of Brooklyn and her high expectations for her community.

Dr. Nimmons was born in South Carolina and migrated to Brownsville, Brooklyn in 1960 where her mother would instill in her a lifelong passion for teaching. Dr. Nimmons' mother was a teacher at PS 137K and eagerly and ambitiously pushed her daughter towards studying public education. Dr. Nimmons attended Queens College after the passing of her mother and would receive her Bachelors

and Masters degree in Education. She continued her educational pursuits, receiving her Professional Degree in Administration and Supervision from St. John's University, and a PhD in Educational Leadership from Fordham University.

In 2003, Dr. Nimmons began an eight year career as Principal of Granville T. Woods Public School 335, which serves the predominantly African American, Crown Heights and Bedford Stutvesant Brooklyn neighborhoods. In this time Dr. Nimmons increased the passing rates in both mathematics and English courses by 67% and 61% respectively. With the guide of Dr. Nimmons P.S. 335 made the transformation, showing most gains of any other 4th grade students in New York State in mathematics and English. This earned the school the distinction of a National Blue Ribbon Award.

Prior to becoming Principal at Granville T. Woods School, Dr. Nimmons was the director of curriculum and instruction for Community School District Sixteen. In this capacity she directed elementary and middle school Principals and teachers in professional development activities in all curriculum areas. The district that was once one of the lowest performing in the city, now boasts better gains than many other New York City school districts in similar socioeconomic communities.

Dr. Nimmons has been awarded many prestigious awards for her dedicated service: the Terrell Bell Award for Excellence in Leadership, Educator of the Year Award in 2009 and 2011 from Education Update Magazine, and the 2010 Outstanding Educator of the Year from the Association of Black Educators in New York. Dr. Nimmons is currently a member of the Cahn Fellows Program for Distinguished Public School Principals at Teachers College, Columbia University.

Dr. Nimmons' leadership, compassion and knowledge make her an example to all in our community. Mr. Speaker, I urge my colleagues to join me in recognizing the vast achievements of Dr. Laverne Nimmons.

THE 20TH ANNIVERSARY OF INDEPENDENCE FOR THE REPUBLIC OF AZERBAIJAN

HON. KATHLEEN C. HOCHUL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Ms. HOCHUL. Mr. Speaker, even though we are approaching the conclusion of the wars in Iraq and Afghanistan, we still live in a dangerous world. But if we look back over the past two decades we can see that considerable progress has been made.

In 1991 the Soviet Union disintegrated, according to our late, great Senator Daniel Patrick Moynihan, a victim of ethnic tensions among the various and diverse republics that made up the USSR. Two decades later, much change has taken place in the former Soviet Union. Independent democracies have begun to emerge where once there were just brutal dictatorships. The Cold War is now over and we no longer have the same types of demands on our defense infrastructure prevalent of that era.

There is one former Soviet Republic that I would like to single out today and congratulate on the 20th anniversary of its independence, the Republic of Azerbaijan. Azerbaijan has been a good friend of the United States, cooperating with us on the war on terror and the program to prevent former Soviet nuclear weapons from falling into the wrong hands. Azerbaijan has also provided important logistical support to our forces in Afghanistan and sent over 150 soldiers to assist us in our efforts in that country.

As a secular Shiite Muslim country, Azerbaijan has been a role model. Before Azerbaijan was incorporated into the Soviet Union in 1918, after the Russian Revolution, the country enjoyed a brief period of independence, and was the very first Muslim country to grant women the right to vote in 1918, two years before the United States did so with the ratification of the 19th Amendment.

Azerbaijan has also enjoyed strong relations with Israel and the over 12,000 Azeri Jews are treated as full members of that society. Unlike most Muslim countries, Azerbaijan has full diplomatic relations with Israel and has hosted Israeli President Shimon Peres on a state visit in 2009. Israel is also Azerbaijan's 5th largest trading partner, and Azerbaijan provides over one-sixth of Israel's oil supply. As a result of these strong relations, when almost 600 Israeli citizens were stranded in Georgia at the beginning of the Russian invasion of that country and the Tbilisi Airport closed, Azerbaijan sent buses to the Georgian border to help evacuate the Israelis.

Mr. Speaker, today I would like to concur with President Obama's statement on October 20, 2011 that "This 20th anniversary of independence, and Azerbaijan's achievements during this time, demonstrate the extraordinary promise and determination of the Azeri people. The United States is committed to developing greater opportunities to work with the Government and people of Azerbaijan."

TRIBUTE TO BEN McKINNON, "GODFATHER OF BIRMINGHAM RADIO"

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. BONNER. Mr. Speaker, I rise to pay tribute to one of Alabama's radio pioneers, Mr. Ben McKinnon, who recently passed away at the age of 89. An influential force in broadcasting throughout the Southeast, Ben was perhaps best known as the "Godfather" of Birmingham radio.

Born in Maxton, North Carolina, Ben graduated from the University of North Carolina with an AB in Journalism. As the nation became involved in the Second World War, Ben answered his country's call to duty by serving as a line officer in the U.S. Navy. Seeing action in both the Atlantic and Pacific theatres, Ben led one of the major assault waves on Yellow Beach in Okinawa.

Upon returning home from the war, Ben traded his service pistol for a typewriter as editor of three weekly newspapers in his home county. But it wasn't long before his gaze turned toward the growing broadcast industry. He soon joined the staff of legendary Charlotte radio station WBT as local sales manager. Three years later he was hired as general manager of television station WGVL in Greenville, SC. His skills as a manager quickly brought him down to Alabama where he took the reins of Birmingham radio station WSGN. From that point on, he would call Alabama's largest city his home.

As vice president and general manager and later president of WSGN, Ben transformed the radio station into a dominant player in Birmingham and north Alabama broadcasting. Under his leadership, WSGN—known as "The Big 610"— thundered across the airwaves with the Magic City's first full-time "top 40" format. For those who listened to radio in the 50s and 60s, rock 'n roll was king. Under Ben's direction, WSGN proudly wore the crown in Birmingham radio and earned a spot as one of the nation's top rock 'n roll stations.

Upon his retirement after 28 years with WSGN, Ben remained a strong voice in the state's communications industry. As executive director of the Alabama Broadcasters Association, he was a frequent visitor to Washington, DC to advocate on behalf of our local radio and television stations. He led the ABA for 18 years before retiring a second time.

Mr. Speaker, Ben's awards and accomplishments are, frankly, too extensive to list here. He was active in numerous major Birmingham area community service organizations for decades, ranging from board member of the Jefferson County March of Dimes and the Birmingham Chapter of the American Red Cross, to president of the Jefferson County Chapter of the American Cancer Society—to name but a few.

His remarkable career and many contributions to society are further highlighted by an impressive array of recognitions including the Thad Holt Distinguished Broadcaster Award from the University of Alabama School of Communications, the Silver Plate Award from the South Carolina Association of Broadcasters, the Broadcaster of the Year Award from the Alabama Broadcasters Association, and the National Association of Broadcasters State Executive of the Year Award.

On behalf of the people of Alabama, I wish to offer condolences to Ben's daughters, Sharon Bruns, Ellen McKinnon and Lisa McKinnon; and grandchildren and many friends. You are each in our thoughts and prayers. Ben was well loved and will be sorely missed.

IN RECOGNITION OF THE CAREER AND ACHIEVEMENTS OF THE HONORABLE NETTIE MAYERSOHN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. ACKERMAN. Mr. Speaker, I rise today in recognition of the exceptional achievements and outstanding career of New York State Assemblywoman Nettie Mayersohn. Nettie was the political midwife to a generation of young politicians in New York. She spent decades working tirelessly for the people of Queens, and I know I speak for many when I say that her recent retirement from the Assembly has truly marked the end of an era. Nettie is being honored this week for her innumerable accomplishments over many years by the Stevenson Regular Democratic Club at its

annual dinner, and I would like to join in recognizing the profound impact that my very dear and long-time friend, Nettie Mayersohn, has had on our community.

Nettie Mayersohn's steadfast dedication to Queens County began long before she was elected to the Assembly. For over 20 years, she served as a community activist, making a name for herself as an unrelenting advocate for children and families in Queens. She was a member of Community Board 8 for ten years, at one time serving as the Chairperson of its Youth Committee; she served as the Chairperson of the Pomonok Community Center; and she continues to serve as a Democratic District Leader, a role she has filled for some three decades. Nettie also served as the Executive Secretary of the New York State Crime Victims Board. In 1977, Nettie was New York State's delegate to the International Women's Conference and the recipient of the Builders of Brotherhood Award from the National Conference of Christians and Jews. She received a B.A. from Queens College in 1978, and was elected four years later to represent the 27th District in the New York State Assembly.

As an Assemblywoman, Nettie led the charge to improve healthcare for New Yorkers and defend the rights of victims of violent crime. Nettie's proudest and best-known achievement was the 1996 passage of her Baby AIDS bill, which requires doctors in New York State to tell a mother if her newborn child is HIV-positive. While the fight to enact this bill was, at times, a lonely battle, Nettie's tenacity and fortitude resulted in a landmark law that has saved an untold number of lives and led to an increase in the number of pregnant women who receive prenatal care. Among Nettie's numerous other legislative accomplishments are her HIV Rape Law, which requires a court to comply with a rape victim's request to test the accused for HIV; her Partner Notification Law, which requires the names of those testing positive for HIV to be reported to the Department of Health for the purpose of contact tracing and partner notification; her Victim Impact Law, which allows the victims of a crime to describe, in court, the effect the crime has had on their lives; and her Food Service Law, which implemented crucial health safety measures for food service workers.

Nettie Mayersohn's unwavering commitment to AIDS policy inspired the Beyond AIDS Foundation to create the Nettie Award—an annual honor that recognizes outstanding efforts to promote HIV prevention and control in the United States and across the world. Nettie herself was given a special Nettie Award from Beyond AIDS in 2002, in recognition of her leadership on HIV/AIDS issues. That year, she also received the Public Service Award from the National Alliance for the Mentally Ill.

After 28 years of tireless service, Nettie retired from the Assembly at the beginning of April 2011 so she can spend time more with her wonderful family. While I lament Nettie's retirement from an impressive career as a public servant, she will remain my lifelong friend. We are all beyond grateful for everything she has done to help New Yorkers. I wish her all the best in her retirement—she will be sorely missed in public life.

Mr. Speaker, Nettie Mayersohn is a one-of-a-kind leader and I ask my colleagues to join me in recognizing her accomplishments and thanking Nettie for a lifetime of dedication to her community.

HONORING THE 10TH ANNIVERSARY OF THE EAST ALDINE MANAGEMENT DISTRICT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to recognize the tenth anniversary of the East Aldine Management District for their commitment to improving the safety and development in East Aldine.

The District was created in June of 2001 with the purpose to improve the physical, social, and economic well-being of the community. Their goal is to attract public and private investments and promote the area as a leading place to not only invest but also to work and live. Since then the District has gained the power to finance public safety and transportation projects as well as assist with environmental and economic development.

District funding has improved the community's street conditions by adding pedestrian crosswalks, signage to the streets and landscaping, making the area more attractive to families and businesses. In the year 2010 alone, the District funded over $240,000 in community projects.

The District's economic development program provides across the board marketing and public relations activities for the District to support business retention and encourage new business within the District as well as expansion of small businesses. The development program is successful due to the advanced media outreach which includes traditional methods such as print and mailings but also utilizes the District's alliance with community partners.

Over the past ten years this community has witnessed significant advancements but the next ten years will bring even more economic growth to the area. The District is located just four miles away from Houston Intercontinental Airport and the Port of Houston is a mere twelve miles away, making the District a great expansion location for manufacturing, warehousing, and distribution companies.

I congratulate the President and CEO David Hawes, Board Chairman Gerald Overturff, the entire East Aldine District staff, and the many other volunteers that have dedicated their time to improving their community.

HONORING RALPH STANFORD GRIFFIN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to remember and pay tribute to the tremendous contributions made to our community by my friend and constituent, Ralph Stanford Griffin, who passed away on December 1, 2011.

Ralph Griffin, a native of San Antonio, Texas, worked and raised his family in the San Francisco Bay Area, retiring as an educator and administrator from the Oakland Unified School District. Ralph was a lifelong champion of equal education for all, services for the developmentally disabled, and support for African American families in our community.

His passion and determined advocacy was in no small part the catalyst for establishing the Black Families Association of Contra Costa County (BFA) in 1973. As Founding Members, Mr. Griffin and his wife of 50 years, Norma, together with a small group of their peers saw the need for African Americans in their community to have an outlet to discuss current events and provide support to one another. In an era where racism and biases still prevented equal access to housing and education, the BFA was a place where neighbors could come together to guide and help one another through these challenges. It was and remains an organization that promotes cultural heritage, pride, and dignity within the community, and provides scholarships for deserving high school students.

Ralph Griffin further extended his commitment to students' access to higher education as a dedicated member of the Kennedy-King Memorial Scholarship Fund. He was instrumental in helping the Fund provide annual $8,000 college scholarships to students from minority groups often under-represented at California's four-year colleges and universities. It is due to Ralph's commitment that so many of our brightest graduating high school students have been able to continue on to higher education.

To Norma, their sons Stanford and Steven, and the entire Griffin family, I extend my heartfelt condolences. Your loss is shared not only by those who knew Ralph personally, but also by all of those touched by his work. I ask my colleagues to join me in remembering Mr. Ralph Griffin, a courageous and compassionate man who shared his time and talent freely for the betterment of our entire community.

CONGRATULATING SAN JACINTO COLLEGE ON ITS 50TH ANNIVERSARY

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. OLSON. Mr. Speaker, I rise today to congratulate San Jacinto College on its fiftieth anniversary. For fifty years, San Jacinto College has provided high quality education to the citizens and communities of East Harris County, Texas. Congratulations to San Jacinto College for a wonderful half-century of empowering students to achieve their goals.

San Jacinto College first opened its doors on Sept. 18, 1961, in a downtown Pasadena storefront, with an initial enrollment of 700 students. Thanks to their passion for helping students succeed, the college has grown to serve more than 30,000 students in 140 disciplines, and it continues to expand.

A leader in comprehensive learning, San Jacinto College recently earned recognition for being a veteran friendly college and was named an Achieving the Dream Leader College. This establishment plays a critical role in improving the educational experience of the hard working citizens in our communities.

Access to quality education is an important stepping stone to achieve the American dream of a better life. San Jacinto College provides a valuable opportunity for people throughout our communities to access higher education. As President Kennedy once said, ''Our progress as a nation can be no swifter than our progress in education. The human mind is our fundamental resource.''

The achievements of San Jacinto College bring pride to Houston and all of Texas. Congratulations to San Jacinto College for fifty years of excellence and to a bright future ahead.

TRIBUTE TO MONTGOMERY, ALABAMA MAYOR EMORY FOLMAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. BONNER. Mr. Speaker, I rise to give tribute to an Alabamian whose patriotism and devotion to country made him a leader early in life and carried him to prominence in business and public service in later years. I am speaking of former Montgomery Mayor Emory Folmar, who passed away on November 11 at the age of 81.

Emory Folmar was born in Troy, AL, in 1930 and moved to Montgomery when he was fourteen. After graduating from Sidney Lanier High School in 1948, he attended The University of Alabama, receiving a BS in Business in just three years while serving as cadet colonel of the Army ROTC.

After college, he received an Army commission and went to Ft. Benning, GA for parachute training and instructors' schools where he was assigned to the 11th Airborne Division attached to the 2nd Infantry Division. He married Anita Pierce in February 1952 and was deployed to Korea that summer. Wounded in action, he received the Silver Star, the Bronze Star and the Purple Heart. At the rank of lieutenant, he received the French Croix de Guerre as a result of his actions with the 23rd Regiment of the 2nd Infantry Division and French troops.

Following his service in Korea, he was assigned to Ft. Campbell, Kentucky, as an Airborne Jump Master until 1954. He then moved to Montgomery to join his brother James Folmar and Henry Flynn in home construction. The Folmar brothers' business later expanded to include large commercial shopping center construction throughout the Southeast.

In 1975, he entered politics at the urging of his son David, first running for Montgomery city council. He was soon elected president of the city council and then became Mayor of Montgomery from 1977 till 1999. His time in office was marked by economic growth and an emphasis on law and order.

Mayor Folmar ran as Republican for governor in 1982 against former Democrat Governor George C. Wallace. Although he did not win the election, Emory made the strongest showing of any Republican running for governor since reconstruction to that time.

Very active in Republican politics on the state and national levels, he also served as campaign chairman for Ronald Reagan's finance committee in 1980; state chairman for President Reagan in 1984; and chairman for Bush-Quayle in 1988 and 1992. After retiring from politics, he was appointed Commissioner of the Alabama Beverage Control Board by then-Governor Bob Riley in 2003. During his time in that post, he streamlined and modernized the ABC to make it more efficient.

Mr. Speaker, on behalf of the people of Alabama, I wish to send my heartfelt condolences to his wife, Anita; their children, Wilson Bibb and Margaret; and their grandchildren; as well as his sisters, Miriam and Anne, and many friends. You are all in our thoughts and prayers.

HONORING ALBERT BIERSTADT AND THE HUDSON RIVER SCHOOL OF PAINTING

HON. JARED POLIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. POLIS. Mr. Speaker, I rise today to call attention to a change in the Capitol Visitors Center. Two paintings by the prominent 19th century painter Albert Bierstadt have recently been returned to the Capitol Complex by the Architect of the Capitol. Originally purchased after the Civil War, ''Discovery of the Hudson River'' and ''Entrance into Monterey,'' are part of the first indigenous American school of painting, called the Hudson River School. This movement was not just restricted to beautiful landscapes—it also had an important influence on American culture, recreation, and conservation.

Though the Hudson River School originated in upstate New York, painters soon began traveling widely to study and capture new scenes. These travels took the painters to Europe, the Middle East, North Africa, South America, and the American West. Bierstadt is one of the most prominent artists of the Western United States, and has a strong connection to my district in Colorado.

In 1859, Bierstadt traveled to my home State of Colorado and to Wyoming, then territories, with a government surveyor. The large-scale landscapes he painted from his notes and sketches from this trip prompted the creation of many more paintings back in his studio. Bierstadt's depiction of the craggy peaks of the Rockies, the Sierra Nevada, and in Yosemite, among others, resulted in the christening of Mount Bierstadt in my district.

In the 1870s, Congress purchased several of Bierstadt's works, including the two that hang today in the CVC. These same paintings, and other Western landscapes by Hudson River School painters, coupled with a growing environmental conservation movement, inspired Congress to protect this natural beauty through the creation of Yellowstone and Yosemite National Parks. Later, these paintings were used again to prompt the formation of the National Park Service.

This is just one example of the Hudson River School of Painters' legacy. The School emphasized realistic, highly detailed scenes that were very popular over the 19th century. These works captured the beauty and variety of the American landscape.

Painters from the Hudson River School also had a hand in the foundation of the Metropolitan Museum of Art in New York City. Inspired by the artistic culture of the capitals of Europe, School painters joined other area businessmen and academics to form the Met in 1870. Bierstadt met with the President, and other painters of the School served as trustees or as members of the executive committee. Today, many of Bierstadt's works hang in the Met alongside works by many other Hudson River School painters, as well as other institutions like the Smithsonian American Art Museum, and the Museum of Fine Arts in Boston.

Mr. Speaker, I encourage Americans of all ages to take the time to view these paintings and consider the beauty and greatness of these landscapes, both on canvas and in the wilderness.

THE FAILURE TO PROTECT FARMERS AND RANCHERS FROM CORPORATE ABUSES

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Ms. KAPTUR. Mr. Speaker, I rise today to express my disappointment with the U.S. Department of Agriculture's (USDA) Grain Inspection, Packers & Stockyards Administration's (GIPSA) final rule that was supposed to protect our Nation's farmers and ranchers from abusive practices in the livestock industry.

Simply put, the final rule is inadequate and shows the power big corporate packers and processors have in this country. The final rule does not include about half of the protections it did in a previous draft.

Congress had to direct USDA in the 2008 farm bill to establish a set of comprehensive protection rules because the department was so slow in responding to the changing marketplace that has become so slanted toward corporate packers and processors that we are losing small farmers at a rapid pace.

The average American chicken grower makes 34 cents per bird while the processing corporation makes $3.23 per bird. With a profit margin of 34 cents is it any wonder that we have lost over 460,000 small-scale farms since 1982.

USDA claims it is committed to ensuring a fair and transparent marketplace. How can we have a fair and transparent marketplace when we allow corporations to force farmers to sign production contracts where one farmer is paid less than another despite producing the same livestock because there is no way for farmers to determine fair product value since there is no contract disclosure requirement.

In addition, how can USDA claim it supports a fair marketplace when it fails to clearly define conduct that is a violation of law? How are farmers supposed to know when they are being taken advantage of when the governmental agency tasked with protecting them does not tell them what types of practices are a violation of the law?

This House has not helped our Nation's producers either. We recently passed legislation that withholds funding from USDA to move forward with establishing more comprehensive fairness rules. Ultimately, we set the USDA up to fail and farmers and ranchers will suffer because corporate special interests have a stronger lobby than America's producers.

While the final rule will prevent some of the most abusive practices in the poultry industry,

it largely fails to protect farmers and ranchers specifically in the pork and beef industry. Nevertheless, I will continue to fight to protect our farmers and ranchers from further corporate abuses and urge the USDA to enforce existing laws designed to regulate corporate packers and processors.

IN RECOGNITION OF JOHN M. DUGAN

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. GARAMENDI. Mr. Speaker, I rise today in honor of Police Sergeant John M. Dugan, who is retiring after nearly 30 years of law enforcement service to the City of Fairfield. As his colleagues, friends and family gather together to celebrate the next chapter of his life, I ask all of my colleagues to join me in saluting this outstanding public servant and defender of peace and safety.

John started his career of service as a Firefighter for the California Department of Forestry and the City of Paradise. On March 19, 1982, he was hired as a Public Safety Officer with the Fairfield Police Department. As an officer, John worked in various capacities that included Patrol, Investigations, Special Operations, and Field Training.

John was promoted to Police Sergeant on July 22, 1994, and ultimately supervised a number of different units including Patrol, Traffic, Crime Suppression, and Youth Services. In 2000, he earned the California Highway Patrol's 10851 Award for recovering 12 stolen vehicles in eight months; three of which were occupied vehicles. Sergeant Dugan was a strong, decisive, professional, and respected leader. As a result of these superb traits, he received the Manager of the Year award in 1999 and 2006.

In 2007 and 2010, as the Police Department experienced changes in leadership and command staff, Sergeant Dugan stepped in and assisted the City management in filling the gaps. Over the last four years, he has assumed the Police Lieutenant's position twice and managed Patrol Operations. Sergeant Dugan has a can-do attitude and he consistently provides quality service to the community

John has been a valued employee and his commitment to the community was evidenced on a daily basis. He was a loyal representative of the law enforcement community and admired for his hard work, dedication, and positive work ethic.

Mr. Speaker, I am truly honored to pay tribute to this dedicated public servant. I ask all of my colleagues to join with me in wishing John M. Dugan continued success and happiness in all of his future endeavors.

IN RECOGNITION OF THE HANDLEY HIGH SCHOOL STATE FOOTBALL CHAMPIONSHIP

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. ROGERS of Alabama. Mr. Speaker, I would like to request the House's attention today to congratulate Handley High School of Roanoke, Alabama, on winning its first Alabama Class 3A championship football title in 90 years.

Rallying from a 14–7 deficit late in the fourth quarter, Handley came back to win the game 20–14 in stirring fashion with a goal-line stand in the final seconds. Led by their coach, Mike Battles, this team showed the type of grit and determination that we should all try to emulate during these difficult times.

Originally opened in 1848 as the Roanoke Academy, it was the first school in the city. After various changes through the years, the name of the school finally settled on Handley High School in 1910 to honor the memory of a Confederate soldier, Captain William Anderson Handley. The late Captain had gifted the land which supports the campus today in exchange for one dollar.

Known for its strong music, band and theatre department, Handley has always been known to offer its students excellent opportunities to pursue artistic endeavors. Now it has a football program it can brag about too.

Congratulations to Handley High School, Principal Gregory Foster, Superintendant Chuck Marcum and all their fans on their State Championship. Go Tigers!

SUPPORT OF TIME WARNER CABLE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mrs. MALONEY. Mr. Speaker, I rise today to commend Time Warner Cable, which is headquartered in my district, for its investment in local television news coverage, specifically for opening a Washington, D.C., news bureau that will cover stories and events here in Washington that are important to the communities served by its 14 local news channels throughout the country.

Mr. Speaker, Time Warner Cable is dedicating significant resources to high quality local news channels that provide critical local news, weather, traffic and sports coverage in the local communities that they serve. These stations are good for the public, and for our republic, at a time when many local television news budgets are being cut and local newspapers are cutting back, too. Thus it is important to note the rare times when we see new investment in local news coverage.

I applaud Time Warner Cable for recognizing the importance of local news, for investing in it, and creating jobs while providing this critical service to its customers—many of whom are my constituents. With more local news coverage, it's a certainty that we will have a better informed citizenry, which can only improve our nation.

CELEBRATING THE 200TH ANNIVERSARY OF THE FOUNDING OF CITRONELLE, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. BONNER. Mr. Speaker, I rise to bring to the attention of this House a very special historical event in my home state, the 200th Year of Celebration of the founding of Citronelle, Alabama.

Located in northwest Mobile County, Citronelle may not be a household name nationwide, but over a hundred years ago the friendly and charming small town was a popular stop for Northern vacationers. To the residents of such bustling Midwestern cities as Cleveland and Chicago, the name Citronelle conjured images of healing springs and bucolic Southern vistas.

In the early 20th century, Citronelle was known as the ''Land of Healing Waters,'' owing to its mineral springs which a 1903 publication compared to the famous Poland Springs of Maine.

Located along the main line of the Mobile and Ohio Railway, for many years Citronelle was celebrated not only for its prized therapeutic waters, but also for its ''salubrious'' air which was reported to aid in the treatment of respiratory disorders. Indeed, the small town soon sported four very nice guest accommodations, including the Illinois Hotel, the Hygeia Hotel and the Hotel Citronelle. The Hygeia Hotel Cottage still stands today and is a local tourist attraction.

It is not surprising that Citronelle would have gained a reputation as a haven for rest and good health. In the late 1700's, the area was already destined for fame because of its curative properties. Native Americans in Southwest Alabama told European settlers about a unique plant thought to cure malaria. The miracle plant—which was named ''Citronella''—was discovered growing in abundance along the hills that would eventually be known as Citronelle.

Along Citronelle's historic journey, the community also found improbable ways to add to its remarkable resume. For example, we all learned in school that Gen. Robert E. Lee surrendered to Gen. Ulysses S. Grant at Appomattox Court House, Virginia on April 8, 1865. What some may not have been told in class is that less than a month later, on May 4, Lt. Gen. Richard Taylor, son of President Zachary Taylor, surrendered his Confederate forces under the ''Surrender Oak'' in Citronelle, Alabama. Citronelle was, therefore, one of five Civil War surrender locations. The legendary oak tree was sadly lost to a hurricane many years ago, but the town's contribution to American history is undeniable.

In addition to being a site of the official end of the Civil War, Citronelle has also occupied the spotlight as a potential rival to America's Western oil fields. In 1955, Citronelle was dubbed the Oil Capital of Alabama and home to the largest oil discovery east of the Mississippi River at that time.

Over the years, the sometimes sleepy town has capitalized on its quaint atmosphere, touting its ''delightful walks through the woods (that) always charm the man or woman who seeks rest and recreation away from the busy city.'' Today, Citronelle remains a beautiful place to live filled with hard-working, dedicated people who love their God, their country and their families. I am proud to represent this lovely city in Congress.

On December 10, 2011, I will join Mayor Loretta Presnell, and other city officials, along with the people of Citronelle, in celebrating the birthday of their historic city. Older than the State of Alabama, Citronelle occupies a special place in our culture and in our hearts.

Congratulations to the City of Citronelle on this special occasion and a very Happy 200th birthday! May there be many more good years ahead in the next chapter of your rich history.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Ms. LEE of California. Mr. Speaker, had I been able to vote, I would have voted "yes" on the Democratic Motion to Recommit H.R. 10.

SYNTHETIC DRUG CONTROL ACT OF 2011

SPEECH OF

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. LATHAM. Mr. Speaker, I submit the following letter from one of my constituents with respect to the debate on H.R. 1254 that occurred on December 7, 2011.

DEAR CONGRESSMAN LATHAM: Regarding the Synthetic Drug Control Act, as you know I am a mother who lost her son to these drugs and I can't stop myself from reacting to the opposition on the floor yesterday.

Hundreds of chemical compounds are used to make synthetic drugs manufactured under the guise of bath salts, plant food, k2 and various names of synthetic marijuana—with the sole purpose being to ingest. These drugs are smoked, snorted, injected, or put into drinks. The label may say they are not for human consumption, but they are implicitly being sold as such.

Yet those opposing H.R. 1254 argue that not enough research has been done to prove whether or not these already banned and potentially future banned chemicals would bear any medical benefit.

To the contrary, not only have the synthetic drugs included in this legislation failed to show medicinal promise, but the Controlled Substances Act would still allow research on these synthetic drugs to continue if H.R. 1254 were enacted.

Under current law, researchers, universities and labs may register with the Drug Enforcement Agency (DEA) to obtain Schedule I controlled substances for scientific study. DEA allows thousands of labs to handle Schedule I drugs for scientific and investigative purposes. Chemicals with ''a high potential for abuse'' and ''a lack of accepted safety'' under the Controlled Substances Act should be placed under Schedule I—available for scientific study but not sold on convenience store shelves.

The reality is that without H.R. 1254, our society will continue to allow informal, unsupervised and unethical medical experimentation—with our kids as the subjects. It begins with unscrupulous manufacturers obtaining unknown chemical compounds from other countries. It is either manufactured overseas here or in our own backyard. These drugs are openly sold to those ''18 years or older'' and can be purchased at gas stations, convenience stores and head shops around this country. Its availability is rampant on the internet as well. It is difficult if not impossible to find out who the people really are that sell the chemicals or premade products. When it's all said and done, it is American teens who are being endangered and experimented with.

Let's be bold and put a stop to the newest drug trends that are sweeping across our nation like a tidal wave—Jan Rozga, Indianola, IA

IN RECOGNITION OF JOHN KATZ

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. YOUNG of Alaska. Mr, Speaker, I rise today to honor one of Alaska's most distinguished, faithful, and respected public servants, John Katz.

Fresh out of Berkley Law, he boldly moved to Alaska and made a decision to embark upon a life of selfless public service to the people of Alaska. Among his first few jobs in public service were being Alaska Commissioner of Natural Resources and special counsel on land-use issues, before being appointed the Governor's man in Washington D.C. in 1983.

His departure can only be described as an enormous loss for our great state. For more than 40 years, and spanning eight governors, he has served Alaska with unwavering commitment, integrity, and with the utmost level of professionalism. Having worked with him for almost 30 of those years, I have little doubt that his loyalty to and knowledge of Alaska is second to none.

Through thick and thin, his dedication to Alaska was evident to everyone who worked with him. Over the years he has always put the needs of Alaska first, no more so than when he delayed his retirement at the request of Governor Frank Murkowski.

His reputation of being calm and cool under pressure is well known and his ability to work well with Republicans and Democrats alike should be emulated by others here in Washington. He once said his greatest disappointment was being unable to open up ANWR and I share that disappointment with him.

But despite ANWR, he was an integral part of every positive development to happen to Alaska in the last three decades including Alaska Native rights, fisheries management, protecting Alaska's sovereignty, and natural resource development. After all the work we've done together, I will do my utmost to continue this legacy for the good of Alaska.

He is exactly the kind of public servant who gives public service a good name. My staff and I will miss working with him, but I hope that our paths will continue to cross.

Thank you for your service to Alaska, John, and I wish you all the best in the future.

SYNTHETIC DRUG CONTROL ACT OF 2011

SPEECH OF

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Ms. HIRONO. Mr. Speaker, I am voting for this legislation because, like the rest of my colleagues, I want to see an end to the illegal manufacture, sale, and use of synthetic drugs that mimic the properties of illegal drugs. Many of these drugs are extremely dangerous and warrant control. In fact, some 30 states, including Hawaii, have laws that address the manufacture, sale, and use of synthetic drugs.

I am concerned, however, that we may be moving too fast. I would prefer to see a bill that is as important as this considered under regular order, with members having an opportunity to offer amendments. I am hoping that the Senate will take a more measured approach in considering this legislation.

I am especially concerned about the application of mandatory minimum sentences and Schedule I penalties that are included in this bill. I support judicial discretion, especially when the lives and futures of young people are involved.

I know too that there are concerns that this could impede legitimate scientific research of chemical compounds listed in this bill. Adjustments to this legislation may be needed to ensure that we don't hinder development of future biomedical breakthroughs.

We need to make sure the legislation targets those most responsible for widespread distribution of these drugs. Most important, we need to find ways to keep our young people from using synthetic drugs. Education of parents and young people is badly needed as is market regulation to reduce the availability and misuse of certain household and industrial aerosol products. Adding to our already crowded prisons is not a real solution to the very real problem of synthetic drugs.

THE CENTENNIAL SEASON OF THE SAN FRANCISCO SYMPHONY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Ms. PELOSI. Mr. Speaker, it is with great pride and joy that I join my constituents in celebration of the centennial season of the San Francisco Symphony. Its illustrious history is marked by commitment to artistic excellence and innovation; its future is sustained by its large and loyal base of supporters.

One hundred years ago today, December 8, 1911, the Symphony gave its first performance. In recognition of this historic occasion, on September 7, 2011 we began a year-long celebration with a free outdoor concert at the Civic Center Plaza with Conductor Michael Tilson Thomas, pianist Lang Lang and violinist Itzhak Perlman. This concert demonstrated the San Francisco Symphony's value of making music available to everyone. The founders believed music was a source of enrichment and pleasure intended for all and not the province of the privileged few. Reaching broader audiences has always been a priority, from recordings and radio broadcasts in the 1920s to video and internet today. Today the San Francisco Symphony has accomplished one of its early goals, to offer music to a city, to a Nation and to the world.

To help commemorate the centennial over the next year, San Franciscans will welcome notable performers and six of our Nation's greatest orchestras will visit San Francisco:

the Boston Symphony, the Chicago Symphony, the Cleveland Orchestra, the Los Angeles Philharmonic, New York Philharmonic and the Philadelphia Orchestra.

The centennial presents a wonderful opportunity to honor the Symphony's robust musical history, starting with the Barbary Coast. Over the past century, the Orchestra has grown in stature and acclaim under the leadership of eminent music directors, including Pierre Monteau, Seiji Ozawa, Herbert Blomstedt, and since 1995 Michael Tilson Thomas.

Michael Tilson Thomas has brought pride to all San Franciscans. He has served as Music Director for 15 years, and this is his 25th season as Artistic Director of the New World Symphony—an academy for training the next generation of orchestral musicians. A recipient of the 2010 National Medal of Arts, the highest award given to artists by the President, and winner of seven Grammy Awards, Thomas has been a remarkable mentor and supporter to many young artists, and he has educated millions about the joy of music.

The San Francisco Symphony provides the most extensive education and community programs offered by any American orchestra. Concerts for children have been part of the programming from the beginning and the groundbreaking Adventures in Music program, now over 20 years old, provides music education and free concerts to every first through fifth grader in San Francisco's public schools—75,000 children each year.

We offer special congratulations to John Goldman, the Symphony's President, whose generosity and family philanthropy have had a dramatic impact on the quality of life in the San Francisco Bay Area. The Symphony is blessed with an active board of governors with deep philanthropic and social ties to our City as well as tremendous public support. Thank you to the Symphony's brilliant musicians, dedicated staff and volunteers.

The first one hundred years of the San Francisco Symphony have been distinguished by outstanding concerts of the highest quality. Its second century is certain to be just as successful.

INTRODUCTION OF END RACIAL PROFILING ACT OF 2011

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. CONYERS. Mr. Speaker, I am pleased to introduce the End Racial Profiling Act of 2010, along with additional cosponsors. This legislation represents a comprehensive federal commitment to healing the rift caused by racial profiling and restoring public confidence in the criminal justice system at-large. This legislation is designed to enforce the constitutional right to equal protection of the laws by eliminating racial profiling through changing the policies and procedures underlying the practice.

This legislation can be traced back to the data collection efforts of the late 1990's that were designed to determine whether racial profiling was a fact versus an urban legend. Based upon the work around that legislation, by September 11, 2001, there was significant empirical evidence and wide agreement among Americans, including President Bush and Attorney General Ashcroft, that racial profiling was a tragic fact of life in the minority community and that the Federal government should take action to end the practice. Moreover, many in the law enforcement community have acknowledged that singling out people for heightened scrutiny based on their race, ethnicity, religion, or national origin had eroded the trust in law enforcement necessary to appropriately serve and protect our communities.

At a recent Judiciary Committee hearing on the issue of racial profiling, we approached the issue from the perspective of "smart policing" and what makes sense in a time of austerity in the face of the continuing need to protect public safety. I believe that it became clear during the hearing that enough agreement exists to allow us to re-open the bipartisan dialogue on racial profiling commenced by President Bush and Attorney General Ashcroft.

Despite the fact that the majority of law enforcement officers perform their duties professionally and without bias—and we value their service highly—the specter of racial profiling has contaminated the relationship between the police and minority communities to such a degree that federal action is justified to begin addressing the issue.

While the Department of Justice promulgated a series of guidelines in 2003 which were designed to end the practice of racial profiling by federal law enforcement agencies, these measures do not reach the vast majority of racial profiling complaints arising from the routine activities of state and local law enforcement agencies. Further, the guidelines provide no enforcement mechanism or methods for identifying law enforcement agencies not in compliance and, therefore, fail to resolve the racial profiling problem nationwide. In this instance, there is no substitute for comprehensive federal anti-profiling legislation.

The End Racial Profiling Act is designed to eliminate racial, ethnic, religious, and national origin profiling that is well documented. First, the bill provides a prohibition on racial profiling, enforceable by declaratory or injunctive relief. Second, the bill mandates that training on racial profiling issues as part of Federal law enforcement training, the collection of data on all routine or spontaneous investigatory activities that is to be submitted through a standardized form to the Department of Justice. Third, the Justice Department is authorized to provide grants for the development and implementation of best policing practices, such as early warning systems, technology integration, and other management protocols that discourage profiling. Finally, the Attorney General is required to provide periodic reports to assess the nature of any ongoing discriminatory profiling practices.

Decades ago, with the passage of sweeping civil rights legislation, this country made clear that race should not affect the treatment of individual Americans under the law. However, recent events demonstrate that racial profiling remains a divisive issue that strikes at the very foundation of our democracy. When law-abiding citizens are treated differently by those who enforce the law simply because of their race, ethnicity, religion, or national origin, they are denied the basic respect and equal treatment that is the right of every American. With the cooperation of the Administration, we have the opportunity to develop a comprehensive approach to eliminating the practice of racial profiling through this legislative effort. I hope that we do not miss this historic opportunity to heal the rift caused by racial profiling and restore much of the community's confidence in law enforcement.

SUPPORT OF KAISER PERMANENTE'S INITIATIVE TO PROMOTE BREASTFEEDING AND PREVENT CHILDHOOD OBESITY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. STARK. Mr. Speaker, I rise in support of a new Kaiser Permanente initiative to encourage breastfeeding as an important component of preventing childhood obesity and promoting other health benefits. Kaiser is implementing a systemwide program to ensure mothers are provided ample breastfeeding education and support. They will track their successes as a measure of hospital quality.

Research suggests breastfeeding has multiple benefits for baby and mother alike. Breastfed babies have a lowered risk of childhood obesity as well as allergies, asthma, and sudden infant death syndrome. Nursing reduces a mother's risk of post-partum depression, Type 2 diabetes, ovarian and breast cancer.

Family- and patient-centered prevention initiatives like this will play an enormous role in battling America's toughest health care challenges. Kaiser's new breastfeeding initiative is an example of how a commitment to prevention can positively impact health outcomes.

Health care in America must shift from its singular focus on treating disease to incorporating a strong commitment to prevention. I encourage other major health care providers to follow Kaiser's example.

MOURNING THE LOSS OF MARTINA DAVIS-CORREIA, SISTER OF TROY ANTHONY DAVIS

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. LEWIS of Georgia. Mr. Speaker, I come to the floor today with a heavy heart. Martina Davis-Correia, the older sister of executed Georgia prisoner, Troy Anthony Davis, died last week in Savannah. She was the most outspoken advocate of the "I Am Troy Davis" clemency campaign, which spread to countries all around the world. Correia traveled far and wide to any group that would give an ear in a strenuous effort to save her brother's life. Despite several commutations of his sentence, Davis was killed by lethal injection in Georgia in September of this year. The Davis case has helped turn the tide of public opinion in the struggle for repeal of the death penalty.

I am deeply saddened to hear about the passing of Martina Davis-Correia. The agony of this death sentence and execution has killed not just one man, but has decimated an entire nuclear family. After 22 years of struggle, Davis's mother died in the spring, her son

was killed by the state of Georgia in September, and now her daughter has died. Correia was a brave and courageous woman who was her brother's most stalwart advocate for clemency. She was an angel of mercy who sacrificed her health to win her brother's life.

For a state which could have used its power to do what is right, the outcome is tragic. But for the Davis family, if it had to be this way, it is an elegant ending. God has finally accomplished what the state of Georgia could not. In his mercy he granted their prayers to be all together again—happy, healed and whole. They leave us the lessons of their lives and a legacy of struggle that strengthened a movement for repeal of the death penalty in this country. I send my deepest condolences to the Davis family and to Martina Correia's son, who needs our support in this time. May God richly bless you for the sacrifice you as a family have made in the long, hard struggle for justice in America.

CAMP ASHRAF IN IRAQ

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, the clock is running down for the 3,400 residents of Camp Ashraf in Iraq. I share the concern of many of my constituents and others across our country and around the world for the status of those living in Camp Ashraf. It is my fear that if the Iraqi government follows through on their threat to shut down the camp that we could be facing a monumental human rights tragedy. I have joined many of my colleagues in calling for access to the camp by the United Nations High Commissioner for Refugees. It is indefensible that UNHCR has not been given access to those in Ashraf. This in itself seems to be a violation of international human rights law.

It is imperative that the government of Iraq revoke its year end deadline for the closure of Ashraf. UNHCR must be provided sufficient time to process each and every one of these individual cases. Regardless of the State Department's position concerning the legal status of MEK, the department has both a moral and legal responsibility to do everything in its power to ensure that UNHCR is provided access to the camp.

It is my hope that when Prime Minister Maliki visits with President Obama, that he will agree to remove the December 31 deadline for the closure of Camp Ashraf. There is still time to avoid a catastrophe and the Secretary of State should act with the assurance that decisive action will have the support of Members of Congress on both sides of the aisle.

IN RECOGNITION OF MARY ANN CHRISTOPHER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. PALLONE. Mr. Speaker, I rise today to recognize Mrs. Mary Ann Christopher, who, after 29 years of service, will depart her position as President and Chief Executive Officer of the Visiting Nurse Association Health Group, Inc. to assume the same position at the Visiting Nurse Service of New York. Her dedication to the well-being of New Jerseyans in need deserves this body's recognition.

During her decade long-tenure as CEO, Mrs. Christopher spearheaded a geographic expansion which transformed the agency from a two-county provider to a statewide organization. Mrs. Christopher led the development of a continuum of services, including home-health care, hospice care, community-based prevention and outreach initiatives, clinics for the poor and school-based health care. In recent years, she skillfully steered the organization through a myriad of federal and state policy changes, directed a second capital campaign that resulted in the agency's new, modern headquarters, and launched a name change and comprehensive branding initiative.

Mrs. Christopher is a leading national voice on a wide range of health care issues. She regularly interacts with decision makers on Capitol Hill, and in Trenton to develop legislative and regulatory policies to enhance the quality of health care for New Jersey citizens. Her public policy work has included advancement of public-private partnerships to address the growing nursing shortage, expansion of telehealth services, ensuring adequate reimbursement for Medicare home-health care, and improving Medicaid care programs strengthening her state's human services system for the most vulnerable.

Mr. Speaker, once again, please join me in recognizing and thanking Mrs. Mary Ann Christopher for her 29 years of service to New Jersey and her dedication to providing healthcare to those in need.

THE ATTAIN ACT

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to introduce the Achievement Through Technology and Innovation Act of 2011 (ATTAIN).

Given the challenges facing job seekers in our current economy, technology skills are now more critical than ever. As a nation, we need to prioritize technology literacy, and it should begin with our educational system.

Whether students are preparing for college or planning to go straight into the workforce, we must provide them with the high tech skills employers and the economy demand. Obtaining these critical skills is of particular concern to low income and minority students who are falling further behind their higher income peers in terms of 21st century college and workplace skills.

Not only has technology literacy become a critical life skill, but studies show technology also has a tremendous impact on student learning. In this era of ever shrinking school budgets, overcrowded schools and overextended teachers, technology provides an opportunity to improve academic outcomes for our students.

I had the opportunity to see this first hand at the LA School for Global Studies in my district. This school seamlessly integrates technology in the classroom and I was amazed to see students that were previously low performers academically and at risk of dropping out of school, engaged and eager to learn. My visit underscored the promise that initiatives like the ATTAIN Act hold for closing the student achievement gap.

The ATTAIN Act amends the current "Enhancing Education Through Technology" program in the Elementary and Secondary Education Act to better target federal education technology resources to raise student achievement, ensure high quality teaching and improve our education system while ensuring our students are college and career ready and prepared to compete in the digital economy.

The bill authorizes up to $1 billion in annual funding to train teachers, purchase education technology hardware and software, and to support student technological literacy.

Under the bill's provisions, if Congress appropriates more than $300 million annually for ATTAIN, 60% would be used to purchase new technology and train teachers on how to effectively use these new tools.

The remaining 40 percent of ATTAIN funds would be distributed through competitive grants that encourage schools to undertake comprehensive, technology based reform initiatives that have been proven to increase student achievement.

However, should Congress appropriate $300 million or less for this program annually, the Secretary of Education would allocate the entirety of the funding to conduct a competition and award grants to those states with the most promising initiatives to improve K–12 education through the use of technology. This provision is intended to ensure that there is adequate funding to impact student outcomes during lean fiscal years.

It is my hope that through this competition states and districts across the country will be compelled to evaluate their technology use and work to integrate it effectively throughout all classrooms, and especially those that are currently underserved by education technology.

Mr. Speaker, we know that when teachers are properly trained and schools are properly equipped with technology, students are engaged, eager to learn, and ultimately better prepared to meet the challenges of the 21st century. I believe that the ATTAIN Act is integral to our continued efforts to deliver all students the world class education they expect, need and deserve. I urge my colleagues to cosponsor this important bill.

IN RECOGNITION OF MICHAEL B. MITCHELL

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. GARAMENDI. Mr. Speaker, I rise today in honor of Police Sergeant Michael B. Mitchell, who is retiring after nearly 30 years of law enforcement service, with 23 years of that service to the City of Fairfield. As his colleagues, friends and family gather together to celebrate the next chapter of his life, I ask all of my colleagues to join me in saluting this outstanding public servant and defender of peace and safety.

Michael started his law enforcement career as a Police Officer with the City of South San Francisco for six years. On September 5, 1988, he was hired as a Police Officer with the Fairfield Police Department. As an officer, Michael worked in various capacities that included Patrol, Traffic, and Investigations. In 1998, he completed the distinctive Peace Officer Standards and Training (POST)—Robert Presly's Institute of Criminal Investigation (ICI) certification course with a specialty in homicide investigation.

Michael was promoted to Police Corporal on September 8, 2000, and served in Patrol, Youth Services, and earned a City Manager's Commendation in 2003 for his contribution and dedication to the City of Fairfield Driver's Training Program. On January 5, 2007 Michael was promoted to Police Sergeant and supervised teams on Patrol and then the Traffic Unit beginning in 2008. As the Police Department experienced changes in leadership and command staff, he stepped in and assisted city management by filling the gaps and acting as a Police Lieutenant and managing Patrol Operations when needed. In 2009, he earned the California Office of Traffic Safety's Award of Excellence for his outstanding motivational and leadership skills. His guidance and efforts dramatically increased the successful implementation and completion of traffic safety activities in the City of Fairfield.

Michael has been a valued employee and his commitment to the community was evidenced on a daily basis. He was a loyal representative of the law enforcement community and admired for his hard work, dedication, and positive work ethic.

Mr. Speaker, I am truly honored to pay tribute to this dedicated public servant. I ask all of my colleagues to join with me in wishing Michael B. Mitchell continued success and happiness in all of his future endeavors.

TRIBUTE TO MR. BOB NICKELSEN

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. WALDEN. Mr. Speaker, I rise today to recognize the 60 years of outstanding public and volunteer service of my fellow Oregonian and friend, Mr. Bob Nickelsen. I would like to celebrate and pay tribute to Bob's loyal service to my hometown of Hood River, Oregon and to pay tribute to a man who embodies the selfless spirit of service to others.

In 1951, Bob first joined the West Side Fire Department as a volunteer firefighter. In 1961, Bob was appointed fire chief of the department, a position that he held until 1980. During his tenure as fire chief, the West Side Fire Department expanded its services by erecting a second firehouse, which now bears his name. Under Bob's guidance, the fire department also began dispatching first responder personnel to aid emergency medical calls with the Hood River Ambulance Service.

For the past 30 years, he has also served as an elected member of the West Side Fire District Board of Directors. To this day, Bob continues to put himself in harm's way as a volunteer fire fighter. His leadership allowed this small rural volunteer fire district to stay in step with current developments in the fire sciences and provide the professional level of support that the community so richly deserves.

Mr. Speaker, Bob Nickelsen's civic responsibilities do not end at the firehouse doors. He was a commissioner for the Port of Hood River for over 15 years and has served on numerous local agricultural boards and committees. He was previously recognized as the Hood River Valley's "Orchardist of the Year." As a leader within the local farming community, Bob has contributed much of his time and effort to the economic development of Hood River and the Columbia Gorge.

On December 10, the West Side Fire Department will once again honor Bob with a banquet on his behalf I invite my colleagues to join me in praising Bob Nickelsen for 60 remarkable years of dedicated public service, his numerous contributions to his community, and for his outstanding character as a citizen of Hood River.

Theodore Roosevelt once said that "the first requisite for a good citizen is that he should be willing and able to pull his own weight." Bob continues to far surpass this noble standard.

SYNTHETIC DRUG CONTROL ACT OF 2011

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. HOLT. Mr. Speaker, I rise to express my opposition to H.R. 1254, the Synthetic Drug Control Act of 2011.

While I support sensible restrictions on dangerous substances, I am concerned about the unintended consequences this bill could have on medical research. This bill has the potential to make these kinds of substances extremely difficult for researchers to obtain. In fact, many researchers have expressed concern that the list in this bill is too broad and would restrict their ability to conduct important experiments.

Additionally, this legislation would bypass the scientific and medical review process that is in place for adding substances to Schedule I. Making decisions without scientific review is problematic.

It is important to note that states are free to make decisions regarding these kinds of substances. I supported the reasonable step New Jersey took when it banned the synthetic drugs known as "bath salts" this summer.

Since this bill would bypass scientific review and could hinder much-needed research, I urge my colleagues to vote no.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE ETHEL MACLEOD HART SENIOR CENTER

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Ms. MATSUI. Mr. Speaker, I rise today in recognition of the Ethel MacLeod Hart Senior Center, a popular gathering location for Sacramento's seniors. It is a great pleasure to recognize the center's 50th Anniversary, as it has provided a positive environment that enhances and affirms older adults' dignity and promotes their independence. As the Hart Center's supporters and patrons gather to celebrate this milestone, I ask all of my colleagues to join me in honoring the center's leadership and service to the Sacramento community.

The Sacramento Senior Center was formed in 1961, and was later renamed the Ethel MacLeod Hart Senior Center in honor of Hart's generous legacy to the city's senior community. From its earliest beginnings, the center has helped to foster a welcoming environment that supports older citizens' interests and needs, a place in which senior citizens feel a connection to each other and receive validation from the wider community.

Over the last fifty years, the Hart Center has provided a wide variety of recreational and health services. The center's programs include flu clinics, legal workshops, the Friendship Café, computer classes, and a hearing impaired club. In addition, the Center's staff publish a monthly newsletter called the Hart Cornerstone that announces community events, and provide fitness classes that promote physical exercise and encourage healthy aging. The Hart Center has also partnered with a number of organizations to meet the needs of local seniors, including the Gray Panthers, Older Women's League, Sacramento Senior Legal Hotline, California Health Advocates, Social Security, the Franchise Tax Board, and many others.

As a member of Congress, I have had the privilege of visiting the Hart Senior Center on numerous occasions. Earlier this year I had the opportunity to speak at an Older Women's League monthly meeting at the Center, and talk about legislative proposals that affect Sacramento's senior community. Additionally, last summer the Hart Senior Center hosted a Social Security 75th anniversary party where we celebrated the program and reflected on its importance.

Mr. Speaker, I am honored to pay tribute to the Ethel MacLeod Hart Senior Center on its 50th anniversary. I ask my colleagues to join me in honoring the Hart Center's role of providing the community with much needed services.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 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 $15,046,397,725,405.16. We've added $10,244,992,550,110.88 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.

IN RECOGNITION OF MR. S. THOMAS GAGLIANO

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Mr. Thomas Gagliano, founder of the Jersey Shore Partnership. On December 14, 2011, members of this organization will gather to celebrate Mr. Gagliano's 80th birthday. Throughout his professional career, Tom Gagliano has demonstrated outstanding dedication to his community and trade. His services are truly worthy of this body's recognition.

Tom Gagliano is founder and former President of the Jersey Shore Partnership, Inc., a nonprofit coastal advocacy organization, active in Monmouth, Ocean, Atlantic and Cape May Counties. Jersey Shore Partnership has been instrumental on a national, state and local level for funding beach replenishment projects along the 127 miles of the New Jersey coastline. Mr. Gagliano's leadership has remained a catalyst in the organization's ability to maintain an active role in initiatives unique and important to the Jersey Shore community. Mr. Gagliano is also the Chairman of the Jersey Shore Partnership Foundation and remains a key figure in the organization's success. The Foundation was instrumental in creating the $25 million per year ''Shore Protection Fund'', allowing the federal government to proceed with multiple beach replenishment projects throughout the state. Mr. Gagliano and the Jersey Shore Partnership remain an integral part to maintaining the health and beauty of New Jersey's shore region.

Mr. Gagliano is a lifelong resident of Jersey Shore, currently residing in Red Bank, New Jersey. He is a proud alumni of Brown University and earned his law degree from Georgetown University. Mr. Gagliano has also admirably served in the United States Navy from 1954 to 1956. He is a member of the New Jersey Bar and served as senior partner of his own law firm, located in West Long Branch, New Jersey until 1989. Mr. Gagliano was elected to the Oceanport Council in 1967. He also served as Monmouth County Surrogate from 1971 through 1976. Mr. Gagliano was first elected to the New Jersey Senate in 1977 and was re-elected three times, serving as Minority Leader and Ranking Member of the Transportation and Communications Committee. Governor Tom Kean appointed him Executive Director of New Jersey's NJTRANSIT Agency. In 1990, Mr. Gagliano was appointed by President George H.W. Bush to serve as commuter rail representative to the Commission on Railroad Retirement Reform, which he humbly accepted. In 2001, Mr. Gagliano accepted a position as Senior Vice President of Corporate Affairs at EPS corporate headquarters, the position he currently holds to this day.

Mr. Speaker, once again, please join me in congratulating Mr. Thomas Gagliano as members of the Jersey Shore Partnership gather to celebrate his 80th birthday. His outstanding service as an elected official and founder of the organization exemplifies his whole-hearted dedication and commitment to serving the resident of the Jersey Shore and New Jersey.

H. RES. 364, NAMING HVC–215 THE GABRIEL ZIMMERMAN ROOM

HON. JARED POLIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Mr. POLIS. Mr. Speaker, I rise today in strong support of H. Res. 364, a bill designating room HVC–215 of the Capitol Visitor Center as the ''Gabriel Zimmerman Room.''

Almost one year ago, a gunman ruthlessly opened fire on a crowd attending one of Congresswoman GABRIELLE GIFFORDS' ''Congresswoman on the Corner'' events at a local supermarket. That day is one of this body's greatest tragedies, and we will forever remember the 13 wounded, including Congresswoman GIFFORDS and the 6 individuals that lost their lives.

Today, we have the opportunity to remember one of those individuals who was taken from us, Gabriel Zimmerman, the Director of Community Outreach for Congresswoman GIFFORDS. Gabriel's position was to enable the Congresswoman to interact closely with constituents, organizations and citizens throughout southern Arizona. Indeed, he had devoted his life to public service.

By dedicating HVC–215 as the ''Gabriel Zimmerman Room,'' we are not only commemorating the first congressional staffer in history to be killed in the performance of his official duties, but we also are memorializing the value of civic participation which Gabriel Zimmerman exemplified in his life.

Gabriel, at the age of thirty was engaged to be married. He was known to be a kind, hard-working person respected throughout Congresswoman GIFFORDS' Eighth Congressional District.

He graduated from the University of California at Santa Cruz in 2002 with a degree in sociology and then went on to graduate from Arizona State University in 2006 with a Masters in social work. Gabriel continued his passion for civic service as a social worker assisting troubled youth prior to joining Congresswoman GIFFORDS' staff.

None of us in this body will forget Gabriel and all those who were brutally and senselessly murdered that day.

The naming of a room in the Capitol Visitor Center will forever memorialize this young man whose commitment to public service and idealism we should all hope to emulate each and every day. We must continue to fulfill our promise of improving and supporting our communities and our country, as Gabriel so honestly believed we, the Congress, should.

IN RECOGNITION OF U.S. MARSHAL PETER J. ELLIOTT ON THE OCCASION OF RECEIVING THE 2011 OHIO STATE BAR FOUNDATION'S OUTSTANDING PROGRAM AWARD

HON. MARCIA L. FUDGE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

Ms. FUDGE. Mr. Speaker, on behalf of the citizens of the Eleventh Congressional District of Ohio, I rise today to recognize U.S. Marshal Peter J. Elliott of the Northern District of Ohio, on receiving the Ohio State Bar Foundation's Outstanding Program Award on behalf of the Fugitive Safe Surrender Program. The Award is given annually to an organization and its leadership for programs that promote access to, and generate improvements in, the Ohio criminal justice system.

I am pleased to recognize Marshal Elliott's tireless efforts and commend him on the success of the Fugitive Safe Surrender Program, which he created after Cleveland police officer Wayne Leon, a family friend, was killed by an individual being served an arrest warrant.

Since 2005, Fugitive Safe Surrender has brought thousands of fugitives in over 25 cities across the nation to surrender. The idea of having fugitives surrender in a safe haven, such as a church, has been one key to the program's success.

In 2010, between September 22nd and 25th, Fugitive Safe Surrender brought in a national record of 7,431 fugitives at Mount Zion Church in Oakwood Village, Ohio. The Fugitive Safe Surrender program was authorized by Congress in July 2006 and signed into law in 2007, after being introduced by the late Congresswoman Stephanie Tubbs-Jones and former Senator Mike DeWine. It is believed to be the first program of its kind in the nation. I am very proud that this program was created in the Northern District of Ohio by my friend, U.S. Marshal Peter Elliott, and congratulate him on receiving the well-deserved Ohio State Bar Foundation's Outstanding Program Award in recognition of the Fugitive Safe Surrender Program.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8421–S8467

Measures Introduced: Fourteen bills and two resolutions were introduced, as follows: S. 1963–1976, S.J. Res. 33, and S. Res. 346. **Pages S8460–61**

Measures Reported:

S. 1400, to restore the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of Gulf Coast States, to create jobs and revive the economic health of communities adversely affected by the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, with an amendment in the nature of a substitute. (S. Rept. No. 112–100)

S. 678, to increase the penalties for economic espionage, with an amendment.

S. 1886, to prevent trafficking in counterfeit drugs. **Page S8460**

Measures Passed:

Civilian Service Recognition Act: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 2061, to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment, and the bill was then passed. **Page S8466**

Enrollment Correction: Senate agreed to H. Con. Res. 86, directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 2061. **Page S8466**

Tariff Act of 1930: Senate passed S. 1974, to amend the Tariff Act of 1930 to clarify the definition of aircraft and the offenses penalized under the aviation smuggling provisions under that Act. **Pages S8466–67**

Measures Considered:

Payroll Tax Relief: Senate continued consideration of the motion to proceed to consideration of S. 1944, to create jobs by providing payroll tax relief for middle class families and businesses. **Pages S8429–45**

During the consideration of this measure today, Senate also took the following action:

By 50 yeas to 48 nays (Vote No. 224), Senate rejected the motion to proceed to consideration of the bill. (A unanimous-consent agreement was reached providing that the motion to proceed to consideration of the bill, having failed to achieve 60 affirmative votes, the motion to proceed to consideration of the bill, was not agreed to.) **Pages S8444–45**

A unanimous-consent agreement was reached providing that the motion to invoke cloture on the motion to proceed to consideration of the bill, be withdrawn. **Page S8434**

Temporary Tax Holiday and Government Reduction Act: Senate began consideration of the motion to proceed to consideration of S. 1931, to provide civilian payroll tax relief, to reduce the Federal budget deficit. **Page S8445**

During consideration of this measure today, Senate also took the following action:

By 22 yeas to 76 nays (Vote No. 225), Senate rejected the motion to proceed to consideration of the bill. (A unanimous-consent agreement was reached providing that the motion to proceed to consideration of the bill, having failed to achieve 60 affirmative votes, the motion to proceed to consideration of the bill, was not agreed to.) **Page S8445**

House Messages:

Missouri and Illinois Compact: Senate concurred in the amendment of the House of Representatives to S.J. Res. 22, to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years. **Page S8466**

Cordray Nomination—Cloture: Senate resumed consideration of the nomination of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection. **Pages S8422–29**

During consideration of this measure today, Senate also took the following action:

By 53 yeas to 45 nays, 1 responding present (Vote No. 223), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the nomination. **Pages S8428–29**

Eisen Nomination—Cloture: Senate began consideration of the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador to the Czech Republic. **Page S8454**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, December 8, 2011, a vote on cloture will occur at 5:30 p.m. on Monday, December 12, 2011. **Page S8454**

Aponte Nomination—Cloture: Senate began consideration of the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador. **Page S8454**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, December 8, 2011, a vote on cloture will occur upon disposition of the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador to the Czech Republic. **Page S8454**

Eisen and Aponte Nominations—Agreement: A unanimous-consent-time agreement was reached providing that Senate resume consideration of the nominations of Norman L. Eisen, of the District of Columbia, to be Ambassador to the Czech Republic, and Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador at 4:30 p.m., on Monday, December 12, 2011, that there be one hour for debate equally divided in the usual form; that upon the use or yielding back of time, Senate vote, without intervening action or debate, on the motion to invoke cloture on the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador to the Czech Republic; and that if cloture is invoked, Senate immediately vote on confirmation of the nomination; and that following disposition of the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador to the Czech Republic, Senate vote on the motion to invoke cloture on the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador. **Page S8454**

Messages from the House: **Pages S8459–60**

Measures Referred: **Page S8460**

Enrolled Bills Presented: **Page S8460**

Executive Reports of Committees: **Page S8460**

Additional Cosponsors: **Pages S8461–62**

Statements on Introduced Bills/Resolutions: **Pages S8462–65**

Additional Statements: **Page S8459**

Notices of Hearings/Meetings: **Page S8465**

Authorities for Committees to Meet: **Pages S8465–66**

Record Votes: Three record votes were taken today. (Total—225) **Pages S8429, S8444–45**

Adjournment: Senate convened at 9:31 a.m. and adjourned at 6:25 p.m., until 2 p.m. on Monday, December 12, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8467.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the nominations of Jon D. Leibowitz, of Maryland, and Maureen K. Ohlhausen, of Virginia, both to be a Federal Trade Commissioner, Rebecca M. Blank, of Maryland, to be Deputy Secretary of Commerce, Ajit Varadaraj Pai, of Kansas, and Jessica Rosenworcel, of Connecticut, both to be a Member of the Federal Communications Commission.

ICANN'S EXPANSION OF TOP LEVEL DOMAINS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the Internet Corporation for Assigned Names and Numbers (ICANN)'s expansion of top level domains, after receiving testimony from Fiona M. Alexander, Associate Administrator, Office of International Affairs, National Telecommunications and Information Administration, Department of Commerce; Kurt Pritz, Internet Corporation for Assigned Names and Numbers (ICANN), Marina del Rey, California; Daniel L. Jaffe, Association of National Advertisers (ANA), Washington, D.C.; Angela F. Williams, YMCA of the USA, Chicago, Illinois; and Esther Dyson, New York, New York.

NOMINATION

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nomination of Arunava Majumdar, of California, to be Under Secretary of Energy, after the nominee testified and answered questions in his own behalf.

DOMESTIC AND GLOBAL WATER SUPPLY ISSUES

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded a hearing to examine opportunities and challenges to address domestic and global water supply issues, after receiving testimony from Anne Castle, Assistant Secretary of the Interior for Water and Science; L. Jerry Hansen, Principal Deputy Assistant Secretary of the Army for Installations, Energy and Environment, Department of Defense; Aaron Salzberg, Special Coordinator on Water Resources, Bureau of Oceans and International Environmental and Scientific Affairs; Harry T. Stewart, New Hampshire Department of Environmental Services Water Division Director, Concord; Peter H. Gleick, Pacific Institute, Oakland, California; Thomas Stanley, GE Power and Water, Water and Process Technologies, Trevose, Pennsylvania; Anthony Willardson, Western States Water Council, Murray, Utah; and Melissa L. Meeker, South Florida Water Management District, West Palm Beach.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following business items:

S. 432, to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, with an amendment;

S. 1296, to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI–04P, Easton Beach Unit RI–05P, Almy Pond Unit RI–06, and Hazards Beach Unit RI–07 in the State of Rhode Island;

S. 1266, to direct the Secretary of the Interior to establish a program to build on and help coordinate funding for the restoration and protection efforts of the 4-State Delaware River Basin region, with an amendment in the nature of a substitute;

S. 1740, to amend the Chesapeake Bay Initiative Act of 1998 to provide for the reauthorization of the Chesapeake Bay Gateways and Watertrails Network; and

Proposed resolutions relating to the General Services Administration.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Tara D. Sonenshine, of Maryland, to be Under Secretary for Public Diplomacy, Anne Claire Richard, of New York, to be Assistant Secretary for Population, Refugees, and Migration, and Robert E. Whitehead, of Florida, to be Ambassador to the Togolese Republic, all of the Department of State, and Earl W. Gast, of California, to be an Assistant Administrator of the United States Agency for International Development, after the nominees testified and answered questions in their own behalf.

LONG-TERM UNEMPLOYED

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine barriers facing the long-term unemployed, after receiving testimony from Christine Owens, National Employment Law Project, Washington, D.C.; Reverend Marvin A. Moss, Cascade United Methodist Church, Atlanta, Georgia; Donna Stebbins, Phoenix, Arizona; and John Meyer, Winner, South Dakota.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following business items:

S. 1763, to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, with an amendment in the nature of a substitute; and

S. 1065, to settle land claims within the Fort Hall Reservation.

STATE AND FEDERAL TAX POLICY

Committee on Indian Affairs: Committee concluded an oversight hearing to examine state and Federal tax policy, focusing on building new markets in Indian country, after receiving testimony from Kevin W. Leecy, Bois Forte Band of Chippewa, Nett Lake, Minnesota; Peter Ortego, Ute Mountain Ute Tribe, Towaoc, Colorado; and Steven J. Gunn, Washington University in St. Louis, St. Louis, Missouri.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1886, to prevent trafficking in counterfeit drugs;

S. 678, to increase the penalties for economic espionage, with an amendment; and

The nomination of Kathryn Keneally, of New York, to be an Assistant Attorney General, Department of Justice.

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: 25 public bills, H.R. 3605–3629, were introduced.

Pages H8317–18

Additional Cosponsors: **Pages H8319–20**

Reports Filed: Reports were filed today as follows:

H.R. 443, to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska, with an amendment (H. Rept. 112–318 Pt. 1);

H.R. 1466, to resolve the status of certain persons legally residing in the Commonwealth of the Northern Mariana Islands under the immigration laws of the United States (H. Rept. 112–319 Pt. 1);

H.R. 1740, to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System, with an amendment (H. Rept. 112–320);

H.R. 2719, to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes (H. Rept. 112–321);

H.R. 3069, to amend the Marine Mammal Protection Act of 1972 to reduce predation on endangered Columbia River salmon and other nonlisted species, and for other purposes (H. Rept. 112–322); and

H.R. 2829, to promote transparency, accountability, and reform within the United Nations system, and for other purposes, with an amendment (H. Rept. 112–323). **Page H8317**

Speaker: Read a letter from the Speaker wherein he appointed Representative Miller (MI) to act as Speaker pro tempore for today. **Page H8265**

Recess: The House recessed at 9:50 a.m. and reconvened at 10:30 a.m. **Page H8271**

Journal: The House agreed to the Speaker's approval of the Journal by a recorded vote of 312 ayes to 94 noes with 1 answering ''present'', Roll No. 905.

Pages H8265, H8273–74

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated yesterday, December 7th:

Synthetic Drug Control Act of 2011: H.R. 1254, amended, to amend the Controlled Substances Act to place synthetic drugs in Schedule I, by a ⅔ recorded vote of 317 ayes to 98 noes, Roll No. 904.

Pages H8272–73

Farm Dust Regulation Prevention Act of 2011: The House passed H.R. 1633, to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter and to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, by a recorded vote of 268 ayes to 150 noes, Roll No. 912.

Pages H8274–96

Rejected the DeGette motion to recommit the bill to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 166 ayes to 252 noes, Roll No. 911. **Pages H8294–96**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule.

Page H9282

Agreed to:

Crawford amendment (No. 3 printed in H. Rept. 112–317) that directs the Environmental Protection Agency Administrator to consult with the Secretary of Agriculture when modifying National Ambient Air Quality Standards with respect to ''nuisance dust'' under exceptions provided in Sec. 132(b) of the Farm Dust Regulation Prevention Act of 2011;

Pages H8284–85

Flake amendment (No. 6 printed in H. Rept. 112–317) that adds sense of Congress language regarding an approach to excluding so-called ''exceptional events'' (like massive dust storms that are not controllable or preventable) from determinations of whether an area is in compliance with the coarse particulate matter standard; and **Page H8287**

Schock amendment (No. 7 printed in H. Rept. 112–317) that requires the EPA to take agriculture jobs and the economic impact on the agriculture industry into account before they issue any new regulations relating to agriculture. If a proposed regulation is found to cause the loss of more than 100 agriculturally related jobs or a decrease in more than $1,000,000 in agriculturally related economic activity then EPA has to give notice to the State's Congressional Delegation, Governor, and Legislature, and also hold a public hearing in the impacted State.

Pages H8287–89

Rejected:

Rush amendment (No. 1 printed in H. Rept. 112–317) that sought to clarify that nothing in the bill precludes the EPA Administrator from enforcing National Ambient Air Quality Standards (NAAQS)

for PM2.5 and would delete section 3, which allows the EPA to regulate "nuisance dust" in areas where states and localities do not do so if it substantially hurts public health and if the benefits of applying standards would outweigh the costs (by a recorded vote of 150 ayes to 255 noes, Roll No. 906);

Pages H8282–83, H8290–91

Christensen amendment (No. 2 printed in H. Rept. 112–317) that sought to allow the EPA the authority under the Clean Air Act to step in and take action to reduce dangerous particle pollution if state, local, or tribal laws are not sufficient to protect public health (by a recorded vote of 159 ayes to 250 noes, Roll No. 907); **Pages H8283–84, H8291–92**

Markey amendment (No. 4 printed in H. Rept. 112–317) that sought to ensure that particulate matter containing arsenic and other heavy metals that are hazardous to human health is not nuisance dust and remains subject to the Clean Air Act (by a recorded vote of 165 ayes to 249 noes, Roll No. 908);

Pages H8285–86, H8292

Waxman amendment (No. 5 printed in H. Rept. 112–317) that sought to require that particulate pollution produced from mining activities is not defined as "nuisance dust" and thus remains subject to the Clean Air Act (by a recorded vote of 158 ayes to 257 noes, Roll No. 909); and

Pages H8286–87, H8292–93

Al Green amendment (No. 8 printed in H. Rept. 112–317) that sought to require EPA to provide a report of the increase or decrease in the number of jobs as a result of enactment of the bill (by a recorded vote of 170 ayes to 247 noes, Roll No. 910).

Pages H8289–90, H8293–94

H. Res. 487, the rule providing for consideration of the bill, was agreed to by a recorded vote of 249 ayes to 161 noes, Roll No. 903, after the previous question was ordered by a yea-and-nay vote of 241 yeas to 173 nays, Roll No. 902.

Pages H8267–71, H8271–72

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 11 a.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12 noon on Monday, December 12th for morning hour debate and 2 p.m. for legislative business. **Page H8299**

Senate Messages: Messages received from the Senate today appear on pages H8266–67 and H8296.

Senate Referrals: S. 1958 was referred to the Committee on Financial Services. **Page H8316**

Quorum Calls—Votes: One yea-and-nay vote and 10 recorded votes developed during the proceedings of today and appear on pages H8271–72, H8272, H8273, H8273–74, H8291, H8291–92, H8292, H8293, H8293–94, H8295–96, and H8296. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 5:15 p.m.

Committee Meetings

MF GLOBAL BANKRUPTCY

Committee on Agriculture: Full Committee held a hearing on the Examination of MF Global bankruptcy. Testimony was heard from Jill Sommers, Commissioner, Commodity Futures Trading Commission; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Financial Services: Subcommittee on Insurance, Housing and Community Opportunities held a markup of the following: H.R. 3559, the "Insurance Data Protection Act"; H.R. 2446, the "RESPA Home Warranty Clarification Act of 2011"; and H.R. 3298, the "Homes for Heroes Act of 2011". The following were forwarded, without amendments: H.R. 3559; H.R. 2446; and H.R. 3298.

GLOBAL INTERNET FREEDOM

Committee on Foreign Affairs: Subcommittee on Africa, Global Health, and Human Rights held a hearing entitled "Promoting Global Internet Freedom." Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Homeland Security: Subcommittee on Emergency Preparedness, Response, and Communications held a markup of the following: the H.R. 3563, "Integrated Public Alert Warning System Modernization Act of 2011"; H.R. 1411, to amend the Homeland Security Act of 2002 to ensure continuation of the Metropolitan Medical Response System Program, and for other purposes; and H.R. 1129, to amend the Homeland Security Act of 2002 to prohibit requiring the use of a specified percentage of a grant under the Urban Area Security Initiative and State Homeland Security Grant Program for specific purposes, and for other purposes. The following were reported, as amended: H.R. 3563; H.R. 1411; and H.R. 1129.

PASSENGER SCREENING TECHNOLOGY AT U.S. AIRPORTS

Committee on Homeland Security: Subcommittee on Transportation Security held a hearing entitled "A Review of Passenger Screening Technology at U.S. Airports." Testimony was heard from John S. Pistole, Administrator, Transportation Security Administration; Caryn Wagner, Under Secretary, Office of Intelligence and Analysis, Department of Homeland

Security; Tara O'Toole, Under Secretary, Science and Technology Directorate, Department of Homeland Security; Cedric Sims, Executive Director, Office of Program Accountability and Risk Management, Management Directorate, Department of Homeland Security; Charles K. Edwards, Acting Inspector General, Office of the Inspector General, Department of Homeland Security; and Stephen Lord, Director, Homeland Security and Justice Issues, Government Accountability Office.

UNITED STATES DEPARTMENT OF JUSTICE

Committee on the Judiciary: Full Committee held a hearing on the United States Department of Justice. Testimony was heard from Eric Holder, Attorney General, Department of Justice.

ONGOING INTELLIGENCE ACTIVITIES

House Permanent Select Committee on Intelligence: Full Committee held a hearing on ongoing intelligence activities. This was a closed hearing.

Joint Meetings

MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 2055, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, but did not complete action thereon, and recessed subject to the call.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1292)*

H.R. 394, to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts. Signed on December 7, 2011. (Public Law 112–63)

COMMITTEE MEETINGS FOR FRIDAY, DECEMBER 9, 2011

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No hearings are scheduled.

Next Meeting of the **SENATE**

2 p.m., Monday, December 12

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 4:30 p.m.), Senate will resume consideration of the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador to the Czech Republic, and the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador. At 5:30 p.m., Senate will vote on the motion to invoke cloture on the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador to the Czech Republic, and if cloture is invoked on the nomination, Senate will vote on confirmation of the nomination. Following disposition of the nomination of Norman L. Eisen, of the District of Columbia, to be Ambassador to the Czech Republic, Senate will vote on the motion to invoke cloture on the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

11 a.m., Friday, December 9

House Chamber

Program for Friday: The House will meet in pro forma session at 11 a.m.

Extensions of Remarks, as inserted in this issue

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