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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 2, 2012.

I hereby appoint the Honorable TED POE to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

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

NEW MARKETS TAX CREDIT

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

Mr. NEAL. I rise today to speak about the New Markets Tax Credit program and the positive impact it has had on western Massachusetts.

I've been a leader of New Markets since its enactment in 2000 because it's a cost-effective way to create jobs and drive investment in low-income communities. Today, I want to highlight a few New Market Tax Credit initiatives in my State.

New Markets Tax Credit is designed to stimulate investment and economic growth in areas that are traditionally overlooked by conventional capital markets. This program attracts capital to low-income communities by providing private investors with a 39 percent Federal tax credit for investments made in businesses or economic developments located in those areas.

In 2010, New Markets generated $9.5 billion in capital for projects and businesses in low-income communities. This capital resulted in the development of 15 million square feet of manufacturing, retail, and community-related space throughout the country.

Last year, New Markets Tax Credits investments resulted in the creation or retention of 70,000 jobs, including 38,000 construction jobs.

Unfortunately, New Markets is a temporary program that expired on December 31. I am now and have been the lead Democratic sponsor of this legislation to extend the program for a predictable 5 years. I've now been calling on our colleagues to extend this initiative. So let me share with you a few successes from back home and explain why I think New Markets works so well.

Hot Mama's Foods in Springfield, Massachusetts, my hometown—it's a great success story. The company was created in the 1980s, and they manufacture and package fresh and frozen gourmet salsa and other spreads that are all natural and, indeed, organic. Hot Mama's was originally located in Northampton, but thanks to New Markets, they were able to purchase a larger USDA-certified food production facility on Avocado Street in Springfield. It has added 10 new jobs and retained 50 jobs in the current workforce.

Another success story is the River Valley Market in Northampton, Massachusetts, which moved into a former granite quarry. No one wanted this space because it was prohibitively expensive to renovate; but through New Markets and other financial support, they opened a food cooperative that features local farmers and employs neighborhood residents.

Finally, let me highlight a more recent New Markets project that's currently under construction, the Massachusetts Green High Performance Computing Center in Holyoke, Massachusetts. Holyoke is a city in western Massachusetts with a population of about 40,000 people. From the late 19th century until the mid-20th century, Holyoke was known as the world's biggest paper manufacturer.

The High Performance Computing Center is a $168 million technology hub that is being built at the former Mastex Industries site on Bigelow Street in the heart of Holyoke. Construction of the center began in the fall of 2010; and the two-story, 90,000 square foot complex is expected to be completed next year.

This facility will be New England's first high performance computing center. It will feature computers with high speed and the capacity to process extraordinary amounts of data. When it's complete, it will be among the 500 most powerful computer centers in the world.

The Holyoke Center is a partnership between local universities—University of Massachusetts, Harvard, MIT, Boston University, Northeastern University—and two private sector companies: the EMC Corporation, based in Hopkinton, and Cisco Systems.

The center also received a $14.5 million New Market Tax Credit allocation, which is the critical component to financing this important project.

I believe the Holyoke Center will be a catalyst for economic development in Holyoke and in western Massachusetts. It will employ 13 permanent jobs and 130 research positions at various universities. It is expected to create 600 construction jobs.

Without New Markets and the leadership that I've tried to offer in this program, Hot Mama's Foods, River Valley

Market, and the Green High Performance Computing Center probably would not have been possible. New Markets is a good example of how public and private investment can be used to spur community and economic revitalization.

I hope that we will stop wasting time, and with the other tax extenders that have to get taken care of, we will include an extension of the New Markets Tax Credit program as quickly as possible.

WHO CARES FOR THE POOR?

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

Mr. MCCOTTER. Mr. Speaker, today we endure much discussion about who most cares for our poor. Some measure their compassion by spending their own money; some measure their compassion by spending other people's money. Yet compassion for the poor's true measure is premised upon this fact: You cannot empower a person by making them dependent, be it upon charity or be it upon bureaucracy.

Thus, let us strive to emancipate our poor from dependency's nightmare so that our suffering brothers and sisters may rise in self-reliance and awaken to the American Dream.

HOW MANY MORE GROUNDHOG DAYS IN AFGHANISTAN?

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

Ms. WOOLSEY. Mr. Speaker, it's Groundhog Day. Phil saw his shadow this morning, and winter will last 6 more weeks.

But what comes to mind for me is that old Bill Murray movie called ''Groundhog Day,'' where he wakes up and the same thing happens day after day after day. We're living our own version of ''Groundhog Day'' right now, because every morning, for the last 3,700-plus mornings, the American people have woken to a Nation at war.

□ 1010

Every morning, we've woken up to the same scenario—thousands and thousands of our fellow Americans in harm's way, occupying a foreign nation as part of a reckless policy that is costing us at least $10 billion a month.

There was some encouraging news, however, just yesterday as Secretary of Defense Panetta said that our combat role in Afghanistan would be over as soon as the middle of next year, which is a year earlier than we've been talking about. That would be a long overdue but welcome development, a belated recognition that this war is doing more harm than good in every way we're involved.

I'll believe it when I see it, though. The goalposts have been moved too many times to put much confidence in a single statement. What I've heard so far is a little too vague to take to the bank, especially since Secretary Panetta maintains that some troops would still remain through 2014 in an advisory role and that the commander on the ground, just this morning, is reported on the news as sounding less than enthusiastic in his response.

What I'd like to hear, perhaps in conjunction with Secretary Clinton and the head of USAID, is that, as our military role recedes, we will use all the civilian tools at our disposal to improve the lives of the Afghan people, because the real challenge and the best way to advance our national security interests is to eliminate the crushing poverty and to address the overwhelming humanitarian need in Afghanistan.

That is what's at the heart of my SMART Security proposal. Instead of military force, instead of unmanned, amoral drones that don't know the difference between killing an insurgent and killing a child, how about we send American compassion to Afghanistan? How about we send our very best experts in education, health care, energy, agriculture, legal reform, government transparency, and whatever else we have to offer that they may want to learn from?

Even if Secretary Panetta sticks to this timetable, under the best case scenario, we have another 500 or so mornings and perhaps another Groundhog Day ahead of us, at least 500 more days of the same old, same old—Americans dying on a mission that is not making America safer or Afghanistan freer.

The time has come. In fact, it came a long time ago. Let's make tomorrow different from the thousands of days that preceded it. Let's end the war in Afghanistan now and finally bring our troops home.

USMC PRIVATE FIRST CLASS VICTOR DEW

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

Mr. MCCLINTOCK. Mr. Speaker, today I have introduced a bill to name the United States Post Office in Granite Bay, California, in honor of United States Marine Corps Private First Class Victor Dew.

This young man was only 20 years old when he left his family and friends in late September of 2010 for Helmand Province, Afghanistan. Just 3 weeks later, on October 13, Private Dew was killed in action when his convoy was ambushed.

Victor grew up dreaming of becoming a marine. He loved military history. He was fully aware of the mortal dangers he would face. Yet, when he was offered a posting to a ceremonial position stateside, he turned it down. He believed his duty and destiny was to keep the fight away from our shores, away from his family and his country, and so he chose combat even when he had been offered safe and honorable service at home.

What did he sacrifice in order to give our country a little more security and to give another country a fleeting chance at redemption?

He had everything in the world to live for. He was engaged to be married to a devoted young lady named Courtney Gold. Courtney said, ''We had life in the grasp of our hands, and we were ready to take on the world.'' They would have. She had already picked out her wedding dress. There is a picture of her wearing that dress. It's in Victor's casket.

Victor was one of those sunny personalities who lifted the spirits of everyone around him. That's the recurring theme in all of the recollections of everyone who knew him. They'd be feeling down, and Victor would lift them up. I didn't know him, but I think I caught a glimpse of him in his little brother, Kyle. At the funeral reception last year, I found Kyle sitting at a table with his friends. When I went to offer my condolences, one of his friends said, ''You know, we came to cheer him up, and instead, he's been cheering us up.''

Victor lives on in the lives of those he touched, and he touched quite a few. He is remembered in his community as a faithful friend and as an inspiring teacher. Before he'd enlisted, he'd already become a popular martial arts instructor at a local dojo. Some of his students—and some of them a lot older than he—came to his service that day.

It has now been over a year since he returned to Granite Bay. In that year, he would have celebrated his 21st birthday. He would have returned safely home with his unit. He would have been married. And as Courtney said, he would have taken on the world. Instead, he rests in an honored grave. His family does what every Gold Star family does—they cope with their grief with a mixture of fond memories and faith but, most of all, of pride for the life of their son.

There are many graves in that cemetery that are etched with lifetimes much longer than the 20 years recorded on Victor's, but none of them comes close to his in this most important respect: what they did with those years. The most iconic work of art on the Titanic was a great carving that depicted Honor and Glory crowning Time. Victor Dew's time may have been short in this world, but he crowned that time with honor and glory that the rest of us can only marvel at.

Every morning since he was 12 years old, Victor Dew awoke under a Marine Corps banner over his bed that was emblazoned with the words ''Semper Fidelis.'' In his life, we can see the full measure of those words. Every day in this majestic Capitol, we walk in the footsteps of the giants of our Nation's history. The oratory of Henry Clay and Daniel Webster still echoes through these Halls. At arm's reach of where I

stand right now once spoke Franklin Roosevelt and Ronald Reagan, Douglas MacArthur and Winston Churchill. Yet, in their long and illustrious lives, not one could claim to have sacrificed more for his country than these young men like Victor Dew.

Lincoln was right that no meager words of ours can add or detract from their deeds. But Shakespeare was also right that their story should the good man teach his son.

For that reason, I am proud to join a unanimous delegation from California in proposing that the post office in the town where Victor Dew lived and loved and returned as a fallen hero be named in his honor.

IN HONOR OF GAIL ACHTERMAN

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

Mr. BLUMENAUER. Oregon lost an amazing pioneer with the death of Gail Achterman last weekend. At the moment Gail was drawing her last breath, this remarkable woman's husband, Chuck McGinnis, was telling me the story of how she had won his heart as he listened to her give a lecture on the Taylor Grazing Act.

That tells you all you need to know, actually, about both of them: that her lecture on an obscure Federal law could spark a whirlwind romance and a marriage of over 30 years. That is part of what made Gail such a remarkable woman. A three-sport letterwoman at Stanford University—in basketball, track, and swimming. An accomplished lawyer, public policy analyst, civic volunteer par excellence, and more.

Each of the many roles she played during her too-short life but stellar four-decade career were characterized by her insight, drive, comprehensive view of the world, and commitment to excellence. She was a pioneer in every sense of the word—from big-time women's athletics to being the first woman to chair Oregon's transportation commission. She was not just breaking ground for women but being a leader and a role model for anyone who wanted to both excel and make a difference.

Oregon was fortunate to have her as one of America's finest natural resources lawyers, practicing in Portland at one of the State's largest law firms, Stoel Rives. She rose to become a partner in the firm, leaving for 4 years to become the Governor's senior adviser on natural resources and helping to navigate some of Oregon's most difficult challenges in the 1980s.

□ 1020

What for most people would have been at the very height of her career, she left the law firm to retire to lead the Deschutes River Conservancy in central Oregon and then in 2003 to become director of the Institute of Natural Resources at Oregon State University.

During all of this time, she was involved in civic affairs and professional activities too numerous to mention, giving speeches, lectures, consulting with people throughout her beloved Pacific Northwest and around America.

During the last 10 years, she served on Oregon's transportation commission, the last term as its chair where she guided some of the most innovative approaches in the Nation to our transportation infrastructure challenges. Her work and leadership helped spark Oregon's economy and community revitalization.

She also won environmental and civic awards. The last I witnessed was a few months ago from the pedestrian community because of her leadership and understanding of a transportation system that worked for everybody: truckers, railroad, bikes, and pedestrians.

She was part of our celebration last summer of the 25th anniversary of the Columbia River Gorge National Scenic Act in recognition of the role she helped play in drafting Senator Mark Hatfield's legislation that led to the protection of this priceless national treasure.

At the time of her passing, Gail had been focusing her attention on the future of the Willamette River Valley and the need for a comprehensive approach to its needs and opportunities.

Even in her last month, Gail's vision and commitment and insight were focused on the big picture. But everything about Gail seemed to be big picture and larger than life, whether rowing on the river, cross-country skiing, in the gym exercising, or presiding over a public hearing. Passion, focus, commitment, and the joy of getting a job done well were her signature characteristics. It was always part of that bigger picture, especially of land use and transportation, and water for our future.

She epitomized the strength of Oregon public policy, understanding how the pieces fit together and then translating that knowledge to others in a very understated, but powerful, way and ultimately helping find its way into public policy and action.

She was an extraordinary daughter of Oregon. She will be missed by all who knew her and appreciated her for the difference she made for generations to come.

AFGHANISTAN

The SPEAKER pro tempore (Mr. THOMPSON of Pennsylvania). The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, today I've heard Ms. WOOLSEY and Mr. MCCLINTOCK talk about the war in Afghanistan, and it kind of reminds me this morning about 8 o'clock I did a call-in show down in my district, Jacksonville, North Carolina, the home of Camp Lejeune Marine base.

The topic of the call-in show was proposed budget cuts to our military. The emcee of the show said to me: I'm coming around to your thinking. It is time to get out of Afghanistan. We are spending $10 billion a month in Afghanistan. Let's say that we start bringing them home this year in 2012, at least start the process of bringing them home. The host said: I guess if we did that, we would save at least probably $240 billion in a 2-year period of time. If they are proposing cuts of $490 billion in next year's budget for the Department of Defense and we save $240 billion, then we are almost cutting in half what we are going to require of the military. I said, You're exactly right.

Not only did I hear this from a talk-show host, but I hear it throughout the eastern part of the State that I have the privilege to represent.

I hope that Mr. Panetta, who I have a lot of respect for, will keep to that 2013 timeframe. I share with Ms. WOOLSEY that I don't trust it, and it has nothing to do with the person. I want to make that clear. He is an honorable man, but there are too many factors that are planned into this issue of staying in Afghanistan. There are too many people that sadly are making money on war. I won't get into that because I don't have enough time.

As the host said to me today, if we would just spend money on the defense of America instead of building empires around the world, we probably would save a lot of money and we would have a strong defense, which we need.

That brings me to this poster. I have a book called ''The Three Trillion Dollar War'' that was written by a Nobel Prize winner in economics named Dr. Joe Stiglitz. His coauthor Linda Bilmes is an economics professor at Harvard. They testified a year ago before the Veterans Health Committee. I do not serve on that committee, but Mr. FILNER at the time was chairman. Now Mr. MILLER is chairman because Republicans are in the majority.

As they finished their discussion, they were saying that if they wrote the book today—this was written 5 years ago—the title would go from the ''The Three Trillion Dollar War'' to ''The Five Trillion Dollar War.'' That is what it is going to cost to take care of our young men and women.

The poster to my left is a young Army sergeant, who has lost both legs and an arm, with his wife going into a new apartment. I have seen four young men at Walter Reed that have no parts below their waist and they are living. God bless them, and I hope they have a good life. I don't know. I cannot make that judgment. I know one thing: Uncle Sam, you're going to have to spend a lot of money to take care of those young men because they earned it. They earned it because of our failed policies in Iraq and Afghanistan.

It is my hope that sometime this spring, in a bipartisan way, we will have an amendment on the floor that the House will pass and it will say: you need to start bringing our troops home beginning the end of 2012 because the process will take a long time.

In closing, as I always do, I have signed over 10,000 letters to families who have lost loved ones in Afghanistan and Iraq because I was not strong enough to vote my conscience on the request by the Bush administration to go into Iraq. I have asked God to forgive me by signing these letters, and I think He has forgiven me.

God, please continue to bless our men and women in uniform. God, continue to bless the families of our men and women in uniform. God, in Your loving arms hold the families who have given a child dying for freedom in Afghanistan and Iraq. God, please bless the House and Senate, that we will do what is right in Your eyes for this country. God, please continue to bless the leader of our country. Let him know that he is doing what is right in Your eyes. Three times I ask God, please, God, please, God, please continue to bless America.

FAST AND FURIOUS AND JUSTICE DEPARTMENT STONEWALLING

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

Mr. POE of Texas. Mr. Speaker, when most people think of smuggling, they envision outlaws recklessly sneaking guns, contraband, and money to other outlaws.

Most people would never imagine that the government of the greatest Nation in the world would be engaged in helping a criminal smuggling operation by sending guns and money to narcoterrorists south of our border.

No, this isn't a Hollywood movie. Unfortunately, this has become a reality in Washington, D.C.

□ 1030

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

The Justice Department appears to have gone wild. Instead of enforcing the law, rogue operatives in the Department of Justice seemed to be recklessly encouraging violations of law. Who's responsible for this conduct?

Over a year has gone by since the murder of Brian Terry, border agent, and we still don't know who was in charge. Brian Terry was murdered by one of those Fast and Furious guns. The Attorney General said he was unaware of Fast and Furious. He claims that he either didn't get the memo, or maybe he didn't read the memo.

Well, according to the latest of group of emails sent over to Congress, he did get the email. According to emails sent to Congress Friday night, Arizona U.S. Attorney Dennis Burke notified Eric Holder's deputy chief of staff—via email—about Brian Terry's murder hours after it happened. Later that day, he notified the Department of Justice that the murder weapon was from Fast and Furious. Imagine that. Holder's staff member implied that he alerted the Attorney General.

So who knew what and when? The Attorney General apparently knew not days or months but hours after that murder occurred. Did he, the Attorney General, know about this operation? Did he approve it? In any event, the Attorney General should resign because it all happened under his watch. He is the one in charge of the Justice Department.

When he appeared before the House Judiciary Committee in December, the Attorney General also told me that he did not know who in his department was responsible for making the decision of Operation Fast and Furious. So is the Attorney General now claiming there is a rogue operation of moles in the Department of Justice that authorized and carried out these smuggling missions? We want to find out.

To coin a phrase from then Senator Hillary Clinton on another subject, the fact that he did not know about this massive operation requires a ''willing suspension of disbelief.''

The Attorney General is the chief lawyer and law enforcement officer in the country. Whoever did know about this and approved it may have violated U.S. or international law. They need to be held accountable even if it means somebody goes to jail. But that is not the case.

The rogue criminals responsible for carrying out Fast and Furious still work in the Justice Department. These individuals have not been fired or criminally prosecuted for their reckless actions. Some have actually been promoted or transferred. It all looks like an organized, deceitful attempt to hide the stench of Fast and Furious from the American people.

Apparently, the Department of Justice believes in order to catch a criminal, you have to be like a criminal. We need an independent special counsel appointed by the President to investigate the Justice Department and the ATF.

The Department of Justice cannot be trusted to investigate themselves because the agency has lost credibility on this issue. The DOJ has stonewalled providing information to Congress. If the DOJ has nothing to hide, why do they keep hiding information from us? The Justice Department has to be removed from investigating Fast and Furious. Otherwise, Mr. Speaker, this would look like a bunch of burglars sitting on a jury trying a burglary case. That would sort of look bad; wouldn't it?

People died in this reckless, misguided operation. We owe it to the American people and the people of Mexico to get to the bottom of this.

In many States when a person commits an offense, if he recklessly causes the death of an individual, the definition of that offense is called manslaughter. Even Washington insiders responsible for Fast and Furious cannot hide from the long arm of American justice because, Mr. Speaker, justice is what we do in this country.

And that's just the way it is.

RELIGIOUS FREEDOMS UNDER ATTACK

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

Mr. SCHILLING. As we all know, Mr. Speaker, last week was the March for Life here in Washington. Now, as a father of 10, life is a big issue in my house. It's a big issue in other homes and businesses throughout the United States. Thousands of Americans, including some residents of my district, traveled from all corners of the country last week to express their support for the right to life for each human being, to express the desire and passion they have for the born and the unborn.

Just a couple of days later, on Sunday morning, once we had all returned to Illinois, my family and I headed off to church, as we normally do. We sat in the pew and listened to the priest's homily. He read us a letter written by the Bishop of the Diocese of Peoria:

''In the history of the United States, Friday, January 20, 2012, will certainly stand out as a moment of enormous peril for religious liberty,'' the letter reads, referring to the date the Department of Health and Human Services announced that religious organizations will be forced to provide employees with insurance programs that provide abortifacients, contraceptive services, and sterilization.

The letter continues:

''If these regulations are put into effect, they could close down every Catholic school, hospital, and other public ministries of our church, which is perhaps their underlying intention. What is perfectly clear is that this is a bigoted and blatant attack on the First Amendment rights of every Catholic believer. Under no circumstances, however, will our church ever abandon our unshakable commitment to the gospel of life.''

I later learned that this was one of more than 120 letters that bishops had read from the pulpit at masses across the United States.

The letter written by the Bishop of Marquette reads:

''The Federal Government, which claims to be 'of, by, and for the people,' has just dealt a heavy blow to almost a quarter of those people—the Catholic population—and to the millions more who are served by the Catholic faithful.''

It later says:

''Our parents and grandparents did not come to these shores to help build America's cities and towns, its infrastructure and institutions, its enterprise and culture only to have their posterity stripped of their God-given rights.''

Like many of my Catholic brothers and sisters, I do not believe it is the government's business to target religion and require that its believers violate their conscience and their religious beliefs—or suffer the consequences. I do not believe it is the role of government to persecute religions.

I am proudly and passionately pro-life. But regardless of what your views may be on abortion or contraception, I imagine most Americans would be alarmed to learn of our government chipping away at the First Amendment, mandating its citizens disregard their liberty, convictions, and conscience—or else. This is totally unacceptable. No government should force its citizens to violate their religious beliefs.

I recently joined with a number of my colleagues in urging that the administration reconsider this unprecedented government overreach and violation. But I would go further and encourage the administration to abandon this rule. Abandon this rule and continue to allow these Americans who oppose these services for either moral or religious reasons to live their lives in the way that they see fit and without the fear of punishment.

Bishop Jenky of the Diocese of Peoria concludes his letter by saying:

''This country once fought a revolution to guarantee the freedom, but the time has clearly arrived to strongly assert our fundamental human rights.''

Our religious freedoms are under attack. I was sent here to uphold, protect, and defend the United States Constitution, and I intend to do so.

TRIBUTE TO JOCK MICHAEL SMITH

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

Ms. SEWELL. Mr. Speaker, today I rise to recognize and pay tribute to one of our Nation's most distinguished trial lawyers, an avid sports collector, historian, author, and family man, Attorney Jock Michael Smith.

Attorney Smith was a well-respected member of the Alabama bar, and he was known nationally throughout the legal community for his exceptional legal abilities, his legendary courtroom style, civic activism, and passion for equal justice for all. Sadly, Attorney Smith passed away at his home in Montgomery, Alabama, on January 8 at the age of 63.

The story of Jock Michael Smith is not just one of a notable and accomplished attorney. His story is one of hope, beating the odds, and the fearless pursuit of one's dreams. The life and legacy of Jock Smith is an inspiration to us all.

Despite losing his father tragically at a young age and despite being told in high school that he could not be anything more than a sanitary worker, he did not let that deter him. This young boy, son of a widow, single mother of two, was determined to chart his own course.

Inspired by the memory of his father, Jock developed his oratorical and academic gifts. He graduated with honors from Tuskegee University and then matriculated to the University of Notre Dame School of Law on an academic scholarship.

□ 1040

As a first year law student, Jock founded the Black American Law Students' Association chapter at Notre Dame. He earned his law degree in 1973.

In 1996, Attorney Smith cofounded a partnership with the late renowned attorney, Johnny Cochran. The Cochran Law Firm, as it is known, is actually the law firm of Cochran, Cherry, Givens & Smith. It has 22 offices across this country and continues to be one of the most well-known criminal defense and civil plaintiff law firms in the Nation.

Attorney Smith's remarkable legal career was filled with many record-setting verdicts and settlements. A landmark $1.6 billion verdict against Southwestern Life Insurance was one of the largest in America's history in 2004. He represented the legacy estates of both Rosa Parks and Martin Luther King, Jr., and he represented the Negro League Players and civil rights activist Rev. Fred Shuttlesworth.

During his illustrious career, Attorney Smith's hard work and leadership was acknowledged by numerous awards. He was recognized by the Alabama Trial Lawyers Association for his tireless dedication and unwavering commitment. As an author, Jock Smith shared his amazing life story in an autobiography entitled ''Climbing Jacob's Ladder: A Trial Lawyer's Journey on Behalf of 'the Least of These.' ''

Media personality and author Tavis Smiley best summed up the gift he gave us by writing down his memoirs: Jock Smith's story is part of America's story. It's part history lesson and part sermon and 100 percent fascinating. He and lawyers like his late partner, Johnny Cochran, are modern-day knights, using their skills to protect both the poor and defenseless. On a personal level, ''Climbing Jacob's Ladder,'' his book, shows how faith and hard work can bring great success.

Jock Smith was a member of Alpha Phi Alpha Fraternity, Incorporated, and he was the first African American to serve on the board of the President's Advisory Council of the National Wildlife Federation.

Jock Smith was amazing. I know as a young lawyer his life stands as a personal tribute, to me. I am grateful to have known him. I know that I walk in a path that he blazed, and for that, I am eternally grateful to his family. Some of his family members are here with us today in the gallery. He is forever remembered as a remarkable and amazing man. He is survived by his wife of 45 years, Ms. Yvette Smiley-Smith; and his daughter, Janay Smith, who is with us today.

I want to say, in closing, that his life is truly a testament to what is possible with opportunity—when you take opportunity—and with so many resources. Jock lived life by his favorite quote that he always would say: ''Service is the price we pay for the space that we occupy.''

It is with tremendous pride, privilege, and great honor that today I get to recognize the life and legacy of Attorney Jock Smith on the floor of the United States Congress so that all of us can remember that we must pay our fair share for the space that we occupy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to make reference to occupants in the gallery.

CONGRESS IS NOT A CAREER

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

Mr. NUGENT. Mr. Speaker, we in the House of Representatives need to start restoring the trust that the American people gave when they elected us to this office. Last night, 100 Members voted to give themselves a pay raise. Is that what we're all about? It's not about us enriching ourselves, because I don't believe that's what our Founding Fathers thought.

When I first came to Congress last year, I found out that I had an option to either take the health insurance plan that the Federal Government offered or to go out on my own and do my own thing. And I took the option, even though it cost myself and my family over $10,000 more. But then we started to look at options with regards to the Federal Employee Retirement System that all Members of Congress are required to be in, and also the Thrift Savings Plan that all Members of Congress are part of, whether they want to be or not—even though it's different for the Senate. The House of Representatives back in the 104th Congress decided that they wanted to take that option away. I think that's wrong. I believe that America is about choices.

I also believe that Congress is not a career. And so when those Members of Congress don't have an option to remove themselves from the Federal Employee Retirement System, as I wanted to, or those Members of Congress that wanted to participate in the Thrift Savings Plan but are told that you, the taxpayers, are going to give us an additional 5 percent of our salary because you like us so much, I asked if I could exempt myself from that. And guess what? We were told we couldn't because those prior to us had made a decision for us now that we couldn't do that, we couldn't do what we think is right for this body.

Ladies and gentlemen, Mr. Speaker, it is about doing the right thing. It is about looking back at what our Founding Fathers envisioned for this country. It's about service to this country, not about enriching ourselves on the backs of our fellow countrymen.

On the ''60 Minutes'' program we saw the insider trading issue that has gone across this Congress. It brings to mind that it is about doing the right thing. And unfortunately, there are those among us that really believe that it's about enriching ourselves on the backs of those that we're supposed to serve. There has been a number of bills put forth in regards to stopping insider trading, and so we have put forth a bill to do the same thing. It's very simple. It just requires that Members of Congress, the President, and the Vice President put their holdings into a qualified blind trust, which means no matter what information they may have they can't enrich themselves with it because within 30 days of their taking office, they must put it within a blind trust. It takes away all the issues in regards to how do you enforce some of the issues that were talked about in the STOCK Act.

These are noble intentions, but when you make it more difficult to enforce, what you do is you give people loopholes to get around it and skirt around the issue. If you put it into a blind trust, it takes away the ability to skirt around the issue.

Ladies and gentlemen, it's not about creating more loopholes. It's about making it simpler to do the right thing here in Congress. When we have the lowest approval rating, I'm shocked. I'm not shocked because we don't deserve it, I'm shocked because we don't want to do anything to improve it. As sheriff, I had a 73 percent approval rating. I come to Congress, and I find out that we're not as respected as we should be. But it's because of our own hand that we're not. It's nobody else's fault. Its not the press' fault. It's not anybody's fault. It's what we do within these Halls. What we do sets the tone for what the American people believe in or what we are supposed to be providing to the American people, and that is a level of trust.

So in two things: A bill that was called Congress is Not a Career Act is sitting out there and also one in regards to blind trusts. Mr. Speaker, I ask that we think about those issues and move forward.

GETTING TO THE TRUTH OF FAST AND FURIOUS

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

Mr. QUAYLE. Mr. Speaker, it has been more than 1 year since the tragic death of U.S. Border Patrol Agent Brian Terry, who was killed using weapons that were purposely walked to deadly drug cartels in Mexico as part of Operation Fast and Furious. Since Agent Terry's death, the responsible Federal Department, the Justice Department, and its leader, Attorney General Eric Holder, have obfuscated every attempt to get to the bottom of what went wrong with this disastrous operation.

Despite the best efforts of the Justice Department to hide the facts, we now know many disturbing things about Fast and Furious. This ill-conceived operation began in November of 2009. Since that time, the ATF has sanctioned the sale of thousands of weapons to straw purchasers who transported these weapons across the United States' southern border and into the hands of Mexican criminals.

□ 1050

The ATF lost track of these weapons until they began turning up at crime scenes in the United States and Mexico. As a result of Justice Department incompetence, the United States actively armed dangerous cartels that have wreaked havoc in Mexico and put our own Federal agents directly in harm's way. Our hard-won trust and the relationships we've built with the Mexican Government as both countries seek to combat the cartels has been severely strained, which has harmed our efforts to get drug-running under control.

Operation Fast and Furious hasn't just been a failure; it's been a tragic failure. It is believed that hundreds of Mexicans have lost their lives through the use of these weapons, and at least one U.S. Federal Agent, Brian Terry, has lost his life.

When an operation goes so horribly wrong, it is important to find out why and who was responsible. The Congress has acted on its oversight responsibility; and in doing so, we've asked Attorney General Holder directly about the operation. On May 3, 2011, Attorney General Holder testified before the House Judiciary Committee. When asked when he first knew about Operation Fast and Furious, he stated, ''I'm not sure of the exact date, but I probably heard about Fast and Furious for the first time over the last few weeks.'' However, we now know that weekly memos addressed to the Attorney General, which included briefings on Operation Fast and Furious, began crossing his desk nearly a year before that.

When it became clear that his May 3 testimony was untrue, the Attorney General later revised the timeline in which he claimed to have knowledge of the operation. On November 8, 2011, Attorney General Holder claimed that he had in fact first learned about the operation at the beginning of 2011, which, again, is belied by the fact that he was receiving memos about the operation much earlier than that.

But we now know that even that revised and extended time frame is incorrect. Just days ago, the Justice Department finally released documents, which included a December 14, 2010, email exchange between the Attorney General's chief of staff and the U.S. Attorney for the District of Arizona, stating that the Attorney General had been alerted of the shooting and death of Agent Terry on the day of the shooting.

A troubling picture has emerged of the Holder Justice Department. From the Attorney General's own testimony, it would appear that he is either frighteningly unaware of major operations taking place in his own Department or that he did know about Fast and Furious, did nothing to stop it, and refused to take responsibility when it failed.

It has been more than a year since the death of Agent Terry, Mr. Speaker, and we still don't have the answers the American people deserve and Agent Terry's family deserves. We know we won't get these answers from a proper internal investigation from the Justice Department. Far from the Department investigating itself, it has covered up for itself.

A year of delay, denial, and obfuscation is enough. A year of nighttime document dumps full of blacked-out pages and redacted information is enough. A year of senior Justice Department officials pleading the Fifth is enough. It's time that we get to the bottom of why Fast and Furious happened and restore accountability to the Department of Justice. That's why I introduced H. Res. 532, which calls on the President to appoint a special prosecutor to investigate Operation Fast and Furious as well as the Attorney General's role in it.

Without a special prosecutor, the only other way to get to the truth is through impeachment proceedings and the investigations that come with those proceedings. With all of the vital work before this House, it would be far better to avoid the distraction and the cost that impeachment proceedings would bring. I hope the President agrees.

I urge my House colleagues to support this resolution so that we can finally get to the truth and ensure no more innocent lives are lost due to this Attorney General's failure.

REMEMBERING AMBASSADOR CHARLES PRICE

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

Mr. DREIER. Mr. Speaker, ''Praise Silence.'' Praise Silence is the very British expression that was used regularly by Ambassador Charles Price when he would stand up after dinner to offer thoughtful, insightful, and humorous remarks. He did it most often at the wonderful home—Sunnylands—of Ambassador Walter and Mrs. Annenberg, and he was one who provided a great deal of inspiration and leadership. I'm very saddened to have had the news, Mr. Speaker, of his passing, but I have to say that he lived a very, very full and active 80 years.

Ambassador Price and I shared a hometown and many mutual friends in Kansas City, and we also shared a great love of California. Mr. Price was someone who was very big physically, he was very big intellectually, and he had a great big heart. I always felt comforted around him because he had that wonderful embrace when he would

bring you in. And with me, for the past several decades, he's offered very thoughtful political insight and advice and counsel on a wide range of issues.

He served as Ambassador to the Court of St. James after having served as Ambassador to Belgium under President Reagan during the 1980s. He was the first American to go to the site in Lockerbie, Scotland, where Pan Am Flight 103 went down. He was on the cutting edge of very, very important decisions that were made with our very important ally, Margaret Thatcher. And I have to say that Ambassador Price was someone who had that very unique ability, Mr. Speaker, to, as Rudyard Kipling said, ''walk with kings and keep the common touch.''

He was known for his great sense of humor, and he was known for having a great desire to spend time with working men and women. And to listen to people, he would often go to pubs in England, and I suspect that Charlie Price might have enjoyed a Guinness or two at the same time.

But, Mr. Speaker, he was also a great business leader and a great philanthropist. I remember that, as the leading diplomat that he was, our great former Secretary of State, George Schultz, once said to me, in describing Charlie Price, that when the Secretary would arrive in London and he would get into the car with Charlie Price, there was no ambassador who could provide him with more cogent, thoughtful insight into the circumstances that existed on the ground as they were.

Mr. Speaker, in the spirit of Winston Churchill, I read in my original hometown paper—and Charlie Price's as well—the Kansas City Star, that he had just, not long ago, written a note to a grandson of his to lift his spirits. In that note he said: ''Never, never give up. You will always succeed if you accept that you will not succeed every time. But never accept losing as anything other than a learning experience to drive you to be a champion in all walks of life.''

Mr. Speaker, my thoughts and prayers go to Carol Price and to the wonderful family. I have to say that, as we look to next week's—a week from this Sunday—dedication of the great new operation at Sunnylands in southern California, I know that Carol will be there, but Charlie Price will be greatly missed.

AMERICANS DESERVE HONESTY IN GOVERNMENT

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

Mrs. ROBY. Mr. Speaker, Americans deserve a genuine and predictable government that shoots straight. As Thomas Jefferson wrote: ''The whole art of government consists in the art of being honest.'' How can the people hold their Representative accountable when Congress and the President distort the basic facts?

Many of my colleagues and I are dismayed by the dysfunction in the process. We have seen firsthand the insider tricks and schemes to distort the budget and hide new spending. We've learned that these loopholes are deeply ingrained in the rules of Congress—they are institutionalized—and both Republicans and Democrats are guilty of exploiting them.

The American people have a right to expect accountability, honesty, and transparency from their government. But every year Washington relies on a series of budget gimmicks and accounting tricks to conceal or enable deficit spending. With our Nation's debt nearing $16 trillion, Washington must drop the budget games and commit to honest budget practices.

Many of us believe we were sent here to Washington to do things differently and to insist on an honest and transparent government.

□ 1100

That's why I, earlier this week, along with 28 of my colleagues, introduced the Honest Budget Act of 2012, an important step to change the way Washington works and instill integrity into the budget process. This legislation is designed to root out the budget gimmicks most commonly used by politicians to hide the truth, confuse the public, and run up the national debt.

Last year, Senator JEFF SESSIONS from Alabama introduced in the Senate similar legislation to strengthen the Senate's rules against budget trickery. Numerous conservative groups have endorsed Sessions' bill, including the Heritage Foundation, Americans for Tax Reform, and Citizens Against Government Waste.

This legislation introduced in the House expands the Senate bill with similar rules for the House of Representatives to address nine specific budget gimmicks that, since 2005, have cost taxpayers more than $350 billion and have consistently added to our deficit and our debt.

For example, the legislation makes it more difficult to pass appropriation bills without first approving a budget. What a novel idea. The legislation also tightens rules regarding emergency designations and disaster designations to justify off-budget spending. It reveals both real costs and the real commitment on what the Federal Government is spending.

The bill also prevents Congress from relying on phony rescissions, or claiming savings that are not savings unless they are real and genuine. That's common sense. Common sense dictates that you cannot account as savings money that was never going to be spent in the first place.

A budget is a plan for this Nation's future. Americans deserve the truth. Mr. Speaker, given what I have witnessed over the last year, the only way to guarantee truth is to specifically root out and end the gimmicks.

We're all keenly aware that the number 1 issue facing America today is jobs. We must continue to do all that we can here in Washington to create an environment that fosters job growth, and we will continue to do that. But we cannot overlook the fact that Washington spends money it does not have. Certainly, this reckless spending spree has contributed greatly towards our downward economy.

The Honest Budget Act does not fix all of our problems, but it is a step in the right direction. In many respects, the Honest Budget Act of 2012 embodies the spirit of transparency and accountability that unites many in my freshman class. The bill is a rallying point for those who truly want to put an end to tricks, gimmicks, and empty promises, and for all who believe that the American people deserve a government that they can trust.

I look forward to working with my colleagues to see this proposed legislation become law.

PROMOTING STEM EDUCATION

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

Mr. DOLD. Mr. Speaker, during the President's State of the Union address in this Chamber just last week, he spoke of the importance of science, technology, engineering, and mathematics education, also known as STEM education. STEM education helps support U.S. manufacturing jobs, and it is something that I am a strong proponent of.

The 10th District of Illinois, the district that I represent, is one of the largest manufacturing districts in our Nation. As I travel back home, I hear time and time again from manufacturers that they can't find qualified people able to step up and take the jobs that they have open right now at their manufacturing facilities.

One way we can help put people back to work is by promoting STEM education. Those trained in the STEM field have the opportunity to gain good-paying jobs right here in our local communities. From high schools training our future workers to community colleges helping to train and retrain unemployed individuals, STEM education helps put people back to work and allows U.S. manufacturers to hire American workers.

One example of a successful STEM education program back home is at Wheeling High School. Wheeling High School's Principal, Dr. Laz Lopez, took the initiative to start a STEM education program in order to empower his students to graduate and have a competitive edge against other students seeking employment. Just yesterday, Wheeling High School announced that they are now looking to expand that education to include a curriculum that has nanotechnology. This type of curriculum will give Wheeling High School students a greater competitive advantage when applying for jobs and pursuing degrees in science and technology.

Preparing our students for the 21st century workforce, I would argue, is absolutely critical. But it is also essential that we empower the unemployed to be retrained to pursue careers in the STEM field right back at home and across our country.

Back home, I'm working with the College of Lake County, which is working hard to provide STEM education to adults who are interested in preparing themselves for new careers. The College of Lake County will be hosting a STEM education day on Saturday, February 25. This is to motivate our young people about the importance of STEM education, and to especially focus on young women to learn more about careers in the fields of science and technology.

I am impressed with the work that the College of Lake County and other community colleges are doing to bridge the gap between industry and education. By teaming up with local employers, the College of Lake County is putting in place programs that can train the workforce and also help local manufacturers in need.

In the weeks to come, I'll be hosting a manufacturing and education summit at ETA/Cuisenaire in Vernon Hills. The goal of this summit is to find ways in which local industry can invest in local education so that our region has the resources and trained workforce it needs to expand and to invest in the manufacturing sector of our economy.

I will continue to work with Republicans, with Democrats on promoting this critical initiative of STEM education. This will not only help put people back to work, but will enable manufacturers to hire workers right here at home so that they can continue to grow and expand in our local communities.

RECESS

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

Accordingly (at 11 o'clock and 7 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

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

PRAYER

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

We give You thanks, O God, for giving us another day.

There have been many prayers this day rising to You from those engaged in the political discourse of this Nation. We give You thanks for those who were able to gather at the National Prayer Breakfast and those across this land who joined their prayer intentions with the many who attended.

Bless the Members of this people's House now as they gather to do the legislative work they are called to do. May their prayers this day be authentic and heard by You, the living God.

May their work be fruitful and beneficial to those whom You favor, the poor. And may all they do be done in humility and charity, knowing that they are all earthen vessels through whom Your spirit might shine forth.

And finally, may all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Minnesota (Mr. ELLISON) come forward and lead the House in the Pledge of Allegiance.

Mr. ELLISON 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

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

YUCCA MOUNTAIN MUST RECEIVE PERMIT

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

Mr. WILSON of South Carolina. Mr. Speaker, the President's Blue Ribbon Commission, which was tasked with making recommendations for dealing with our country's nuclear waste, recently issued their findings. After conducting a 2-year study, the commission discovered that measures must be taken to deal with nuclear waste currently and interim storage at 121 sites across the country. The editorial response by the Aiken Standard to this anemic obvious conclusion is summarized by one word: ''Duh.''

We have known for decades that this waste must be properly dealt with and discarded in the proper setting. The scientific community has determined that Yucca Mountain is the ideal location for a safe national repository.

The President and the liberal-controlled Senate must quit playing political games and allow the Nuclear Regulatory Commission to finish analyzing the license permit. It's time to let science dictate policy, not politics.

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

WILLIAM STREET POSTAL FACILITY

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

Ms. HOCHUL. Mr. Speaker, I stand with my good colleague from western New York, Congressman BRIAN HIGGINS, united in opposition to the proposed elimination of the postal processing and distribution center in Buffalo and the 700 jobs of people that are currently employed there.

I understand the Postal Service has gone through some tough times. They need to make some hard decisions. Up in our neck of the woods, 700 jobs is a very big deal. That is 700 families making mortgage payments, 700 families making their car payments, and 700 families that haven't been able to make their tuition payments.

In addition to these individuals, businesses, seniors, and rural communities we represent would be adversely affected if this were to end. This would end the overnight delivery of first-class mail in the Buffalo region, impacting all the businesses that depend on this service. It would probably slow commerce, delay the delivery of medication to our seniors, and impair communications for rural families who don't have Internet access.

At a time when the Postal Service is struggling to retain business, they need to be creative and find new ways to garner more customers.

STOP ATTACKING COAL JOBS

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

Mr. JOHNSON of Ohio. Mr. Speaker, President Obama's activist EPA is at it again. This destructive agency, in advancing the administration's war on coal, is forcing the closure of six coal-fired power plants in three States. Just a few weeks ago, it was announced that the Muskingum River Power Plant in my district would have to close and eliminate over 100 jobs because of burdensome EPA regulations.

President Obama's war on coal is nothing new. With just one proposed rewrite of one rule, President Obama is putting tens of thousands of direct and indirect coal-related jobs at risk. Just over a week ago, the President stood in this Chamber and told Americans that he wants to create jobs and grow the economy, but his policies do the exact opposite.

Hardworking taxpayers across America deserve better. They deserve effective leadership that moves us forward rather than holding us back. With over 14 million Americans out of work, we can't afford more of the same failed

policies from this administration. They are hurting America.

PAYROLL TAX CUT EXTENSION

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

Ms. TSONGAS. Mr. Speaker, we are now in the month of February. In less than 4 weeks, the 2-week payroll tax cut extension, which House Republicans begrudgingly agreed to, will expire.

To avoid the same dramatic standoff that threatened a $1,400 tax increase for the average Massachusetts family, we must work together and adopt a yearlong extension of this vital tax credit rather than waiting till the last minute yet again.

Failure to extend the payroll tax cut to the end of the year would not only severely impact already overstretched households around the country, but would also dramatically undermine our still fragile economic recovery.

Families have already made their budgets for this year. They are counting on this extension to pay their bills, heat their homes, and meet other needs. Let's not let them down.

PBGC SHOULD RESTORE DELPHI SALARIED RETIREES PENSIONS

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

Mr. TURNER of Ohio. Mr. Speaker, today our colleagues at the Education and Workforce Committee held a subcommittee hearing looking into the challenges facing the Pension Benefit Guaranty Corporation.

Perhaps one of the greatest challenges facing the PBGC is transparency. The PBGC will not release even the most basic documents explaining the denial of the full earned pension benefits of the Delphi salaried retirees. Perhaps it is because of the many conflicts of interest that existed between the Treasury Department and the PBGC.

When these pensions were turned over to the PBGC, approximately 20,000 current and future salaried retirees were subjected to benefit cuts of up to 70 percent. The hardworking taxpayers whose tax dollars were used to pay for the auto bailouts deserve to know who made these decisions to cut these pensions and why they are made.

NFL BLACKOUT UNACCEPTABLE

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

Mr. HIGGINS. Mr. Speaker, on Sunday, tens of millions of Americans will gather with family and friends to watch the Super Bowl. Many from my western New York community will be among them. Unfortunately, western New York families do not always have the opportunity to watch their hometown team, the Buffalo Bills.

The NFL's blackout rule prohibits the broadcast of a game in a team's home market if the game has not been sold out within 72 hours of the kickoff. In Buffalo, this meant that this past season almost half of the Bills games were blacked out. This is unacceptable. We have a strong and enthusiastic fan base; but with one of the largest football stadiums in the National Football League, Buffalo must sell 6,000 more tickets than the league's average to avoid a blackout.

I have sent a letter to NFL Commissioner Goodell, along with my colleagues Congresswoman KATHY HOCHUL, Congressman ROSS, and Congresswoman BROWN, asking for an end to this unfair policy. It is time for the league to update this regulation, taking into account factors like stadium and media market size and, most importantly, the tough financial situation millions of families across the Nation find themselves in.

□ 1210

STOCK ACT

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

Mr. BUCHANAN. Mr. Speaker, Washington is failing the American people. Our leaders need to be held to the highest standard, and that means obeying the same laws that everyone else has to live under.

I'm pleased to report progress on an important bill that I cosponsored; it's called the STOCK Act. It would prohibit inside trading by any Member of Congress.

This bill is now starting to move in the Senate, and I intend to fight to ensure its swift passage. No one in government should profit from private information obtained through their position. Serving the people is a privilege and it's an honor, not an opportunity for personal gain.

SUSAN G. KOMEN HALTS PARTNERSHIP WITH PLANNED PARENTHOOD

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

Mr. QUIGLEY. Mr. Speaker, today is a sad day. In an effort to strip women of the right to choose, anti-choice groups have blocked access to life-saving cancer screenings.

The Nation's leading breast cancer charity, Susan G. Komen, announced it will no longer partner with Planned Parenthood, the Nation's leading women's health care provider. This fight has pitted two of our Nation's premier and important women's health care groups wrongly against each other.

We on either side of the Capitol and in these Chambers must remember that rhetoric has real-world consequences. For the health of all women across America, this issue must be resolved quickly and the collaborative relationship between these two great institutions restored. Until then, lives are at stake, sadly, for political gain.

CONSCIENCE RIGHTS

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

Mr. PITTS. Mr. Speaker, institutions across the country are facing an impossible choice: Do they continue in their mission to provide for their employees, or do they violate their conscience?

When the Affordable Care Act passed, there was no thought in the minds of many Catholics that the law would eventually force them into such a terrible choice. In fact, my former colleague from Pennsylvania, Kathy Dahlkemper, recently came out and said, I would have never voted for the final version of the bill if I expected the Obama administration to force Catholic hospitals and Catholic colleges and universities to pay for contraception.

I might add, this rule that will go into effect on August 12 includes not only contraceptives, but abortifacients, drugs like Ella and Plan B, as well as sterilization services.

Catholic and other religious organizations have cared for the sick and educated Americans of all religions since the founding of our Republic, and they've done this because their conscience compels them to show their love to all mankind. Never before has the Federal Government compelled them to violate their conscience in such a terrible way. There are fundamental questions about life and morality that the government has no business forcing on organizations and individuals. To force them to violate their conscience is wrong.

PROMPT SHORT SALE DECISION ACT

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

Mr. MCNERNEY. Mr. Speaker, I rise to advocate an aggressive response to the housing crisis.

Last year, 30 percent of California homeowners with mortgages were underwater. That's one of the highest rates in the country. To improve our economy, we must fix the broken housing market. Large banks simply wait out short-sale offers, which kills the process.

Back home, I hear from people who are trying to secure short sales and have to wait for months or longer to get a decision from their lender. That's absolutely unacceptable. Banks need to treat people fairly, which is why I'm a cosponsor of H.R. 1498, the Prompt Decision for Qualification of Short Sale Act. This is a bipartisan bill that requires lenders to make a decision within 45 days to approve or disapprove a

short sale. This bill simply makes sure that prospective homeowners receive a decision from their banks in time to be useable.

I ask my colleagues to join me in supporting this legislation so we can break up the housing market logjam.

LET'S GET TO WORK ON CREATING JOBS AND STRENGTHENING MIDDLE CLASS

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

Mr. BACA. Mr. Speaker, if Congress does not act soon, 160 million Americans will see a tax increase at the end of the month. Working families in my district rely on the payroll tax cut to make their mortgage payments or put food on the table. We need to get to work right now on extending the payroll tax cut and unemployment insurance for a full year.

Fourteen million Americans are without jobs. Families need our help; they are hurting. But instead of working together to create jobs, Republicans continue to push a partisan agenda that further divides us.

This week, we have yet another bill to repeal the health care reform. Let's stop these misguided bills. Let's get to work on the agenda that creates jobs and strengthens the middle class. We must work together.

AN AMERICA BUILT TO LAST

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

Ms. HANABUSA. Mr. Speaker, last week we were in this Chamber listening to the President deliver a State of the Union address, the blueprint for an America built to last. We took away different points from that speech. Many will speak to his initiatives which address American manufacturing, a new and innovative energy source, educating and creating a more skillful workforce. I took away that this blueprint for an America built to last will be successful because of its foundation, the foundation which is the people of this great Nation.

The President is putting his faith in the people. He is putting his faith in their values, uniquely American values. He is putting his faith in those values which created and motivated the creation of the middle class, the middle class which is the backbone of this great Nation. That is why we will have an America built to last.

CRYSTAL SUGAR LOCK-OUT

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

Mr. ELLISON. Mr. Speaker, 1,300 Minnesota workers have been denied their basic and most fundamental right to work and support their families. That's right, yesterday marked the 6-month anniversary of workers at the American Crystal Sugar factory in Moorhead being locked out. Many of these people have worked for the factory their whole lives. Their parents worked there, Mr. Speaker, and their grandparents worked there, too.

These workers have gone to work and have gone to bat for the company. These workers, Mr. Speaker, stood shoulder to shoulder with the company to fight for a better sugar program in the farm bill just because that's how dedicated they are. But what have they got in return? They've gotten locked out. They're not on strike. They're locked out because they will not accept an unfair take-it-or-leave-it contract. These workers even vowed not to strike because they know how important their work is, but they have been locked out even though they have agreed to a no-strike guarantee.

It's wrong, Mr. Speaker. These 1,300 folks deserve better from this company, and I think the time is now for the company to negotiate.

WORST TRANSPORTATION BILL IN HISTORY OF CONGRESS

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

Mr. BLUMENAUER. Mr. Speaker, at this moment, the House Transportation and Infrastructure Committee is working on what is arguably the worst transportation bill in the history of Congress—just when we need the best. It's not just wrong sized with too few esources from the wrong sources. It fails to protect the integrity of the trust fund, inviting opposition from budget hawks.

It reverses 20 years of transportation reform by attacking the cheapest way to develop highway capacity in most communities, transit and cycling. It even eliminates the Safe Routes to School program for our children.

I hope my staff heard wrong that the committee chair will deny participation to anybody who asks for a vote on a provision, not just in committee, but will not even be able to offer an amendment on the floor. Let's get back to the bipartisan tradition to have infrastructure that America needs.

NO-JOBS REPUBLICAN AGENDA

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

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to ask this Tea Party Republican majority to do something to create jobs.

Last week, the President presented a positive plan to create jobs, but all the American people hear from the Tea Party Republican Party is the same old no-jobs agenda from this no-show Republican Congress.

The economy is improving, but there are still 14 million Americans without jobs. Yet the Republican Congress hardly even shows up for work. Congress met only 6 days of the month of January—6 days in 1 month.

We need to come to work and pass President Obama's jobs plan, level the playing field, force the rich to pay their fair share of our Nation's debt, and put an end to rewarding businesses that ship jobs overseas.

□ 1220

MAKING LAWS THAT MAKE LIVES BETTER

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

Ms. HAHN. Mr. Speaker, for my constituents and I, the work here in Congress is about making laws that make lives better. Last week, our President came to this Chamber and laid out a blueprint to build an America that lasts. That blueprint focuses on manufacturing, education, worker training, clean energy, and ensuring that every American plays by the same set of rules and pays their fair share. By building from the ground up, by focusing on working people, we can build an economy that lasts.

My friends on the other side offer a different path. It's a top-down approach with big tax breaks for the wealthy and subsidies for Big Oil at the expense of new technology and innovators. But we know what happens when you use all of your resources and materials at the top of the building. It topples over.

FRANK BUCKLES WORLD WAR I MEMORIAL ACT

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

Mr. YODER. Mr. Speaker, I rise today to honor the brave men and women who served and sacrificed in World War I. 2014 will be the centennial anniversary of the Great War, and it's my hope that a grateful Nation will come together to pay tribute to the heroes who fought for liberty and freedom almost 100 years ago.

I urge my colleagues to support the Frank Buckles World War I Memorial Act, which would establish a commission to ensure a proper national observance of this historic occasion. Kansas City, which has a long tradition dating back to 1921 of honoring World War I and its legacy, is home to the outstanding National World War I Museum. I ask my colleagues to join in our support of designating this museum the National World War I Memorial.

It's my hope that over the next 2 years, we can come together and recognize the ideals and values that our country's bravest so exemplified in the First World War, and that we continue to uphold today.

BRINGING MARRIAGE EQUALITY TO MAINE

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

Ms. PINGREE of Maine. Mr. Speaker, in my State of Maine, there are thousands of couples in loving, committed relationships. They share homes and they raise children together. They remain committed to each other through the ups and downs of life, but because they are same-sex couples, they are denied the right to honor their love and commitment to each other through marriage.

This fall, Maine will have a chance to change that and to join a growing list of States around the country that are setting aside discrimination and granting all couples the same right to get married.

We've made progress here in Congress on ending discriminatory practices like ''Don't Ask, Don't Tell,'' but it will be up to us in Maine to bring marriage equality to our State. This is an issue of basic human rights and equal treatment under the law, and I am confident we'll do the right thing.

DRUG SHORTAGE PREVENTION ACT

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

Mr. CARNEY. Mr. Speaker, I rise today to talk about the prescription drug shortage crisis we have today in America. Across the country, patients are being forced to go without the critical medication they need to battle diseases and stay healthy. This crisis is hitting cancer patients especially hard, with serious shortages of chemotherapy drugs.

That's why this week I introduced the Drug Shortage Prevention Act with Representative LARRY BUCSHON, my Republican colleague from Indiana. Our bill helps FDA work with drug producers and distributors to fix some of the regulatory problems that are causing these shortages. It also improves communication so doctors and patients have the information they need to make smart treatment decisions.

This is not a partisan issue. Drug shortages affect all of us, and so I urge my colleagues to quickly pass this bipartisan legislation. When a family gets hit with a diagnosis like cancer, they have enough things to worry about. Running out of chemo drugs should not be one of those things.

SUPPORT THE STOCK ACT

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

Mr. HIMES. Mr. Speaker, I rise this morning to offer my support for the STOCK Act, a bill that would make it illegal for Members of Congress to trade securities on inside information, a restriction that applies to pretty much everybody else. I'm a proud cosponsor of that act, but only partly proud. I'm, frankly, embarrassed that legislation is necessary to prohibit insider trading by all of us.

I urge the Republican leadership to bring that bill to the floor now. Don't make us go through petitions and this and that and the other thing. Let's bring it to the floor now. And I urge the other body, the United States Senate, to move it now. My understanding is that Senators are attaching constitutional amendments and other irrelevant provisions to a bill that should be a ''no-brainer.''

If we can't get this done, we will have earned the scorn of the American people.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 2, 2012.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 2, 2012 at 9:40 a.m.:

That the Senate passed S. 1296.

That the Senate passed without amendment H.R. 588.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

PROVIDING FOR CONSIDERATION OF H.R. 3578, BASELINE REFORM ACT OF 2012, AND PROVIDING FOR CONSIDERATION OF H.R. 3582, PRO-GROWTH BUDGETING ACT OF 2012

Mr. WOODALL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 534 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 534

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3578) to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to reform the budget baseline. All points of order against consideration of the bill are waived. In lieu of the amendment in the nature of a substitute recommended by the Committee on the Budget now printed in the bill, an amendment in the nature of a substitute consisting of the text of the Rules Committee Print 112-9 dated January 25, 2012, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Budget; (2) the further amendment printed in part A of the report of the Committee on Rules accompanying this resolution, if offered by Representative Jackson Lee of Texas or her designee, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3582) to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation. 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 the Budget. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on the Budget now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print 112-10 dated January 25, 2012. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of 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 amendment in the nature of a substitute made in order as original text. 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 Georgia is recognized for 1 hour.

□ 1230

Mr. WOODALL. Mr. Speaker, I'm happy to be down here with you today, and for the purpose of debate only I yield the customary 30 minutes to my good friend from Florida (Mr. HASTINGS).

GENERAL LEAVE

Mr. WOODALL. I ask unanimous consent, Mr. Speaker, 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 Georgia?

There was no objection.

Mr. WOODALL. Mr. Speaker, House Resolution 534, this rule before us today, brings the first of two Budget Committee reform bills to the floor. As the Speaker is very familiar, the Budget Committee has been working very hard, not just this year but last year as well, to put together an agenda to make the budget more accessible to the American people, to make budgeting in Washington, DC, look more like budgeting back home around the kitchen table. We have the first of those two reform bills coming to the floor today with the passage of this rule.

This rule is a structured rule, Mr. Speaker, that brings H.R. 3578, the Baseline Reform Act, and H.R. 3582, the Pro-Growth Budgeting Act, to the floor.

We all know it's been over a thousand days since the Senate has produced a budget. But here in the House, not only did we produce a budget last year on time, we will produce a budget this year on time, and we will produce another budget, as we did last year, that the American people can be proud of. Knowing that it's a given the American people are going to be proud of that work product, Mr. Speaker, because you and I will ensure it, the question is, will folks be able to understand it. I confess, as a freshman member on the Budget Committee, Mr. Speaker, it's not always easy to do.

The President is going to submit his budget to us in a couple of weeks. I think it was going to be next week. I think he's put it off for another week. I'm looking forward to seeing it when it finally arrives. But my recollection and expectation is going to be it's going to be more than 12 inches tall. Not because the President's doing anything wrong, but because that's the level of detail and sophistication it takes to produce a budget for the United States of America.

So what can we do to make this budget easier to understand? What can we do to make this budget more like the budgeting that goes on around the kitchen table?

The Baseline Reform Act, the first bill that this rule would bring to the floor, does this, Mr. Speaker. It eliminates the assumption that CBO makes today that every Congress is going to spend more next year than the previous Congress. Now, there are, as a function of law, Mr. Speaker, some areas of the budget that do in fact go up.

We know, for example, that 10,000 new Americans every day apply for Social Security and Medicare. 10,000 new baby boomers every day apply for Social Security and Medicare. We calculate that in the law. It exists in statute today to say let's go ahead and raise that spending level based on those new folks accessing the system.

But there's over a trillion dollars in spending, Mr. Speaker, for which there is no law that says it's going to go up next year and the year after that and the year after that. And yet, the Congressional Budget Office today, when they chart out the budget for the United States of America, assumes that that increase is going to take place.

Well, I'm tremendously proud, Mr. Speaker, that at least in my short time here I've seen just the opposite. Every single bill that this body has brought to the floor and sent to the President has reduced spending. Spending was $1.91 trillion in 2010. We reduced it to $1.50 trillion in 2011. We reduced it again to $1.43 trillion for 2012. That's the trend that my constituents want back home, Mr. Speaker, and I think the trend that America deserves.

But more importantly, we've all been involved in those conversations back home where folks say, when is a cut not really a cut? When is an increase not really an increase? Only here in Washington, Mr. Speaker, can we spend $10 last year and $12 next year and call that a budget cut. Only here. The Baseline Reform Act eliminates that.

The Pro-Growth Budgeting Act, the second bill that this rule would bring to the floor, adds a new bit of information to the Congressional Budget Office baseline. It's the same information that President Obama asked for in his stimulus bill, to say, when we spend this $800 billion, what impact is that going to have. We know it's going to be $800 billion out the door. We know we're never going to get that money back. We know that's going to be money that we have to borrow from foreign lands. But what do we get for that $800 billion?

We asked the Congressional Budget Office to score it that way and they did.

What the Pro-Growth Budgeting Act says is let's add that feature for every future bill on the tax side of the ledger.

What happens, Mr. Speaker, when we cut taxes? We know that means less revenue comes in from that one tax, but what does it mean for the economy as a whole? We see it over and over again when we have taxes at their highest. Sometimes our tax receipts are at their lowest. When we have tax rates at their lowest, sometimes our tax receipts are at their highest. The Congressional Budget Office can give us that information, and this bill makes it possible for them to do that.

So, Mr. Speaker, I'm tremendously proud and tremendously enthusiastic about not only the rule but the two underlying bills, and I look forward to that discussion not just on the rule with my friend, Mr. HASTINGS, but with the Budget Committee later on this afternoon.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I thank my good friend from Georgia for yielding me the time to go forward with discussion of this particular rule.

The rule provides for consideration of both H.R. 3578, which is referred to as the Baseline Reform Act, and H.R. 3582, the Pro-Growth Budgeting Act. Both of these bills, in my opinion, impose convoluted new rules on an already complicated budget process, an attempt to enshrine the majority's ideology into what is supposed to be an objective analysis.

What my friends on the Republican side are presenting as commonsense reforms are actually, in my opinion, nonsense reforms. These budget process changes are mere gimmicks to defend the elimination of spending on essential government services and to dress up tax cuts for those in our society who are well-off in the phony disguise of benefiting average Americans.

These changes tie Congress and the Congressional Budget Office up in knots in an effort to prove that conservatives' ideology about taxes and spending is going to grow our Nation's economy—not creating more jobs, not stimulating demand, not investing in infrastructure or education, or any of the many endeavors that are critical to improving the lives of all Americans.

Rather, what my friends, the Republicans, are trying to do is, in my opinion, create a Frankenstein budget process: add a procedure here, add a little bit of a procedure, sever a rule over there, zap it with some electricity or hyperbole, and now you have a budget process that proves tax cuts for the wealthiest among us are the only way to grow our economy. But guess what? It still ain't human, and it certainly isn't humane.

For the Baseline Reform Act, Mr. Speaker, Republicans propose that the Congressional Budget Office not include annual inflation when making their budget estimates.

□ 1240

When I was a child—10 and 11 years old—we didn't get radio programs very much, but we got radio programs on Saturdays. One of the programs that I enjoyed listening to so much as a little boy, while sitting on the rug in the living room, was ''Let's Pretend.'' I never did know then that I would be here in this august institution, sitting around with people who are pretending in the budget process that inflation doesn't exist when they're making budget estimates.

I talked yesterday with one of my friends on the Rules Committee that I'd been down in Florida and that I'd had a major water issue at my home in Florida. For the last 2 or 3 months, my water bill had been exorbitant, and I couldn't figure out why. Ultimately, this morning, I learned for the first time that there is a substantial leak inside the house, so the plumbers are

there, and I'm already out more than $1,000.

Later on, I'm going to be voting about my salary. Yesterday, I voted about the cost of living for Federal employees. I think we do them a terrible disservice by disallowing them the kinds of increases that take into consideration the exact same kind of things that I and other Members of this House and other people around this Nation are experiencing when it comes to their personal undertakings. We've been without an increase here, and, yes, this Nation is in serious trouble. Yet the people that we tend to attack are the people who are at the lowest end of the scale and the middle class people—the police officers, the firefighters, the schoolteachers—who make $35,000, $40,000. One or two of them, luckily, makes $60,000 a year. What we wind up doing is taking them to task. They have the same plumbing problems that I do. There is inflation, and you can't do a budget without contemplating it; but if you wish to pretend, then I guess that's what we will do is play Let's Pretend.

This seems like a rather mundane technical change, but it isn't. I would be pleased to support this, Mr. Speaker, because it means that, in making my own personal budget projections, I could just simply ignore the costs for everyday items, but I don't know a single thing that I've bought in the last 3 years that has gone down in price. I could just simply ignore the fact that costs for everyday items and activities tend to go up every year, indeed, every month. Around this place, if you're looking at the local gas stations every day, every week, I can just assume that what I'm paying today, if I wanted to, I guess, I could keep paying 10 years from now and still expect the exact same numbers of goods and services.

But, of course, we all know that that isn't true. Simply wishing away or pretending inflation away won't make it so. Fuzzy math does not equal fiscal responsibility. By eliminating inflation adjustments from discretionary spending projections, my friends, the Republicans, are actually just reducing the funding for a Federal program. Since the dollar amount would stay the same every year, the number of services that could be covered would decrease.

This morning, I had the good fortune of having in the office a fine group of safety patrol students from Pleasant City Elementary School in Palm Beach County in West Palm Beach. I was talking with them about the fact that I would be here discussing the budget and how everything affects their lives as well as the lives of all American citizens around this country and that, if we were to allow this budget process to take place, all we will have is a continuing decrease over the long term of things that I may wish for those children at Pleasant City Elementary School or at Cove Elementary, whose counselor was also here. We were discussing the number of teachers who have been laid off and the number of music programs that no longer exist.

So let's just pretend that they don't cost but the same thing at one time, and you will find over the long haul that you'll get these decreases, which will result in massive decreases in essential services like fire services and police services and school teachers that millions, indeed all Americans, rely on.

This technical change then is actually a backdoor effort to slowly starve necessary government programs rather than to be up front about which programs Republicans want to eliminate. The celebrated conservative Grover Norquist made it very clear. H.R. 3578 says that, every year, every program and agency should be assumed to get smaller and smaller automatically. I refer to Mr. Norquist as an ideologue.

He said, ''I'm not in favor of abolishing government. I just want to shrink it down to the size where we can drown it in the bathtub.''

I somehow or another am at odds with that kind of thinking when we're about the business of helping more people, as I explained to the children, who are in the category of the neediest, and here we are protecting the greediest in our society.

This technical change then is actually a backdoor effort to slowly starve necessary government programs rather than to be up front about which programs Republicans want to eliminate. They would rather put sneaky rules into place to guarantee the outcome they want without having to have an open debate. That's the kind of budget process that only Igor, the Frankenstein monster, could love.

Through the Pro-Growth Budgeting Act, Mr. Speaker, Republicans want to introduce dynamic scoring into the CBO's projection process. Once again, this seems like a minor technical change; but when you look closely, you see that this is an effort to zap electricity into Igor-the-monster-budget, which in the final analysis is tax cuts for those of us in society who are better off and for the wealthier even among that class.

Under this bill, the CBO's analyses are tweaked so that tax cuts for the wealthy seem like they grow the economy while actual investments in the needs of everyday Americans do not. Republicans make it easier to cut taxes for those of us who are well off and for those of us who are rich than to build bridges and schools for the rest of us.

This bill specifically instructs the CBO to ignore the positive economic effects that would come about from investments in things like infrastructure and education, as if spending on things that Americans want and need won't boost the economy. They would have us pretend. The CBO has already projected that extending the Bush tax cuts for the wealthiest among us would actually reduce growth in the long run; but rather than face the facts, Republicans simply want to change the rules so that this analysis is turned upside down.

My friends on the Republican side have been so concerned about building actual bridges to nowhere that they've turned the budget process into its own kind of bridge to nowhere. Rather than using the budget process to lead this country into a new era of economic growth, my friends on the other side of the aisle want to cut taxes for very wealthy people, cut programs for everyone else, and then feel like they've set this country on the right track. This is no way to run an economy, no way to run a budget process, and no way to stick up for millions of struggling Americans who need us to focus on improving the economy.

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

□ 1250

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume to just really take a moment to think about the doublespeak here in Washington, D.C. That's been the biggest adjustment since having the great privilege of being a Member in this U.S. House of Representatives. What my friend from Florida I know very genuinely calls sneaky, I call common sense.

You know, today in the budget, Mr. Speaker, today in the budget, the CBO doesn't have to follow the law for about a quarter of all Federal Government spending. When they are scoring Medicare and Medicaid, they follow the law to say what's Medicare and Medicaid going to do over the next 10 years. When they're scoring discretionary spending, however, they just guess. They just guess. That's what the process is today: Just guess at what future Congresses are going to be. What are those future Congresses going to do?

Now, I tell you that's an exercise in folly, and you couldn't possibly get it right. That's what the CBO Director told us yesterday, that it's a challenge to put these numbers together. And the more they have to guess, the more inaccurate their result becomes.

So what are these two bills?

Mr. HASTINGS of Florida. Would the gentleman yield?

Mr. WOODALL. I yield to the gentleman.

Mr. HASTINGS of Florida. Well, now guessing, then why are we mandating 40 years? How in the world are we going to guess and have them predict what 40 years are going to look like?

Mr. WOODALL. I thank my friend for asking.

Reclaiming my time, what those 40 years are are 40 years of congressionally mandated action.

But that's what's so different here, Mr. Speaker. There are things that Congress speaks to and things about which Congress is silent. And for reasons unbeknownst to me or the families back home in my district, what this Congress has said, this body that's been instilled with the power of all of our voters back home, we've said we advocate it, CBO just guess.

You know, when you and I were working together last summer on the Budget Control Act, we went exactly the opposite route. As you know, Mr. Speaker, in the Budget Control Act, we said don't guess about what's going to happen next year. We're putting a number in statute for spending. Don't guess about what's going to happen 2 years down the road for that. We're putting a number in statute. And don't guess about another year down the road for that, because we are putting a number in statute.

Look at that, Mr. Speaker. What we've chosen to do, instead of just guessing about the country's future, is to do what the American people sent us here to do, and that's legislate on the country's future. Only here can you spend $10 this year, $12 next year and call that a cut. I don't get it. I don't get it, and folks back home don't get it.

Far from being gimmickry, this is unifying the Federal budget process with what that budget process is for millions of families back home around the dinner table. And to be clear about the Pro-Growth Budgeting Act, Mr. Speaker, because I want to make sure that my friend from Florida and I are working on the same information, the Pro-Growth Budgeting Act does not change the CBO baseline process at all, not at all. The same score that CBO would have done for legislation yesterday, they're going to do that same score for legislation tomorrow if the Pro-Growth Budgeting Act becomes law. What will be different is—and I love this about the direction of this Congress, Mr. Speaker. The difference will be the American people will have a new piece of information to add to the old baseline, a new piece of information.

During the discussion yesterday with the Congressional Budget Office, we got the CBO baseline, but we also got additional information—what would happen if you extended tax cuts, what would happen if you did alternative things called the alternative baseline. The Pro-Growth Budgeting Act says let's build on that. Because, in these times, we can't afford to have any stone unturned for economic growth for this country; and we certainly can't afford to continue, as this town has done far too long if we're candid with ourselves, far too long, keeping the American people in the dark about Federal budgeting issues.

These two bills, again, these are just the first of 10 bills that will be coming to this floor, Mr. Speaker. But these two bills shine a spotlight on the Federal budget process in ways that we can all be proud, and I can discuss that even further later on.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank my friend for yielding.

For a long time, Americans have believed if you work hard every day and play by the rules, you'll be able to earn enough to own a home and educate your children and retire with some dignity. It's the American Dream.

Precious numbers, or large numbers of people, rather, are now disbelieving in that because it's not really happening in their lives. They're working as hard as they can, but they seem to go backwards, not forward, and they work so hard.

You can't reignite the American Dream unless you reignite the middle class, and you can't reignite the middle class unless you reignite small business. Small businesses in this country create about two out of every three jobs created in the country. In the last 20 years, 80 percent of the new jobs have been created by businesses that are younger than a year old. So new small businesses are the key to getting things done.

Now, if you talk to small business people around the country, as we have in our districts, here's what they'll tell you: Their number one concern these days is they don't have enough customers. There's not enough people eating in their restaurants or buying goods in their stores or buying the manufactured goods that they do or buying the software code that they write. They need more customers.

So 147 days ago, 147 days ago, the President of the United States came to this Chamber and said we ought to do four things to stimulate customers for those small businesses and grow the middle class:

First, he said, we should repair our Nation's aging bridges and railroads and highways and put construction workers back to work, and building schools in the process. The Congress has never voted on that proposal.

The second thing the President said is, when a small business hires people, their taxes should be cut, so a tax cut for small businesses that hire Americans. The Congress has never voted on that proposal.

The third thing that he said is, because of the economic distress of our country, cities, counties, and States are laying off police officers, firefighters, teachers, which hurts public safety and hurts education. But it also hurts businesses, because police officers and firefighters and teachers, without a paycheck, aren't going to be buying things in the stores or eating in the restaurants or spending their money. The President said let's take some money and help States and localities rehire and put those teachers back in the classroom and put those firefighters back on the apparatus and put those cops back on the beat. We've never voted on that proposal.

And finally, the President said, look, we cut Social Security taxes, we cut the payroll tax for really all working Americans in 2010, at the end of 2010, and that tax cut is about to expire; and if we let it expire, it will be about a $1,000 tax increase for middle class Americans, which will not only hurt those families, but it will hurt the economy by draining their purchasing power from the economy, so let's extend that Tax Code. We did manage to do that for 2 months, and that's about to expire, now, in 27 days. We'll be back at that by the end of the month.

Now, if that's the urgent agenda for the country, what are we doing today? What we're doing today is passing a change in budget rules that essentially says the following: If you're really optimistic about what a tax cut might do to the economy, you can assume that optimism for the purposes of keeping score in the budget. This is like a family sitting down and planning its budget at the beginning of the year and saying, I think we're both going to get a raise this year. You're a teacher. I'm a truck driver. I think we're both going to get about a 5 or 10 percent raise, so let's plan the family budget based on that. I think scarcely any of the constituents who send us here would ever draft their family budget in that way. If this rule goes through, that's the way we'll draft the Federal budget.

It has become an article of faith, religious orthodoxy on the Republican side that tax cuts produce higher revenues. At best, the evidence is ambiguous. Most the time it doesn't. Maybe sometimes it does, but I don't think—I think we should respect the establishment clause of the Constitution and separate church and State. If the Republican religion is the tax cuts always produce more revenue, I don't think we should write that religion into the law of the country because it's not always right.

□ 1300

Now, beyond that, if we go home to our constituents, our middle class families, our businesses, and they ask: What did you do this week?

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

Mr. HASTINGS of Florida. I yield the gentleman an additional 1 minute.

Mr. ANDREWS. They ask: What did you do this week? Did you get any bills that would bring more customers in? Did you help me grow more jobs?

Now, here's what we did: We adjusted the CBO baseline for the consideration of future revenue policies of the United States.

This is a very interesting graduate school debate. Maybe some day if we're flush with cash again it would be a good policy debate. It is the wrong bill at the wrong time, and it shouldn't be on the House floor.

Let's at least put up for a vote the four specific ideas brought to this Chamber by the President of the United States to regrow the middle class and put Americans back to work. And when we've done the real job that we're sent here to do, then we can get to the graduate school seminar on congressional budgeting.

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

I always enjoy listening to my friend from New Jersey because inevitably I agree with about the first six things he says. All of the facts on which he bases his conclusions, I agree on. And I just reach a completely different set of conclusions.

My friend said that one of the challenges we have in America is that folks think that they're working as hard as they can but they're going backwards instead of forwards. I get that in my district, too. I think the gentleman is absolutely right. Hope is so powerful in this country, when we lose that hope, we really get ourselves in a world of hurt. I think the gentleman is absolutely right.

The gentleman says we can't get the economy back on track unless we get our small businesses moving again. The gentleman is absolutely right. I know it to be true. I see it in my Chambers of Commerce, Mr. Speaker.

But what then? Agreeing that the American people are working as hard as they can, and they feel like they're going backwards. Agreeing that the small business community is working as hard as it can, but it can't find enough consumers. What's the answer?

My friend from New Jersey laid out, as my President did, four giant spending initiatives with borrowed money that he believes if only the Federal Government would get involved in, we could regenerate those two needy areas. And my constituents tell me exactly the opposite, Mr. Speaker.

My constituents say: ROB, if only the Federal Government were not involved in my life, if only the Federal Government were not borrowing all of this money, if only the Federal Government would leave us alone and let us succeed. The government is not the solution, they tell me; the government is the problem.

These two bills today, sadly, I again agree with my friend, do nothing to stop the government from being a problem. And in fairness, the Budget Committee is not in that business. The Budget Committee is in the planning of the financial future business. We need the authorizing committees to actually shrink the size and scope of government.

But what these two bills do, and it troubles me, candidly, it troubles me that it's even an area of debate. What these two bills do is one thing and one thing only, and that's provide additional arrows in the quiver of information that we provide to the American people about the American fiscal situation.

And on days like today, Mr. Speaker, with challenges like we have today, the American people deserve the truth. It's not always easy to say it, but we owe it to them to say it, and these two bills move us in that direction.

Mr. ANDREWS. Would the gentleman yield?

Mr. WOODALL. I would be happy to yield to my friend.

Mr. ANDREWS. I thank the gentleman for his friendship and his compliment, and it's a pleasure to serve with him. I would just ask him on the specifics: Do you favor a tax cut for small businesses that hire people?

Mr. WOODALL. Reclaiming my time, I absolutely believe that our small businesses are overtaxed today. As the gentleman knows, I've introduced the most cosponsored piece of fundamental tax reform legislation in this House, another version of which has been introduced in the Senate, and has more cosponsors than any other fundamental reform bill in the Senate. And what does that bill do—called the FAIR Tax, H.R. 25, Mr. Speaker, in the House—it abolishes small business taxes entirely. It recognizes the economic truth that businesses don't pay taxes, consumers pay taxes.

I absolutely agree, I don't want to just do a cut, I would say to my friend. I want to abolish those taxes altogether.

And what Congressman PRICE's Pro-Growth Budgeting Act would do is share with the American people, because we know that's going to lose money in year one because we're cutting taxes. The only way the government gets money is from taxes. You reduce taxes, that's a loss in year one. What that bill would do, Mr. Speaker, is provide the secondary impact, the tertiary impact, share with the American people.

Well, what happens in year two? It's like going to college, Mr. Speaker. When you go to college, you lose money. It's a drain on your bank account. And if you equate the drain on your bank account of going to college the same as the drain on your bank account of going to McDonald's, you're going to make some bad decisions. You've got to know the impact of those down the road.

Mr. ANDREWS. Will the gentleman yield?

Mr. WOODALL. I am happy to yield to my friend.

Mr. ANDREWS. I'm familiar with his FAIR Tax. I respectfully disagree because I think it imposes a national sales tax, which I don't support. But let me ask two further questions, and I thank him for his time.

Do you think that we should put up for a vote the idea of cutting taxes for small businesses that hire people, and if so, how would you vote on it?

Mr. WOODALL. Reclaiming my time, and seeing the ranking member of the Budget Committee sitting there to my friend's right, I look forward—and speaking candidly to the gentleman, if we bring a budget to this floor that doesn't allow us a vote on cutting exactly the kind of taxes you're talking about, not only will I be disappointed, I'll be voting ''no.'' We're absolutely going to bring a budget to the floor that is going to cut those taxes, that is going to lower the burden on the American taxpayer so that we can get this economy going again.

Again, these are issues that we agree on across the aisle, Mr. Speaker. It's important that we look at the same facts. When we look at the same facts, even as we are today, we can sometimes come to different conclusions. What these two bills do today is just make sure that we're looking at the same set of facts—not just us, but all of the American people.

I reserve the balance of my time.

Mr. HASTINGS from Florida. Mr. Speaker, I have the privilege of having our next speaker be the ranking member of the Budget Committee to discuss these budgetary matters that have been discussed by my friend on the other side of the aisle.

But, Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to ensure that the House votes on H.R. 3558, Mr. VAN HOLLEN's proposal to make sure that Members of Congress do not receive a cost-of-living adjustment to our pay in 2013.

At this time, I'm pleased to yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), and more time, if needed.

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague, Mr. HASTINGS. Before I say a word about the legislation which Members of Congress would have an opportunity to vote on if we defeat the previous question, I just want to say a word about the bills that are the subject of the rule here today.

Mr. HOYER. Would my friend yield?

Mr. VAN HOLLEN. I would be very happy to yield to Mr. HOYER.

Mr. HOYER. I thank Mr. VAN HOLLEN for yielding.

If Members in fact, not for political gamesmanship, want to vote to restrain and eliminate their COLA this year, they have an opportunity to do that segregated from any other issue on the previous question. I would urge Members, if they want to cap congressional salaries next year at current levels, they vote against the previous question when it is called.

Mr. VAN HOLLEN. I thank Mr. HOYER.

Reclaiming my time, with respect to the two bills that are the subject of this rule, we are going to have more time to debate them later. I would just say to my friend from Georgia (Mr. WOODALL) that the American people would love to be able to wish away inflation. I just came from a hearing in the Budget Committee. I'm sure the Chairman of the Federal Reserve would love to be able to wish away inflation.

What the gentleman is proposing is that we put together a budget that, unfortunately, would get more and more misleading over time, a baseline for our budget, because it would simply wish away inflation.

With respect to the other bill, as some of my colleagues, including the gentleman from Florida (Mr. HASTINGS), have pointed out, what it does is create this mirage that somehow by providing tax breaks for folks at the

very top, you're going to get the economy moving when in fact the most recent Congressional Budget Office analysis shows that at the end of the 10-year period, if you do that, because you add more to the deficit, you actually slow down economic growth. Unfortunately, the way they've got this framed, we don't get that analysis.

Now, Mr. Speaker, there's one thing that we can do to show families across the country that we get it, that we realize that they're struggling, and that is, every Member of Congress should set an example by voting for legislation that says in these tough times, we are not going to take for ourselves a cost-of-living increase. If Members vote to defeat the previous question, they'll have an opportunity to vote up or down on it.

Now, as Mr. HOYER said, yesterday there was a piece of legislation on the floor that said we're only going to limit the COLA for Members of Congress if we also punish other Federal employees who have been serving this country, employees who have already contributed in the last 2 years $60 billion to reducing the deficit, folks like people in the intelligence community who helped track down Osama bin Laden and folks who were helping protect the safety of the food supply.

□ 1310

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

Mr. HASTINGS of Florida. I yield the gentleman 30 additional seconds.

Mr. VAN HOLLEN. I thank the gentleman.

I think we should be willing to stand up in front of the American people and just have a clean up-or-down vote, just have a clean up-or-down vote on making the statement that we Members of Congress understand how people are struggling and we're not going to take a cost-of-living increase this year. We haven't taken it for the last couple of years. The country is still struggling and people are still struggling.

My friend mentioned American families talking around the kitchen table looking at the budget. Let's show that we understand the reality that many of them are facing. Members of Congress can afford to lead by example, and I hope we will. It will be an important statement, I think, of where this Congress stands.

So, again, I thank Mr. HASTINGS for his leadership. I know at the appropriate time he's going to call for the previous question. If you want to vote to make sure that we pass legislation to not provide cost-of-living increase raises to Members of Congress, then you should vote to defeat the previous question. Vote ''no'' on the previous question.

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

Mr. HASTINGS of Florida. I yield the gentleman 15 additional seconds.

Mr. VAN HOLLEN. The last point I would make is that it's very possible the Senate will not take up the piece of legislation that the House passed yesterday because many of them may not want to punish Federal employees. At the same time, this provision that we're offering, being a clean up-or-down vote, the Senate would have to make a judgment as to whether or not to vote up or down on the question of congressional pay.

So I hope all of our colleagues will vote to defeat the previous question so we can send this important message and make this statement.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume to again find areas of agreement with my colleagues.

I, too, don't know what will happen with the very fine piece of legislation we sent to the Senate yesterday. If experience is any indicator, it will sit there and do nothing, as have all the other fine pieces of job-creation legislation that we've sent to the Senate. I take no pleasure in that, but I share the gentleman's frustration with fearing that fate.

I also share the gentleman's belief that we need to show the American people sitting around the dinner table that we get it. But when Congress sits around the committee table to budget, we say, okay, if rent is $1,000 this year, let's just go ahead and plan to pay $1,100 next year and then $1,200 the year after that and $1,300 the year after that. Let's just plan to do it. Let's just guess the money is going to be there.

But that's not what the American families get to do. American families have to say, if rent is $1,000 this year and rent goes to $1,100 next year, I've got to find something to cut. I'm not getting a pay raise. I don't see that increase coming through. The economy is not getting better for me. I've got to make those tough choices.

Mr. Speaker, if we're going to be honest with folks—and we have to be honest with folks—we've got to tell them there's no spigot of money running on Capitol Hill. If there were, it would be theirs. But there is no spigot of money on Capitol Hill.

And it makes me feel so good to be a freshman Member in this body—more importantly, while it might have been true for the last 50 years that Congress just assumed every year it would spend more than it did the last, not this Congress, not my colleagues and I working together, Mr. Speaker. What we've said is we know there are not unlimited funds. We know the American people don't have more to contribute. We know that the time for tough choices was before, but it was put off, it was delayed and it was ignored, and the time for tough choices then falls to us. And we've been making them. It's not been easy. It's not areas that we always find agreement on, but we battle through it. When we get to the end of the day, we spent less in 2011 than we did in 2010 in our appropriations bills. We spent less in 2012 than we did in 2011, and I hope that's something that the American people will be proud of.

Mr. Speaker, with that, I would say to my friend, I don't have any other speakers. I am prepared to close if my friend is.

I reserve the balance of my time.

Mr. HASTINGS of Florida. I'm prepared to close, and I yield myself such time as I may consume.

Mr. Speaker, I genuinely enjoy working with my good friend from Georgia (Mr. WOODALL). He not only brings passion to the job, but an extraordinary intellect. We serve together there on the Rules Committee.

And I don't mean to make light of the fact of what he just got through saying about our telling the American public that we know that there are no large amounts of funds available because we—and I like the fact that he said ''we''—put things off, but I can't ignore the fact that a large part of that putting things off came about by virtue of our being in Iraq and Afghanistan and spending $1 trillion with borrowed money that we did not have and not going to the American people and asking that we sacrifice to pay for them. Seventy-five billion of it came from passing a Medicare prescription plan that we did not pay for. And there are other measures—and I can cite what the Democrats and Republicans are fond of saying and what my mother said to me, which was true. When she was alive, she said, well, if Clinton is going to blame Bush and Bush is going to blame Carter and Carter is going to blame Nixon, why don't you all just blame George Washington and get it all over with if you keep pointing back to somebody else.

But now the rubber has hit the road. With these two bills, Mr. Speaker, my friends on the other side want to drastically reduce essential government programs and, second, to enshrine tax cuts—and I don't like talking about the rich, as it were. My ultimate plan would call for all of us that are better off to try and do everything we can to help those who are vulnerable in our society and those who are the neediest in our society. But there are those who are in the super category that have not been paying the kind of taxes that many of us pay. You have to put this stuff in real terms.

Last year, I paid $41,000 in income taxes. If people don't believe that, I'll bring my taxes down here and show it to them sometime. Now, I don't have investments. I don't have offshore bank accounts. I don't have any stock and any bonds, but the simple fact of the matter is a lot of Americans are in the same category as myself. But they want to give tax cuts to those who are wealthy, who paid less than I did and less than people making $50,000 did. And to my way of thinking, that's just not fair, and that's all that America is looking for is a level playing field, not one that gives the wealthiest more and the poor less.

If they achieve these changes, they'll succeed in creating a budget process that overwhelmingly favors tax cuts

for those that are wealthier while creating near impossible hurdles for ordinary programs to keep pace with the rate of inflation and, thus, stay in business, while Republicans cry that it's still alive. Millions of other Americans will still be struggling to find jobs, to pay off their students loans, to access affordable health care and decent housing, and to survive in an economy that favors those who have the most rather than those who have the least, favors those who are the greediest rather than those who are the neediest.

Dr. Frankenstein was eventually repulsed by the monster that he created. These technical changes to the budget process are equally repulsive, for they add up to a system of government spending that is helpful to those who need it the least and harmful to those who need it the most.

Tying our hands in convoluted knots in order to advance a conservative ideology is not the way to run an honest, objective, transparent, and open budget process. I urge my colleagues to vote ''no'' against this rule.

Mr. Speaker, I ask unanimous consent to insert the text of the previous question amendment in the RECORD along with the 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 Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I urge my colleagues to vote ''no'' and defeat the previous question. I urge a ''no'' vote on the rule, and I yield back the balance of my time.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume to say I'm a few years younger than my friend from Florida. I didn't get the benefit of the ''Let's Pretend'' radio program that he had in his day, but I feel like I've had a little dose of ''Let's Pretend'' here on the floor today.

□ 1320

I feel a kinship with my friend and what that must have been like to hear that because what we have heard here on the floor is, let's pretend that there's not a serious crisis that we have to get our arms around. Let's pretend that we do have the money to spend more and more and more each and every year. Let's pretend that if we give the American taxpayer more information with which to make informed decisions, that will somehow do us harm.

Mr. Speaker, these bills are about common sense. These bills are about ending the Washington double-speak that has been a frustration to folks back home for far, far too long.

I'm joined here on the floor by Sheriff RICH NUGENT from Florida, one of my freshman colleagues here in this body, Mr. Speaker. And as a sheriff, he told us in the Rules Committee yesterday he had some pretty serious responsibilities. There are no easy parts of being sheriff; it is all got-to-happen kind of business. But when he made his budget year after year after year, even though lives were literally hanging in the balance, he didn't get to assume he could spend more next year than he did the year before. He had to justify each and every dollar.

And that's important because the budget process is convoluted. We're doing our best to make it simpler, but folks might not understand exactly what's at the heart of these issues. And when it comes to this Baseline Reform Act, Mr. Speaker, what it's saying is, if the law of the land has a program, let's say we're buying flags to fly over the United States Capitol, if that program is slated to last for 10 years, the CBO will fund it for 10 years, they will estimate it for 10 years. If it's estimated to last for 5 years, CBO will estimate it for 5 years. And if it's supposed to last for 1 year, they'll do it for 1 year. What they won't do is say that just because the entire Congress is spending $50 million, that next year the Congress will be able to spend $60 million because of inflation. What it says is: don't guess.

If the Congress wants to speak to how much money should be spent, the Congress should speak. And in fact we do, day in and day out, mandatory spending, appropriation spending. But the CBO should not be asked to guess. If you want to know what the challenge is, Mr. Speaker, we heard it in the Budget Committee yesterday when the CBO Director came to testify. We talk so much about the Bush-Obama tax cuts expiring. If we kept them all, if we kept all of the tax cuts—in fact, if we went back to the tax cuts that expired in 2011 and we brought those back, too, reduced the American taxpayers' burden to the tune of every single tax cut that's on the books, America's tax burden would still be higher over the next decade than it has been historically over the last 50 years, if we kept them all.

What if you let them go away, Mr. Speaker? If you let all those tax cuts go away, America's tax burden would rise to the highest level in 50 years, the single highest level in 50 years. How much debt would we pay back if we raise the American tax burden that high, Mr. Speaker? Not one penny. Not one penny. How much of our deficit would we get rid of? Would we be able to finally have at least 1 year of a balanced budget? No. We can raise the American tax burden, Mr. Speaker, to the highest level in the last 50 years, and we still wouldn't balance this budget.

Mr. Speaker, the challenge is not revenue. The challenge is spending. And these two bills make sure that both on the revenue side and the spending side the American taxpayer has access to absolutely every bit of information they need to make good decisions.

With that, Mr. Speaker, I again ask my colleagues for their strong support of this rule and their strong support for the two underlying pieces of legislation.

Mr. CONNOLLY of Virginia. Mr. Speaker, I urge my colleagues to oppose the previous question to allow us to bring up H.R. 3858, which would freeze salaries for Members of Congress for another year through 2013.

I have consistently supported and voted for freezing member salaries, yet I along with 116 other members—in bipartisan fashion—opposed a bill last night that the Republican Leadership mischaracterized as doing just that. In fact, that bill was nothing more than a Trojan Horse to allow House Republicans to once again use federal employees as a punching bag.

My Republican colleagues thought they were being clever by pairing a continued freeze on member pay with a continued freeze on federal employees. As one reporter correctly pointed out, it was nothing more than a cynical, political dare from House Republicans so they could run ''gotcha'' ads against those who opposed it.

Of course, the Republican leadership conveniently ignores the fact that our dedicated federal employees already have had their pay frozen for two years, contributing $60 billion to our deficit reduction efforts.

Just 14 percent of our 2.3 million federal employees live within the National Capital region. The rest provide vital services in communities throughout America every day. They guard our borders, protect the safety of airline travel, fight forest fires, and track down online child predators. So following the cynical approach of House Republicans, one might argue that passage of last night's bill could aid and abet terrorists, cross-border gun runners, and child pornographers, right?

The public holds us responsible for getting our fiscal house in order, and it is appropriate that we continue the pay freeze on member salaries given the current situation. Continuing to go after our civilian workforce not only damages the public service profession, but it also puts at risk those services on which our public relies on a daily basis.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

AN AMENDMENT TO H. RES. 534 OFFERED BY MR. HASTINGS OF FLORIDA

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

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3858) to provide that Members of Congress shall not receive a cost of living adjustment in pay during 2013. 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 among and controlled by the chair and ranking minority member of the Committee on House Administration and the chair and ranking minority member of the Committee on Oversight and Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion

except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 3 of this resolution.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of the resolution, if ordered, and the motion to instruct conferees on H.R. 3630.

The vote was taken by electronic device, and there were—yeas 238, nays 177, not voting 17, as follows:

[Roll No. 21]

YEAS—238

Adams
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
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.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Nadler
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—177

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kind
Kissell
Kucinich
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
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Wolf
Woolsey
Yarmuth

NOT VOTING—17

Aderholt
Braley (IA)
Carson (IN)
Clyburn
Filner
Hinchey
Honda
Israel
Kaptur
Langevin
Mack

Olver
Paul
Rothman (NJ)
Roybal-Allard
Sires
Smith (NJ)

□ 1349

Ms. WASSERMAN SCHULTZ and Ms. RICHARDSON changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 21, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

Mr. BRALEY of Iowa. Mr. Speaker, on rollcall No. 21, I put my card in the machine and voted "nay," but my vote was not 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. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 238, noes 179, not voting 15, as follows:

[Roll No. 22]

AYES—238

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

NOES—179

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

NOT VOTING—15

Akin
Carson (IN)
Davis (KY)
Filner
Hinchey
Hirono
Israel
Kaptur
LaTourette
Mack
Paul
Rothman (NJ)
Roybal-Allard
Sires
Smith (NJ)

□ 1357

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. AKIN. Mr. Speaker, on rollcall No. 22, I was detained briefly for the vote. If I'd been in Chamber I would have voted "aye."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 22, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

Ms. HIRONO. Mr. Speaker, on rollcall No. 22, had I been present, I would have voted "no."

MOTION TO INSTRUCT CONFEREES ON H.R. 3630, TEMPORARY PAYROLL TAX CUT CONTINUATION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on the bill (H.R. 3630) offered by the gentleman from Maine (Mr. MICHAUD) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 184, nays 236, not voting 12, as follows:

[Roll No. 23]

YEAS—184

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bartlett
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hall
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes

Richardson
Richmond
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth
Young (AK)

NAYS—236

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
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
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
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.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
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
Tsongas
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOT VOTING—12

Carson (IN)
Filner
Flores
Hinchey
Israel
Jenkins
Kaptur
Mack
Paul
Rothman (NJ)
Roybal-Allard
Sires

□ 1406

Ms. LORETTA SANCHEZ of California changed her vote from ''nay'' to ''yea.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 23, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

Ms. TSONGAS. Mr. Speaker, during rollcall vote No. 23 on the Michaud (Maine) motion to instruct, H.R. 3630, I mistakenly recorded my vote as "nay" when I should have voted "yea." I ask unanimous consent that my statement appear in the RECORD following rollcall vote No. 23.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3764.

Mr. JACKSON of Illinois. Mr. Speaker, I ask unanimous consent to have my name removed as cosponsor of H.R. 3764.

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

There was no objection.

PRO-GROWTH BUDGETING ACT OF 2012

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3582.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 534 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. 3582.

□ 1405

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. 3582) to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation, with Mr. DOLD 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 Wisconsin (Mr. RYAN) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it goes without saying but it unfortunately bears repeating, our budget process is broken.

Last year, the Senate didn't pass the budget. The year before that, the Senate didn't pass the budget. This year, they may not pass one again. The greatest threat to our economy now and our children's future is a fiscal threat, a debt threat, and yet we are on an unsustainable path; and one of the reasons, after the lack of political will among our colleagues, is the budget process. It has not been reformed substantially since 1974. As a result, many Members of this body have put years and hours of effort into fixing this broken process.

I want to say Mr. DREIER, chairman of the Rules Committee, and Mr. HENSARLING, our conference chairman, in particular have been two individuals who have put so much work into this. As a result, 10 bills are coming out of the Budget Committee. Ten members of the Budget Committee are putting together an effort to fix this broken Federal budget process to bring more accountability, more transparency, and better results so that we can fix this problem.

This bill is authored by Dr. PRICE of Georgia, which simply says, while we consider large fiscal pieces of legislation, let's have the CBO add an analysis so we know what it does to the economy. That's not a lot to ask. A lot is happening, and we want to make sure that, as we judge large fiscal legislation, that we have the kind of an analysis we need to better judge what it does for our economy.

Mr. Chairman, I yield the remainder of my time to the author of this bill, Mr. PRICE.

The CHAIR. The gentleman will be recognized.

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

□ 1410

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

Let me start by saying to the chairman of the Budget Committee and all of the members of the Budget Committee that we appreciated the dialogue that we've had on the budget reform bills. There is one bill that I understand we'll take up next week where at least the chairman of the committee and myself were able to find some bipartisan consensus. That's the expedited procedure, legislative line item veto bill where you've got some Democrats and Republicans in favor of it, and some Democrats and Republicans against it.

But with respect to the two bills before us today, Mr. Chairman, I'm afraid they fall far short. In fact, I think they would take us in the wrong direction.

First of all, just to be clear, because we'll probably hear a lot of talk today

about the importance of moving the economy forward and jobs: Neither of these bills will do one thing, not one thing to help get our economy moving again. They won't do one thing to create and help create jobs in this country.

Now, with respect to this particular piece of legislation that we're dealing with now, which actually is a step toward requiring some kind of dynamic scoring by CBO and the Joint Tax Committee, it's very misleading. Here's the concern. If you look at the current House rules, current House rules already require that we have an economic analysis for major tax legislation.

What this particular piece of legislation does is say, yeah, we're going to ask for an economic analysis, but it tilts the playing field in favor of one kind of fiscal action. So, for example, it says we're going to consider whether or not tax policy affects the economy. But when it comes to major investments, for example, infrastructure, transportation, investments that we all know have historically helped this country grow, whether it was the highway system, whether it's been investments in other major infrastructure around this country, they've all had major economic growth benefits, but those are specifically excluded to the extent that they're involved in the appropriations process. So we're looking at only one-half of the equation, revenues, not important investments, at least to the extent that they go through the appropriations process.

Now, a word on the revenue piece. What's very curious is the way this bill is drafted. We would not get an economic analysis on one of the most consequential tax changes this body could take in the remaining year. We all know that we face the question of what to do with the expiring tax cuts, the 2001 and 2003 tax cuts, both on middle-income Americans, but also the tax cuts that disproportionately benefited the folks at the very top, the top 2 percent.

Now, under current House rules, we get an analysis of any legislation that was designed to extend those tax cuts going forward. But the way this is designed, the statute, we're going to get an answer that says well, we're already assuming the tax cuts for the folks at the very top are going to go on forever. Now, the reason that's very curious is that the Congressional Budget Office has in fact already done analyses in the past of what might happen if we were to extend the tax cuts for the folks at the very top.

And if you look at their analyses, and they did one in September of 2010, you'll find at the end of the 10-year period, they find that those tax cuts will slow down economic growth. Why would that be? Because those tax cuts add to the deficit. That deficit crowds out private investment. That creates a drag on the economy. We had a similar conclusion from testimony that was given by the Joint Tax Committee in September of 2011, just last September. The same conclusion. At the end of the 10-year period, you'd actually have a slowdown in economic growth.

So it's a little perplexing to find out why we're drafting something that would not require a study of one of the most consequential decisions that this Congress might make.

And so for those reasons, Mr. Chairman—one, that we're not even counting the investment side of the equation with respect to the consequences for economic growth, and number two, the fact that this isn't even going to trigger an analysis of one of the biggest revenue decisions this body will make—we have to oppose the bill.

I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Let me first begin by thanking the chairman of the Budget Committee, Congressman RYAN, who has put in an incredible amount of work, diligent work and commitment, in reforming our broken budget process. He and the entire committee staff have worked tirelessly to bring about more accountability and transparency to this process. I thank them for that. In fact, all Americans should thank them.

Budget reforms would also not be in the spotlight were it not for the work of a number of Members, but there's one Member I would like to acknowledge specifically, and that's our conference chairman, JEB HENSARLING, who has been steadfast for many years championing the Family Budget Protection Act of 2007 and the Spending Deficit and Debt Control Act of 2009 that focused on reforming our broken budget process.

Mr. Chairman, there is no question that our number one priority in this body must be enacting policies that help our economy create jobs. It is clear that the President's policies have failed and they are making the economy worse. Because the President clearly can't run on his record, he has denigrated into the process of division and envy politics in this country. Terribly distressing.

House Republicans have a plan. We have got a jobs plan. It is a plan to put the American people back to work, and so we are delighted to be able to have an opportunity today to talk about one part of that plan.

The economy is growing way too slowly, as you well know. Not nearly enough jobs are being created, which is one of the reasons that we introduced H.R. 3582, the Pro-Growth Budgeting Act, which as my colleague said, could be titled the dynamic scoring act.

As you well know, the current model for the CBO determines the cost of legislative proposals by a static method that doesn't take into account macroeconomic factors like increasing revenue, reducing the deficit, paying down the debt, things that have economic consequences in our society.

Economists from across the political spectrum agree that major legislation considered by Congress has significant effects on economic growth, and we ought to be looking at that consequence. While current law requires the Congressional Budget Office to provide Congress with information on the fiscal impact of all legislation that is reported from the committee, there is no requirement for analysis of the economic impact. This bill remedies that issue by requiring the Congressional Budget Office to provide macroeconomic analysis for all bills that have a budgetary impact—this is the threshold—a budgetary impact of more than 0.25 percent of the gross domestic product. That equals, Mr. Chairman, about $39 billion in 2012.

This does not change the traditional CBO static scoring method at all. This analysis will be in addition to current law. It gives Members of Congress more information around which they are able to then make appropriate decisions.

Mr. Chairman, it is important to remember that current policy is what has been utilized as a baseline for the administration, for the Simpson-Bowles Commission, for Domenici-Rivlin. All of those used current policy. This notion that we ought not be using current policy as a baseline is simply folly.

In 2011, only six bills met the 0.25 percent GDP threshold, which means that the CBO ought not be overworked by having this opportunity to provide greater information to Members of Congress.

Everybody knows that CBO scores in the past have been significantly inaccurate. The Medicare Modernization Act of 2003 is but one example. The CBO estimated that that would cost about $206 billion. In fact, it was $124 billion. Mr. Chairman, that is a huge difference.

Past CBO macroeconomic work has shown that Federal deficits and tax rates do, in fact, impact the economy. CBO itself has said:

''The reduction in Federal borrowing that would result from smaller deficits would induce greater national saving and investment and thereby increase output and income.''

Mr. Chairman, more information from CBO will highlight the need to act positively on fiscal policy here in Congress. And maybe as importantly, this bill will also encourage pro-growth policy ideas from all of our colleagues that will help get our economy back on track, create jobs, and protect hard-working taxpayers.

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

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

At the outset of his remarks, Mr. PRICE referenced the economy and the President's plan. I think it is important to remember that when the President came before this body for the first

State of the Union address, the economy was in absolute free fall. In fact, we now know it was even worse than people realized at the time. We were losing GDP at a rate of more than 7 percent.

□ 1420

We were losing over 800,000 jobs in this country every month. And as a result of the passage of the recovery bill, the Congressional Budget Office, the same nonpartisan, independent office that this bill is asking for a report from, has told Congress that because of the recovery bill, we saved or created up to 3 million jobs in 2010. Those are the facts reported by the Congressional Budget Office, that we helped reduce unemployment in this country in 2011 by over 1.4 percent.

When you're headed down fast, you've got to stop the slide, pick yourself up and begin to climb back up. And that's what the President and the earlier Congress did together.

Now, are we where we want to be? Of course not. That's why it's important that we begin to move forward on the jobs plan the President asked this Congress to take up last September, major new investment in infrastructure, stuff that will really help move the economy. We haven't voted on that. I hope we'll move forward on the payroll tax cut extension for 160 million Americans. We should do that quickly.

So let's remember that this economy was in tatters. It has at least gotten a little bit back up on its feet, but we have a whole, long way to go still. Unfortunately, this bill today won't do one thing—not a thing—to help it.

With that, I yield 2 minutes to the gentlelady from Wisconsin (Ms. MOORE).

Ms. MOORE. Thank you so much, and I just want to say at the outset what a pleasure it is to work with the chairman, the ranking member, and the members of the Budget Committee who, I believe, are sincerely committed to try to help deal with the deficit situation.

But what I find rather baffling, I'll have to admit, is that my colleagues in the majority continue to turn a blind eye to the power of investing so that we can create a major dynamic economy in human capital and in our infrastructure. Their only interest, almost to the point of a fetish, is to favor tax cuts as the only ways and means of growing our economy. And this Pro-Growth Budgeting Act, H.R. 3582, is just yet another example of that, Mr. Chairman.

This legislation would allow Republicans to really understate the effect of tax cuts on the deficit—hiding their impact, masking their real cost, and paving the way for extensions and new tax policies that favor tax cuts only. I mean, Republicans are trying to carve—I have to admire their persistence—they want to carve in supply-side economics and ''trickle down,'' no matter how long it's failed, into our body politic forever. As my dad used to say, money doesn't grow on trees. And this is the ''money grows on trees strategy.''

I'm sorry, but my colleagues have such a strong bias against any investments that are not tax cuts; and it shows a lack of interest in the investments, I believe, that really have the power to dig us out of this hole we're in, investments like early childhood education. Why don't we do dynamic scoring on that? Health care, what about scoring the impact of what providing health care would do in terms of decreasing the costs to our companies?

The CHAIR. The time of the gentlewoman has expired.

Mr. VAN HOLLEN. I yield the gentlelady 30 additional seconds.

Ms. MOORE. I hear from all walks of life that a transportation budget, reauthorizing the transportation budget, would be such a boon to our economy, training people for the 21st-century skills. But yet here's another backdoor approach to include the Bush-era tax cuts into the baseline, and we already know that that's $4 trillion worth of debt.

By only allowing for the dynamic effects of tax cuts—not the effect of investments in a better way of life for us all—the Republicans are showing their true colors again.

Mr. PRICE of Georgia. Mr. Chairman, I'm pleased to yield 2 minutes to the gentleman from Texas (Mr. HENSARLING), our conference chairman.

Mr. HENSARLING. I thank the gentleman for yielding. I thank him and I thank our Budget Committee chairman for their kind words and their great leadership for fiscal responsibility and job growth.

Mr. Chairman, indeed, on Monday, the American people were reminded, yet again, that this President's policies have failed. It was on Monday when the Congressional Budget Office announced that this President is on track to be the first President in American history to produce trillion-dollar deficits every single year that he's in office. Part of what has created these trillion-dollar deficits is the failed stimulus program, which my friends on the other side of the aisle still tout.

The gentleman from Georgia is right: because the President can't run for reelection on his failed policies, he has, unfortunately, resorted to the politics of division and envy. But, Mr. Chairman, the American public isn't interested in a division; they're not interested in envy. They are interested in jobs. And in that respect, this President hasn't just failed; he has made our economy worse.

Almost 2 million more Americans have lost their jobs under this President's policies. We have the longest sustained period of high unemployment since the Great Depression. One in seven are on food stamps. That's the reason, Mr. Chairman, that House Republicans have a plan for America's job creators. Yesterday, we passed a bill trying to repeal a part of the job-killing health care plan of the President.

Well, today is a very modest step. It says, do you know what, before we pass another plan like the President's health care plan, wouldn't it be nice to get that report from CBO that estimated another million of our fellow countrymen might just lose their jobs. Shouldn't we empower Members of Congress with more information? Let's get the jobs that the American people so richly need and deserve. Let's empower Members of Congress to know how these pieces of legislation are going to impact jobs and economic growth.

Mr. Chairman, we must pass the Pro-Growth Budgeting Act.

Mr. VAN HOLLEN. Mr. Chairman, I hope if our Republican colleagues are going to keep asking CBO for these reports that they'll read those reports, because if you read the CBO's analysis of the impact of the Recovery Act, they've been very clear that in the year 2010, it helped save or create up to 3 million jobs. That's what CBO says. It also says in the year 2011, it helped reduce unemployment by over 1.4 percent. That's what the Congressional Budget Office says.

Now we're asking the Congressional Budget Office for a study here. I think we should take into account in some of our comments their findings that they've already delivered to us. With respect to the situation the President inherited, again, the economy was in total free fall.

Yes, it's kind of like when you're trying to run up an escalator that's going down really fast. When you first get on, you're going to go down until you stop it, until you stop it, and then you take action to try to run. You're trying to run in place through the actions you're taking. First you don't feel like you're moving up, but we're finally moving up.

The President inherited an economy like an escalator going down very fast. And we passed a recovery bill. It stopped the free fall and stabilized the economy. We need to take more steps; and I wish our colleagues, Republican colleagues, would bring to the floor some of the bills that will help it. But let's just remember that for the last 22 months, we've actually created up to 3 million jobs, in fact, over 3 million jobs in the economy. Are we where we want to be? No. But let's not go back. Let's not go back to the same policies that got us into this same mess to begin with.

With that, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE) who has been very focused on budget issues for a long time.

Mr. PRICE of North Carolina. Mr. Chairman, I thank the gentleman for yielding and want to note that today we could be debating a jobs package. We could be debating a comprehensive effort to balance our budget. But instead, we're focusing on a bill to enshrine failed ''trickle-down'' policies in our already flawed budget process.

Now, let's be clear: this bill is designed to make it easier to pass large tax cuts without having to find real savings in our current budget. It relies on the thoroughly discredited notion that tax cuts do not add to the deficit, that they magically pay for themselves.

This is the height of fiscal recklessness and exemplifies the old adage that ''insanity is doing the same thing over and over again and expecting different results.''

After all, Congress experimented with this approach when it passed the Reagan tax cuts and again with the George W. Bush tax cuts.

□ 1430

And the results were soaring deficits. We now find ourselves in crippling debt, unable to pay for needed investments in our crumbling infrastructure, unable to pay for the education and retraining required to maintain American competitiveness in the ever changing global economy.

So I'll vote ''no'' on this tried and failed approach. And I ask colleagues to return to the pay-as-you-go rules that helped lead us to the balanced budgets and the economic prosperity of the 1990s.

Mr. PRICE of Georgia. It's curious to listen to my colleague talk about his concern about the debt when, in the last 4 years, the 4 years of this administration, we have the first 4 years in the history of this country where our debt has been greater than $1 trillion—over $5 trillion built up in debt by this administration.

I also want to point out to my friend from Maryland, who talks about the wonderful impact of the stimulus bill and how it has created all sorts of jobs and increased GDP, as you well know, Mr. Chairman, as our Members and colleagues know, the Congressional Budget Office periodically updates the information that they provide as it relates to the estimates about what has occurred in the economy from policy here in Washington. The most recent update shows an 8 percent increase in the real GDP growth from the stimulus bill—now, that's down from 1.7 percent growth, and that is down from their estimate before—and a .4 percent reduction in the unemployment rate, which is down from a .8 percent reduction in the unemployment rate.

So, Mr. Chairman, if we wait another quarter or two, we're going to see that, in fact, the real information is out, and that is that the stimulus bill had no effect or a detrimental effect on the economy.

With that, I'm pleased to yield 2 minutes to my colleague from Georgia, Dr. BROUN.

Mr. BROUN of Georgia. Mr. Chairman, it's absolutely critical that lawmakers in Washington are informed and aware of how legislation that we introduce will impact our country's economic growth, so today I rise in strong support of the Pro-Growth Budgeting Act, which will basically give us that information.

If this legislation had already been passed, perhaps our economy wouldn't be saddled with the effects of the President's health care takeover, the stimulus bill, and other legislative nightmares all produced by my Democrat colleagues. These only tie up our small businesses, bog down our job creators, and further bury our economy in massive Federal debt.

If we had any idea of how chilling the effects of these bills would be on jobs and our economy, maybe we would have done the smart thing, which would have been not to pass them and instead stayed within the boundaries of our budget. Except, well, I forgot. We still don't have a budget, thanks to the obstruction of Democratic Leader HARRY REID.

That's why I introduced my Budget or Bust Act just today. It would literally force the House and the Senate to pass a budget or else their salaries would be held hostage until Congress does its job. My bill would also restore the power of the purse to its rightful owner, which our Founding Fathers specifically gave to Congress, not to the President.

I urge my colleagues to support both the Pro-Growth Budgeting Act and my Budget or Bust Act so that we can truly understand how our legislation affects the economy, and so that Washington is finally forced to live within its means and Congress is held responsible and accountable, as hardworking taxpayers deserve.

Mr. VAN HOLLEN. I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I'm pleased to yield 2 minutes to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the Member for yielding.

The simple question now before us is whether it's better for Congress to have more information or less information when it's deliberating on matters that directly affect the economy of our Nation. You'd think the answer would be self-evident, but apparently some Members of this House prefer blissful ignorance rather than going to all of the fuss and bother of actually assessing the full ramifications of the policies that they are enacting. That explains a lot about some of the decisions they've made around here in recent years.

The economy is a dynamic and fast changing thing, responding rapidly to every tax and regulation imposed by government and every dollar that changes hands in markets. Yet the rules under which the Congressional Budget Office operates severely constrain its ability to take this obvious reality into account in the information that it provides us.

This measure doesn't presume to tell the CBO how to do its job or what formula to use in its analysis. It doesn't even change the outmoded static modeling it uses to score the fiscal impact of measures coming before us. All that it says is: Give us the complete picture. If a proposal is going to affect the economy significantly, for good or ill, tell us, tell us what you think and show us why you think so.

I think Patrick Henry summed up this bill perfectly when he said, ''For my part, no matter what anguish of spirit it may cost, I am willing to know the whole truth; to know the worst, and to provide for it.''

Mr. VAN HOLLEN. Mr. Chairman, I agree with Mr. MCCLINTOCK that more information is helpful. We just don't want to ask for the information in a way that we only get one side of the story.

I hope our colleagues are going to vote for the amendment a little later on the floor that says we should also try and figure out what the economic impact of major investments in infrastructure is through the appropriations process. They've removed that analysis from this bill.

In addition to the fact, it's very curious that when it comes to tax policy, they've written this in a way that when CBO does an analysis of, again, the major decision that would be made by this body in the next few years, whether or not to extend some or all of the 2001/2003 tax cuts, that will show no impact on economic growth because of the way they've written this legislation, when, in fact, we know, at least from earlier CBO reports, that in the out-years, 10 years out, it will actually be a drag on economic growth because it will increase the deficit when you allow the tax cuts for the folks at the top to go on and on and on.

So, yes, we want more information. Let's just not ask CBO for information that is designed to only extract one side of the story. And, unfortunately, that's what the bill does in its current form.

I reserve the balance of my time.

Mr. PRICE of Georgia. I'm a bit amused, Mr. Chairman, by the tack that the other side is taking on this as they talk about gaming the system, if you will, with this piece of legislation. I would simply call my colleague's attention to the bill itself.

The definition of macroeconomic impact analysis in the bill simply states:

Estimate of changes of economic output, employment, capital stock, tax revenue, an estimate of revenue feedback expected as a result of the enactment of a proposal and the critical assumptions for how they got there.

There isn't any qualitative assessment assigned to this. It's simply, give us more information, as the gentleman from California said.

So it's a bit perplexing why, again, our colleagues on the other side don't want that additional information with which to make decisions, high-quality decisions here in Washington.

With that, I'm pleased to yield 2 minutes to the gentleman from Texas (Mr. FLORES).

Mr. FLORES. I thank the gentleman.

Mr. Chairman, although the Obama administration may tout signs that the economy is improving, we are still way below past economic recoveries. The reality is the economy is growing too slowly and not creating enough jobs.

Economists agree that legislation considered by Congress can have significant impacts on economic growth, both positive and negative. In fact, the Congressional Budget Office reported this week that we are on track to have our fourth $1 trillion deficit in a row, despite President Obama's earlier campaign promise to cut the deficit in half by the end of his first term. At such a critical time, we should ensure that all lawmakers have as much information as possible about the effects of proposed legislation on economic growth and job creation.

The Pro-Growth Budgeting Act of 2012 would require CBO to provide lawmakers with a macroeconomic impact analysis for all major legislation reported by a House or Senate committee. The economic analysis would describe the potential economic impact of all major bills or major economic variables, including real gross domestic product, business investment, capital stock, employment, and labor. It would also describe the potential fiscal impacts of the bill, including any estimates of revenue increases or decreases resulting from changes in gross domestic product.

□ 1440

If the last Congress had had this type of real-world economic analysis, it would have never passed the job-killing Democrat takeover of our Nation's health care system in 2010.

In addition, if the last Democratic-led Congress would have known this information when it passed its $800 billion stimulus bill, it would have known that the elusive millions of jobs that it claimed to create were going to cost about $400,000 per job. This $400,000 is about the same amount as the total salaries of seven middle class Americans.

For these reasons, I urge my colleagues to support the Pro-Growth Budgeting Act of 2012, so that we may promote pro-growth policies that will help get our economy back on track, reduce the deficit, and protect hard-working taxpayers.

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

Again, I go back to the fact that you're asking CBO to only give one side of the story, and I would just refer Mr. PRICE, my friend, colleague, to page 3 of the bill, lines 12 through 16, where you say, the Congressional Budget Office shall, to the extent practicable, prepare for each major bill or resolution reported by any committee of the House of Representatives or Senate, in parentheses, except the Committee on Appropriations of each House.

I go back to the fact that every American knows that when we invest in our infrastructure, when the companies invest in their plants and equipment, when we invest in our roads and our bridges and our highways, that can have a positive economic impact. In fact, if this House of Representatives were to take up the President's jobs bill, which he asked us to pass in September, that would invest more in our infrastructure, that would help the economy.

Of course, you wouldn't want to know, apparently, about the positive impact on the economy of the President's jobs bill because that involves investment through the transportation process. So, it does tilt the field in a significant way when it comes to decisions we make here with resources.

I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT), my colleague on the Budget Committee.

Mr. DOGGETT. This bill, like most that come out here from the Republicans, has a great name. It's a Pro-Growth Budgeting Act. It's not a pro-growth budget—big difference—but a Pro-Growth Budgeting Act. And like so many of the pieces of legislation that they offer us, the substance of the bill does exactly the opposite of the title.

This would better be named the ''Dig Deeper Now'' legislation, or the ''Mandate Voodoo Economics'' legislation. It attempts to enshrine Republican dogma that even an elementary arithmetic student would have some question about. It's based on the theology that the best way to get more is to do less; that if you have less revenue coming in, you somehow will eventually get more revenue coming in. And it just hasn't worked that way.

Their approach is much like the alchemist of old, who, when faced with a problem that he could not convert straw into gold, simply responds, give me more straw. They can't get enough straw in the form of tax cuts to talk about at their political conventions. But when they apply them, we don't need dynamic scoring to know what the effect is. We have history, and that history is not very favorable to this whole concept that somehow less means more.

We have the ''dynamic'' Bush tax cuts to look at and what their effect has been. And the Congressional Budget Office tells us that the effect has been they cost $1 trillion, $1 trillion toward the budget deficit that we have, and if we extend the Bush tax cuts for those at the very top, again, it will cost another trillion dollars. That's trillion with a ''t'' in both cases, and it is a big impact in digging us into the hole that we're in, that we're trying to work our way out of with what should be a Pro-Growth Budget Act, a jobs act, instead of something that is a name that bears no resemblance to the substance of the bill.

How about the experience with economic growth? What American would not like to have the economic growth of the Clinton years, when the tax rates were actually higher than the experience of the Bush years, where the tax rates may have been lower, but so was the economic growth, almost 4 percent a year under President Clinton, and down to about 2 percent under President Bush from 2001 to 2008.

Likewise, with job growth, dynamic job growth under President Clinton, job losses under President Bush. That's the history, the experience that we have with this theory, this ideology that somehow less revenue means more revenue.

Only yesterday, in the Budget Committee, we heard the testimony of the Congressional Budget Office, objective testimony, that if we extend——

The CHAIR. The time of the gentleman has expired.

Mr. VAN HOLLEN. I yield the gentleman another minute.

Mr. DOGGETT. We heard objective testimony that if we extend all of the Bush tax cuts for the next decade, we will have less economic growth in this country, not more economic growth, as their theology maintains. And the testimony we're hearing is not limited to Democratic witnesses. Even the Republican witnesses who have come before our committees in the past have conceded that these Bush tax cuts did not pay for themselves.

We've seen the result of voodoo economics. We've seen the results of supply side and trickle down. It's time to take a more dynamic approach for the American economy, and that's a jobs bill that will meet the needs of working families across this country instead of playing games with the numbers and trying to show that the impossible is reality.

Mr. PRICE of Georgia. I yield myself such time as I may consume.

Mr. Chairman, it's kind of like ''Alice in Wonderland'' actually. I mean, if the gentleman truly wants to have the information that he is demanding, then he ought to be supporting the bill because what he's talking about is dynamism in the economy, and that's what we ought to be looking at, Mr. Chairman. As you know, we need the information to be able to provide us with the kind of data that will allow us to make the best decisions.

For example, this is a chart that shows the employment in this country, and the tax reductions of the last decade demonstrate that employment goes up and unemployment comes down. And then when the stimulus bill that the other side amazingly still wants to tout as the be all and the end all, when it's passed, what happens, Mr. Chairman? Employment plummets. Unemployment skyrockets.

So the gentleman can go back to the nineties, yes, but what we're living in right now is 2012, and the policies aren't working. So what we need to do is be able to provide, hopefully, Members of Congress with more information so they're able to make wiser decisions.

I am pleased to yield 2 minutes to the gentleman from Kansas (Mr. HUELSKAMP).

Mr. HUELSKAMP. Mr. Chairman, I rise in support of the Pro-Growth Budgeting Act. Just yesterday, the Budget Committee had the opportunity to question the CBO Director about the impact of the President's stimulus on the economy. A few months earlier, his office and mine had a very public debate about the impact of government spending on the economy. When asked to identify a single program, one single program that positively impacted the economy, the CBO could not identify one program.

Then, during the Budget Committee hearing, I asked the Director, is it fair to say that the massive spending of 2009 did not benefit the economy? He said, and I quote: ''The extra government spending from the Recovery Act in 2009 boosted the economy in the short term, but we believe, unless there are offsetting changes, the economy will be worse off.'' From the CBO.

Legislation like the Pro-Growth Budgeting Act will require the CBO to undertake a full analysis of every major legislation, including impacts on the employment and labor supply. Had the previous Congress been able to review the long-term impacts and consequences of a $1 trillion stimulus boondoggle, perhaps our economy would be better off today. Perhaps the more than 20 million Americans—that's right, 20 million Americans—who are unemployed or underemployed would actually have a job.

Those who care solely about the short-term concern themselves with political gain at the expense of the future. Today I ask my colleagues to support this legislation because they care about the long term, about the next generation, even if it means their short-term political gains cannot be realized.

Mr. VAN HOLLEN. I yield myself such time as I may consume.

Mr. Chairman, I'm glad the gentleman raised the question of the long term, and it begs the question about why this bill is written in a way such that we would not be requiring an economic analysis of the major change of law that we may be making with respect to tax policy, which would be to extend the 2001, 2003 tax cuts, all or some of them.

□ 1450

Let's talk about the long term because, in fact, the Joint Committee on Taxation which, of course, is the entity that does the tax analysis for the Congressional Budget Office, has said that at the end of that 10-year period, extending those tax cuts actually slows down the economy—page 6 of the testimony of the staff of the Joint Committee on Taxation before the House Committee on Ways and Means, September 21, 2011.

What they point out is that at the end of the 10-year period, you're losing GDP growth. Again, why? Because if you have big tax cuts that are financed by borrowing, as the Republican rules of the House were changed to allow, Hey, we can provide tax cuts for folks at the very top, put it on the credit card, no more pay-as-you-go, that increases the deficit. You increase the deficit, as the economy begins to recover, that's when it really begins to crowd out private investment.

So those tax cuts begin to slow down the economy in the end of the 10-year period, and they're not an efficient use—especially the tax breaks for the folks at the top 2 percent—it's not an efficient means to getting the economy moving again.

We saw in the 1990s under President Clinton we had a higher top marginal tax rate: 20 million jobs were created, booming economic times.

So I'm glad the previous gentlemen raised the issue of the long term. Again, we're all a little perplexed about why this bill is written in a way that the major change in law that we could make either this year or next year with respect to the full or partial extension of the tax cuts wouldn't even trigger this economic analysis. That is astounding.

I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I think it's important to point out the CBO Director, indeed, did say the long-term effects of the stimulus are actually depressing, potentially depressing, on the economy. So that's why we need the big picture. That's why we need a dynamic scoring model, an opportunity to look at the macroeconomic impact of legislation that's considered in this Congress in a responsible way.

I'm pleased to yield 2 minutes to the gentlelady from Tennessee (Mrs. BLACK).

Mrs. BLACK. Mr. Chairman, I rise in support of the Pro-Growth Budgeting Act of 2012.

This would require the CBO to provide lawmakers with macroeconomic impact analysis for major legislation defined by budgetary impact greater than 0.25 percent of annual GDP. Pretty simple.

Current law already requires CBO to provide Congress with the fiscal impact. This bill would require the CBO to give us the economic impact. Now, included in the analysis would be a statement of critical assumptions and also sources of data underlying its estimate, which would provide for maximum transparency.

So if there were questions, we would have the information in front of us so that we could ask additional questions and be sure that we had all of the information in order to make an informed decision.

This is just another tool in our toolkit, and this will help Congress create policy that affects our economy while creating a pro-job agenda, which is on all of our minds and should be our priority. The more information available to policymakers, the better decisions.

There is no panacea in the budget process, but this is one more step in reforming what is a broken process; and we're going to see more information and more bills in the next several weeks talking about this broken process. But this is one more piece to give us one more piece of information.

Mr. VAN HOLLEN. Mr. Chairman, I just have to emphasize again, I already read from the portion of the bill that says we want economic analyses of major pieces of legislation except from the Committee on Appropriations. Again, transportation and infrastructure investments over the history of our country have provided important economic growth.

The President asked this Congress to take up his infrastructure investment jobs bill last September. Congress hasn't taken it up, and now apparently we don't want to include in the study the positive economic impact that something like that would have.

I reserve the balance of my time.

Mr. PRICE of Georgia. What time remains, if I may ask?

The CHAIR. The gentleman from Georgia has 10 minutes remaining. The gentleman from Maryland has 8½ minutes remaining.

Mr. PRICE of Georgia. Mr. Chairman, I would respond to the gentleman, as he well knows, that current law, section 402 of the Congressional Budget Act of '74, requires that CBO produce cost estimates of legislation reported out of every committee except the Committee on Appropriations. To believe that a 1-year appropriations bill could have a CBO assessment of the economic impact 40 years out, which is their appropriate and usual window, it is just nonsensical. So current law simply states that CBO looks at committee action and not appropriations and for good reason.

I'm pleased to yield 2 minutes to my colleague from Georgia (Mr. WOODALL).

Mr. WOODALL. Mr. Chairman, I very much thank my friend from Georgia for yielding. I just want to tell him how proud I am of him for bringing this legislation forward. I know he doesn't need my accolades; but this is the kind of commonsense material that I ran on and that, as a freshman in this body, makes me proud to be able to vote on.

I brought a copy of the legislation with me, Mr. Chairman. I think if you ask folks across the country, they sometimes wonder whether or not we read this legislation.

If folks go to www.thomas.gov, they can actually read the legislation themselves, Mr. Chairman. These things that we're arguing about, they wonder what the truth is. It's only five pages long in its substance.

Let me tell you what it says, Mr. Chairman, if you haven't seen it: The analysis prepared shall describe the potential economic impact of the applicable major bill of resolution on major economic variables, including real GDP, business investment, capital stock, employment, and labor supply.

The analysis shall also talk about revenue increases or decreases that result. The analysis should also specify which models were used, what your sources of data were, and shall provide an explanation as necessary to make the models comprehensible to the public.

Mr. Chairman, this bill provides one more tool that the American people and this Congress can use to evaluate the very important legislation that is considered here on this floor.

I hope you will ask your constituents, Mr. Chairman, why is it that folks would oppose giving the American people these answers. You heard me read the bill. All this bill does is provide that information.

I will say to the sponsor of this legislation that information has been missing for far, far too long. I plan to lend my strong support to this legislation. I thank the gentleman for the time and for his courage in bringing this bill forward.

Mr. VAN HOLLEN. Mr. Chairman, the gentleman's mistaken. I mean, we do get analyses now with respect to the economic impact. There's a provision in the House rules that I referenced earlier that asked for that, and in fact, Joint Tax has done exactly that. The figures I was reading with respect to the negative impact on growth in the out-years were from a dynamic analysis the Joint Tax Committee has done pursuant to House rules.

Mr. WOODALL. Will the gentleman yield?

Mr. VAN HOLLEN. I will not on my time.

Mr. WOODALL. I'd be happy to be educated by the gentleman if he would yield.

The CHAIR. The gentleman from Maryland is recognized.

Mr. VAN HOLLEN. Mr. Chairman, I refer the gentleman to the bill, the piece of the document I've referenced several times already. This kind of work is done.

What you're asking for here is to, again, leave off part of the equation, for example, the recovery bill. The recovery bill was primarily an appropriations bill. Leave off part of the equation, but also when it comes to the revenue piece, skew the request.

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

□ 1500

Mr. BLUMENAUER. I appreciate the gentleman's courtesy and his leadership.

What we're talking about here this afternoon is one of a package of four budget proposals from our Republican friends on the Budget Committee that are, in toto, going to obscure the budgeting process, make it more complex, more expensive, and actually more confusing for the American public.

I agree with what my good friend said about the dynamic scoring. There are already vehicles available to be able to deal with some of these feedback effects but not elevating it to the level of some sort of official score. Frankly, we've seen when the CBO, the Congressional Budget Office, which is established as the impartial scorekeeper, puts out information, like we discussed here today in the Budget Committee, on how much impact the Recovery Act had on employment, on GDP enhancement, on job growth. People just simply refuse to accept the range, the calculations, things that all the independent experts agree upon, including our own official one. So we're going to make their job more confusing; we're going to make it more complex and give the American public a less clear picture.

Get ready folks. My good friend from Georgia wants to deal with freezing all baseline budgets, that are not otherwise specified in law, assuming that there will be no increase for population growth or inflation over 10 years. Everybody in Congress who looks at what has happened over the last 50 years understands there will be some adjustment—we may argue about how much—but if you're going to give the American public an estimate of what is the most likely outcome, having a modest inflation adjustment is the most accurate in terms of what is likely to happen. That would be swept away and an artificial figure established by biennial budgeting.

The CHAIR. The time of the gentleman has expired.

Mr. VAN HOLLEN. I yield the gentleman an additional minute.

Mr. BLUMENAUER. There is a reason why the number of States, almost all of which used to have biennial budgeting, have moved to annual budgets. It's because they're more accurate; they're less complex; they're less expensive; and it doesn't pose as much of a burden on both the legislative branch and the administration to try and fiddle around with things that we know are inaccurate. Then we're going to have the risk adjustment, which will take something which is already accurately portrayed in terms of the budget, and they're going to be adding and subtracting values that are going to only confuse.

The four of them are an example of why my friends on the other side of the aisle don't want to get to work and deal with things that we might agree on, like reforming agriculture. Instead, we're playing games with procedures that are going to give the American public less information, and it's going to cost us more to confuse them.

Mr. PRICE of Georgia. I appreciate the gentleman talking about other pieces of legislation.

But what we're talking about here is more information, more information for our colleagues, Mr. Chairman; and for the life of me, I can't figure out why our Democratic friends on the other side of the aisle simply, I guess, want to keep our colleagues in the dark here so that we can continue to make the kinds of decisions that we've been making. It's just astounding.

Mr. Chairman, I am pleased to yield 2 minutes to my friend from Arizona, Dr. GOSAR.

Mr. GOSAR. I thank the gentleman from Georgia for yielding to me.

Mr. Chairman, I rise today in support of the Pro-Growth Budgeting Act brought today by my friend and colleague Congressman TOM PRICE. This good piece of legislation is a commonsense solution to the growing debt and deficit causing concern among many Arizonans.

While I may be new to D.C. and the Halls of Congress, I am not new to the impacts of Federal regulations and the devastating effects of Congress' ability to live within its means. As a dentist and a small business owner for over 25 years, I faced the uncertainty of additional tax and regulatory burdens because the Federal Government failed to do long-term planning.

This bill states that the Congressional Budget Office provide Members of Congress an analysis of the real and long-term effects that a piece of legislation would have on the economy. This, my friends, should be a no-brainer. It is a necessary step towards taking and regaining fiscal sanity in this Nation. Making wise decisions starts by being properly informed on the facts and the information.

Again, I support this legislation, and I encourage the passage of this good bill today.

Mr. VAN HOLLEN. Mr. Chairman, may I inquire about how much time remains on both sides?

The CHAIR. The gentleman from Maryland has 4½ minutes remaining. The gentleman from Georgia has 6¼ minutes remaining.

Mr. VAN HOLLEN. I yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman for yielding.

There is a reason that this institution of Congress is so discredited among the American people. The reason is quite simple. Instead of facing the problem, we come up with ways to avoid it. These two bills—dynamic scoring, which basically has as a premise that any tax cut is going to increase revenues, and baseline reform, which essentially says that inflation is not a factor in depleting resources to meet a need, whether it's the Pentagon or it's health care—we think that somehow that is going to solve the problem with the debt, which is a serious problem in this country.

Do you know what? It's time for Congress to acknowledge the obvious, which is that the problem is the problem. These runaround reforms about the process avoids the direct, head-on confrontation that is the debt, and the debt is a function of too much spending and too little revenue.

Bottom line, if you are a household, if you're a local government, if you're someone who is responsible, when you have a debt problem, you're going to look at everything; you're going to put

it all on the table. There are 100 Members of the House of Representatives who signed a letter and said, Hey, let's put everything on the table—revenues and spending. It's the only way we're going to get a solution.

This approach is avoiding that. It's locking down on the notion that any tax cut is going to increase revenues. It's locking down on the notion that revenues cannot be part of the solution, and it's locking down on this notion that if you wipe away inflation as a factor in what we need to do to maintain level funding that somehow we'll still meet the needs.

We had a war in Iraq and Afghanistan—two wars that weren't paid for, both on the credit card. We had the Medicare prescription drug program on the credit card. Whether you supported those as a Democrat or as a Republican—and we had people on both sides of the aisle who did—you've got to pay for it. We didn't pay for it. We're paying now the consequences of it.

As to the so-called ''reforms'' about the process, it's always legitimate to figure out the process—how can we do it better? How can we get better information?—but not when it means we avoid the problem.

Mr. PRICE of Georgia. Again, Mr. Chairman, I'm a little perplexed by the arguments being used in opposition on the other side.

My friend from Vermont says that this assumes that there is a certain premise about tax cuts. Well, the bill doesn't even use the language ''tax cuts.'' It uses ''tax revenue.'' It could be a tax reduction. It could be a tax increase. Let's look. Let's find the information. Let's give our colleagues as much information as possible, which, again, is what my friend from Vermont says every family in this country does when they have a challenge. If they have a debt challenge, they get all of the information that they can. That's simply what we're asking here, which is to provide as much information as possible for Members of Congress to make wiser decisions.

Mr. Chairman, I'm so pleased to yield 3 minutes to my colleague from South Carolina and a member of the committee, Mr. MULVANEY.

Mr. MULVANEY. I thank my colleague for yielding.

As we sit like good Congressmen and -women in our offices and as we watch these debates on television, sometimes we feel compelled to run over and participate in the debate. Certainly, that's what drove me over here today, and it's hard to know where to start. There is a long list of things that we could talk about here today.

Mr. Chairman, we could start, for example, with the gentleman from Maryland, who offered again today, as he did in the Budget Committee, the suggestion that perhaps the Recovery Act generated as many as 6 million jobs. If you actually listen very closely to what he says and read the documents that he cites, that's up to 6 million jobs saved or created. The truth of the matter is we could make just as easily the argument that the number is closer to 1.2 million jobs saved or created, and that's assuming that a job saved is a job created. We could have a discussion as to whether or not we should have been spending $400,000 per job, but that's not the reason we're here.

So I would suggest to my friends across the aisle, if they really believed that the Recovery Act was so wonderful, bring it up again. Please offer us another one. In fact, bring us one twice the size, and look the American people in the eye and say that $800 billion wasn't enough, that we want $1.6 trillion worth of another stimulus bill. Please, bring that, and let the President defend that as we have this discussion between now and November.

You could also, Mr. Chairman, go into more detail about what the gentleman from North Carolina mentioned about the PAYGO rules, which is something I'm a little bit familiar with. My predecessor was a big supporter of the PAYGO rules. The PAYGO rules were in place when this government ran up its largest deficits in history. The rule was never designed to cut spending, and it was never designed to lower the deficit. It never accomplished what folks so fondly, in hindsight, believe that it did in the late 1990s. You could go back and look. Really, what drove the surpluses of the late 1990s was the reduction in the size of the Federal Government. But, again, it's not what we're here to talk about today.

□ 1510

What the gentleman from Texas was talking about, however, is spot on, and he would come to the well, as so many folks on the other side will, and say that, well, it was those Bush tax cuts that really got us in the hole that we're in. I don't know why we call them the Bush tax cuts, by the way.

They were extended by a Democrat President and a Democrat Senate and a Democrat House at the end of 2010. I have always referred to them as the Bush-Obama tax cuts, but that doesn't seem to catch on.

But the assertion has always been that after those tax cuts, Mr. Chairman, went into place that revenues went down, that when we cut taxes revenue went down, because certainly that's what the CBO, under the current rules, would tell you would happen. Under the static models that are in place now, when we supposedly cut taxes, the CBO will tell you, well, if you lower the tax rates, revenues will go down.

Unequivocally, this is not what happened with the Bush tax cuts in 2000s. Revenues went up every year from 2003 to the beginning of the great recession.

That's why this bill is so important, Mr. Chairman. Washington does not know how to count. We count in this town in a fashion that only this town counts. The whole rest of the world doesn't understand how we count, and the CBO scoring is a big part of that problem.

Mr. Chairman, that's why I respectfully suggest that we need to pass this bill and send it over to the Senate.

Mr. VAN HOLLEN. Mr. Chairman, I would inquire of Mr. PRICE if he has any further speakers?

Mr. PRICE of Georgia. Mr. Chairman, I have no further speakers, and I am prepared to close.

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

Look, I think everybody in this body understands that the more good information we get the better. That's why it's troubling that in this particular bill we're asking the question of CBO in a way that will only give us partial information. I already mentioned that we left out the impact, the economic impact from what we think should be included.

We think the appropriations investments in transportation should be included in any economic analysis. Clearly, important investments we make in science and research and innovation and our infrastructure have an economic impact, but this doesn't ask for any of that information. There'll be some amendments that say we should. Hopefully our colleagues will vote for them.

But what is very bizarre is the way this is structured so that it doesn't require a macroeconomic, dynamic analysis of the major change in law that we will make with respect to whether or not to extend all or some of the tax cuts, because the way it's written, it will assume those tax cuts are already in place.

Now, we've already had an analysis that was done by the Joint Committee on Taxation, a macroeconomic dynamic analysis. It does say at the end of that period it would actually have a drag on the economy because it increases the deficit.

So let's make sure that we get full information, and that's where I do want to end, by just pointing out that the most recent estimates from the Congressional Budget Office, in terms of the impact of the recovery bill, was in a document dated November of 2011, and there's a chart in there that shows a range. Obviously since the recovery bill is no longer in full effect in this current year, you don't continue to say the positive impacts.

But Dr. Elmendorf has testified numerous times before the Budget Committee and indicated that had it not been for the passage of the recovery bill, had it not been for actions of the Federal Reserve, economic growth today would be much slower. That would mean more people out of work.

We need to do better. We need to get things moving faster. That's why we should take up the President's jobs bill that has been sitting in this House since September. That's why I hope the conference committee on the payroll tax cut extension for 160 million people

will get our job done quickly so that we can provide those opportunities to help the economy grow when it's in this very fragile state.

So, Mr. Chairman, I just close by saying we all want information. Let's just not ask for information in a selective way designed to get a preconceived answer.

The CHAIR. The gentleman's time has expired.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the gentleman's comments, and I appreciate his perspective.

However, it's clear that every single revised report on the stimulus comes up and states that it is costing more. It's costing the economy more and that the jobs that are created, ''created,'' decrease every time there is a new estimate. And so we're approaching zero jobs saved or created. In a short time I suspect we'll be at jobs lost from the stimulus.

In fact, the CBO Director yesterday, in committee, said, The extra government spending from the Recovery Act of 2009, unless there are offsetting changes made that pay off the extra debt that was incurred, the economy will be worse off. So it's interesting to see our colleagues on the other side continue to grab onto what they think is a lifeline of the stimulus bill that with time looks worse and worse. And maybe, Mr. Chairman, if we had only had this piece of legislation at the time of the adoption of the stimulus bill, so-called stimulus bill, maybe somebody would have thought differently. Maybe they would have recognized that, in fact, that it was going to have the real effect that it has, which is to decrease the vitality of the economy.

Mr. Chairman, it's pretty doggone simple. This bill is pretty simple. You want more information or you want less information.

This is remarkable common sense. I would suggest, Mr. Chairman, that it ought to be common ground upon which this House can stand. I urge my colleagues to adopt this piece of legislation.

I yield back the balance of my time.

Mr. PASCRELL. Mr. Chair, while I am pleased that this Congress is looking at reforming the budget process, I do not believe this legislation is the solution. The biggest problem with the budget is that, while the game may not be perfect, the players are the reason it is not working. Even Jim Nussle, former Republican Chairman of the House Budget Committee and Director of the Office of Management and Budget for President G.W. Bush, testified that, "It may not be that the budget process is broken. It may not be, in other words, that the tools are broken, but it may be the fact that the tools are not being used."

It is no surprise that since Day One of this Tea Party Congress, the majority has pushed forward with an array of anti-worker, anti-environment, anti-oversight, and anti-growth agenda, that serves the politics of their caucus rather than the citizens of this great Nation. The Pro-Growth Budgeting Act of 2011 encompasses this perfectly.

As a Member of the Committee on Ways and Means, I'm very familiar with the "Dynamic Scoring" song and dance. Dynamic Scoring seeks to skirt the fundamentals of Economics 101: less revenue means less money and higher deficits. Instead, under this bill and its dynamic scoring, we will assume tax cuts produce fantasy levels of economic growth and pay for themselves.

The proof is in the pudding. We don't have to look far to see what happened with Bush tax cuts. They led to an explosion of our national debt, and as a new CBO report points out, we could decrease the deficit by almost half if we let the Bush tax cut expire.

We should not enshrine this dishonest, Enron style accounting into law when we have such clear evidence that it is inaccurate. If our goal is to reform the budget process so we can enact sound fiscal policy, then this legislation must be rejected.

The CHAIR. All time for general debate has expired.

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

In lieu of the amendment in the nature of a substitute recommended by the Committee on the Budget, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee print 112–10 dated January 25, 2012. That amendment in the nature of a substitute shall be considered read.

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

H.R. 3582

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 ''Pro-Growth Budgeting Act of 2012''.

SEC. 2. MACROECONOMIC IMPACT ANALYSES.

(a) IN GENERAL.—Part A of title IV of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

''MACROECONOMIC IMPACT ANALYSIS OF MAJOR LEGISLATION

''SEC. 407. (a) CONGRESSIONAL BUDGET OFFICE.—The Congressional Budget Office shall, to the extent practicable, prepare for each major bill or resolution reported by any committee of the House of Representatives or the Senate (except the Committee on Appropriations of each House), as a supplement to estimates prepared under section 402, a macroeconomic impact analysis of the budgetary effects of such bill or resolution for the ten fiscal-year period beginning with the first fiscal year for which an estimate was prepared under section 402 and each of the next three ten fiscal-year periods. Such estimate shall be predicated upon the supplemental projection described in section 202(e)(4). The Director shall submit to such committee the macroeconomic impact analysis, together with the basis for the analysis. As a supplement to estimates prepared under section 402, all such information so submitted shall be included in the report accompanying such bill or resolution.

''(b) ECONOMIC IMPACT.—The analysis prepared under subsection (a) shall describe the potential economic impact of the applicable major bill or resolution on major economic variables, including real gross domestic product, business investment, the capital stock, employment, and labor supply. The analysis shall also describe the potential fiscal effects of the bill or resolution, including any estimates of revenue increases or decreases resulting from changes in gross domestic product. To the extent practicable, the analysis should use a variety of economic models in order to reflect the full range of possible economic outcomes resulting from the bill or resolution. The analysis (or a technical appendix to the analysis) shall specify the economic and econometric models used, sources of data, relevant data transformations, and shall include such explanation as is necessary to make the models comprehensible to academic and public policy analysts.

''(c) DEFINITIONS.—As used in this section—

''(1) the term 'macroeconomic impact analysis' means—

''(A) an estimate of the changes in economic output, employment, capital stock, and tax revenues expected to result from enactment of the proposal;

''(B) an estimate of revenue feedback expected to result from enactment of the proposal; and

''(C) a statement identifying the critical assumptions and the source of data underlying that estimate;

''(2) the term 'major bill or resolution' means any bill or resolution if the gross budgetary effects of such bill or resolution for any fiscal year in the period for which an estimate is prepared under section 402 is estimated to be greater than .25 percent of the current projected gross domestic product of the United States for any such fiscal year;

''(3) the term 'budgetary effect', when applied to a major bill or resolution, means the changes in revenues, outlays, deficits, and debt resulting from that measure; and

''(4) the term 'revenue feedback' means changes in revenue resulting from changes in economic growth as the result of the enactment of any major bill or resolution.''.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget Act of 1974 is amended by inserting after the item relating to section 406 the following new item:

''Sec. 407. Macroeconomic impact analysis of major legislation.''.

SEC. 3. ADDITIONAL CBO REPORT TO BUDGET COMMITTEES.

Section 202(e) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraphs:

''(4)(A) After the President's budget submission under section 1105(a) of title 31, United States Code, in addition to the baseline projections, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate a supplemental projection assuming extension of current tax policy for the fiscal year commencing on October 1 of that year with a supplemental projection for the 10 fiscal-year period beginning with that fiscal year, assuming the extension of current tax policy.

''(B) For the purposes of this paragraph, the term 'current tax policy' means the tax policy in statute as of December 31 of the current year assuming—

''(i) the budgetary effects of measures extending the Economic Growth and Tax Relief Reconciliation Act of 2001;

''(ii) the budgetary effects of measures extending the Jobs and Growth Tax Relief Reconciliation Act of 2003;

''(iii) the continued application of the alternative minimum tax as in effect for taxable years beginning in 2011 pursuant to title II of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, assuming that for taxable years beginning after 2011 the exemption amount shall equal—

''(I) the exemption amount for taxable years beginning in 2011, as indexed for inflation; or

''(II) if a subsequent law modifies the exemption amount for later taxable years, the modified exemption amount, as indexed for inflation; and

''(iv) the budgetary effects of extending the estate, gift, and generation-skipping transfer tax provisions of title III of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

''(5) On or before July 1 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate, the Long-Term Budget Outlook for the fiscal year commencing on October 1 of that year and at least the ensuing 40 fiscal years.''.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of House Report 112–383. 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.

AMENDMENT NO. 1 OFFERED BY MR. PETERS

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 112–383.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 1, line 1, after ''**SHORT TITLE**'' insert ''**; FINDINGS**''.

Page 1, line 2, insert ''(a) SHORT TITLE.—'' before ''This Act''.

Page 1, after line 3, insert the following new subsection:

(b) FINDINGS.—Congress finds the following:

(1) On January 8, 2003, White House Press Secretary Ari Fleischer said that President Bush believed that the tax cut package enacted in 2001 and expanded in 2003 would ''create additional revenues for the Federal Government and pay for itself.''.

(2) Before the tax cuts of 2001 and 2003 were enacted, the Congressional Budget Office projected gradually rising surpluses, from 2.7 percent of gross domestic product in 2001 to 5.3 percent of gross domestic product by 2011, with the Federal Government operating debt free by 2009.

(3) The Congressional Budget Office estimates that the tax cuts of 2001 and 2003 have added over $2 trillion to budget deficits from 2002–2011.

(4) Despite signing the tax cuts of 2001 and 2003 into law, President George W. Bush's administration had, according to the Wall Street Journal, ''the worst track record for job creation since the government began keeping records'' in 1939.

(5) From 2001 to 2009, gross domestic product grew at the slowest pace for any eight-year span since 1953.

(6) Median household income declined during the Bush Administration for the first time since 1967, when this data began to be tracked.

The CHAIR. Pursuant to House Resolution 534, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. PETERS. Mr. Chairman, I rise today in support of the Peters amendment to H.R. 3582, the Pro-Growth Budgeting Act of 2012.

As we consider legislation that would mandate the Congressional Budget Office use dynamic scoring to evaluate the macroeconomic impact of large tax cuts, we literally cannot afford to ignore the lessons of the past decade.

My Republican colleagues want to enact a seemingly subtle change so that they can more easily advance their agenda of tax cuts for the rich while slashing critical programs that American families and workers rely on each and every day.

Dynamic scoring's supporters back this legislation in large part because it can mask the cost of tax cuts while ignoring the multiplier effects that investments in education, public health, and infrastructure can provide.

In order to evaluate these claims, we need only look at the claims made by those who supported the 2001 and 2003 tax cuts and see how they stacked up next to reality. Despite pledges from the Bush administration that the tax cuts of 2001 and 2003 would generate such significant economic activity that they would pay for themselves, we know that this is not the case.

This is why I have put forward an amendment that will simply add a factual findings section that details the impact of the tax cuts of 2001 and 2003 without altering the functional aspects of the bill.

These findings include:

1. On January 8, 2003, White House Press Secretary Ari Fleischer said that President Bush believed that the tax cut package enacted in 2001 and expanded in 2003 would ''create additional revenues for the Federal Government and pay for itself.''

□ 1520

Two, before the tax cuts of 2001 and '03 were enacted, the Congressional Budget Office projected gradually rising surpluses, from 2.7 percent of gross national product in 2001, to 5.3 of gross national product in 2011, with the Federal Government operating debt free by 2009.

We know this, of course, did not happen. Instead, the Congressional Budget Office estimates that the tax cuts of 2001 and '03 have added over $2 trillion to budget deficits from 2002 to '11. Despite signing tax cuts of 2001 and '03 into law, President Bush's administration had, according to The Wall Street Journal, ''the worst track record for job creation since the government began keeping records in 1939.''

From 2001 to 2009, gross domestic product grew at the slowest pace for any period since 1953; and median household income declined during the Bush administration for the first time since 1967 when this data was first tracked.

We have all lived through this past decade and have seen the damaging effects the Bush tax cuts have had on our Federal budget. I think it's safe to say that anyone who can possibly claim to belong to the ''reality caucus'' agrees that the Bush tax cuts not only contributed to taking our Nation from budget surpluses to massive deficits, but also contributed to unprecedented levels of income inequality.

If Congress cannot learn from past mistakes, we are destined to repeat them. I urge my colleagues to support my simple, factual amendment to show that Congress understands the true impacts of the Bush tax cuts and recognizes that, while tax cuts might stimulate additional economic activity, the tax cuts of 2001 and '03 certainly did not pay for themselves.

I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I rise to claim the time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Chairman, it is a little amusing, I guess, that our colleagues on the other side love to talk about the past. I'm not sure whether it's a desire for fantasy or misery, but talking about the past is interesting. But this amendment has absolutely nothing—nothing—to do with the legislation that's being considered. We don't need to rehash the economic record of the last 10 years; we need to look forward. And that's what this bill does. It's a forward-looking piece of legislation.

And looking forward, as the CBO reported on Tuesday, if tax relief is allowed to expire at the end of this year, which seems to be what my colleagues on the other side are advocating, we would then have the largest tax increase in the history of our country. CBO says economic growth would be as much as 3 percent lower than it would be if that tax relief were extended.

So what we need is dynamic appropriate scoring, more information, more data for our colleagues to be able to have that kind of information so when they make decisions, they'll make, again, hopefully, wiser decisions.

This amendment truly makes no improvement whatsoever to our process, our budget process. I urge its defeat, and I yield back the balance of my time.

Mr. PETERS. Mr. Chairman, while I find it interesting that the speaker from the other side believes that this is fantasy, these are facts. And he believes that facts should not be part of the debate, which is probably why we are in the trouble that we are in right now when the majority party believes that opinions should not be weighed down by the facts of the situation.

What I'm offering in this statement is simply factual statements that don't detract in any way from the intended impact of this legislation, but it's certainly important to having a full and honest debate that we need to have an understanding of what happened in the past. If we do not have that understanding of the past, if we don't step up to the reality of what actually occurred as a result of missteps in public policy in the past, we will repeat them once again.

What I'm hearing from the majority party is that they want to repeat the

mistakes of the past, mistakes that led to uncontrollable deficits and also mistakes that gave huge windfalls to the wealthiest people in this country at the expense of middle class taxpayers.

As a Democrat, we are very proud to stand up for middle class families and want to make sure that tax benefits to middle class taxpayers continue to go to those families that are struggling each and every day. On the other hand, the wealthiest among us, those with the highest income that have reaped the most benefit, should be paying their fair share. And by having tax cuts, what we will do is cut into those middle class families. This is a factual statement. If we do not recognize the reality of the facts, we are doomed to repeat those mistakes.

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

The CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. PETERS).

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

Mr. PETERS. 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 Michigan will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. CONNOLLY OF VIRGINIA

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 112–383.

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 1, lines 14 and 15, strike ''(except the Committee on Appropriations of each House)''.

Page 1, line 16, before the comma, insert ''or as a standalone analysis in the case of the Committee on Appropriations of each House''.

The CHAIR. Pursuant to House Resolution 534, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Mr. Chairman, this is a simple, yet important, amendment that will in fact deliver the actual transparency the proponents of this bill claim to be providing. My amendment will ensure the dynamic scoring called for in this legislation and will capture the broader economic effects of Federal spending as well as Federal tax cuts.

The way this bill is written, to exclude appropriations bills highlights the political intent of the authors of this bill to only take into account the effective tax cuts. Both spending Federal tax dollars and sending them back have economic consequences; we all know that. And looking at just one side of the ledger is nothing more than political gamesmanship.

Of course, my Republican friends have cleverly baked into the base a permanent extension of the Bush tax cuts which CBO already has said will create a drag on the economy in the long term. But I guess we don't want to let the facts or sound economic policy get in our way. That's why my amendment would include the appropriations, will fix that disparity, and provide us a clearer picture of the economic effects of all of our actions.

As my Republican friends seem to have forgotten, the Federal Government has had a long history of partnering with the private sector, and our Nation's universities in support of basic research are a great illustration. These investments spur American innovation and provide measurable, tangible economic benefits.

For example, the Federal Government has invested $12.8 billion in the Human Genome Project since it began in 1988. According to a recent report by the Battelle Technology Partnership Practice, the total economic investment of that one project and its return has exceeded $780 billion. In 2010 alone, the field of genomics directly supported 51,000 jobs in this country and another 310,000 indirect jobs. It generated $67 billion in economic activity last year and resulted in $3.7 billion coming into the Federal Treasury. The economic return on that single Federal investment has been significant and bears consideration as my Republican colleagues are trying to retrench on such spending.

While not every appropriation will have a similar positive economic result like the Human Genome Project, the economic effect of each should nonetheless be considered by this Congress as it actually appropriates funds.

My amendment will simply correct that oversight and provide proper balance to the accountability and transparency the authors of the bill say they wish to achieve. I ask my colleagues to support this amendment. If Congress is serious about capturing the true impact of all of our actions in the economy, we ought to consider all of them, including spending and appropriations.

I reserve the balance of my time.

□ 1530

Mr. PRICE of Georgia. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Chairman, this amendment is what professors of logic—now, I know that there's not a whole lot of logic around this town—but professors of logic would call a nullity. Adopting this amendment would not require CBO to prepare an analysis of bills reported from the Appropriations Committee, as my good friend from Virginia desires.

Section 407 of the Congressional Budget Act requires CBO to prepare a macroeconomic impact analysis of ''major bills or resolutions,'' which is the term that's defined in section 2 of the bill. Section 2 of the bill uses cost estimates prepared by the CBO under section 402 of the Congressional Budget Act. Section 402 does not apply to bills reported from the Appropriations Committee. So this amendment accomplishes absolutely nothing.

Even if the amendment were properly drafted, it would be meaningless to require a 40-year macroeconomic impact analysis for a 1-year appropriations bill. Even the largest appropriations bill, the Defense appropriations bill, is only about 3 percent of the gross domestic product in 1 year, or much less than 1 percent of the GDP over a 10-year period of time. So the macroeconomic impact of 1-year legislation oftentimes approaches zero and then can be changed with the next succeeding appropriations bills in years 2, 3, and 4.

So the amendment is drafted in such a way that it has no effect whatsoever. Even if it were properly drafted, it's a bad idea without providing any new meaningful information for Congress.

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

Mr. CONNOLLY of Virginia. I would inquire of the Chair how much time remains on this side.

The CHAIR. The gentleman has 2 minutes remaining.

Mr. CONNOLLY of Virginia. Mr. Chairman, I would simply point out that the same logic my friend from Georgia uses that a simple 1-year appropriation may not have much measurable impact on the economy could also apply to tax cuts, short-term tax cuts. I would further point out that his opposition to a simple improvement to this bill, I think, sheds light on the intent of the bill. It exposes what's really going on here: Let's try to find a facile way to guarantee the Bush tax cuts are extended and the tax cutting is even easier on the wealthier who ought to be paying their fair share.

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

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

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

Mr. CONNOLLY of Virginia. 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 Virginia will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. WALZ OF MINNESOTA

The CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 112–383.

Mr. WALZ of Minnesota. I have an amendment, Mr. Chairman.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 14, insert ''interest rates,'' after ''employment,''.

Page 3, line 7, insert ''interest rates,'' after ''employment,''.

The CHAIR. Pursuant to House Resolution 534, the gentleman from Minnesota (Mr. WALZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ of Minnesota. Mr. Chairman, I yield myself as much time as I may consume.

First of all, I would like to thank the chairman and the ranking member for making my amendment in order and granting me the opportunity to address this.

I rise today to offer what I think is a very commonsense amendment to the underlying bill. There's some of this debate that there's very little to debate about. Our national debt is nearly $15 trillion. We're borrowing about 30 cents on every dollar. This represents, in my opinion, one of the biggest threats to our economic future, and I believe it needs to be a top priority.

But I also believe the first step in addressing our national debt is getting honest about how we calculate it and the impact of it. That means we have to take the right factors into account, and that includes the impact that higher deficits will have on our economy.

As you know, the main problem with deficits is they push up interest rates. Eventually, it will happen. Higher interest rates hurt the economy by making it more expensive to buy a home or a car. They make it harder for my constituents to afford college for their children, and they make it more difficult for local businesses to get credit they need to grow.

My amendment would simply ensure that the Congressional Budget Office and the Joint Committee on Taxation expressly include interest rates in the list of economic factors they consider in their studies. If we don't consider interest rates, the underlying bill would underestimate the impact unpaid government spending—or the un-offset tax cuts—would have on the economy and the deficit. Congress has to stop hiding behind the funny math that masks the true costs of our policies.

I'd like to stress that my amendment is nonpartisan and nonideological. It's completely neutral on whether the deficit is increased by unpaid-for spending or un-offset tax cuts. The effects are the same. It simply ensures that Congress, when we take a vote, takes into account whether it was done in a fiscally responsible manner. We must let facts drive our decision-making, not ideology. If the facts dispute our ideology, we need to change our ideology, not the other way around. As a high school teacher, one thing I know for sure is you need to start by getting the math right.

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

Mr. PRICE of Georgia. Mr. Chairman, I rise to claim the time in opposition, though I'm not opposed.

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

There was no objection.

Mr. PRICE of Georgia. Mr. Chair, I want to commend my colleague from Minnesota for recognizing the wisdom of the legislation and the importance of looking at the dynamism of the economy and effects that ought to be relayed to us from the Congressional Budget Office. The Congressional Budget Office's macroeconomic analysis oftentimes already includes interest rates if the effects are relevant; however, we believe that this amendment helps clarify that, and we have no objection to the adoption of this amendment.

I yield back the balance of my time.

Mr. WALZ of Minnesota. Mr. Chairman, I thank the gentleman for having that opportunity and for allowing this to go forward.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. WALZ).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MS. FUDGE

The CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 112–383.

Ms. FUDGE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 14, strike ''and'' and on line 15, before the period, insert '', and income inequality''.

Page 3, line 7, strike ''and'' and on line 8, insert '', and income inequality'' after ''tax revenues''.

The CHAIR. Pursuant to House Resolution 534, the gentlewoman from Ohio (Ms. FUDGE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. FUDGE. Mr. Chairman, I thank the Rules Committee and I thank the chairman for making this amendment in order.

Mr. Chairman, today I rise to offer an amendment to H.R. 3582, the Pro-Growth Budgeting Act of 2012.

The Pro-Growth Budgeting Act requires the Congressional Budget Office to provide an impact analysis, in addition to a score, when legislation would have a budgetary effect greater than one-quarter of 1 percent of GDP.

The bill requires certain variables to be considered to determine economic impact. As the bill is currently written, the variables considered include impact on real GDP, business investment, the capital stock, employment, and labor supply. The bill describes these variables as major economic variables.

One of the most important economic variables is missing from H.R. 3582. My amendment would insert income equality among the variables used to determine economic impact. It would also require an estimate of the change in income equality to be included in an impact analysis.

Income inequality is real in America. It is time we start making sure our laws strengthen the middle class, not weaken it.

America is indeed the land of opportunity. It is one of the principles upon which our great Nation was founded. Yet in 2012, if you are born into a low-income family, you will most likely grow up to be poor. Sixty-five percent of Americans born into families with earnings in the bottom fifth percentile stay in the bottom two-fifths, while 62 percent of those raised in families with earnings in the top fifth stay in the top two-fifths.

America has become a wealthier Nation, but the wealth has bypassed the middle class. Between 1979 and 2007, overall American household incomes grew by 62 percent. The top 1 percent of earners saw their incomes increase by 275 percent over the past 30 years. That means their incomes nearly quadrupled. In comparison, one-fifth of households with the lowest incomes only saw their incomes increase by 18 percent. Although the pie is growing larger, middle-class Americans are watching their slices get smaller. Even some of my Republican colleagues have acknowledged the problem of economic immobility and wealth disparity in this Nation.

Clearly, if impact analyses are going to be required of the CBO, the factors considered must include income inequality.

I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. MULVANEY. I claim time in opposition.

The CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

Mr. MULVANEY. Mr. Chairman, I rise today to draw attention to the fact that this appears to be essentially where our colleagues across the aisle will probably be taking the national debate for the next 11 months. This is the politics of division. This is not the politics of unity. This is not the politics of trying to bring people together and seeing the country succeed. It's the politics of trying to break us down into different classes.

We hear a lot of talk and will hear a lot of talk this year about fairness, about the 1 percent. What we won't hear, Mr. Chairman, is that, for example, the top 1 percent of the wage earners in this country make 20 percent of the income but pay 40 percent of the taxes.

□ 1540

You won't hear the other side define what is fair; they just want more and more and more. In fact, when you do ask them to talk about what they would specifically have us do—which is go back to the Clinton era tax rates on the top 1 percent—it would pay only 8 cents of every dollar of deficit in this

Nation. It's not designed to solve any problems, Mr. Chairman, and neither is this amendment. It is designed to continue to try and define us.

You can look at this amendment and know that it is simply offered for political gain. It doesn't even attempt to define income inequality in the amendment. It's simply designed to make a political point. Furthermore, you can get this information from Joint Tax if you simply ask for it. That tool is already available to us.

Mr. Chairman, Americans are not envious. They are more interested in how they are doing than whether or not their neighbors are succeeding. They are not envious, and we should not pass an amendment that assumes that they are.

With that, I reserve the balance of my time.

Ms. FUDGE. Can the Chair tell me how much time I have remaining?

The CHAIR. The gentlewoman from Ohio has 2½ minutes remaining.

Ms. FUDGE. Mr. Chairman, let me just say for the record that I did not talk about class; my colleague did. Let me as well say to you that if you talk to the American people, they believe in fundamental fairness. I don't think that the American people do not believe in fairness. I further don't believe that the American people live in a Nation where they don't believe that they can ever accomplish the American Dream. I don't believe that the American people believe that they cannot climb the ladders to success. I do not believe that we live in a Nation where people do not believe that they can rise above their circumstances.

So let me just say to my colleague, it's not about class. It's about the Nation in which we live, the Nation where people come from all over the world wanting to see what it means to be great, what it means to realize the American Dream. That's the America that I'm talking about.

This is not frivolous, this is what is right. This is what the American people want, and I urge my colleagues to support it.

I yield back the balance of my time.

Mr. MULVANEY. Mr. Chairman, it's the 2nd of February. We have roughly 10 months between now and the next election. It's plenty of time for the folks across the aisle to let us know what they mean by fairness. Tell us, what does it mean? When you say that we want a fair Tax Code, we want people to pay their fair share, would you please just let us know what that means in terms of raw numbers. Give us a real proposal as to what that means, and give us a real proposal that actually solves the problem, because raising taxes on the top 1 percent simply will not accomplish what they say that it will. Again, it pays only 8 cents of every dollar worth of deficit. Let us know what fairness is, but I can assure you, Mr. Chairman, it is not this amendment. For that reason, I think we should defeat it.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Ohio (Ms. FUDGE).

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

Ms. FUDGE. 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 Ohio will be postponed.

AMENDMENT NO. 5 OFFERED BY MS. JACKSON LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 112–383.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 18, after the period insert the following new sentence: ''The analysis shall also include estimates of the potential impact, if any, on HUBZones (as such term is defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p))).''

The CHAIR. Pursuant to House Resolution 534, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I, too, want to express my appreciation to the Rules Committee for allowing my amendment to come in. And I acknowledge the ranking member of our Budget Committee for his excellent service, Mr. VAN HOLLEN. I thank Dr. PRICE for his presence here today and engaging in this discussion.

In a few days, I will be meeting with a number of my clergy, along with my small business community, coming from all walks of life, and all of us have found in our hearts and our minds to recognize that small business is in fact the backbone of this country. So I would ask that, as we look at the issue of macroeconomic analysis of this legislation, that we include a well-defined concept to understand what the impact will be on HUBZone areas as defined by the Small Business Act.

H.R. 3582 would require the Congressional Budget Office to provide a macroeconomic impact analysis for bills that are estimated to have a large budgetary effect, and under this bill, there would be analysis that would come about on a number of issues that would, in fact, involve the gross domestic product.

The Small Business Administration administers several programs to support small businesses, including Historically Underused Business Zone empowerment contracting, better known as the HUBZone. The HUBZone program is an effective program. It's a small business Federal contracting assistance program that crosses the land. Wherever you live, you have the opportunity to participate in a HUB program, whose primary objective is job creation and increasing capital investment in distressed communities, irrespective of your location and your background. It provides participating small businesses located in areas with low-income, high poverty rates, or high unemployment rates with contracting opportunities in the form of set-aside, sole-source awards and price evaluation preferences.

Mr. Chairman, this could happen to any community. One moment you could be thriving, and a tornado could come to you in the next moment and you fall in the category of a HUBZone to revitalize small businesses. So I ask my colleagues to support an amendment that spreads across America, and to make the determination that the vitality of small businesses is important to all of us and an assessment should be made using the HUBZone and the impact such legislation would have.

I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I rise to claim time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. I thank the gentlelady from Texas for offering this amendment. But I would suggest that the macroeconomic impact analysis that's required already by the legislation will analyze the effect of job growth and capital formation and economic growth. To add an additional criteria in the analysis is unnecessary, and truly encourages focus on the interests in particular locations as opposed to the general welfare.

This is one of those areas that is rightly worked out in committee, the discussion of these issues in committee. So I would suggest to the gentlelady from Texas that this is not the appropriate opportunity to try to add items to the bill that actually continue to confound the information that would be provided to Members and focus on dividing things as opposed to general information.

If I may, Mr. Chairman, I just want to return to the bill itself and to discuss for just a moment the notion that there is some type of bias within the piece of legislation itself. We've heard our friends on the other side of the aisle talk about that it's biasing positive information as it relates to tax cuts or tax reductions.

Again, I would urge my colleagues who are listening to this and will be considering this piece of legislation in short order to read the legislation. The legislation says nothing about whether or not the dynamic scoring, the flexible scoring that ought to be available for Members, that kind of information is going to look at tax reductions or tax increases, whether it's going to look at how that affects the overall vitality of the economy. In fact, again, what this does is to provide much greater information for our colleagues here to be making decisions.

And, as so many of my friends on our side of the aisle have testified to during this discussion on this piece of legislation, what's needed around here is more information. We now have an administration that has been marching to the Treasury to spend more and more and more and more and more money, plunging us into incredible debt—$1 trillion deficits for each of the 4 years of this current administration—$1 trillion, Mr. Chairman. We've never been there before. And it's clearly having an incredible dragging effect on the economy.

Wouldn't it be wonderful to be able to have Members offer pieces of legislation and have the Congressional Budget Office be able to tell us, say look, if you're going to insist on continuing down this road of debt and doubt and despair, this is the consequence in the real economy; the consequence is that it will continue to have a drag on the economy, jobs will not be truly created? In spite of the guise from the administration that they talk about jobs being created or saved, jobs won't be created. There's a better way. There is a better way. And the American people know there's a better way.

□ 1550

And they know there's a better way that we can be informed. They know that more information for their Member of Congress will allow their Member of Congress to make wiser decisions. So all this bill is about, the Pro-Growth Budget Act, all it is about is an attempt to give you, to give me, to provide for every single Member of this body not biased information, not information that's gaming the system, information that allows for us to make wiser decisions.

Wouldn't it have been wonderful, Mr. Chairman, if during some of the major legislation of the past couple of years, wouldn't it have been wonderful to have had an outside entity, hopefully objective entity, be able to weigh in and say, goodness gracious, if you spend $1 trillion of money that we don't have, this is going to be the consequence in the economy; this is going to be one of the outcomes of it, which is you're going to increase the debt in this country; you're going to decrease the sense that businesses out there have any certainty in the economy; and, therefore, they're not going to be able to create the kind of jobs that all of us desire and all of us want?

That's the kind of information that we would have liked to have had. That's what we were saying at the time, and now it's beginning to play out, but it's playing out with incredible destruction in our communities across our great land, playing out in ways that makes it so that individuals are hurting and are harmed by the actions that were taken by the previous Congress and this administration.

Wouldn't it have been wonderful to have that information so that people could weigh the options?

I urge my colleagues to defeat this amendment and adopt the underlying bill.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. I yield myself such time as I may consume.

I thank the gentleman from Georgia for extending his analysis, but I am saddened by the fact that issues dealing with income inequality, where we're simply trying to acknowledge and overtake comments by Presidential candidate, Mitt Romney: I'm not concerned about the poor—my point about the poor is that you're rich today and poor tomorrow. Catastrophic illness, devastation through a natural disaster, man-made disaster, a terrorist act will put many of us in conditions that we would have never imagined.

What Dr. PRICE has failed to acknowledge, and our Republican friends, is that the dynamic scoring is rooted in anti-tax. It is clear that the bill's language and approach is designed to make it easy to enact deficit-increasing tax cuts.

Keeping the Bush tax cuts are not going to improve the economy. Small businesses will. And ensuring that we don't have revenue will definitely send this Nation down a periled road of no return.

Their own friend, former chairman of the Budget Committee, Jim Nussle, testified it may not be that the budget process is broken. It may not be, in other words, the tools are broken, but it may be that we're not using it. He, too, acknowledged the faultiness of dynamic scoring.

What I'm doing here today is to ask for this amendment to take into consideration hardworking small business owners, assess whether or not they will be impacted negatively.

We already know that agencies are going to have a difficult time in scoring this. We already know that this scoring will have no impact on improving the economy. But the increase in taxes that our colleagues want to do, with no balancing increase in revenues to be able to bring down the deficit, is the peril that they're sending us to.

They have had hearings, and there have been those who've acknowledged that dynamic scoring does little; but it may impact negatively those hardworking businesses that need to have the resources that would be provided to them by the Small Business Administration in their time of need or in their time of growth.

I ask my colleagues to add one more element of information that will give us guidance as to what dynamic scoring will ultimately mean. There is no doubt that an overwhelming number of Americans agree that we must do revenue, and certainly we must respond to the needs of the American people.

None of us are reckless with taxes or increasing taxes, Mr. Chairman. We want to be balanced in what we do. I believe my amendment is a balanced amendment. I ask my colleagues to support it.

Mr. Chair, I rise today in support of my amendment #5 to H.R. 3582, "The Pro-Growth Budget Act of 2011." My amendment requires the Congressional Budget Office to include as part of their macroeconomic analysis estimates of the potential impact, if any, on HUB ZONE areas as defined by the Small Business Act.

H.R. 3582, would require the Congressional Budget Office to provide a macroeconomic impact analysis for bills that are estimated to have a large budgetary effect. Under this bill the CBO would be required to provide an analysis of the impact on the economy of any bill that would have an estimated budgetary effect of greater than 0.25 percent of gross domestic product, GDP, in any fiscal year.

CBO macroeconomic analysis would include the estimated effect on revenues and outlays of a change in GDP resulting from the legislation being evaluated. Those estimates would have to assume that certain tax policies not currently in CBO's baseline are extended. Furthermore, CBO would be required to publicly provide the assumptions and models underlying those analyses.

In all actuality, Mr. Chair, this bill could very well be entitled the, Revenge of Dynamic Scoring Champions Act, because that is in essence what is going on here.

Dynamic scoring is an attempt to measure the macroeconomic effects of policy changes before they happen, and continues to pop up everywhere; in fact, even in negotiations of the Joint Select Committee on Deficit Reduction, also known as the super committee.

Dynamic scoring finds its roots in the anti-tax movement. Dynamic scoring is problematic for the agencies that score and estimate the cost of legislation, and has been soundly rejected.

It is clear from the bill's language and approach that it is designed to make it easier to enact deficit-increasing tax cuts. The bill requires CBO to produce supplementary estimates of the economic impact of major bills using dynamic scoring, an approach that involves more uncertainty and subjectivity than current scoring rules.

None other than Former Republican Budget Committee Chairman Jim Nussle opposed moving to dynamic scoring, noting that CBO "generally have done a better job than some of the dynamic score-keeping. That has been part of the challenge of moving to something called dynamic scoring is that we have not found anything that was any more accurate than the current way."

Believers in dynamic scoring argue that tax cuts pay for themselves, generally by spurring so much economic growth, to the extent that revenues will actually increase. If I didn't know any better Mr. Chair, I'd think they were talking to us about trickle-down economics.

Mr. Chair, where have we heard that before? I recall that the Bush administration attempted to impose the use of dynamic scoring to estimate the cost of its tax cuts, asserting that tax cuts would increase revenue enough to pay for themselves, sort of a trickle-down form of budgeting.

Unfortunately Mr. Chair, the Bush tax cuts did no such thing, but instead caused our national debt to explode. My amendment only seeks to look at the affect, should this measure pass, on HUB Zones, as defined in the Small Business Act.

The Small Business Administration, SBA, administers several programs to support small

businesses, including the Historically Underutilized Business Zone Empowerment Contracting, better known as the HUB Zone program. The HUB Zone program is a small business federal contracting assistance program "whose primary objective is job creation and increasing capital investment in distressed communities." It provides participating small businesses located in areas with low income, high poverty rates, or high unemployment rates with contracting opportunities in the form of "set-asides," sole-source awards, and price-evaluation preferences.

According to the Congressional Research Service, In FY2010, the federal government awarded contracts valued at $12.7 billion to HUBZone certified businesses, with about $3.6 billion of that amount awarded through the HUBZone program.

Mr. Chair, that's the gist of my amendment—job creation—because that's what we should be talking about on the House Floor today.

The Budget Committee has held two hearings on the general topic of budget process reform and the recommendations crossed party lines. Former Budget Committee Chairman Jim Nussle, a Republican witness, testified that "It may not be that the budget process is broken. It may not be, in other words, that tools are broken, but it may be the fact that the tools are not even being used."

Similarly, Dr. Philip Joyce, former Congressional Budget Office, CBO, staff member and a Democratic witness, testified that "My main message is that most of the tools that you need to solve the budget problems faced by the country are already in your toolbox. If the goal is to deal with the larger fiscal imbalance that faces us, the most important thing to do is to make use of them, not search for more tools."

And Mr. Chair, dynamic scoring is the wrong tool at the wrong time—though—In the interest of fairness to the small businesses in distressed communities, I ask my colleagues to support my amendment, even though I have serious reservations about dynamic scoring.

[From Center for American Progress, Nov. 23, 2011]

FIVE PROBLEMS WITH DYNAMIC SCORING

(By Sarah Ayres)

Dynamic scoring—an attempt to measure the macroeconomic effects of policy changes before they happen—continues to pop up everywhere, even in negotiations by the erstwhile Joint Select Committee on Deficit Reduction, better known as the super committee. Long a favorite tool of antitax zealots, dynamic scoring poses a number of problems that make it a poor tool for estimating the cost of proposed legislation, and the agencies tasked with making these estimates have rightly rejected it for years.

Among those who advocate this method, it is confined to revenue estimates, but it could be applied to spending as well. Fans of dynamic scoring argue that tax cuts pay for themselves, generally by spurring so much economic growth that revenues will actually increase on net. In particular, the Bush administration lobbied for the use of dynamic scoring to estimate the cost of its tax cuts, asserting that tax cuts would increase revenue enough to pay for themselves. Of course the Bush tax cuts did no such thing, instead causing our national debt to explode.

Dynamic scoring was a bad idea then and it is still a bad idea today. Here are five reasons why we shouldn't use dynamic scoring.

Conventional revenue estimates already include behavioral responses

While some proponents of dynamic scoring explain it as an alternative to "static" standard scoring estimates, the conventional cost estimates prepared by the Congressional Budget Office, or CBO, and the Joint Committee on Taxation, or JCT, are not actually static. In estimating the budgetary effects of proposed legislation, CBO and JCT both incorporate the microeconomic behavioral effects of policy changes into their estimates. For example, when they score a gas-tax increase, they account for the reduction in gas purchases that would result.

What they don't do is attempt to measure the macroeconomic effects—the effects a policy will have on the overall growth of the economy. As JCT explains, "estimates always take into account many likely behavioral responses by taxpayers to proposed changes in tax law . . . [including] shifts in the timing of transactions and income recognition, shifts between business sectors and entity form, shifts in portfolio holdings, shifts in consumption, and tax planning and avoidance." The official JCT scores do assume that GDP will not change from the projected CBO baseline.

We cannot accurately measure the macroeconomic effects of tax changes

One problem with attempting to measure macroeconomic feedback is that estimates depend on a lot of assumptions. Broad economywide responses to tax policy changes are complex and often contradictory. This reflects the wide range of effects a tax change can have on different actors.

As an example, the Center on Budget and Policy Priorities, or CBPP, notes that reducing marginal tax rates can lead to two different behavioral responses. Increasing the after-tax compensation that a worker receives for an additional hour of work could incentivize the worker to take on additional work because the awards are greater. At the same time, increasing a worker's take-home pay for the same hours of work could also incentivize the worker to work a fewer number of hours for the same amount of money. Which of these two effects will be larger, and by how much? The empirical record simply does not offer us a clear-cut answer to that question. The same is true of myriad other questions that dynamic scoring implicitly or explicitly raises. There is no set of accepted rules that can be applied universally to all tax-policy changes occurring in a variety of economic environments.

Even if we had clear-cut answers, there are practical limits to the level of sophistication that the estimating agencies could bring to dynamic scoring. Former CBO director Rudolph Penner describes the problem: "Consistent dynamic scoring is logistically impossible given current technology. Scoring is a hectic process. The CBO and JCT produce hundreds of scores each year. Congress always wants scores instantaneously, and analysts often work through the night to keep them happy. Dynamic scoring would force analysts to make many more judgment calls than they do today. Quality control would be difficult, and that implies a high risk that ideological biases will pollute the analysis."

Estimates require making assumptions about future policies

Will a tax cut be paid for by spending cuts now or by taking on future debt? Macroeconomic responses may differ greatly depending on how policymakers choose to pay for the policy. Requiring budget analysts to guess how the policy will be paid for in order to score it opens up the possibility that their assumptions will influence the projected macroeconomic changes as much or even more than the policy itself. In testimony before the House Committee on Rules in 2002, CBO director Dan Crippen expressed concern that his office would be stepping into a political minefield by making these guesses: "CBO could make an assumption about what the next five Congresses and at least two presidents will do, but doing so would subject us and the results to a chorus of controversy."

Even if dynamic scoring worked as advertised, there is evidence the effects are quite small

In 2006 a CBPP analysis of cost estimates for President Bush's proposal to make the 2001 and 2003 tax cuts permanent found that the dynamic estimates did not differ greatly from conventional estimates. Two dynamic estimates prepared by the CBO differed by less than 4 percent from the conventional estimate. Even the Bush administration's own estimate found that macroeconomic feedback would offset less than 10 percent of the conventionally estimated cost. There is no evidence that we are missing out on large macroeconomic effects using conventional scoring methods.

Lawmakers can pass policies regardless of their score

If Congress and the president believe a policy will have positive macroeconomic effects, nothing about conventional scoring prevents them from passing it into law. The Bush tax cuts were enacted despite their score because policymakers believed they would be good for the economy. With conventional scoring, everyone generally knows what's included in the estimate and can make their own judgments based on that knowledge. Dynamic scoring would only introduce more obscurity to the process.

For these five reasons, CBO and JCT have rightly chosen not to include dynamic scoring in their official cost estimates. Switching to dynamic scoring would greatly reduce transparency in the revenue-estimating process. Macroeconomic forecasting is an imperfect science and the underlying evidence can be interpreted in many different ways. Using dynamic scoring would greatly pressure estimating agencies to make assumptions—assumptions that would be hard to pick out, difficult to evaluate, and likely very important at their extremes. CBO and JCT already incorporate behavioral responses into their cost estimates, and attempts to measure macroeconomic effects of the proposed policies will be fraught with inaccuracies and perceived as politically biased.

We may be able to resolve some of these problems in the future but for now there are many reasons why it doesn't make sense to use dynamic scoring.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

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

Ms. JACKSON LEE of Texas. 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 Texas will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. QUIGLEY

The CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 112–383.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, after line 2, insert the following:

''(c) TAXPAYER RECEIPT.—The Director shall create and maintain a permanent website with the domain name TaxpayerReceipt.gov (or a similar name if that is unavailable) and that includes a calculator that allows taxpayers to enter their annual income and receive an estimate of the amount of their projected contribution to or receipt from any applicable major bill or resolution in the budget year and the succeeding nine years, assuming the taxpayer has a constant annual income.''.

Page 3, line 3, strike ''(c)'' and insert ''(d)''.

The CHAIR. Pursuant to House Resolution 534, the gentleman from Illinois (Mr. QUIGLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. QUIGLEY. Mr. Chairman, my amendment would create a simple CBO-sponsored Web site where taxpayers could learn how much they would be contributing to major Federal spending programs under consideration by Congress. Similarly, it would allow taxpayers to learn how much their taxes would increase or decrease under any major tax legislation being considered by this Congress.

The fact is, we don't do a good enough job communicating with our constituents. There's too much misinformation out there, and good information isn't accessible enough to Americans without connections to Washington. Try digging through a government Web site, and you'll see the difficulty. My staff gets calls all the time from constituents who are having trouble finding good information about our budget and our Tax Code.

My amendment would take a significant and necessary step towards increasing transparency and accountability. If Congress wants to pass a major new spending program, the tax and the costs to the taxpayer should be made transparent. If the Congress wants to pass a tax increase, the costs to the taxpayer should be transparent. And if Congress wants to pass a tax cut, taxpayers should know exactly how they or someone in their tax bracket would benefit.

Transparency is the best way to hold lawmakers in Washington accountable, and it's the best way to rein in out-of-control deficits. Our constituents have a right to this information, and we shouldn't skimp when it comes to transparency.

I've been working on this taxpayer receipt idea since 2010, and 15 of my colleagues, from both sides of the aisle, have joined me in supporting similar legislation to this effect.

However, at this time, I understand the gentleman from Georgia is opposed to this amendment, which pretty much guarantees that it will go down in a blazing ball of martyrdom. And while I'm a Cubs fan and my team hasn't won a World Series since before manned flight, I am realistic. So I will offer to withdraw this amendment if the gentleman will commit to work with me to move this idea forward in a separate venue.

I yield back the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I claim the time in opposition.

Am I to understand that the gentleman has withdrawn the amendment?

The CHAIR. The amendment has not been withdrawn.

Mr. QUIGLEY. Not formally, if I could respond.

Mr. PRICE of Georgia. Has the gentleman yielded back?

The CHAIR. The gentleman has yielded back.

Mr. PRICE of Georgia. And the gentleman is able to withdraw the amendment after he has yielded back?

The CHAIR. Yes, by unanimous consent.

Mr. PRICE of Georgia. I claim the time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Chairman, I want to commend the gentleman from Illinois for his amendment. But as we have had our staffs discuss, the amendment would truly mark a significant departure from CBO's historical mission of providing information to policymakers on fiscal and economic implications of a legislation.

It would impose a significant new requirement on CBO to calculate the taxpayer benefit or the cost of major legislation, something that, candidly, Mr. Chairman, the CBO lacks both the expertise and experience to be able to provide. So though it's commendable, I don't think it has a thing to do with the underlying bill.

I do believe there are some private sector solutions out there and look forward to working with the gentleman from Illinois, given that he has agreed to withdraw his amendment in the future, as we move forward to, again, do something that I believe to be commendable, and that is to provide much more information for hardworking taxpayers as well.

And given that he has agreed to withdraw the amendment, I yield back the balance of my time.

Mr. QUIGLEY. Mr. Chairman, I just wanted to give the gentleman an opportunity to explain his point. I thank him for his willingness to work on this issue together. I now withdraw the amendment.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 7 OFFERED BY MR. FLAKE

The CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 112–383.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, lines 20 through 22, strike ''.25 percent of the current projected gross domestic product of the United States'' and insert ''$5,000,000,000''.

The CHAIR. Pursuant to House Resolution 534, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

□ 1600

Mr. FLAKE. Mr. Chairman, let me start by congratulating the Budget Committee and the gentleman from Georgia for bringing this bill to the floor. We need to have more honest budgeting, and this is a step in the right direction. I plan to support it. I have long supported the use of dynamic scoring in particular. I'm pleased to see this issue on the floor today.

It's necessary to ensure that Congress has the most reliable information possible. Not all tax cuts are created equal when it comes to the ability to actually generate tax revenue, and I think that we ought to recognize that, and that's what dynamic scoring is all about.

H.R. 3582 requires CBO to provide a supplemental dynamic analysis for a bill with a gross budgetary impact greater than a quarter percent of the U.S. gross domestic product in any fiscal year. Based on the current GDP, I believe the threshold would be somewhere in the neighborhood of $40 billion, meaning the dynamic scores would be limited to bills with a gross impact of $40 billion a year.

Unless I'm mistaken, I believe that setting a trigger for a supplemental macroeconomic analysis would have yielded dynamic scores for somewhere in the neighborhood of a couple dozen bills introduced last year, let alone the number that we considered. The amendment that is ruled in order here would lower the threshold for requiring a supplemental dynamic score to any legislation that would have a budgetary impact greater than $5 billion in a year.

Now, I understand that there are concerns with setting the trigger considerably lower than the quarter percent of GDP, including it would mean that CBO would have considerably more work to do. I am sensitive to that. But I do think that we ought to set the standard a little lower, or the trigger a little lower than $40 billion a year.

CBO scores hundreds of bills a year. This is a lot more analysis that they would have to do, but I think it is important. But, as I mentioned, I'm sensitive to the concerns that have been raised that this would require too much work or too much additional work, which might require additional staffing and everything else at the CBO, so I'm prepared to withdraw this amendment. But I hope that, as this process moves forward, we can set a standard or a threshold a little lower than $40 billion a year. I think that that would benefit lawmakers as we consider the impact of this legislation.

I'm prepared to withdraw the amendment, but I'm happy to yield to my

friend from Georgia the time that he might need.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the gentleman for yielding.

I want to thank the gentleman for his amendment. I want to commend him for his wonderful work throughout his congressional career on the fiscal responsibility appropriations process, having a more transparent and fiscally responsible governance and a more open budgeting process and more responsible budgeting process.

We both recognize the imperative of a greater dynamic analysis to the legislation that we have coming before us. What the appropriate threshold is, I think we're probably in the ballpark, but I'm happy to work with the gentleman as we move forward with this legislation to determine what that appropriate threshold is for legislation to be considered in a macroeconomic fashion from CBO.

And I appreciate the gentleman's amendment and also appreciate him working with me in the future.

Mr. FLAKE. Mr. Chairman, again, I want to say I support this legislation. It's good legislation. I look forward to working with the gentleman as we move ahead, and I ask unanimous consent that the amendment be withdrawn.

The Acting CHAIR (Mr. BASS). Is there objection to the request of the gentleman from Arizona?

There was no objection.

AMENDMENT NO. 8 OFFERED BY MR. CICILLINE

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 112–383.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Jobs Score Act of 2012''.

SEC. 2. AMENDMENT TO THE CONGRESSIONAL BUDGET ACT OF 1974.

Section 402 of the Congressional Budget Act of 1974 (2 U.S.C. 653) is amended—

(1) in paragraph (2), by striking ''and'';

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by inserting after paragraph (3) the following:

''(4) an estimate of the number of jobs which would be created, sustained, or lost in carrying out such bill or resolution in the fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate, and to the extent practicable, the analysis shall include regional and State-level estimates of jobs that would be created, sustained, or lost.''.

The Acting CHAIR. Pursuant to House Resolution 534, the gentleman from Rhode Island and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. CICILLINE. Mr. Chairman, a little over a year ago when the Republican conference was meeting to discuss changes to the rules of the House for the 112th Congress, I offered a commonsense proposal. In a letter I sent to the chairman of the Rules Committee in January of 2011, I shared my belief that our priority in this Congress must be to enact legislation that will lead to job growth. I further stated that, given our priority of job creation, the new rules of the 112th Congress should require disclosure of the impact on job creation of any legislation being considered by the full House. That was 1 year ago, yet here we are today rehashing a seemingly age-old debate over trickle-down economics.

While we debate back and forth about whether H.R. 3582, the Pro-Growth Budgeting Act, is just another attempt to strengthen the case for passing large tax cuts while minimizing the actual costs, back home in my State, the State of Rhode Island, more than 60,000 men and women are without jobs. While we debate a bill with dim prospects of ever passing the Senate, more than 13 million Americans remain unemployed.

Just as many of you have seen in your own districts what I've seen firsthand in my district, the toll that this recession has taken on our families, our businesses, and our communities. My State was one of the first States in the Northeast to be hit by the recession, and like many other States, our recovery is slow; and with 10.8 percent unemployment, the toll continues. That's why, 1 year later, I'm still here expressing the same urgent need for Congress to understand, as we consider legislation, whether our legislative actions will result in job creation or job loss, and this is precisely what my amendment would do.

My amendment would strike the underlying language in H.R. 3582 and replace it with the text of the Job Score Act, which I introduced earlier in this session. This proposal would amend the Congressional Budget Act of 1974 to require that, in addition to cost estimates, the Congressional Budget Office also prepare an estimate of the number of jobs which would be created, sustained, or lost by enactment of the legislation reported by the committee, including regional and State-level estimates.

A companion to the Job Score Act has been introduced into the Senate with bipartisan support, Republicans and Democrats. A commonsense approach, there's no voodoo economics in this amendment. There's no controversial provisions requiring budget estimates that assume the extension of the Bush-era tax cuts for the wealthiest Americans. My amendment would not require the inclusion of subjective and uncertain macroeconomic feedback in revenue estimates. This amendment goes beyond reviewing only major legislation and requires a jobs impact assessment for every bill that requires a formal CBO score.

My amendment is simple, straightforward, and should be a proposal that any Member who's serious about focusing on jobs can support.

Given these challenging economic times and their profound impact on the lives of men, women, and families throughout America, we need to ensure that the policies deliberated in Congress include an evaluation of the impact on job creation. This amendment puts politics, partisanship, and controversial economic policy aside.

Americans deserve to know whether the actions taken in Washington are likely to result in job creation or job loss. My legislation will help provide Congress with this vitally important assessment. I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I claim time in opposition.

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

Mr. PRICE of Georgia. The gentleman from Rhode Island says that this is a simple proposition, and in that, he's correct. It's simply terrible.

What he does with this amendment is to take away the entire underlying bill, and then he has the audacity to say that the bill, itself, does not provide any constructive information for Members.

So I guess what the Member is saying is that an estimate of changes to economic output for legislation that we bring forward that is significant and has a huge effect on the gross domestic product, I guess that's not consequential. I guess that's not in order to be considered. I guess that means that the gentleman doesn't think that that affects unemployment.

Oh, yes, Mr. Chairman, employment, on page 4, line 24 of the legislation. I guess the gentleman thinks that that's not important, that the dynamic consequences of legislation that's brought forward here that has significant effect on GDP ought not be considered.

□ 1610

I guess the gentleman believes it is tax revenue, not tax cuts, as I have stated from this position all afternoon. Our friends on the other side seem to believe—in fact, the gentleman said—the bill would ''assume the inclusion of tax cuts.''

Mr. Chairman, there is nothing in this bill that assumes any inclusion of tax cuts or of tax reductions or tax increases. All that this says is, with legislation that has a significant effect on our gross domestic product of .25 percent, which is about $40 billion, as has been talked about, that the CBO, the Congressional Budget Office—our arm of the Congress that is providing us with information and is able to give us the most information so that we can make the wisest decisions—ought to look at these things in a dynamic way and look at economic output, look at employment, look at tax revenues. Is it going to be positive or negative? Is it going to affect the economy positively or negatively? Would that we would

have done that over the past number of years, Mr. Chairman, maybe we would have made some better decisions.

So it is important for Members to appreciate that this amendment strikes the entire bill and inserts in its place something that I believe to be, for the bill, redundant but incredibly and remarkably burdensome to the Congressional Budget Office. The macroeconomic analysis required by the base bill already requires an analysis of the effect of major legislation on employment and on labor supply.

The entire point of the bill is that Congress ought to consider and have better information on the economic impact of major legislation that's being considered. The extension of this jobs analysis to every bill reported out of a House committee will generate an incredible amount of work and burden.

For example, Mr. Chairman, we oftentimes get criticized for naming post offices. We're going to assign somebody at the Congressional Budget Office to determine the jobs impact of renaming a post office. That's right. You talk about a redundant and worthless activity of the Federal Government. This would be decreasing the efficiency of an already remarkably inefficient process at a time when we're appropriately decreasing spending at the Federal level, which—yes, Mr. Chairman—also includes the Congressional Budget Office. They're above where they were in the midportion of the last decade, but we're beginning to get that spending under control. This bill would indiscriminately add to the workload, and it would provide, really, no new information to Members of Congress.

My friend from Rhode Island is correct. This is a simple amendment. It is simply a terrible amendment, and it would completely end the underlying piece of legislation.

So I urge the defeat of this amendment, and I reserve the balance of my time.

Mr. CICILLINE. How much time remains, Mr. Chairman?

The Acting CHAIR. The gentleman from Rhode Island has 1½ minutes remaining.

Mr. CICILLINE. The amendment that I've offered does substitute the existing bill, and that's because, in fact, it is a terrible bill. And that's why I proposed this amendment—to substitute it—to avoid what the bill that is on the floor does.

It avoids the partisanship, the controversial economic policy for which there is so much disagreement and which we've heard about for the last hour. There is no hidden agenda as to high tax cuts while trying to use as a baseline the Bush tax cuts. It puts aside all of the disagreements about which we've just heard for 1 hour, and it uses common sense.

I certainly suggest to my friend, the gentleman from Georgia, that, in fact, the single most important analysis we should be doing on every single bill that the CBO does an analysis of is jobs. Will this bill create jobs if we pass it? Will it cause the loss of jobs? That is the most urgent responsibility we have in Congress right now. This bill simply says that the analysis that should be done on every bill that the CBO does is to ask: Will it create jobs? Will it cause the loss of jobs? We would do that statewide and regionally.

Why is that information valuable?

Because we should be singularly focused on job creation. We should avoid the kind of partisanship in disputes about trickle-down economics, voodoo economics; about the tax policy and about using the Bush tax cuts as the baseline. We need a commonsense approach that simply says that Members of Congress should have the information and should know does this create jobs or does it not before making a decision.

I yield back the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, how much time remains?

The Acting CHAIR. The gentleman has 45 seconds remaining.

Mr. PRICE of Georgia. Mr. Chairman, the gentleman uses the appropriate buzzwords: trickle-down, voodoo, partisanship, and all that. The fact of the matter is that none of that is in this bill. What is in this bill is an objective, commonsense, common ground attempt to provide greater information to Members of Congress, and his amendment strikes the entire underlying piece of legislation.

Again, at page 4, line 24, it calls on the CBO to address the issues of dynamism as it relates to macroeconomic factors when bills are coming to the floor—unemployment, unemployment, Mr. Chairman.

I urge my colleagues to defeat this amendment and to adopt the underlying bill, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. CICILLINE).

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

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

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

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in Part B of House Report 112–383 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. PETERS of Michigan.

Amendment No. 2 by Mr. CONNOLLY of Virginia.

Amendment No. 4 by Ms. FUDGE of Ohio.

Amendment No. 5 by Ms. JACKSON LEE of Texas.

Amendment No. 8 by Mr. CICILLINE of Rhode Island.

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

AMENDMENT NO. 1 OFFERED BY MR. PETERS

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 244, not voting 14, as follows:

[Roll No. 24]

AYES—174

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

NOES—244

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
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
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
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.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
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)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—14

Berg
Cardoza
Carson (IN)
Cassidy
Filner
Hinchey
Kaptur
Mack
Pascrell
Paul
Rothman (NJ)
Roybal-Allard
Ruppersberger
Sires

□ 1645

Messrs. GUINTA, GARY G. MILLER of California, CRAVAACK, SHUSTER and McINTYRE changed their vote from ''aye'' to ''no.''

Messrs. CLEAVER and COSTA 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. FILNER. Mr. Chair, on rollcall No. 24, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''aye.''

Stated against:

Mr. CASSIDY. Mr. Chair, on rollcall No. 24, I was unavoidably detained. Had I been present, I would have voted ''no.''

AMENDMENT NO. 2 OFFERED BY MR. CONNOLLY OF VIRGINIA

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 177, noes 237, not voting 18, as follows:

[Roll No. 25]

AYES—177

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
Carney
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—237

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

NOT VOTING—18

Berg
Canseco
Capuano
Cardoza
Carnahan
Carson (IN)
Filner
Gutierrez
Hinchey
Kaptur
LaTourette
Mack
Pascrell
Paul
Rothman (NJ)
Roybal-Allard
Schock
Sires

□ 1649

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 25, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT NO. 4 OFFERED BY MS. FUDGE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Ohio (Ms. FUDGE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 171, noes 243, not voting 18, as follows:

[Roll No. 26]

AYES—171

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
Carnahan
Carney
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—243

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
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
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
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.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
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—18

Berg
Canseco
Cardoza
Carson (IN)
Dicks
Filner
Garamendi
Hinchey
Kaptur
Mack
Miller (NC)
Pascrell
Paul
Rothman (NJ)
Roybal-Allard
Sherman
Sires
Sullivan

□ 1652

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 26, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have "aye."

Mr. SHERMAN. Mr. Chair, on rollcall No. 26, had I been present, I would have voted "aye."

AMENDMENT NO. 5 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 173, noes 243, not voting 16, as follows:

[Roll No. 27]

AYES—173

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

NOES—243

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barton (TX)
Bass (NH)
Benishek
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Capito
Carney
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
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
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (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

Berg
Broun (GA)
Canseco
Cardoza
Carson (IN)
Filner
Hinchey
Kaptur
Mack
Napolitano
Pascrell
Paul
Rothman (NJ)
Roybal-Allard
Sires
Waters

□ 1656

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 27, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

Mr. BERG. Mr. Chair, on rollcall Nos. 24, 25, 26, and 27, had I been present, I would have voted "no."

AMENDMENT NO. 8 OFFERED BY MR. CICILLINE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 174, noes 245, not voting 13, as follows:

[Roll No. 28]

AYES—174

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

NOES—245

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
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.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
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)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—13

Cardoza
Carson (IN)
Filner
Hinchey
Kaptur
Mack
Pascrell
Paul
Payne
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
Sires

□ 1701

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall No. 28, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

The Acting CHAIR (Mr. FLEISCHMANN). The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS of New Hampshire) having assumed the chair, Mr. FLEISCHMANN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3582) to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation, and, pursuant to House Resolution 534, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. BOSWELL. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr BOSWELL. I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Boswell moves to recommit the bill H.R. 3582 to the Committee on the Budget with instructions to report the same back to the House forthwith with the following amendment:

After section 407(b) of the Congressional Budget Act of 1974 as added by section 2, insert the following new subsection (c) (and redesignate succeeding subsections accordingly):

''(c) IMPACTS ON MEDICARE BENEFITS, BENEFICIARIES, THE SOCIAL SECURITY AND MEDICARE TRUST FUNDS.—The Director of the Congressional Budget Office shall prepare for each major bill or resolution reported by any committee of the House of Representatives or the Senate (except the Committee on Appropriations of each House), as a supplement to estimates prepared under section 402, an impact analysis of the budgetary effects of such bill or resolution on Medicare benefits, beneficiaries, the Social Security and Medicare Trust Funds for the ten fiscal year period beginning with the first fiscal year for which an estimate was prepared under section 402 and each of the next three ten fiscal-year periods. The Director shall submit to such committee the impact analysis, together with the basis for the analysis. As a supplement to estimates prepared under section 402, all such information so submitted shall be included in the report accompanying such bill or resolution.''.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 5 minutes.

Mr. BOSWELL. Mr. Speaker, let me be clear. The passage of this amendment will add protections for America's seniors to the bill. It will not, I repeat, it will not prevent the passage of the underlying bill. If it's adopted, the amendment will be incorporated in the bill, and the bill will be immediately voted upon.

My motion to recommit will protect Medicare and Social Security beneficiaries and repair, yes, repair the trust between seniors and this body.

The Republican leadership has, for more than a year, promised that slash-and-burn legislation would revitalize this Nation and empower employers. Well, we're still waiting on millionaire job creators to show us the jobs.

To date, we have seen nothing from the Republican Party that would encourage job growth, stabilize the American family, or help seniors pay for their Medicare. Instead, the policies we have seen attempt to take from hard-working Americans the assistance they have been promised and that they have paid into their entire working careers, throughout their lives.

Last year we were promised legislation that would fuel job growth. We ended up with a budget that would pay for a tax break for the wealthy by dismantling Medicare. Instead of providing the benefits these workers had earned, the Republican budget attempted to charge seniors higher premium costs for fewer benefits.

Seniors were let down when this plan had enough Republican support to pass the Chamber. Like me, again, seniors will be disheartened once more when the Republican budget on the floor next month again attempts to end Medicare.

Seniors have a right to know when their benefits are being cut or when their Social Security trust funds are being drained. They should not have to fear each day what this Chamber's leadership is going to do to their benefits.

American seniors have the right to know. That is why we are offering this amendment today, to ensure that Iowa's 450,000-plus seniors know when legislation could tamper with their hard-earned benefits. This amendment will side with our seniors by requiring an assessment of each bill to show how it will affect the programs our seniors rely on.

Voting for this amendment will prove to the American seniors that you are on their side and that you care about the programs that made this country great. The greatest success of Medicare and Social Security is that, in a time of need, these programs brought Americans over the age of 60 out of poverty and ensured their access to care. These programs honor America's work ethic and the communities that we build together.

This amendment would provide peace of mind by ensuring that any attempt to change Social Security, Medicare, and the Medicare trust fund will be reported to Congress and the public. Should a bill harm the solvency of the trust fund, lessen the benefits owed to American workers, or command seniors to pay more in premium costs, our seniors will know.

Americans who are enrolled in Social Security and Medicare have paid into these programs throughout their entire careers, and they have helped to make this country what it is today. It is our responsibility—our responsibility—to work together and preserve the structure of Medicare.

We must provide America's seniors with a viable safety net and insurance plan for their future. So I will fight to—continue to fight for proposals that strengthen Medicare and the benefits that American retirees have worked for throughout their lives.

I hope, again, I hope you will join me, and I urge all of my colleagues to vote ''yes'' on this amendment.

I yield back the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. RYAN of Wisconsin. Mr. Speaker, I have good news, good news for my friend from Iowa. This isn't necessary. It's already done. The Congressional Budget Office already prepares these macroanalyses any time we consider legislation affecting these programs.

More to the point, Mr. Speaker, if you want to get the kind of detailed analysis on how policy changes affect Medicare and Social Security beneficiaries, that is done by the trustees, by the actuaries at CMS and HHS and at Social Security, SSA, not by the CBO. But the other part of the good news is they do that as well.

So what is good for us is that we do not need to pass this. It's unnecessary. It's already done. CBO already produces this kind of analysis, and the trustees at Medicare and Social Security produce it at the very level that the gentleman from Iowa is hoping for.

I would be more than happy, whenever legislation comes up to the House dealing with these issues, to provide that analysis and show it to my friend from Iowa.

With that, Mr. Speaker, I think we've said enough. I don't want to consume all the 5 minutes. There's no point in passing this.

I yield back the balance of my time.

□ 1710

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

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 15-minute vote. The Chair will reduce to 5 minutes any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 183, noes 237, not voting 12, as follows:

[Roll No. 29]

AYES—183

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

NOES—237

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

NOT VOTING—12

Cardoza
Carson (IN)
Filner
Hinchey
Hoyer
Mack
Pascrell
Paul
Rothman (NJ)
Roybal-Allard
Sewell
Sires

□ 1727

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 29, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. GARAMENDI. 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 242, noes 179, not voting 11, as follows:

[Roll No. 30]

AYES—242

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
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.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Young (AK)
Young (FL)
Young (IN)

NOES—179

Ackerman
Altmire
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Castor (FL)
Chandler
Chu

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

NOT VOTING—11

Cardoza
Carson (IN)
Filner
Hinchey
Mack
Pascrell
Paul
Rothman (NJ)
Roybal-Allard
Sires
Yoder

□ 1734

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 30, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. CARSON of Indiana. Mr. Speaker, on February 2, 2012, I missed rollcall votes 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30 because of district business. Had I been present, I would have voted "no" on rollcall 21, "no" on rollcall 22, "yes" on rollcall 23, "yes" on rollcall 24, "yes" on rollcall 25, "yes" on rollcall 26, "yes" on rollcall 27, "yes" on rollcall 28, "yes" on rollcall 29, and "no" on rollcall 30.

PERSONAL EXPLANATION

Mr. PASCRELL. Mr. Speaker, I want to state for the Record that on February 2, 2012, I missed the last seven rollcall votes of the day.

Had I been present I would have voted: "yea" on rollcall vote No. 24, on the Peters Amendment; "yea" on rollcall vote No. 25, on the Connolly Amendment; "yea" on rollcall vote No. 26, on the Fudge Amendment; "yea" on rollcall vote No. 27, on the Jackson Lee Amendment; "yea" on rollcall vote No. 28, on the Cicilline Amendment; "yea" on rollcall vote No. 29, on the Motion to Recommit H.R. 3582; "nay" on rollcall vote No. 30, on H.R. 3582, the Pro-Growth Budgeting Act of 2011.

BASELINE REFORM ACT OF 2011

Mr. RYAN of Wisconsin. Mr. Speaker, pursuant to House Resolution 534, I call up the bill (H.R. 3578) to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to reform the budget baseline, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 534, in lieu of the amendment in the nature of a substitute recommended by the Committee on the Budget, printed in the bill, the amendment in the nature of a substitute consisting of the text of the Rules Committee Print 112–9 dated January 5, 2012, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3578

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 ''Baseline Reform Act of 2012''.

SEC. 2. THE BASELINE.

Section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

''SEC. 257. THE BASELINE.

''(a) IN GENERAL.—(1) For any fiscal year, the baseline refers to a projection of current-year levels of new budget authority, outlays, or receipts and the surplus or deficit for the current year, the budget year, and the ensuing nine outyears based on laws enacted through the applicable date.

''(2) The baselines referred to in paragraph (1) shall be prepared annually.

''(b) DIRECT SPENDING AND RECEIPTS.—For the budget year and each outyear, estimates for direct spending in the baseline shall be calculated as follows:

''(1) IN GENERAL.—Laws providing or creating direct spending and receipts are assumed to operate in the manner specified in those laws for each such year and funding for entitlement authority is assumed to be adequate to make all payments required by those laws.

''(2) EXCEPTIONS.—(A)(i) No program established by a law enacted on or before the date of enactment of the Balanced Budget Act of 1997 with estimated current year outlays greater than $50,000,000 shall be assumed to expire in the budget year or the outyears. The scoring of new programs with estimated outlays greater than $50,000,000 a year shall be based on scoring by the Committees on the Budget or OMB, as applicable. OMB, CBO, and the Committees on the Budget shall consult on the scoring of such programs where there are differences between CBO and OMB.

''(ii) On the expiration of the suspension of a provision of law that is suspended under section 171 of Public Law 104–127 and that authorizes a program with estimated fiscal year outlays that are greater than $50,000,000, for purposes of clause (i), the program shall be assumed to continue to operate in the same manner as the program operated immediately before the expiration of the suspension.

''(B) The increase for veterans' compensation for a fiscal year is assumed to be the same as that required by law for veterans' pensions unless otherwise provided by law enacted in that session.

''(C) Excise taxes dedicated to a trust fund, if expiring, are assumed to be extended at current rates.

''(D) If any law expires before the budget year or any outyear, then any program with estimated current year outlays greater than $50,000,000 that operates under that law shall be assumed to continue to operate under that law as in effect immediately before its expiration.

''(3) HOSPITAL INSURANCE TRUST FUND.—Notwithstanding any other provision of law, the receipts and disbursements of the Hospital Insurance Trust Fund shall be included in all calculations required by this Act.

''(c) DISCRETIONARY SPENDING.—For the budget year and each of the nine ensuing outyears, the baseline shall be calculated using the following assumptions regarding all amounts other than those covered by subsection (b):

''(1) ESTIMATED APPROPRIATIONS.—Budgetary resources other than unobligated balances shall be at the level provided for the budget year in full-year appropriation Acts. If for any account a full-year appropriation has not yet been enacted, budgetary resources other than unobligated balances shall be at the level available in the current year.

''(2) CURRENT-YEAR APPROPRIATIONS.—If, for any account, a continuing appropriation is in effect for less than the entire current year, then the current-year amount shall be assumed to equal the amount that would be available if that continuing appropriation covered the entire fiscal year. If law permits the transfer of budget authority among budget accounts in the current year, the current-year level for an account shall reflect transfers accomplished by the submission of, or assumed for the current year in, the President's original budget for the budget year.

''(d) UP-TO-DATE CONCEPTS.—In calculating the baseline for the budget year or each of the nine ensuing outyears, current-year amounts shall be calculated using the concepts and definitions that are required for that budget year.

''(e) ASSET SALES.—Amounts realized from the sale of an asset shall not be included in estimates under section 251, 251A, 252, or 253 of this part or section 5 of the Statutory-Pay-As-You-Go Act of 2010 if that sale would result in a financial cost to the Government as determined pursuant to scorekeeping guidelines.''.

SEC. 3. ADDITIONAL CBO REPORT TO BUDGET COMMITTEES.

Section 202(e) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraphs:

''(4)(A) After the President's budget submission under section 1105(a) of title 31, United States Code, in addition to the baseline projections, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate a supplemental projection assuming extension of current tax policy for the fiscal year commencing on October 1 of that year with a supplemental projection for the 10 fiscal-year period beginning with that fiscal year, assuming the extension of current tax policy.

''(B) For the purposes of this paragraph, the term 'current tax policy' means the tax policy in statute as of December 31 of the current year assuming—

''(i) the budgetary effects of measures extending the Economic Growth and Tax Relief Reconciliation Act of 2001;

''(ii) the budgetary effects of measures extending the Jobs and Growth Tax Relief Reconciliation Act of 2003;

''(iii) the continued application of the alternative minimum tax as in effect for taxable years beginning in 2011 pursuant to title II of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, assuming that for taxable years beginning after 2011 the exemption amount shall equal—

''(I) the exemption amount for taxable years beginning in 2011, as indexed for inflation; or

''(II) if a subsequent law modifies the exemption amount for later taxable years, the modified exemption amount, as indexed for inflation; and

''(iv) the budgetary effects of extending the estate, gift, and generation-skipping transfer tax provisions of title III of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

''(5) On or before July 1 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate, the Long-Term Budget Outlook for the fiscal year commencing on October 1 of that year and at least the ensuing 40 fiscal years.''.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in part A of House Report 112–383, if offered by the gentlewoman from Texas (Ms. JACKSON LEE), or her designee, which shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from Wisconsin (Mr. RYAN) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3578.

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

There was no objection.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

I first want to start off by thanking Mr. WOODALL and Mr. GOHMERT, two of the leaders on this policy. This is the second of 10 bills on fixing the broken budget process that we're bringing to the floor to try to bring back accountability, transparency and responsibility to our Federal budgeting process. What this bill does is it removes the pro-spending bias that currently exists in the baseline we use as a starting point in Federal budgeting.

The baseline we currently use assumes automatic increases in spending in the discretionary budget. So, for instance, instead of basing next year's discretionary budget on what we spent this year, we don't do it that way. The way it works is we automatically assume spending increases. We automatically assume that government agencies can't live with what they had last year, can't be more efficient, can't be more productive, and we assume inflation in it already.

We think for honesty, for transparency, if we spent X dollars this year, that is the base on which we ought to consider next year's budget. And for all those programs where inflationary updates are already legislated, such as Medicare, Social Security, or the tax brackets to prevent inflation, this doesn't affect those. Those programs by law adjust for inflation and, therefore, so should their baselines. Discretionary spending, something Congress controls every year, does not have that because Congress legislates every year.

So what we're simply saying is let's err on the side of the taxpayer. Let's not err on the side of assuming every government agency automatically needs a spending increase one year to the next. If we think they need more money, then we should measure it on an honest basis and then legislate more money for those agencies.

With that, Mr. Speaker, I will turn over the rest of my time to Mr. WOODALL, the author of this legislation, and reserve the balance.

The SPEAKER pro tempore. Without objection, the gentleman from Georgia will control the remaining time.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia.

Mr. WOODALL. Thank you, Mr. Speaker, and I thank the chairman for yielding to me.

I reserve the balance of my time.

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

This is the second budget bill that we've had today. There's been a lot of talk about what we need to do to help move the economy forward, to help put people back to work.

Let's be clear: as was acknowledged earlier, these bills do none of that. This will not help create one job; this is not going to help grow the economy. We've got a lot of work that we should be doing, including taking up the President's jobs bill, which has been sitting in the House since last October.

The economy remains very fragile. Those infrastructure investments and helping rebuild and repair our roads, our bridges, transit ways could be put to good use right now.

With respect to this bill, the concern is that this creates actually a very misleading picture of what we can purchase in terms of goods and services with our dollars, and it gets more misleading over time. Why do I say that?

Every American knows that when you're comparing the amount something costs between different periods of time, you have got to take into account inflation. You know what, $10 back 40 years ago bought a lot more than $10 today. What this bill does is it tries to kind of wish away inflation and, in that sense, it creates, as I say, a misleading sense of what we can expect in terms of goods and services purchased for taxpayer dollars going forward.

I think every taxpayer would say that if we did not, we did not index their taxes for inflation, that would be a tax increase. That's why we index taxes. If we decided to pass a law saying no more indexation of taxes, it would be a hidden tax increase.

Now, here I want to give a very clear example.

□ 1740

In fiscal year 2013, we're going to spend $61 billion to help support our veterans, to help support our veterans, provide for veterans health care and other services. This is part of the discretionary budget. We also provide help in some of the mandatory budget.

Now, this bill would have you believe that 10 years from now, that $61 billion is somehow going to provide you the same amount of goods and services to take care of our veterans. We know that's not true. We know that $61 billion 10 years from now is going to provide a lot less health care for people who served this country. And so let's not play make-believe, and that's what this bill does.

What the Congressional Budget Office does right now is they make the assumptions that reasonable forecasters would make. As the author of the bill has said, there's no law right now that tells CBO how to do it. We leave it to the independent, nonpartisan body, the Congressional Budget Office, to figure out what's the best way, what makes the most sense for budgeting purposes. And they say, you know what; we should do what every American does when they're comparing dollars spent in the past or in the future. We need to normalize that. We need to index that to get a real sense of what taxpayer dollars will be able to purchase; otherwise, it creates a misleading impression.

And so CBO, the independent group, said we need to take an account of inflation. What this bill does is says as a matter of law, ignore that. As a matter of law, we're not going to wish away inflation. We're going to pass a law that says for these purposes, don't take it into account. And as I say, it will create a very misleading picture of what it will take to support investments like veterans' health.

With that, I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, at this time I'd like to yield 5 minutes to the gentleman from Texas (Mr. GOHMERT) who has been battling in the trenches over this idea for a number of years and whom I'm just as pleased as can be that his idea has come to fruition today.

Mr. GOHMERT. Mr. Speaker, I understand the concerns of my friend across the aisle, but I'm telling you, this is a great day for Congress, for America. Going back to 1974, the most liberal Congress in America until the time when Speaker PELOSI took the gavel, in 1974, rules for CBO were put in place making it difficult to ever make actual tax cuts to help the economy grow, as John F. Kennedy made clear and showed by his actions. But that was also a time when Congress thought it would be a good idea to create automatic increases of every discretionary department's budget in the Federal budget, automatic increases.

I mean, there are times when increases would be appropriate, and there

are times when it would not be. But why should the government not have to deal with financial issues, like any responsible American, like any responsible family? There will be times when you should have to make cuts. There will be times when you should have to make increases. But what we saw through the 1990s, back during my days when I was a judge, I heard a guy named Rush Limbaugh bring up why do we have this automatic increase, because then when conservatives try to slightly decrease the amount of increase, they're said to be making draconian cuts. Well, I made a mental note.

When I got to Congress in January of '05, I couldn't believe it, to find out that we still had those automatic increases every year. And then to be going through a troubled time like we are now when families across America are having to learn to do with less and make cuts across the board, Congress was still dealing with decreasing the amount of increase because we had these automatic increases.

We had a supercommittee that was formed last fall, and try as they might, they didn't even deal with the issue of the automatic increases. The committee's projections have had to be used because CBO, because of the same 1974 rules, ended up saying, well, gee, the formula can slightly change each year so there's no way to know exactly what it will be over 10 years. Well, one thing's pretty clear, it would have been enough to clear the $1.2 trillion threshold in cuts, and all it would have been doing is decreasing the amount of increase.

This is a great day for America when Congress, after all of these years, 37–38 years now, Congress is dealing with a financial issue that should have been dealt with long ago.

I brought this up back in 2005 and 2006 when Republicans were in the majority, and I was told back then by the chairman of the Budget Committee that, well, the law is that we've got to do the automatic increases, so we're just going to do it.

It is really thrilling to me to have a chairman of the Budget Committee who saw this as a real problem. This should have been low-hanging fruit, as people like to say. This should have been an easy no-brainer. Cut out the automatic increases. We have a chairman of the Budget right now who saw it as a problem. And it was also exciting to me to have a freshman like ROB WOODALL come in and see it as a problem and collaborate, discuss the matter. Because, really, to get a bill like this through, you need to have somebody that will shepherd it all the way through—subcommittee, committee—to get it to this point. So I'm very grateful to Chairman RYAN, and I'm very grateful to Mr. WOODALL. Amazing, as a freshman, he's done an outstanding job.

And now here we are, about to do what could be the most responsible financial thing this Congress has done, this House has done in the whole last year. It could be $1.4 trillion in cuts over the next 10 years, and all we're doing is just stopping the automatic increase.

There's a lot to be said for finally coming around to responsibility. There's a lot to be said, if you need an increase, come justify it, don't get it automatically. And we now have responsible action being taken, and I urge adoption.

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

I think it's important to underscore the point, and I think the author of the bill would agree, that this legislation didn't save the taxpayer one dime. That's not what we're talking about. This bill, when you pass it, doesn't save one penny. Every year, with respect to the discretionary budget, we have Appropriations Committees in the House and the Senate who go through the budgets, and they decide what's appropriate and what's necessary to be budgeted for those agencies and those accounts every year. They can cut them. They can increase them based on the needs that are perceived by Members of Congress who are acting on that. That's not the issue. We need to tighten our belts. In fact, back in August, we made some significant savings. We need to continue to find savings.

In fact, my view is, if we're really going to be serious about reducing the deficit and the debt, we've got to do this in a balanced way like bipartisan commissions have suggested. You've got Simpson-Bowles; you've got Rivlin-Domenici. All of them have said we've got to do a combination of cuts, and we also need to deal with the revenue. We can no longer afford to have tax breaks for the folks at the very top, that we can't keep all of these tax loopholes open that disproportionately benefit certain people over others, and tax breaks that actually encourage in some cases the export of American jobs when we want to be encouraging the export of American goods and American services.

So that's a very important debate that we should have, but that's not what this does. This just has to do with how we present the baseline as to what can be purchased in terms of goods and services for certain dollars. And moving to this will create a very misleading perception, everyone knows.

Let's say it took a certain amount of money to buy an aircraft carrier today and we wanted to know how much it was going to take to purchase an aircraft carrier 5 years from now. Let's assume over the next 5 years we're in the midst of rising inflation. What this would do is create the idea that since the number was the same this year as 5 years from now, hey, we can buy the same number of aircraft carriers. That's not true. You're going to get a quarter of an aircraft carrier, and that isn't going to do anybody any good.

So again, Americans know that when they're comparing dollars and the value of their dollars over time, you have to take into account inflation.

□ 1750

It happens every day in terms of financial transactions all over the country. So, again, this bill doesn't save a penny. This has to do with just how you present the budget in terms of a picture for the American people to look at and whether it's realistic in comparing what you can buy for a dollar today versus what you can buy for a dollar 5 or 10 years from now. And what we're saying is you should compare apples to apples so people know what the purchasing power of those dollars are in terms of goods and services. Then we, as the Congress, can decide whether we want to increase that amount or cut it, as we do every year. But this bill doesn't mandate any kind of cutting of that nature.

With that, I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, at this time, I'd like to yield 2 minutes to a real leader for fiscal responsibility on the Budget Committee, the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. Mr. Speaker, I rise in support of the legislation by my good friend, Mr. WOODALL of Georgia. This legislation makes really significant reforms to the way the CBO develops baseline calculations for discretionary spending. Under current laws, we all know the CBO automatically budgets for inflation of discretionary spending in our baseline projects.

This process runs completely counter to what every American does with their own budget. No family sits down and assumes that they will automatically have an inflationary increase in their budget next year. No small business sits down and says, my sales or my revenue will automatically move up. As a matter of fact, using that approach actually is counterproductive because it actually discourages the search for savings and efficiencies.

I am an appropriator, and I can tell you this is the road to deficit spending. Getting rid of this will help us bring our fiscal house back in order. We should have done it a long time ago. The last time the Republicans were in the majority—and I'm very proud that Mr. WOODALL, Mr. RYAN, and other Members, and particularly this new freshman class, are pushing to do this. This will allow us to reduce the size of government, it will increase transparency, and we'll be able to put our house where we ought to put it.

Of course, the legislation is just one piece of a broader set of reforms. As Chairman RYAN indicated, we need to bring those up systematically. But this is the first step and the right step in the direction of getting our fiscal house in order. I commend my friend for bringing it to the floor. I look forward to its passage.

Mr. VAN HOLLEN. Mr. Chairman, I yield 3 minutes to the gentlelady from

Connecticut (Ms. DELAURO), also a member of the Appropriations Committee.

Ms. DELAURO. I rise in strong opposition to this legislation, which would remove consideration of inflation from congressional budget baselines. Instead of beginning this year by putting forward legislation to create jobs, spur growth, and address the economic challenges that we face, the majority is trying, yet again, to achieve their ideological goals, this time by playing an accounting trick on the American people.

At its heart, this bill is a backdoor attempt to enact the same radical cuts the majority attempted last year and to further reduce the spending caps agreed to in last August's Budget Control Act. By eliminating inflation from our official budget considerations, this bill represents a freeze on all discretionary programs that, over time, would become a devastating cut to critical programs.

Within 10 years, all discretionary programs would see their funding slashed by as much as 20 percent. Among the priorities that would be gutted are scientific and medical research, financial aid for college students, assistance to elementary and secondary education, and investments in water and sewer systems. No discretionary program would be spared the axe. Disaster assistance, food safety, medical care for veterans, meals on wheels, community health centers, support for law enforcement and nutrition programs, all of these across the board would be slashed by leaving inflation out of the budget equation, and millions of middle class families would be harmed. Why don't we index tax brackets?

This dangerous cut aside, this legislation makes no sense from an accounting standpoint. Why don't we all put our heads in the sand, this bill argues, and just pretend that inflation does not exist? Now isn't that foolish? Then we can just pretend to be fulfilling our responsibilities to the American people.

Closing our eyes to inflation is not a solution. This is not a serious bill. It does nothing to cut the deficit. Do you want to try to cut the deficit? Let's look at the tax cuts for the oil and gas industry. Let's look at ending the subsidies to those multinational corporations that take their jobs overseas. Do you want to do something about the deficit? Then let's cut the Bush tax cuts for the richest 1 percent of the people in this Nation. This does nothing to cut the deficit. And like every other initiative from this majority, it does nothing to address the top priority of the American people, and that is jobs, growing the economy, and investing in the economy to put us on a glide path to economic sustainability in the future.

I urge my colleagues to oppose it.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume to say to my colleague who just spoke, I've introduced a bill in this House that not only repeals the Bush tax cuts, the Obama tax cuts, and every tax break for every multinational corporation and every special interest favor and every deduction and exemption and favor in the entire United States Tax Code, but it does so in a way that would actually bring in more revenues for those priorities that you mentioned. That's H.R. 25, the Fair Tax, and I would welcome the gentlelady's support.

With that, Mr. Speaker, I'd like to yield 2 minutes to one of the finest young leaders on the Budget Committee, my freshman colleague from Indiana (Mr. YOUNG).

Mr. YOUNG of Indiana. Mr. Speaker, I rise today in support of H.R. 3578, the Baseline Reform Act, and to commend my hardworking colleague from Georgia (Mr. WOODALL) for leading in this effort.

Now this is straightforward legislation. It removes the pro-spending bias that currently exists in the baseline that we use here in Congress as a starting point for our annual budgeting. The baseline should be a neutral starting point for considering fiscal policy. It shouldn't presume any spending by this body.

Now we've already heard from our colleagues on the other side of the aisle numerous examples of programs that they fear will be cut in the future as a result of this legislation. Well, this legislation just says that without the sanction of Congress, without a free and open debate about the merits of any given program, there will not be any automatic increases to that program.

Today, the baseline does assume an automatic increase for inflation each year in the discretionary budget. Instead of looking at what each agency actually needs each year to fulfill its mission, we simply assume that that agency needs more money than it had the previous year.

Well, these assumptions add up. In fact, they add up to approximately $1.4 trillion in outlays over a 10-year period to last year's discretionary spending baseline. This bill would change that pro-spending bias by setting the baseline at the previous year's spending level—and not a cent more. The effect would be to put an end to the longstanding and confusing Washington practice of characterizing any effort to maintain the same level of funding as last year as somehow a ''spending cut.'' It's time to bring Washington definitions of ''spending cut'' in line with America's definition of a spending cut, and that is an actual cut in spending. This bill does that, and I urge my colleagues to support it.

Mr. VAN HOLLEN. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, once again, instead of debating a bill that would create jobs and bring this economy back or a comprehensive effort to put our fiscal house in order, we're here on this floor tonight focusing on a so-called budget reform bill.

This bill will do nothing to spur economic growth, it will do nothing to bring us closer to a balanced budget, although it could greatly confuse and complicate the budget process.

We must be clear what this bill does, Mr. Chairman. The bill pretends that inflation doesn't occur. It's a pipe dream. By eliminating baseline calculations, it would make it far more difficult to estimate future budget needs. We need to know exactly what it would take to maintain the current level of effort and the current level of services in governmental programs. With that knowledge, we can make realistic decisions, knowing what result those increases or decreases would produce. But this bill would deny us that knowledge. All too often, we'd be making budget decisions in the dark without knowing their full implications.

Efforts like this should find bipartisan opposition. Make no mistake. This bill would—or it could—not only lead to the slow starvation of funds for Democratic priorities like Head Start, clean energy research, and WIC, but it also could starve all programs, including the Border Patrol, military health and veterans' programs, and the FBI. At the very least, it would make budget decisions, both increases and decreases, less precise and less efficient.

I'm voting ''no'' on this bill. I urge my colleagues to do the same. Let's stop wasting time on so-called budget reform bills. Instead, we need to get to work on the real budget to hammer out a comprehensive agreement, to bring this economy to full strength, and to get our fiscal house in order.

□ 1800

Mr. WOODALL. Mr. Speaker, at this time, I'm pleased to yield 2 minutes to my good friend from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, my hero, Thomas Jefferson, always said that if you apply core principle to any problem, no matter how difficult, the knot will always untie itself. It was true then, and it's true today. If we would apply the core principles of the Constitution to the problems we face as a government, the knot will untie itself. And here just applying commonsense principles to our fiscal problems, the knot will untie itself. This is a remarkably simple and remarkably effective reform. We will no longer assume inflation into the beginning of our spending bills on the Appropriations Committee.

Now, unfortunately, we only control on the Appropriations Committee about 39 cents out of every dollar of spending the Federal Government does. But that 39 percent that we do control will no longer increase automatically year to year. These procedural institutional reforms that House conservatives are enacting into law will make

a dramatic difference in changing the direction of our Nation from insolvency and bankruptcy to getting back on a path to a balanced budget.

I'm very proud to help our colleagues, my chairman, PAUL RYAN, Mr. WOODALL, and Mr. GOHMERT of Texas in enacting this fundamental, commonsense reform to put America back on track to a balanced budget. And Americans should take heart that constitutional conservatives in the House are doing the right thing for the right reasons for the country and redesigning the way we spend money in favor of taxpayers and not in favor of Washington bureaucrats.

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

Again, just for people who are trying to get educated about the budget process who may be watching, and among our colleagues, we put together a 10-year projection of the budget in a lot of different categories. The appropriators on a year-to-year basis can decide how much or how little to give any program, and every Member of this body gets a chance to vote up or down on that. So that's not what this is about. This is not about saving money. I hope we will all save money and get the deficit down. This is about what information is presented in terms of giving an accurate picture of what the cost is of providing goods and services.

So I'm going to give the same example very clearly. Again, it's a very clear example. In fiscal year 2013, we're going to have $61 billion in the budget for discretionary spending for veterans' programs. Now under the current procedure, the Congressional Budget Office tries to figure out 10 years from now, knowing what we do about inflation expectations—and everybody calculates those into their financial decisions—what would it take to provide the same services for our veterans?

Now what they're proposing is to put in $61 billion in year 10. But that's misleading because you're not going to be able to provide the services to our veterans at the same level for that amount. In fact, that will represent a 23 percent cut. So I would ask my colleagues, what 23 percent cut are you proposing to make in veterans' programs as we go through this budget? And why do you want to build in what is misleading in a sense that it creates a false impression of what a dollar will purchase 10 years from now compared to what it will purchase today?

Mr. CULBERSON. Will the gentleman yield?

Mr. VAN HOLLEN. I'd be happy to yield.

Mr. CULBERSON. I chair the Veterans Administration and Military Construction Subcommittee in Appropriations, and I assure you we all work arm in arm together. My friend, Mr. BISHOP of Georgia, and I will make sure veterans are taken care of. We will still be able to with this reform, but in the light of day look at inflation, medical inflation, which is generally higher than regular inflation, we will build that in, I promise you, as we go through our hearing schedule. But we will do it in open public hearings. It won't be built in automatically. That's all this does is remove the automatic increase and lets the people's elected Representatives do it in the sunlight of day in an open hearing. And I assure you that veterans will be taken care of.

Mr. VAN HOLLEN. Well, thank you. And taking back my time, you really made my point, which is that if the purpose of a budget is to try and provide the most realistic projection of what services we're going to provide in the future compared to today, you should take into account the cost of those increases.

The gentleman has just said that of course we're going to build in inflation with respect to veterans programs. In fact, we're going to do better than that. And I'm glad to hear that because we're going to take into account the fact that medical inflation runs higher than regular inflation. But the point is, if you put different numbers in year 10 that don't take into account inflation, you're going to give people a very misleading sense of what can be purchased for their tax dollars in terms of goods and services.

The same holds true with respect to DOD, in other words, the Defense Department. Why don't we want to present the American people with an accurate representation of what it will actually cost to maintain the current defense or current discretionary veterans programs? That's the whole purpose of this. The Appropriations Committee can do what it wants with respect to decisions in increases and in cuts.

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

Mr. WOODALL. Mr. Speaker, at this time, just for the sake of clarity for the American people, I'd like to yield 2 minutes again to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, I want to reassure the gentleman from Maryland. And as we all recall, the Military Construction and VA Appropriations bill passed the House almost unanimously because all of us in this Congress are arm in arm in support of our veterans, in support of our military to ensure that they get the very best medical care possible, that we're providing every benefit that they have earned by their service to the Nation.

And the only thing this bill will do is remove the automatic blind increase in the starting point for our spending. And we in the Appropriations Subcommittee, in the full sunlight of day on C–SPAN and public hearings, will go through and build in that increase that has actually occurred in medical inflation and regular inflation to ensure that we have compensated our veterans for that increase that has already occurred. But we'll do it in a public hearing; we'll do it in the full light of day. We'll do it so the taxpayers can see what we're doing.

The game is rigged today against American taxpayers; and House conservatives, constitutional conservatives are following core principle. We're honoring the Constitution. We're looking for ways to restore the 10th Amendment and individual liberty, shrinking the government, getting control back in the hands of individual Americans and State and local governments.

And then when it comes to the budget, we're implementing commonsense reforms that every American understands. We don't get an automatic increase in pay. If you're working for a company, you've got to earn it every year. We on the Appropriations Committee are going to go through and analyze every one of these accounts and make sure that we have built in, but in an open public forum, any increase as a result of the increase in medical inflation or baseline inflation.

We will, on the subcommittee, I assure you, Mr. VAN HOLLEN, make sure that our veterans are fully compensated, as all of us take great pride in their service. And, truly, you see more unanimity on the Veterans' and Military Construction Appropriations bill than almost any other bill that we pass because we take such great pride in them.

So I urge my colleagues to please remove that argument from your repertoire, and let's focus on what's really going on here. The game is rigged today against taxpayers, and House Republicans are rigging the game today in favor of taxpayers in sunlight and transparency.

The SPEAKER pro tempore (Mr. HURT). The time of the gentleman has expired.

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

I hear what you're saying with veterans. Absolutely true, on a bipartisan basis, we understand we're going to make sure we support the veterans and we're going to make sure they get the cost-of-living increase. And the reality is, you mentioned the defense budget. That's 50 percent of the discretionary budget right there.

□ 1810

Are we going to make sure that we provide increases to make sure that we can maintain the same national defense?

Mr. CULBERSON. Sure. BILL YOUNG's going to do that. BILL YOUNG's going to take care of it.

Mr. VAN HOLLEN. So here's the point. So you're going to create a document for the American people that says, hey, we're going to be spending this much in year 10 for veterans when we know that that's not true. We know right now, in fact, you've just said on the floor of this House, that number's going to be a lot bigger.

And my point is we can make it bigger, we can make it smaller. This bill

doesn't save a dime in terms of what decisions we make. But why would we want to present the American people with a misleading sense of what it's going to cost in real dollars and cents?

I agree with the Member.

Mr. CULBERSON. Will the gentleman yield?

Mr. VAN HOLLEN. I yield to the gentleman from Texas.

Mr. CULBERSON. Just for a friendly conversation.

Truly, there's nothing misleading. We're doing this in the light of day. What we're, through this reform, going to do, Mr. VAN HOLLEN, is have these hearings in public, in front of C–SPAN and the world, and talk about what actually has been the level of inflation this year, what actually do we need to do to increase funding this year for the veterans, for medical inflation, for regular inflation.

BILL YOUNG, the chairman of the Defense Subcommittee and a great leader from Florida who works in a bipartisan way with NORM DICKS, your leader on the Appropriations Committee, they're going to build in, they're going to analyze what inflation's been.

The difference here, truly, all we're doing is doing it in the light of day. We're removing the automatic increase. That's all. I want the pilot with his hand on the steering wheel of the airplane.

Mr. VAN HOLLEN. Reclaiming my time, but look, we're doing everything in the light of day. The issue isn't whether it's done in the light of day or not. Of course it's done in the light of day. It's what picture we're presenting to the American people in terms of the budget numbers on what their tax dollars will be able to purchase in terms of goods and services.

And in my view, it's misleading to say we're going to be spending the same nominal dollar amount for veterans 10 years from now in the budget when we know, according to your own testimony and according to what we know, that that's not going to be the case. That's why we try and put together a document that gives us the best representation of the information we have as to what it will cost; then we can make a decision to add or subtract.

I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, at this time it pleases me to be able to yield 2 minutes to the gentleman from Oklahoma (Mr. LANKFORD), one of my freshman colleagues, a leader on the committee.

Mr. LANKFORD. Mr. Speaker, one of the things about being a freshman in this body is walking in and trying to learn the numbers game. On the Budget Committee, there are a million different variations to the numbers, a million different options with the numbers. And it's amazing to me, in Washington, DC, when you try to say what's the number, you'll get five different numbers.

So I think the best thing that we can do is clarify the system and say, give the numbers out there. We know what inflation's going to be, but give the numbers out there so the numbers are the numbers, and we can say to the American people when we talk about controlling spending, this is what it is. We're not cutting off what was the automatic increase and trying to have two different sets of numbers and saying we really cut but we really increased. We're able to have a flat line number out there that everyone can see and that everyone can process through.

So while we're fighting to be able to manage the budget and to be able to work through the realities that are out there of inflation—and I understand fully the principle of inflation and how that fits into your buying power. But while we're fighting through those realities, we're not fighting against ourselves. We understand that the number that's been presented to us is not including some arbitrary number that's been invented that Congress did not come up with, but it's a number that we came up with, as Congress, and said this the projection and this is where we're headed.

So the best thing I think we can do is create a neutral budgeting process, and the way to do that is to have this kind of simple reform in baseline. Control the baseline spending by not having the automatic increases. Have the baseline be the baseline. Don't put something out in the future that was not passed by Congress and assume Congress is going to then follow the lead of CBO, but assume that Congress is going to pass the budget and that next year we're going to look at exactly what that's going to be.

Mr. VAN HOLLEN. Mr. Speaker, I am pleased to yield 3 minutes to my colleague from Maryland, the distinguished Democratic whip, Mr. HOYER.

Mr. HOYER. Mr. Speaker, I thank my friend, the ranking member of the Budget Committee, CHRIS VAN HOLLEN from Maryland, for yielding.

I, unfortunately, have not been able to listen to all of the debate, but I've listened to enough of it. This week we're playing let's pretend. We're playing the game of let's pretend that if we solve the process, we'll solve the problem.

There's an excellent article that I think everybody ought to read. Stan Collender, who is a real expert on the budget process and who has been involved in this budget process for a long, long period of time, quotes in an article that he wrote—that I hope most of you read—in Roll Call. He quotes Rudy Penner. Rudy Penner was the Director of CBO—not a partisan individual, in my view—that I've had the opportunity of dealing with for some period of time. And his quote is: A process, no matter how well designed, cannot make difficult problems easy.

I think my friend, PAUL RYAN, would agree with that. It's not the process that's the problem. The problem is we don't have the courage to make decisions which are clearly necessary for us to make, and no amount of jiggering around the edges is going to change that.

Now, as all of you know, I'm a strong supporter of a Bowles-Simpson approach to bringing our country to a fiscally sustainable path. Unlike many of you, I believe that revenues have to be part of that process and cuts have to be part of that process and restraints of entitlements have to be part of that process. I've been saying that for 2½ years now. It's somewhat controversial, but I have three children, three grandchildren, two great-grandchildren. If we don't do that, they're going to be hurting.

But, frankly, we ought not to pretend that the process is the problem. The problem is the problem, as Rudy Penner's said. The problem is the problem, and we ought to address it. And we ought to have the courage to tell the American people that it's not a question of process, not a question that we don't have the right process in place in Washington. The problem is we don't have the votes in Washington.

This Congress is dysfunctional. That doesn't mean we don't pass things. We do. But this week, frankly, what we're dealing with will not affect any of the significant problems that we have, whether it be jobs or fiscal responsibility.

So I'm opposed to this bill. Why? Because I think it's a let's pretend. It's a let's pretend that if you have $100 to spend on defense this year, that you can get that same defense for $100 next year. You can't.

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

Mr. VAN HOLLEN. I yield the gentleman an additional 2 minutes.

Mr. HOYER. You can't, and the American public knows that.

We talk about, well, we ought to operate like a family. Family understands that. They know their electricity bill goes up, and they know they can't get the same kind of heat this year or next year that they got last year because they know their electric bill has gone up, and they need to know what that is.

So what we said, the Congress said, we want a baseline budget. What does it cost to get that $100 of value next year? And so we get that.

The previous speaker I heard speaking—I don't know who it was; I apologize for that—said, you know, we ought to have an honest budget. Well, you can argue it's honest both ways. Either it's honest that that's what we spent last year, 100 bucks, or it's honest that, in order to do next year what we did last year, you need $101.50. Both of those are honest answers. Nobody ought to think that that's a dishonest answer.

The answer is: Do you want to know what you spent last year? Look at the budgets. Do you want to know what it would cost you to do the same thing? Then you get the baseline. So either one is honest. It's just a judgment.

But you're pretending that you're saving money by having that kind of budget. Baloney. Baloney. The only way you're going to save money is to have the courage to vote to do so.

My friend, PAUL RYAN, is shaking his head. He and I have some significant disagreements, but very great respect, I hope, for one another. I know I have great respect for him.

□ 1820

I think we are advantageous as a country having Mr. VAN HOLLEN and Mr. RYAN, who are both very bright, able, committed people dealing with this. The trick is coming to agreement irrespective of process. It's substance that matters. The American public will be affected by the substantive judgments we make, not about whether we do it with a baseline budget or a static budget or dynamic scoring.

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

Mr. VAN HOLLEN. I yield the gentleman 1 additional minute.

Mr. HOYER. I don't believe in dynamic scoring. I think dynamic scoring is a liberal, radical idea. Why? Because it pretends something you don't know.

George Bush said we had $5.6 trillion we could rely on and therefore have very deep tax cuts. Didn't work out. I would much prefer to not use dynamic scoring and have more money than I thought I was going to have that I could apply either to reduction of the deficit or some other priority that I thought was important, rather than find out, oops, I was wrong on dynamic scoring, I have less money and I'm deeper in the hole. Now, you can differ on that, but that's my view.

I'd rather be conservative and say, Gee, I hope investing in infrastructure, cutting taxes, doing whatever you think is going to get better education is going to get you better results; I hope it does get better results. That's the purpose of investing in it. If it does, you're benefited if you didn't count on it because you have more than you thought you would. That's the place to be, not having less than you thought you would.

So I urge my colleagues to reject this bill, to adopt reality. It cost us to do this yesterday, and now it cost us to do it today. I think that's a responsible, smart way to budget.

I thank the gentleman for yielding this time. I thank you, Mr. Speaker, for your light touch.

Mr. WOODALL. Mr. Speaker, at this time it gives me great pride to yield 5 minutes to my chairman, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I appreciate Mr. WOODALL for his leadership.

I simply want to say I deeply respect the minority whip, and I agree with a lot of what he just said. First of all, he's totally correct when he's saying there's no substitute for discipline, meaning Congress has got to make decisions, and nothing can substitute for that.

He's also half right when he says Congress is dysfunctional. Where he's half right, it's the other body over on the other side of the rotunda, the Senate, because last year in the majority they didn't pass a budget.

Mr. HOYER. Will the gentleman yield?

Mr. RYAN of Wisconsin. I would be happy to yield.

Mr. HOYER. I was just going to kid him that he's just now trying to get to things that we can all agree on.

Mr. RYAN of Wisconsin. That's right. Trying to get some consensus here.

The year before when they had a supermajority, no budget.

To budget is to decide. To budget is to make a decision. They haven't budgeted for over a thousand days.

The budget process we have here, which we've had in place since 1974, requires the House pass a budget by April 15, the Senate pass a budget; and they didn't do it for over a thousand days.

So when we look at the process, we see that it's not working the way it needs to. It's no substitute for personal discipline, for Members making decisions, for compromising; but in this particular case, we think the process is part of the problem. We think the process needs to be improved to make it more likely that we make these decisions, that we get to exercising that discipline.

On this particular bill, we are assuming $1.4 trillion in automatic spending increases and discretionary spending over the next 10 years. We probably shouldn't do that because even though it happens—this is not a spending-cut bill. This is a measurement bill. But the way we measure it leads to a bias in more spending.

What I'm trying to say, Mr. Speaker, in 2009 and 2010, domestic discretionary spending, including the stimulus, increased by 84 percent. So this category of government has grown very, very fast; and we're saying let's stop automatically assuming that it needs to grow every year. Let's put the taxpayer first and the government agencies second as far as who gets the money first.

What I'm trying to say is if we want to put a bias in favor of requiring agencies to do more with less, be more productive, more efficient, then we should not assume they automatically get a spending increase every year. That's how businesses do it. That's how families do it.

A lot of families don't get raises, but their expenses go up. Gas prices go up. Insurance costs go up. Grocery prices go up. But they don't get a raise, so they have to prioritize. We think government should do the same, and we shouldn't just assume they are going to get a raise.

This is not going to fix our budget problem, but we think this and the other bills we bring to the floor will improve the process to get us to what we need to do, which is come in here agreeing, compromising, and then deciding and having decisions made, which is budgeting, so we can save this country from a debt crisis.

Mr. HOYER. Will my friend yield?

Mr. RYAN of Wisconsin. I yield to the gentleman from Maryland.

Mr. HOYER. I thank my friend for yielding.

Frankly, this issue is of such importance, it is a shame we don't have a lot of time to discuss it because I think in many respects we do agree.

Where we disagree, however, is when you say that body that is dysfunctional—the gentleman just referred to that. I kidded about it. Both parties are dysfunctional to the extent that we are not making determinations to spend just the money we have. We haven't done that for some period of time.

Mr. RYAN of Wisconsin. You're talking about deficit spending?

Mr. HOYER. Yes. Not spending money we don't have.

From my perspective, we did that when we cut taxes. We didn't pay for that. It wasn't like we had a real surplus. We had a projected surplus. We banked on that; and as I said earlier, we lost on that proposition.

I suggest that whether or not, as I said, you use what you think is the bias towards not spending as opposed to a bias for spending, as someone who served on the Appropriations Committee for 23 years, we all know what will happen. The agency will come in and say this is what we are doing for 100 bucks, and this year we need 150 if you want us to continue to do that.

My point is the Congress has the authority to say, no, we want you to do less. It is the Congress' role to make priorities. I suggest to the gentleman it won't be easier for us to do it under either scenario because it is hard to do. I agree with the gentleman that we ought to do it.

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

Mr. WOODALL. I yield the gentleman an additional minute.

Mr. HOYER. I simply don't think this bill or any other bill will get us to that end if we do not have the courage and, your word, ''discipline,'' to effect that end.

Mr. RYAN of Wisconsin. Reclaiming my time, I agree with that. I think the gentleman is right about that. There is no substitute for courage. This bill in and of itself won't fix the problem.

What I would simply say is that this bill helps remove what I think is a bias in favor of not pressuring government to be more efficient, more lean because they will think they will automatically get a spending increase year after year after year. That is the point. There is no substitute for discipline. I completely concur with that.

This helps us get the system pointed in the right direction. That is why I encourage all Members to support this.

I thank Mr. WOODALL and Mr. GOHMERT for their leadership.

Mr. VAN HOLLEN. Mr. Speaker, I would inquire if my colleague from Georgia is prepared to close.

Mr. WOODALL. I am prepared to close.

Mr. VAN HOLLEN. I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Maryland is recognized for 4 minutes.

Mr. VAN HOLLEN. Thank you, Mr. Speaker.

I think we have had a good debate. There have been a couple of themes. One is that this bill in and of itself, I think everyone acknowledges, won't save the taxpayer one penny. It doesn't do that.

In order to save the taxpayer money and reduce the deficit, we have to make the tough decisions that Mr. HOYER and Mr. RYAN mentioned. There are obviously disagreements as to how we go about doing that. We've talked about the importance of trying to make sure that as we go forward we have a budget that reflects the values and the priorities of the American people, and one where we are covering our costs. That means paying our bills.

A lot of us believe that in order to do that we've got to get rid of some of the tax breaks for the folks at the very top, that we need to close a lot of the special interest loopholes. That is a very important debate.

The question here is just how we put together an accurate reflection for the American people about our best guess of what I think should be a budget that shows what their taxpayer dollars will purchase in terms of goods and services.

□ 1830

It is a question of measurement. How do you measure what you're going to be able to buy for the American people or buy for our veterans 10 years from now? When you put $61 billion in the budget today, which is what we pay for veterans' health issues and for other veterans' programs in the discretionary budget—and as Mr. HOYER says, let's pretend we're going to put $61 billion in for that program 10 years from now—that is a cut when you take into account inflation and what we know about the increases.

In fact, Mr. CULBERSON, from the Appropriations Committee, was here on the floor, and he's absolutely right. He says you can be sure that the appropriators are going to build in inflation. We're going to make sure we take care of that. In fact, we're going to do a little more than that because medical inflation runs higher. If we're trying to give an accurate measure to the American people about what the budget is going to look like every 10 years, why would we put a number a member of the Appropriations Committee said is not going to be realistic and that we know, as we gather here, is not realistic?

If we are going to be serious about budgeting, we need to have the best and most accurate sense of what taxpayer dollars are going to buy in terms of goods and services. What this does, as Mr. HOYER says, is to play let's pretend. Let's pretend that, for the same nominal amount, you're going to be able to get as much in terms of veterans' health care 10 years from now as you are today. If we do that, the real question to ask up front is: What veterans' services and benefits are we going to cut?

Now, the Appropriations Committee decides each year exactly how much to cut and how much to add. That's why, at the end of the day, this is all a question of the will of this body to make tough decisions; but let's make tough decisions off an accurate measure of what things will cost both now and in the future. In order to do that, we should maintain the existing practice, which shows us exactly what that is, and not create what I think will be a misleading sense that we can get more for our buck than we really can.

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

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

I just want to begin by thanking the folks on the Budget Committee who made it possible to bring this bill to the floor tonight: Nicole Foltz, Jon Burks, Paul Restuccia, Jon Romito, and on my staff, Nick Myers.

This is a team effort, and it was led by the gentleman from Texas, LOUIE GOHMERT, who has been working on this issue year after year after year, but he could not find a Budget Committee chairman who was willing to prioritize process—and process matters. I've learned in my 1 year here as a Congressman, Mr. Speaker, that we spend a lot of time arguing about process. If we could find that common ground on process, we could get on to the substance. This is one of those issues.

I'd like to associate myself with the comments of the gentleman from Maryland. He says the question is: How do we put together an accurate picture of the budget process for the American people? That is exactly the right question to ask. When I ask that question of my constituents back home, they say, Rob, cut out those phony numbers of automatic increases every year.

We absolutely agree on the question, Mr. Speaker. It's how you answer the question that divides us.

As the minority whip said earlier, this isn't a bill that deals with our priorities for spending. Our appropriators are going to do that. This isn't a bill that cuts one penny. This is a bill that changes the way we measure the pennies that get cut.

I will say to you, Mr. Speaker, I start getting nervous when I hear the Washington political class talk about changing the way we measure, because I just assume they're going to come up with some new phony way to make it happen. Yet in this case—and perhaps this case alone—what we're saying is, for far too long, we've had those conversations during town hall meetings when we spent $1 million last year and when we'll spend $1.1 million next year, and they call it a cut—''they'' being the Washington measures.

That's nonsense, nonsense.

Is there a cost of living issue? Absolutely. Do we have to spend more on health care next year than we do this year? Absolutely. Do we have an unlimited spigot of cash that we can turn on to meet those needs? The answer is no. The answer is no.

This isn't a little issue, Mr. Speaker. $1.4 trillion over the 10-year window is what this automatic phony budgetary gimmick increases the budget to be. We're cutting that out. We're cutting that out.

We're saying, Congress, if you care about veterans as our veterans' committee chairman does and as our appropriating chairman does, stand up and put your money where your mouth is—and I guarantee you we're going to do it. If you care about seniors, stand up and put your money where your mouth is—and I guarantee you we're going to do it. But, Mr. Speaker, if we gave folks $500 last year to go out and buy their new iPhones, that iPhone has gone down. If we gave folks $100 at the beginning of the Obama administration to buy gas, clearly, that $100 is not enough to do it anymore because gas prices have doubled.

We already have a phony budget mechanism to project and bias towards increased spending. This is a bill—a simple bill—to which folks back home ask time and time again: Why hasn't it happened before? I don't have the answer, but it's not about blaming folks in the past for not getting it done, Mr. Speaker. It's about coming together, as we are tonight, to get it done.

This is a bill that has the support of the National Taxpayers Union. This is a bill that has the support of Citizens Against Government Waste. This is a bill that has the support of FreedomWorks. And this is a bill that has the support of the American people.

I would urge my colleagues to vote in favor of it, and let's move this bill on to the Senate.

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

The SPEAKER pro tempore. All time for debate has expired.

The Chair understands that the gentlewoman from Texas will not be offering her amendment.

Pursuant to the rule, the previous question is ordered on the bill, as amended.

Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 3578 is postponed.

THE PROGRESSIVE CAUCUS: LIBERTY AND JUSTICE FOR ALL

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. Thank you, Mr. Speaker.

My name is KEITH ELLISON, and I am a cochair of the Progressive Caucus. The Progressive Caucus, for people just tuning in, Mr. Speaker, is a group of Members of Congress who believes that America is a place where the idea of liberty and justice for all must prevail.

It has got to be more than the words that we say in the Pledge of Allegiance. It has got to be something we actually live.

''Liberty and justice for all,'' that means everyone. That means we don't exclude people based on their religion, and we don't demonize them because of it. We embrace people in all their racial and ethnic diversities. We say that Americans born in America and that those who have come here are Americans all the same. Whether you're straight or gay or whether you're male or female, we believe in all America—one America—indivisible, with liberty and justice for all.

We believe in civil rights. We believe in human rights. We believe in the importance of economic opportunity being wedded to social inclusion. For the working people every day—Americans of all backgrounds—that means, if you work every day and if you work hard, you ought to be able to put food on the table for your families.

□ 1840

You ought to be able to organize in a union on your job. You ought to be able to expect a good, decent retirement after a whole life's-long work. You ought to be able to expect that you can affordably put your kids through school. You ought to be able to expect that we will have a strong social safety net if you happen to hit hard times.

This is the Progressive Caucus, the caucus that believes that it's better to talk it out than to shoot it out. Diplomacy is better than war. We should try to work out our differences with other nations, and saber rattling and investing in warfare armaments and outside and above protecting the American people is a problem.

We should be talking about things like environmental protection. We should be protecting our natural world. We should be addressing the dangers of climate change, and we should be affecting that change to make sure that America is greener and cleaner and more sustainable.

That's the Progressive Caucus, Mr. Speaker. We're the ones who could be found standing up for the Constitution, standing up for the idea of freedom of expression, freedom of religion, freedom of the press. We will be found standing up for the idea the government must have the proper authorization and justification to violate people's right to be left alone.

We also want to stand up and say that we believe that the progressive motion in America is what has made America this great Nation. We recognize our wonderful Nation, our great Nation had a dream. From the very beginning we had a dream, but we also had a reality. The dream was liberty and justice for all, land of the free, home of the brave. The dream was that all Americans and all men will be created equal, endowed by their creator with certain inalienable rights, among them life, liberty and the pursuit of happiness. That was the dream. But the reality was America held slaves. The reality was women couldn't vote. The reality was the original people were relegated to an inferior status.

So people who believed in that dream, people like Martin Luther King, people like Harriet Tubman, people like Elizabeth Cady Stanton, and people like Susan B. Anthony, people like Eugene Debs, and people like Walter Reuther and other great Americans, they believed that that dream was worth fighting for and got out there, Mr. Speaker, and made the dream reality.

We weren't trying to conserve the old order and status quo; we were trying to progress toward a better America that really reflected that dream that I was just talking about. The dream was that all Americans are created equal. The reality was segregation.

But Americans who had a progressive vision said we're not going to stay, we're not going to conserve segregation. We're not going to conserve robber barons who controlled all the wealth in the 1890s. We're not going to conserve the abuse of our environment.

Rachel Carson said, we're not going to conserve that. We're not conservatives. We're trying to make America better. We believe in the greatness of this country, and we are not going to stop until we get it.

So people like Rachel Carson said we're going to have a clean environment, and she wrote about it and she fought for it. And people like Martin Luther King fought for civil rights, and people like Walter Reuther fought for the right to organize. And sometimes people who were in these movements gave their lives for the changes that they stood for, and other times they were able to survive.

But the fact is they were all united in one progressive vision of what America should be about, not trying to preserve racism, slavery, segregation, gender oppression. The progressive movement is what we stand for, not conservatism. That's not us, we're not them and don't want to be confused with them.

So tonight we're here for a progressive message, and we're going to be talking about jobs and unemployment, but I did want to take a moment, Mr. Speaker, just to let everybody know who the Progressive Caucus was, because we don't want anybody to think that we're something else than what we are, the people who embrace the American Dream and believe that America is such a great country we can overcome all the sins of the past and don't want to conserve any of them.

Mr. Speaker, we want to go into a few key points tonight. We won't be here the whole hour, but we want to be strong while we are. And so today we bring the people, Mr. Speaker, the progressive message to illustrate what's at stake in America today. What are the things that we're competing for? What are we contesting for? We come down, we watch the events on the House floor and all across the America, but what is the fight all about?

Working families are getting crushed and our middle class is shrinking every day. The working people of America are fighting to preserve a quality of life because a set of ideas has prevailed in America which basically says that any regulation is bad, and what we say is that regulations, if they're protecting life, protecting the environment, and they're helping the rules be fair and allowing Americans to succeed and have opportunity, they're not bad.

But there are some people who never saw a regulation that they liked. We believe protecting health and safety is a good thing. We believe that getting rid of bad regulation or old regulation is just fine, but these folks over here have an ideological commitment to any, to ending any regulation, and we recognize that this is exactly what has ruined our environment, exactly what has caused global climate change, and exactly what caused the financial disaster.

What's at stake in America?

Here in America some folks believe that if the economy is going really, really well, what they need to do is have a tax cut for the wealthy. If the economy is doing really, really bad, well, what they need is a tax cut.

If the economy is doing sort of good and sort of bad, what we need is a tax cut. In other words, the guys on the other side of the aisle, they don't believe in taxes. We in the Progressive Caucus believe that you shouldn't tax Americans any more than is necessary, but we believe that taxes are the dues that we pay to live in a civilized society.

We believe that if our taxes go so that there can be Head Start for our poor kids to be able to have a chance in life, that's all right. That if we have to pay taxes for police officers and firefighters and people who work on our roads to make them safe and make sure bridges are safe to cross, we're all right with that.

We're not these folks who believe that you want to cut, slash, and burn, and act like public workers and public employees are just, you know, not valuable. We recognize they are valuable, and I'm talking about people who work in parks and rec, the police, the firefighters, but also the people who make sure that our water is clean and our environment is safe. Also, people who make sure that our economic and financial system is safe, people who make sure that when people, that when

some folks want to cut corners and just want to make a quick buck, that they're not going to be allowed to do that.

You need a cop on the beat, a financial cop on the beat to make sure that good actors are rewarded and bad ones are punished. So people who say, oh, we don't want any regulation because it would hurt jobs, we don't agree with that. We believe that jobs are going to come when we have middle class people having enough money to spend, and then the businesses of our country have enough customers so that they can then add new people.

Whereas our friends on the other side of the aisle believe that if you give people like Mitt Romney a lot of money, maybe, just maybe, it might trickle down to the rest of us. Something might land on our heads. Well, something has landed on our heads, but it's not rain or a good job; it's hard times economically.

Trickle-down economics, supply-side economics is a failed policy. It never worked. They always want to say Reagan, well, look at Reagan. Reagan raised taxes plenty of times, and so they even misappropriate his legacy. But the fact is the Progressive Caucus is here to talk about what's at stake in America today.

Now, if you want to know what's really going on, you could just look at this week. Here we are in Washington, supposed to be working hard on people's business. It's not like a lot of big things aren't going on. We've got a payroll tax that's about to expire.

Did we take that up on the House floor today? No.

Did we make sure that Americans don't end up with a thousand dollars extra to pay over the course of a year as the payroll tax deduction goes up? No.

Oh, this summer student loans are going to go up, are going to double if we don't extend the law that would allow them to stay lower. Did we work on that? No, didn't touch that. But here's what we did do. This week in Congress the Republican majority didn't bring up a single bill to create jobs, none of that.

□ 1850

They didn't bring up a single bill to help Americans stay in their homes as we are in the midst of this foreclosure crisis that seems to never end. They didn't bring up any bills to make sure that our air was clean and our water was safe to drink. Nor did they bring up any bills to rebuild our country. No, instead, they were busy playing politics while people are hurting.

Yesterday, they brought up a bill to repeal an effort to help seniors get health care called the CLASS Act. Now, the CLASS Act was a piece of the Affordable Care Act. Some good-faith people working in our government said, you know, there are some things that we need to fix with this bill before it works the way we want it to.

Anybody who has ever made anything knows that sometimes that happens. Sometimes you've got to mend the thing that you're working on. If you've ever cooked a meal, sometimes, you know, you've got to put a little more sugar or salt or add a little more water. Legislation is exactly the same way. You pass a law, you think it can do certain things, but when you get into the actual operation of it, sometimes it doesn't work like you thought.

With this long-term care bill, some good public servants said, you know, there are some kinks we've got to work out. But instead of working out those kinks, the Republican majority just decided to strip the whole thing away. So seniors who need long-term care, the Republican majority didn't say, You know what, here's our fix. They just said, Get rid of what was already done. We say build on what was done. They say strip it away. It's too bad that's the position that they took, but that's the position they took.

Let me tell a few things about long-term care and why we need to strengthen long-term care and not strip away what's already been passed. We have a long-term crisis in the United States today that the Republicans, who are in the majority in the House, are not dealing with.

Do you know, 10 million Americans, Mr. Speaker, need long-term care. Over the next decade, another 5 million Americans will require this care, bringing the total to about 15 million people, Mr. Speaker. The problem is only getting worse, and we've got to do something about it. I wish my friends on the Republican side would help us. But even though they are in the majority, they're not.

Nearly 70 percent of all people will need some level of long-term care after turning 65 years old, Mr. Speaker. That means anybody lucky enough to get to 65, there is approximately a seven in 10 chance you're going to need some long-term care assistance. The number of Americans 62 years and older is 20 percent higher than 10 years ago, so America is aging. And you know what, this is a good sign. We want Americans to be healthy. We want our seniors to be healthy, and we want them to be strong. And when they get into a health crisis, we want them to have the care that they need.

And, Mr. Speaker, it's also important to point out here that about 62 million unpaid family caregivers, about 62 million unpaid family caregivers, that's adult children of seniors, about 62 million of these families provide care which, if you put a dollar figure on it, would amount to $450 billion in 2009, more than the total spending on Medicare that year. So families are stepping up, but families need a little help. I can tell you, Mr. Speaker, people are coming into my office every day. People my age, I'm 48, and they say, My mom is getting older. She needs help. Or she got sick, something's going on. We need a fix for the long-term care.

And so, Mr. Speaker, with all of these problems that we're facing, with 70 percent of people who will need some level of long-term care by the time they turn 65, with the number of Americans 62 years of age and older being 20 percent higher than 10 years ago, with all of these issues, Mr. Speaker, you would think that the Republican majority would step up and do something about it. They're in the majority.

But what has been their response? An attempt to score political points, not solutions. They haven't come with any solution. They haven't come with a proposal to fix long-term care. They just want to strip what President Obama and the Democratic majority did, and I think that's too bad.

Now, that was what we did yesterday. We messed around. They tried to embarrass the President. It didn't work because Americans know that President Obama cares. In fact, I think Republicans know it, that's why they call it ObamaCare. Well, he does care, so they can say whatever they want.

But my point is today they were back up to their old tricks. Today, we in Congress voted on a budget gimmick bill—that's all you can really call it—a bill to make it easier for Republicans to pass more tax giveaways to the top 1 percent. They call it the Pro-Growth Budgeting Act. And, Mr. Speaker, if I had a dime for every deceptively named piece of legislation during this 112th Congress, I think I'd be a wealthy man right now.

This legislation would rig the rules, play games with the rules, funny accounting, Mr. Speaker, to make it easier for the GOP budget priorities to pass, like the Ryan budget, which included deficit-busting tax cuts for the wealthy and cuts in job-creating investments like education, estimated to cost about 1.7 million jobs by 2014.

This bill, this funny-math bill, this bill requires the Congressional Budget Office to use what they call dynamic scoring—that's the word they like to use—as part of a macroeconomic impact analysis of tax provisions. That's a whole lot of long words, Mr. Speaker, which basically says that they want to score it in a way that makes them look good. That's what they're trying to do. And what they want to do is include calculating their effect on the economy like GDP—that's all of the goods and services in a year domestically, investments and employment—which past budget analysts have said are really not going to be an accurate reflection of what's going on when preparing supplemental cost estimates for major legislation.

Such an analysis is designed to hide the impact of tax cuts on the budget deficit, making tax cuts easier to enact or extending by masking their true costs. This bill, this funny-math bill, injects supply-side economics into the Congressional Budget Office scoring, which has been discredited time and time again. It has no place in the nonpartisan analysis provided to Congress.

You see, Mr. Speaker, the CBO was set up so that neither the Republicans nor the Democrats, the conservatives or the progressives, none of us with our points of view could get in and mess around with the way the Congressional Budget Office scored a bill.

What it means to score a bill, Mr. Speaker, is to analyze the costs of the bill, or analyze the financial impact of the bill. So it might be how much taxes is this going to generate. The CBO, the Congressional Budget Office, would give us an estimate. Or how much is this program going to cost. The CBO tells us what are the budgetary implications of what we're doing. Historically, Republicans and Democrats have just had to live with the CBO score because it's a nonpartisan office, meaning neither party controls it. But now what the Republicans want to do is come up with this dynamic scoring thing to make their estimates look better. This is wrong. They shouldn't do it. They shouldn't do it.

The underlying assumption behind the bill is that tax cuts pay for themselves. This is obviously wrong. The reason we are in this monumental debt and deficit situation that Republicans like to talk about, they're always going on about we're leaving debt on our children and grandchildren. They always say it like that in a real dramatic way, Mr. Speaker.

The reason we're in this mess is because we got two unpaid-for wars under a Republican administration and huge tax cuts under a Republican administration. They cut taxes during a war. When you're really supposed to be raising taxes to pay for the war, they cut taxes during the war which exploded all this debt. That's the truth. If they come down here and tell you the truth, that's what they would say. That two unpaid-for wars and the Bush tax cuts are what exploded the debt and the deficit. It's why we're in the situation that we're in.

They always want to say, oh, ObamaCare. That's not the cause of it. They want to say, oh, oh, the stimulus. That's not the cause of it because that was an expenditure in a short period of time that didn't have long, long tails like these tax cuts do or these wars.

□ 1900

That's what has exploded the deficit. And now, instead of owning up to it and saying we need to tax Americans more fairly, not just take care of the rich people, but take care of everybody and make sure the burden is shared and not just the rich get to escape with not doing anything, or not doing much. Some folks running for President are worth hundreds of millions of dollars and only pay 13.9 percent on it; whereas if you make 50,000, 60,000, you're going to pay 25 percent, 28 percent or 35 percent, depending on exactly how much you make. It's unfair. What the Republicans want to do is instead of just owning up and saying, yeah, we were fiscally irresponsible, they just want to have dynamic scoring so it doesn't look so obvious.

Now, I talked about what we did yesterday, which is try to do nothing about long-term care except embarrass the President and strip the CLASS Act out. Today, we played games with the budget again with budget-counting measures trying to interfere with how the nonpartisan Congressional Budget Office does the scoring. Well, what are we going to do tomorrow, Mr. Speaker? Certainly, tomorrow must be better than the last 2 days, particularly given the fact that we got the payroll tax deduction running out and other things, important things, going on. Are we going to take up the payroll tax deduction issue tomorrow? No.

Tomorrow, we're going to do something else, another budgeting gimmick bill, this time called the Baseline Reform Act. This is another one to try to hide the reality. It requires the Congressional Budget Office—and, Mr. Speaker, you'll recall I explained that Congressional Budget Office is sometimes referred to as the CBO—it requires the CBO to unrealistically assume in its baseline that spending in the future will stay the same and not grow to keep pace with inflation, thereby facilitating cuts in real terms in job-creating investments.

This bill ignores the impact of inflation on the discretionary budget which gives an unrealistic picture of what it will take to maintain basic services. So, understand it this way, Mr. Speaker, if inflation is making everything cost more but you try to hold the line, then the cost of things will not be accurately reflected if you don't account for inflation. But this is exactly what they don't want to do.

Republicans want to starve these programs, and they could lead to long backlogs for services and other types of problems such as the major issues at the Walter Reed Hospital during the last decade. Relative to the traditional baseline, a freeze would reduce investment for long-range programs such as rebuilding and educating America by over 20 percent and by the 10th year.

So there you have it, Mr. Speaker. Three days of not dealing with what we need to deal with, 3 days of playing games, 3 days of not dealing with the people's business, 3 days of not focusing on what America needs us to focus on.

So, Mr. Speaker, let's talk about the American people. They have rejected the Republican budget scheme that ends the Medicare guarantee to pay for tax breaks for Big Oil millionaires and corporations that ship jobs overseas. For the last year, if you're not a CEO or a wealthy special interest, the Republican Party of the 1 percent says you're on your own. I often wonder what they meant when they said the ''ownership society.'' What they really mean is the ''you're on your own society.'' They mean, hey, we got to cut cities and towns, and we got to cut States, and we can't be there for you anymore. You are on your own. We're going to lay off teachers, we're going to not give the cities enough to make sure there's enough police, water, fire, all that stuff. You're on your own.

But Mitt Romney is not on his own. If you need a bailout, you're not on your own. But if your house is underwater, don't look to the majority for help. If you're a father who lost your job through no fault of your own, a mother struggling to make ends meet, or a family kicked out of your home, the majority of the 1 percent says you're on your own. Turning their backs on ordinary Americans may pad the profits of corporate donors and hedge funds of billionaires bankrolling their campaigns, but it won't grow the middle class.

It used to be that working hard and playing by the rules meant you got a fair shot. We've got to restore that dream. We're not talking about an American fantasy where everybody is—you see it on TV sometimes, Mr. Speaker, where you're going to be living in some lavish place and fancy this and fancy that and lifestyles of the rich and famous and all this kind of stuff. We're not talking about an American fantasy. We're talking about an American Dream, which is realistic because it's not too much to ask that if you're willing to work hard in this country that this country should work for you.

But many Americans out there are under a lot of stress, and it's because from a policy standpoint, their elected leadership is catering to the people who have the most under the philosophy, Mr. Speaker, that if you give it all to the rich, they will invest in plants and equipment, and then it will trickle down to everybody else. That philosophy has failed, and it's time for them to admit it.

We need leaders who understand that when we all do better, we all do better. Americans have got to have a better shake. And we in the Progressive Caucus are standing up for hardworking taxpayers of the great American middle class and working class and poor. We in the Progressive Caucus are not ashamed to stand up for the poor, Mr. Speaker. We believe that poor people, low-income people, what you call poor people, are poor if they're too old to work or too sick to work or too young to work. Anyone else might be poor by circumstance, but they would love to join that great American middle class if they could just get a chance. And that means an education, that means job retraining, and that means an economy where we're literally trying to do something to protect the American worker from off-shoring by investing in our infrastructure, putting people back to work, and by doing things to make this economy strong.

The best way to get our economy going is to put America back to work. There's a lot of work to be done. The best way to cut spending is to cut

spending on tax handouts to millionaires, billionaires, and corporate special interests, while we give $4 billion to the oil industry while they're making the most money they ever made, and they still come down here and scream, oh, don't take away our subsidies.

The American people know that the best way to cut spending is to cut spending on big special interests like Wall Street and Big Oil. But instead, Republicans would rather make the rest of us pay for tax giveaways for millionaires and Republican corporate donors like big oil and pharmaceutical companies.

So we want an America where the burdens are shared and where the benefits are also shared. We want an America where there is true economic opportunity and inclusion. We want an America where it doesn't matter whether if you're born here or you came here, it doesn't matter what color you are, it doesn't matter what religion you are, it doesn't matter whether you're male or female or who you want to be married to, that all of us can have a good, prosperous life based on an economy that works for everybody.

And so I just want to say, Mr. Speaker, as I begin to wind up my remarks, that this Progressive Caucus is going to be here standing up for the American people. We will be there for the 99 percent. We will work to get money out of politics, as we're pushing constitutional amendments to do so. We will stand up to Citizens United. We believe that corporations are not people, money is not speech. And in America, democracy is not for sale.

We believe unemployment insurance should be there for people who have fallen on hard times. And we believe that the social safety net is something that's important so that when people need help, they can get back up on their feet.

Mr. Speaker, as I wind down, I just want to point out that, with nearly 14 million people unemployed today, they deserve an opportunity in an America that really works for them. They deserve leaders who care about their plight. They need leaders who care about their plight and are willing to stand up and push policy that will make the American Dream attainable for anybody who wants to work for it.

I just want to say, as I close out, America is a wonderful idea. And the American Dream should be in the grasp of every American. And great Americans have overcome some of the bad things in the past as they reached out to build the American Dream for all.

And when I say liberty and justice for all, Mr. Speaker, I mean it. And I just don't mean social equality, I mean economic opportunity too. And it's going to have to start with asking everybody to pay their fair share, recognizing that trickle down never worked and never will, and that we've got to invest in America, educate America, and protect America so we can get this economy working again.

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

□ 1910

REPEALING OBAMACARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Michigan (Mr. BENISHEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. BENISHEK. Tonight, my colleagues and I have come to the floor, both as Members of Congress and physicians, to discuss the urgent need to repeal and replace the Patient Protection and Affordable Care Act.

Like many of my fellow Members here this evening, I've spent the last decades of my life as a physician, a surgeon. Unlike our President, I was on the front lines of medicine. I went to medical school in Detroit, Michigan. I did a family practice internship in Flint. I returned to Detroit to do a surgical residency, and then moved to the upper peninsula of Michigan, where for the last 28 years until I took this job, I was taking care of patients in a rural general surgical practice.

I know what it's like to be in a small town where people depend on their local physician, and it's 2 hours in an ambulance to get to the nearest hospital. And the Patient Protection and Affordable Care Act is affecting rural hospitals to such a degree that many of these hospitals are going to close. And I just want to bring to your attention, Mr. Speaker, the seriousness of this problem.

It's been a pleasure being a surgeon. It's a pleasure being here in Congress. As a matter of fact, sometimes patients of mine still call the congressional office inquiring about scheduling a case. One of the very reasons I ran for Congress was because I felt those with real health care experience needed to contribute to the national discussion on health care reform. Tonight, along with other members of the Doctors Caucus, I'd like to dispel some of the myths associated with the President's health care bill.

It's time to set the record straight. It isn't enough to just say this bill must be repealed, we must tell you why it has to be repealed, explain to you the really bad aspects of this bill. I'm proud to say that one of my first votes as a Member of Congress was to repeal it. Tonight, we're going to go through some of the provisions of the bill which make it so onerous.

While I disagree with the President's health care bill for a number of reasons, I'm particularly appalled at the recent regulation issued by the United States Department of Health and Human Services as a result of the bill, requiring all employers, even if they have a religious or moral objection, to offer health insurance that includes sterilization, abortion-inducing drugs, and contraception.

I offer for the RECORD an excerpt from a letter from Bishop Sample of the Catholic Diocese of Marquette, one of my constituents. Here is a quote from Bishop Sample's letter:

> In so ruling, the Obama administration has cast aside the First Amendment to the Constitution of the United States, denying to Catholics our Nation's first and most fundamental freedom, that of religious liberty. And as a result, unless the rule is overturned, we Catholics will be compelled to either violate our conscience or drop health care coverage for our employees and suffer the penalties for doing so.
>
> The Obama administration's sole concession was to give our institutions 1 year to comply. We cannot, we will not comply with this unjust law. People of faith cannot be made second-class citizens.

Mr. Speaker, as a fellow Catholic and a physician, I agree with Bishop Sample. It's my belief that the government has no right to mandate that employers purchase health insurance for their employees in the first place. But this law is made even worse by demanding that those who support life, regardless of their particular religion, provide coverage for abortion-inducing drugs.

Mr. Speaker, Federal conscience laws have existed since 1973 and have protected many health care providers from discrimination due to religious and moral values. Unfortunately, President Obama's health care bill contains no language protecting the conscience of health care providers.

I recently cosponsored H.R. 1179, the Respect for Rights of Conscience Act, which was introduced by my colleague, Mr. FORTENBERRY of Nebraska. If signed into law, this bill would amend the Affordable Care Act to permit a health plan to decline coverage of specific items and services that are contrary to the religious beliefs of the sponsor of the plan without suffering consequences. While I and other Members of Congress continue our efforts to repeal the President's health care plan in its entirety, bills such as H.R. 1179 are necessary while the Affordable Care Act is still law to ensure that the Federal Government does not mandate any American citizen to defy their own religious principles.

I certainly have many other issues with the President's health care bill, but I'd like to give some time to my other colleagues here tonight a chance to speak as well.

Mr. HARRIS. Will the gentleman yield for just a question?

Mr. BENISHEK. I yield to the gentleman from Maryland.

Mr. HARRIS. You know, the gentleman's been talking about the President's health care bill. I assume you don't mean President Reagan's health care bill, you don't mean President Bush's health care bill. You're talking about—because a lot of people at home might be a little confused, you're talking about ObamaCare, I take it?

Mr. BENISHEK. Right.

Mr. HARRIS. And when you talk about the conscience protection that

has been infringed in the last week, is it correct that that is directly a result of the ObamaCare legislation?

Mr. BENISHEK. That's correct.

Mr. HARRIS. And in fact, as you well know, you're a surgeon, I'm an anesthesiologist, as physicians, when we were trained, the whole idea behind that part of the law would treat pregnancy as a disease. Because in my understanding, isn't that correct, that part of the law dealt with preventing disease? And in some strange way, shape, or form, what a lot of Americans think about as a thing of wonder, pregnancy—you know, the ability to bring a new life into the world—for the first time is treated as a disease to be prevented using taxpayer dollars to the point where, and correct me if I'm wrong, the Secretary of Health—because that's her title, the Secretary of Health and Human Services—is treating pregnancy as a disease. And not only saying that, but that it's so important to prevent this disease that every American employer should be forced to pay every penny of the prevention. Is that what I understand the Secretary's decision to mean?

Mr. BENISHEK. That's correct, as I understand it.

Mr. HARRIS. Well, Mr. Speaker, as the doctor has said, this is a very strange path to go down, from a bill that was brought to the American public as a bill that will help the uninsured get insurance has now gone to the point of not dealing about whether someone has insurance, but whether every employee should pay what we call first dollar coverage—that is, no copay, no deductible—free treatment to treat what the Secretary of Health now I guess considers a disease, pregnancy. Now, if that's true, you know, I've got five children, I guess my wife was struck with that disease five times.

But I will tell you, as a physician who's treated patients, Mr. Speaker, as the other gentleman from Michigan has, with diseases, to put pregnancy in the same category as breast cancer, as colon cancer, as prostate cancer, as leukemia, as other diseases that have screens that can be done, where, yes, maybe to prevent those life-threatening diseases—because, doctor, if you can correct me, I don't think it says that this is only for life-threatening pregnancies. I think this dictate from the Secretary of Health and Human Services of the United States is to prevent and treat, in whatever fashion someone decides to treat this disease—it doesn't have to be life-threatening; it's not a cancer, it's a pregnancy.

□ 1920

To place that in the same category and to use our precious health care resources to treat disease and a pregnancy is a very different objective than to pass a bill to provide basic important health insurance. And I think the gentleman, as I say, you're being very generous and perhaps confusing to the American public, because I think they've come to understand this bill. It's ObamaCare.

I'll tell you what's interesting. Most of the time, when someone here has a piece of legislation, signature legislation that passes, they're thrilled if the legislation is referred to by their name, and there are plenty of examples. But interestingly enough, as the doctor may know, when we write a letter to our constituents and refer to the Affordable Care Act, we've actually been told we can't use the name that all Americans know this bill by. They call it ObamaCare. For some reason, someone's sensitive. I guess the President's too sensitive. Why wouldn't he want—if he is so proud of this bill, why, every time we refer to it by the name all America knows it by and, I might add, dislikes it by, is ObamaCare.

We know what the public polling says. A majority of Americans know it was a mistake. Interestingly enough, a third of Americans don't realize it's still the law of the land. But they did get a rude awakening last week when, if you happened to be a member of a religion that doesn't believe that pregnancy ought to be treated as a disease, that doesn't believe that you ought to be forced to fund sterilizations with no copay or deductible as part of your insurance policy you provide to your employees, that that comes under the ObamaCare legislation that is still in effect.

Mr. Speaker, you know that if you travel through your district and you talk to the small business men and women in your district, you know how afraid they are of this bill being fully implemented. They understand that it will break the bank in their business, it'll break the bank in their State, and it'll break our bank here in Washington.

We have a $15 trillion debt, and everyone knows, when you add 14 million new people to a government entitlement, as this bill did, all that you're going to do is make that situation worse. And our small business men and women realize this. They know that cost is going to be born to them.

We know what the unemployment rate is. It's not under 8 percent like the President had promised when that stimulus bill was passed in this very Chamber 2 years ago, I will say, when the other side was in charge. The unemployment rate's over 8 percent. The Congressional Budget Office, just this week, projected it will be 9 percent by the end of the year.

Times are tough. Gasoline is $3.60 a gallon. And what is the President's administration doing? Going full steam ahead on implementing a bill, ObamaCare, that Americans don't want and can't afford.

So I'm going to thank the gentleman from Michigan for yielding the time to me and thank the gentleman for bringing this up to the American people once again, to remind them ObamaCare is with us. It may not be after the next election. We don't know. But we know that America agrees, this was a bad idea at a bad time, and due to what happened last week with the conscience protection that's always been present in Federal law being abridged by our Secretary of Health.

Mr. BENISHEK. Thank you, Dr. HARRIS, for being here tonight. We certainly appreciate your comments.

Let me add, at a town hall in New Hampshire in August of 2009, President Obama stated: If you like your health care plan, you can keep your health care plan. The President made this statement several times as he attempted to gain support for his health care overhaul.

After the last Congress passed the Affordable Care Act, the Obama administration began its job-killing regulatory spree. Instead of allowing Americans to keep their health care plans if they're happy, this new law could cause as many as 87 million Americans, nearly a third of the population, to lose their coverage.

As a physician, I understand the importance of consumer choice when it comes to health care. Personally, I don't think government should be in the business of mandating the purchase of health care insurance at all. Why in the world would you pass a bill that mandates the purchase of health care insurance and then potentially kicks 28 percent of the population off their plans?

I can tell you from experience, this has nothing do with affordable care. Again, this is just not another reason to replace President Obama's Affordable Care Act with real health care reform.

I look forward to replacing this plan with a bill that expands health care choice, like H.R. 3000, a measure introduced by my colleague, Dr. PRICE, that I cosponsored. This bill expands health care access and availability, making provisions for selling insurance across State lines and addressing medical liability reform. This is a real step forward in health care reform, unlike the previous Congress's attempt.

With that, I'd like to introduce Dr. GINGREY of Georgia for his comments.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman from Michigan's First Congressional District for yielding the time, and I thank him for putting together this Special Order hour. And, indeed, I thank our leadership for making this the designated leadership hour for the Republican Conference this evening and all of my colleagues that are participating.

The gentleman spoke about some of the things in ObamaCare. As the gentleman from the eastern shore said, the name of the bill that the patients know it for—or dislike it for, I think is the way he put it. And certainly 60 percent or more still, 2 years after its passage—I guess when former Speaker PELOSI said they'll have to find out what's in it and I think they'll like it, well, they found out what's in it and they don't like it.

And one thing that was in it, still in it, unfortunately, that nobody really likes, yet our Democratic colleagues fought tooth and nail yesterday on the House floor to keep the CLASS Act in this ObamaCare, Affordable Care Act. We call it the ''unaffordable care act.'' And the CLASS Act was a provision that was inserted, Mr. Speaker, on the Senate side in the latter stages just before, in fact, they voted on the Senate side to approve the bill.

In the CLASS Act is this so-called long-term care provision that former Senator, God rest his soul, Senator Kennedy had worked on for years, and this was something that his staff wanted to have in the bill as a legacy to his memory. I understand that. But not only was it half-baked, I think it was about quarter-baked, and it was a bill, a section of the bill, 2,700 pages, so it was just one section, but one of the most egregious provisions in regard to what it's going to cost our poor, burdened American taxpayer, this CLASS Act, in regard to long-term care provisions.

And thank goodness for our former Senator, Judd Gregg, who was chairman of the Budget Committee on the Senate side, is now retired. But he was on the Health Committee in the Senate and proffered an amendment that said you couldn't go forward. The Secretary would not be allowed to go forward with this CLASS Act provision on long-term care unless she could certify that it was fiscally solvent in the outyears.

And another Member, the current—in fact, the current Budget Committee chair on the Senate side, Democrat KENT CONRAD, said in 2009 that it was a Ponzi scheme of the highest order. In fact, he even said it would have made Bernie Madoff proud. I couldn't have said it any better than that, because what it called for, or what it calls for is something that absolutely is a Ponzi scheme. It requires people that sign up for this CLASS Act, long-term care insurance, to pay premiums for 6 years before they would be eligible to have a benefit if they were disabled and they needed care with daily living activities in their home.

□ 1930

So it looked like this part of the bill was going to generate $80 billion in cost savings, and boy did they ever proffer that point. Eighteen months later, the secretary of Health and Human Services finally says we can't make this work, we have looked, turned it upside down, inside out, backwards, eight ways to Sunday.

In fact, they had a flowchart that had an algorithm of how they could possibly make this program work. It included things like saying that people with preexisting conditions had to wait 15 years before they were eligible for a benefit, that these preexisting exclusions would go away. Then they said, no, maybe we ought to eliminate anybody. Our colleagues on the other side of the aisle yesterday said you mean you're going to deny coverage to people with Alzheimer's and with metastatic cancer and with type 2 diabetes and renal failure, and all this stuff? These are the things that the Secretary wanted to say, We are going to have to not allow them to participate with these preexisting conditions; not us, not our side of the aisle.

In fact, let me make this point before I yield back to Dr. BENISHEK so he can yield to others that are here on the floor.

The only thing that they could come up with, Secretary Sebelius, that would make this program work was the ninth thing, and that was to make it mandatory, say everybody has to sign up for long-term care insurance whether they want to or not.

I think they already know they have a little bit of a problem in regard to mandating health care in regard to the case that is before the Supreme Court now. They will have 5½ hours of testimony in March and a decision probably in June. I don't think they wanted to go down that road again, and so she threw up her hands and said, We are not going forward with it.

We voted on the House floor yesterday to strike that bill from the law, remove it from the books because, if we don't, here is the problem with the CLASS Act still being kind of inactive, sitting there in the statute, in law, even though the Democrats say you don't need to remove it because the Secretary says she is not going to go forward.

But the law says very specifically that she will have a program for people to participate in by October 1, 2012. That is less than 9 months from now, if my math is correct. Someone could simply say, You didn't provide this and the law requires it, and therefore I'm going to bring suit against the Federal Government. This could go on and on and on.

Then the people who are trying to develop a long-term care insurance policy so that folks could afford it and it would work, they are not going to work on that until they know that the Federal Government is not continuing to mess with the system and cause more and more delay. I wanted to mention that because I thought it was very important.

The vote yesterday to repeal had 26 of our colleagues on the Democratic side of the aisle. That is pretty darn good in this body in regard to bipartisanship.

We hope and pray, as this bill goes over to the other body and gets to the desk of the majority leader, Senator REID, that it won't just stack up like one more piece of cordwood as did the 30 bills that we've passed in the first session of the 112th Congress. Hope springs eternal. I think we did a good piece of work yesterday. I am proud to be here with my colleagues.

Mr. BENISHEK. Thank you very much. I really appreciate my colleague from Georgia's comments, Dr. GINGREY. Excellent.

The minority leader, then-Speaker NANCY PELOSI, once promised that the President's Affordable Care Act would create as many as 4 million jobs. Despite these promises, over 13 million Americans have been unemployed for the last 31 months. Instead of creating jobs, the President's health care plan is working against America's economic heartbeat—small business. According to a study by the National Federation of Independent Business, new taxes created by the employer mandate provision in President Obama's health care bill may eliminate as many as 1.6 million additional jobs by 2014.

During his State of the Union address last week, President Obama stated:

> Companies that choose to stay in America get hit with one of the highest tax rates in the world. It makes no sense, and everybody knows it. So let's change it.

I couldn't agree more with the President on that statement.

One easy place to start would be the passage of H.R. 1370, a measure introduced by my colleague, Dr. BOUSTANY. This measure repeals the annual fee, meaning a tax, that the President's health care plan places on health care insurance providers. Instead of raising taxes by $500 billion on the American taxpayers to pay for the Affordable Care Act, President Obama should follow his own advice and encourage the Senate to repeal his health care plan.

With that, I would like to introduce my colleague from Louisiana, the former Louisiana doctor of the year, Dr. FLEMING.

Mr. FLEMING. I thank the gentleman, Dr. BENISHEK. That was an unexpected recognition there. I thank you, sir, for that.

I'm just going to give a brief top-level overview of where we started with health care in this Nation and why we are here today.

I have to take you back to post-World War II, where we began to have the indication of a crisis protection form of insurance; that is, insurance that is there just to keep the family from going bankrupt over medical bills. That seemed to be well received.

Over time, it became obvious that there were other people, the people who were poor, people who were elderly, who could not get coverage in the normal marketplace of insurance. As a result, Congress in the mid-1960s, created Medicaid, health care coverage for the poor, and Medicare, health care coverage for those who are 65 and over.

That was all well and good; however, this was the first real foray of the government managing health care, that is, the financing of health care. The promises were great to the doctors to get them to go along with it. The promises were great to the patients. It has rocked along for a while pretty well.

People who receive Medicare benefits enjoy them. The problem is that we know in government that the cost has risen and risen and risen, and now what

we have is a situation where Americans who are on Medicare enjoy very good health care benefits, but the explosion in cost and the pressure it is putting on the rest of the health care system is becoming unsustainable. In fact, if left alone, Medicare will totally displace all discretionary spending in the government today; therefore, something has to be done about it.

We got about halfway through government-run health care, and our friends on the other side of the aisle have had this vision for many years of having government totally control health care for everyone. They attempted to do that with the passage of ObamaCare, which took us, I would say, to about 95 percent complete government control of health care.

What was the promise? The promise was that your insurance rates would go down, your coverage would go up, that your choices would go up, and things would be fine and dandy.

What have we found thus far? And it hasn't even been nearly fully implemented. That is that the cost of insurance premiums have gone up.

We now have a board called IPAB, which is 15 bureaucrats who will be appointed by the President, not necessarily health care workers. Everything that may affect you in your life with regard to health care may well rest in the hands of this 15, even usurping Congress itself when it comes to decisions such as what doctors you can see, what it will cost you, and certainly what the health care system itself will be paid.

What I would submit to you tonight is that any time government runs a system of economy—which certainly it has done in education, and we see the failures in secondary and primary education there, and now in health care—that costs skyrocket. They become very inefficient and they become unsustainable.

Remember that when it comes to Medicare that, for every $1 that a recipient puts into the system in the way of premiums, they get $3 in benefits.

□ 1940

That means that even the very wealthy—even the Warren Buffetts of the world—actually get subsidized health care. We just simply can't afford it. We'd love for our recipients—our voters—to get this, but we can't afford it. So now what do we have? We have ObamaCare, which is a fixed top of Medicare and Medicaid, and we have nearly a 100 percent government-run system.

You just heard my colleague from Georgia talk about the fact that one of the ways to fund it is by this CLASS Act, which is long-term health care. It's unsustainable. It will collapse. Actuaries tell us it's not going to work, so we're in the process of repealing it. We know that there is an amazing number of taxes that go with this—a tax on the sale of your home as an investment—and many other pieces. Another big piece toward funding it is by taking out a half a trillion dollars from Medicare, which only makes Medicare go out of business even faster. Right now, we're looking at about 10 years for that to happen; and our friends on the other side of the aisle, the Democrats, have no solution for that whatsoever.

So I would say, Mr. Speaker, that we have gone from the frying pan into the fire when it comes to health care by way of government. There are those who say, Well then, what is your solution? Mr. Speaker, our solution is very simple. Our solution is: Let's re-invoke the marketplace, the forces of the market—economic freedom and patient choice—back into the system, and let's get government out.

Government has a role. Government's role is to protect its citizens and to ensure there is an even playing field. Yet we know that no way will costs go down in any open economy, in any free economy, unless there is robust competition. But we do not have that today, not among insurance companies, not among large, vertically integrated governmental systems. It's not there—it never will be—and we will continue to have waste. No matter what any politician says that he's going to do to get rid of fraud, waste, and abuse in the system, he is incapable of doing that. Only a free market can do that.

I will refer you back to PAUL RYAN's budget, which actually gives Medicare recipients a free market choice, which is the same kind of choice that we in Congress have today. That is: We can go to a Web site or we can go to a book, and we can choose from one of hundreds of excellent health care systems out there by which we can be covered.

Why can't Medicare recipients and why can't Medicaid recipients have exactly the same thing? Why can't we tear down the State walls that exist that make, in most cases, one insurance company totally control the market in an entire State? Why can't we do this?

The answer is: This body right here has not allowed that to happen.

Mr. Speaker, that is what I submit to you this evening: Should we repeal ObamaCare?

I am convinced now that we will; that perhaps it will be H.R. 1 in 2013, the full repeal of ObamaCare; that we will quickly replace it with piecemeal pieces of legislation that do many things, including reforming liability insurance, re-invoking the free marketplace, patient choice; and that we will get on with making this a much more efficient system, one that is much more user friendly and one that we can all be proud of.

I thank the gentleman, and I thank my fellow physicians in the GOP Doctors Caucus. It is always an honor to serve with these ladies and gentlemen. It's not only physicians, but nurses and other types of health care workers. There are truly great things that are happening in this body.

Mr. BENISHEK. I appreciate that, Dr. FLEMING. Thank you for your comments.

I just thought I'd make a few comments of my own about your discussion of the IPAB board and make sure that the American people know what this is. The Independent Payment Advisory Board is a board of bureaucrats appointed by the President, without appeal, that will determine whether or not procedures, if they are overpriced, will be available to the American people.

I've talked to patients in many difficult situations, where I have had a very sick patient and have taken care of the patient myself and the patient's family, where difficult decisions are being made affecting the life or death of the patient. These decisions are not easy to make. You have to discuss the alternatives with the patient and with the patient's family; and usually, through the coordination of what the patient wants, with what the physician recommends and in discussion with the family, we come to a decision.

The Independent Payment Advisory Board may decide completely differently from what we decide. Certainly, some patients deserve different types of care: palliative care rather than aggressive care, comfort care measures versus complete major surgery. These are decisions that have to be made personally—on an individual basis—based on sound medicine, what the family needs, what the patient wants, and not with an unappealable bureaucratic decision made in Washington by someone who may or may not know the patient and who certainly may not be educated in medicine or compassion. From my eyes, it's really a scary thought for the American people, and I just wanted to put my perspective on your comments there.

Now we have my colleague here with us this evening, the gentlewoman from New York (Ms. BUERKLE), as a member of the Doctors Caucus. Ms. BUERKLE is actually a nurse, yet we have health professionals of all varieties here tonight, so I yield to the gentlewoman.

Ms. BUERKLE. I thank my colleague and friend from Michigan for yielding to me, and thank you so much for having this evening's Special Order regarding health care.

I think it is so important, Mr. Speaker, that the American people hear from health care professionals. There is such distrust of politicians in Washington, so for the American people to have the opportunity to hear from those who have invested their lives in health care and who really do care deeply about our health care system, I think it's so very important that we have this hour and this time together.

Mr. Speaker, I ran for Congress because I was so concerned with regard to the health care law. I thought that it was substantively flawed. I thought that it was procedurally flawed. It was passed in secrecy at all hours of the

night, and I thought that constitutionally it was flawed in that our government doesn't have the right to mandate our buying anything, let alone health care. So I ran on that. Now that time has unfolded—and we've been here a year now—what has come to light is how very flawed this health care law is. I speak to so many parts of it that are flawed, but I just want to focus on a couple of specific areas.

I am the daughter of a 90-year-old woman. My mother is alive and well and lives in a small town in Auburn. I know how much she cares about her Medicare coverage, and I know how important that is to her and for her. Then last April, when the Republicans put out a budget proposal, Mr. Speaker, we were demagogued; we were demagogued that we wanted to cut Medicare for seniors.

I am here tonight to reassure the American people, particularly our seniors, that this group—all the members of our caucus—and our conference understand and appreciate how important Medicare is to our seniors. We understand that. This budget proposal that was proposed last April and passed in the House is merely a proposal, a suggestion as to how we're going to save Medicare for those who are 54 years and younger. So I want to assure seniors that any changes we talk about with regard to Medicare have to do with only those who are 54 and younger. That's very important to emphasize.

What I do want to talk about briefly is that this health care law, which is the law of the land and which will go into effect in 2014, does cut Medicare. I've heard from many of the seniors in the country, and I've heard from the hospitals in my district, and I've heard from the physicians in my district. This health care law cuts Medicare by $500 billion. Every senior is going to feel the impact of this health care law.

So I want to be here tonight with my colleagues and with members of the health care profession to assure our seniors that we are here to protect you. We want to keep Medicare intact, and we want to alert you that the law that was passed is flawed on so many levels. We voted to repeal it, but it's flawed primarily.

One of the biggest reasons is that it cuts Medicare, which will impact our seniors and the care they receive. We've heard about the IPAB, and you've heard about the CLASS Act; but this cut to seniors is something every senior should be concerned about, and they should be clamoring for the repeal of the law of this land because it will affect their care and their coverage.

I've heard from so many hospitals in my district, and I have a list here. I have five hospitals in my district. All of the Members have hospitals in their districts. There are cuts to our hospitals because of this health care law. Hospitals receive what's called a ''disproportionate share'' for services they give to folks who don't have insurance—who are uninsured—or who maybe get Medicare or Medicaid. So hospitals get what's called a ''disproportionate share.''

□ 1950

Mr. Speaker, the health care law eliminates the disproportionate share. It's a problem for hospitals, and I've heard from my hospitals and I've had the privilege of representing my hospital for 13 years as a lawyer. I don't say that as much as I say that I'm a nurse.

The cuts to Medicare to our hospitals will really force them into a very bad situation. And I want to talk just briefly, and then I want to yield to my colleagues, how important our hospitals are to our districts. In my district alone it employs 18,000 people. So when we've enacted a law, this health care law in this country, it's going to impact our hospitals and how viable they are.

You can see the payroll and purchases from the hospitals. Just in my district, Mr. Speaker, over $2.5 billion; and State and local tax and revenues, 105 million. So this health care law—and my hospitals have said to me, it's going to hurt us. One has said it will put us into bankruptcy because we can't afford to do business because of the health care law.

So a bill that was supposed to—a law that was supposed to increase access, decrease the cost of health care—as this bill and this law unfolds, we're seeing more and more that it's bad. It's bad for seniors, it's bad for hospitals, it's bad for our physicians. It's bad because it's the government telling the American people what they have to do.

I'm so proud to stand here with my colleagues who have voted to repeal this health care law, and we want to make sure that the American people understand. We do realize we need health care reform, but it needs to be market based, as my colleague mentioned, and it needs to be care that doesn't hurt our seniors, doesn't hurt our hospitals, doesn't hurt our physicians and really does increase access to health care.

Mr. BENISHEK. Thank you very much. I appreciate the gentlewoman's remarks, and thank you for taking the time to come up this evening.

We're nearing the end of our hour here, and I'd like to give the other Members that are here an opportunity to speak.

I yield to my friend from Arizona (Mr. GOSAR), who is a member of the dental profession. I'm looking forward to your comments.

Mr. GOSAR. Thank you, Dr. BENISHEK. Thank you for having this opportunity through these Special Orders.

I've got a unique perspective of looking at health care through a dentist's eyes, something that has stayed market based and stayed very inflationary neutral.

But before I do that, what I wanted to do is touch on my colleague, Ms. BUERKLE, in regards to hospitals.

I come from rural Arizona and more important aspects of hospital care is our rural hospitals and the solvency that we're seeing with them. They've taken an undue burden because we destroyed the patient-doctor relationship, the integral aspects of all the doctors with specialties and with the hospital.

Many of the hospitals that I've been working with are finding that it's going to be insolvent very, very quickly; and, therefore, our safety net is going to be gone.

We need to look no further to see government-run health care, particularly the longest-standing health care, and that's Native American health care. We see how detrimental it actually is. We have actually seen a group of people that are so despondent about the way government has taken care of their health care that they've invoked a clause called the self-determination act, in which they are taking back their health care needs within their communities, patient based, community based, preventive based.

These are some of the things that we as health care professionals really support and really tried to build upon. We can look no further than our Native American friends to see how we can actually start that capacity of rebuilding.

Second of all, we've talked about it briefly, and that is the modality of increased competition. This is a place that the Federal Government can actually help us and intercede. We all, as professionals, can work as collusive bodies, in unison, price fixing. But insurance companies certainly do that, and this is where we can actual level the playing field by our Federalist papers to allow open competition and vertical competition against each other across State lines.

This gives us the opportunity to have many more opportunities for the marketplace. That gives us the opportunity, consumer based, so that my needs may be different. For example, I'm allergic to wheat. I need to take care of myself. I need to be able to have an opportunity if I want wellness checks, if I want to see. I have different riders for lymphomas, all those different things I need to have the opportunity for. And that gives me the playing field on which I can play, particularly when there's more options out there. We're competing against each other and State lines.

Like my good friend from Louisiana talked about, State laws that almost give a monopoly to certain insurers within a State. This is the opportunity to open those doors and start to bypass the ERISA laws, opening up the competition model so that we all have an opportunity. You know, there was a conversation that was taking place, but we've lost it. Instead of a single-payer, how about a single-pool?

Here's our opportunity to make sure that we've got great competition within the marketplace. Dentist, no, because we compete that way. You know,

once upon a time insurance wanted to take over dentistry. There is an insurer called Delta Dental, and it was dentistry that was actually building insurers basically for the patients.

That's how we became the marketplace, opportunity. This gave us the opportunity that everybody got to choose and pick, and those are the things we have to look at.

Last but not least, all parts of this, this government-run health care, we need to really point at a vibrant economy. No closer do we have to look at this discussion than the withholding tax. Part of this money goes into the Social Security fund but also into Medicare. When we don't have a vibrant economy, we don't have the money going into our health care portfolio.

This is why it's all integrated. This isn't one separate entity. It's all integrated into a Nation that has a vibrant economy; and that's where we have to poignantly look, establish a new playing field, open up the rules, even get tort reform.

And we can learn from our States. This is one where one size doesn't fit all, but we can work with a value: what happens in Texas, what would happen in California. How about mediation that all medical malpractice cases have to go to mediation before they can go to court.

Isn't that magical? That's exactly what happens in Oregon. These are opportunities to take the brightest pieces across this country and putting them together and working it on the basis for patient preference, allowing them to pick. There's nothing more dear to somebody than their health care.

I'd like to thank my good friend, Mr. BENISHEK, for putting this together.

Mr. HARRIS. Will the gentleman yield?

Mr. BENISHEK. I yield to the gentleman from Maryland.

Mr. HARRIS. Gentlemen, I appreciate the very passionate discussion that you had about the way physicians interact with patients, and patients kind of expect that their care is going to be a personal decision between their health care provider and themselves and their family.

My understanding, and the gentleman from Louisiana mentioned this, Independent Payment Advisory Board, are 15 bureaucrats appointed by the President. Do either of the gentlemen know, correct me if I'm wrong, they are by law—cannot be a practicing physician.

You might want to check one of those 2,700 pages because I believe that the act by law says they cannot be a practicing physician.

Now, the gentleman from Michigan pointed out something that every senior in America ought to really care about, or those who take care of seniors or whose parent or grandparents are seniors. When your loved one is ill, do you really want the decision about whether they can receive care being made in an office in Washington by somebody who's got to find a way to pay for that ObamaCare bill?

Because, Mr. Speaker, that's the whole purpose of that Independent Payment Advisory Board. They've got to find $500 billion to take out of that Medicare program. Who among us doesn't believe that when that bureaucrat sits down, they're not going to be thinking about what's best for your loved one?

They're not going to be thinking about what that physician or that health care provider's decision is about what the best care is. They're going to be thinking how they're going to make that budget work.

To the gentleman from Michigan, I will tell you, I think that's the way America thinks that decision is going to be made. They're going to believe that when government runs health care, it's going to be run just like government runs a whole lot of other things it runs.

Ask a senior in your district, doctor from Louisiana, the doctor from Michigan, the doctor from Arizona, the doctor from Georgia, ask the next Medicare patient you take care of how long they have to wait on the phone when they call Medicare.

□ 2000

To the gentlelady from New York, my mother is 88, God bless her. And I have to tell you, she has made the mistake a couple of times of calling Medicare on the phone. My poor 88-year-old mother spent 90 minutes one time on the phone to get an answer. That's the kind of care we're going to get from the Affordable Care Act. It's not affordable care. It's not accessible care. It's not good care.

I want to thank the gentleman from Michigan for yielding and giving us the opportunity to remind the American public, we repealed ObamaCare in this Chamber. That repeal bill is sitting over in the Senate.

Mr. BENISHEK. I thank my colleague from Maryland, and I appreciate your bringing up those great points.

The President's health care act was to allow people to get more access to medicine. And as we've seen from multiple discussions here this evening, with the closure of many small hospitals throughout America due to the decreased payments under the President's health care bill, many small hospitals are facing closure.

I know, like the gentlelady from New York mentioned, I have many small hospitals that are on the razor's edge of being in the black or in the red. Recently, a small hospital in my district was just on the verge of bankruptcy. How is closing five hospitals in the 200-mile area increasing access to care? It isn't. It's making access to care more difficult, more impersonal.

Physicians, like ourselves, we're concerned about what's going to happen here because I'm concerned about my patients. And I'm concerned about my colleagues who complain to me about their patients. I think it's folly to be able to regulate health care from above.

Health care needs reform. We have the best health care in the world. The problem is it costs a lot of money. It costs a lot of money because there's not enough market forces, as my friend from Louisiana mentioned. You know, once somebody pays their copay, they don't care what anything costs. I paid my copay, I don't care what it costs. It's all good. We need to have health insurance be more like car insurance. You can buy car insurance from multiple different companies, thousands of different companies. In Michigan, you can buy your car insurance from a company in Florida or Tennessee because there's a lot of open competition. And your car insurance doesn't pay for an oil change. It doesn't pay for new tires. It doesn't pay for the routine expenses. If your car insurance paid for your oil change and your new tires, it would be really expensive, just like our health insurance is today.

We need to have people understand that health care isn't free once they pay their deductible. I think the health savings account concept where people have to save money tax free in their health savings account, use that money for their routine medical care and have health insurance be what it should be, not complete coverage of everything medicine but insurance for catastrophic disease, for items that you choose to insure for, not to insure for things that the government makes you insure for, like, you know, abortions which you may not want, or pregnancy, which you may not—you know, if you've had a hysterectomy, why should you be paying insurance for a pregnancy? There should be choice in health insurance, to allow people to have a Cadillac plan if they want, if they can afford it, or a Chevrolet plan. Or a young person may have simply a catastrophic plan if they feel they will not have significant health issues.

That type of marketplace and that type of philosophy is what we need in the health insurance business in my view.

I want to ask my colleague from Louisiana if that view of medicine, a market-based insurance and then competition between physicians as well, is your view?

Mr. FLEMING. I thank the gentleman. I will just briefly respond to that.

The point I would like to make on that very question is that coverage is not the same thing as access. There are countries around the world that have 100 percent coverage, yet they have no access to care. And I'm not just talking about communist or socialist countries. Look at Canada today. It takes a year to get a CT scan; but yet everybody's covered. So that's the fine point that we need to understand and take away.

I will also add in response to the gentleman just a moment ago talking

about the Independent Payment Advisory Board is that it will have more power than Congress itself. It will take a two-thirds vote from both bodies to overturn their decisions, and I don't think that Americans are ready to put all of that power in the hands of 15 bureaucrats who may or may not be physicians.

Mr. BENISHEK. Thank you. Let me ask my colleague from Georgia if he has any other comments he'd like to make?

Mr. GINGREY of Georgia. Well, I thank the gentleman from Michigan.

Mr. Speaker, I would like to comment before we close tonight. The members of the House GOP Doctors Caucus, along with the health care providers that caucus on the Senate side, in the other body, have just recently sent a letter to the American Association of Retired Persons, AARP, the executive director Mr. Barry Rand, asking them and the 35 million seniors that they represent in their advocacy, and of course the definition of a senior for them is anybody who has reached the age of 50, so certainly they can reach a whole lot more seniors, and I'm sure membership is important to them, so we have sent a letter to them reaching out to the organization and asking AARP to meet with the Doctor's Caucuses in the respective bodies in a very bipartisan way to try to save Medicare.

There are things that that organization, which I respect, indeed, I've been a member of, that we agree with, and there are things that we don't agree on. Now, AARP was opposed to what we had in the Republican budget last year, the so-called Paul Ryan budget in regard to how to strengthen, protect, preserve, the Medicare program, not just for our current seniors and recipients of that program, but for our children and grandchildren and great-grandchildren, indeed. So we want to ask them to sit down with us and say what they do like. We know what they don't like. I guess they didn't like the mandate of premium support in our budget last year. But Chairman RYAN this year is working very closely in a bipartisan way with Senator WYDEN, the gentleman from Oregon, in regard to this same idea of premium support. But instead of mandating it—and of course it was only mandated for those younger than age 55; everyone else was held harmless—now the idea is to say, Look, let's let everyone choose and decide. It's their option. Do they want to stay on Medicare as we know it, the legacy program, or would they prefer to go to the doctor and the hospital of their choice with their own premium support?

So I just wanted to mention that, and I'm looking forward to having a dialogue with the AARP and the 35 million seniors that they represent.

Back in 2003, my colleagues weren't here then, but I was, and I had an opportunity to vote in favor, as a physician Member, of the Medicare part D, the Prescription Drug Act, and AARP supported that. And yet our Democratic colleagues on the other side of the aisle, many of them symbolically came to the well and tore up their membership card of the AARP. So we're going to work with them. I think it's very important.

Mr. BENISHEK. I thank the gentleman from Georgia and the gentlemen from Louisiana and Arizona, the gentlewoman from New York, and my colleague from Maryland as well for appearing with me tonight. We've been trying to explain to the Speaker and the American people some of the issues that we have with the President's health care bill that do not solve our problem with health care and why we want to repeal it.

□ 2010

I encourage you all to look further into this issue and become educated so that you can inform yourself and your friends how serious this problem is.

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

ASSAULT ON RELIGIOUS FREEDOM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Mr. Speaker, it's wonderful to hear so many of not just colleagues but friends here on the floor discussing what is so important to this Nation—responsibility. And if you want to talk fiscal responsibility, it would certainly seem that the first place to start is with the repeal of ObamaCare. If you want to talk about freedom individually, once again, the best place to start is with repeal of ObamaCare.

There are so many ways the Federal Government has been encroaching into individual liberties and individual freedoms. It begins to get quite scary that we are encroaching on the very things that our original Founders were willing to fight and die for to ensure that we had the freedoms to do, that we would have the freedoms to avoid doing damage to our conscience.

It's so ironic that so many came to this Nation in its earliest days, and then through its history, seeking relief from persecution as Christians. So many groups came here believing that this could be a place, a promised land of sorts, where freedom could be experienced greater than anywhere else in the world. And that dream has been realized.

For far too long in our Nation's history, it was not extended to all men and women. Race and gender were problems. There were problems for some because there was racial and gender bias. But no one in those days ever anticipated we would get to the point in America where we are today, where people of faith who believe with all their heart that certain practices are just wrong in God's eyes would be forced by their government to commit those acts of wrong.

We know that the President of Notre Dame University, back in 2009, endured a great deal of heat when he brought a man who had fought so hard in Illinois to allow late-term abortions, a man who had fought to prevent people of conscience from being allowed to be counseled on exactly what they would be doing. There were all kinds of efforts in Illinois to deal with the issue of abortion. And he's now President. So there were some that believed that bringing that individual to a Catholic university like Notre Dame and giving an honorary degree and bestowing this honor upon him was not a good idea. Yet the President took a great deal of chance.

Sarah Palin points this out in an op-ed, little piece that she wrote Tuesday, when she said:

> Consider Catholicism's most prominent academic leader, the Reverend John Jenkins, president of Notre Dame. Jenkins took a serious risk in sponsoring Obama's 2009 honorary degree and commencement address—which promised a ''sensible'' approach to the conscience clause. Jenkins now complains, ''This is not the kind of 'sensible' approach the President had in mind when he spoke here.''

As Sarah Palin notes, ''Obama has made Jenkins—and other progressive Catholic allies—look easily duped,'' because this administration appears to want to wage war on Catholic Christian belief.

It's amazing that someone would take those kinds of positions that the administration currently is, basically a war on religious freedom for Christians.

There is an editorial posted by Mike Brownfield today, entitled, ''Morning Bell: ObamaCare's Latest Victim is Religious Freedom.'' It says:

> It has not even been 2 years since ObamaCare was enacted, and already the President's health care law has taken another victim—the religious freedoms Americans hold dear, as reflected by the First Amendment.
>
> The Obama administration recently reaffirmed a rule under ObamaCare that requires many religious employers to provide health care coverage for all FDA-approved contraceptive methods, sterilization procedures, and related education and counseling. On the grounds that certain FDA-approved contraceptive methods can sometimes ''cause the demise of embryos both after and before uterine implantation,'' many groups also believe that the rule forces them to cover abortion.

As the article points out, it's not just Catholics affected by the rule. Leaders from other faith traditions have expressed their concern. This is deeply troubling.

Another article here from The Washington Post, entitled, ''Obama Plays His Catholic Allies for Fools,'' by Michael Gerson, published January 30. He says:

> In politics, the timing is often the message. On January 20—3 days before the annual March for Life—the Obama administration announced its final decision that Catholic universities, hospitals, and charities will

be compelled to pay for health insurance that covers sterilization, contraceptives, and abortifacients.

It was bad enough that ObamaCare was going to take away individual freedoms regarding health care. We can take care of those who cannot take care of themselves. But we should not do, as a government, what has been done for far too long—provide incentives for people not to reach their potential, provide incentives for people, in effect, to take the life of an unborn, to make it easier to do that.

As so many have pointed out, if a government can order any individual, all individuals in the country, to purchase a particular product, including health care insurance, there really isn't anything the Federal Government cannot order them to do or to purchase.

□ 2020

And we're seeing that play out now, not merely in the area of just health insurance, but going deeper than that, more problematic, even theological, that the Federal Government can order you not to follow your religious beliefs.

So it's really quite shocking how far we've come. Now, those of us that study the teachings of Jesus know that He told Christians you will suffer for My sake. I didn't deserve to be born in America. I go to places like Afghanistan and Iraq and places where there's so much heartache, places around the world where you see people—in Africa, the places that I've seen so much heartache, so much suffering. We didn't deserve to be born here, but by the grace of God we were. And though we were told by Jesus you will suffer for My sake, for whatever reason we were allowed to grow up free, free from suffering on account of Christian beliefs.

This bubble in time and space that was allowed for generation after generation to be able to follow religious beliefs as Christians without persecution, that time has changed. Now it would seem that as people yell ''haters'' at Christians, throw things at Christians, fuss on the nightly news how Christians are haters and want everybody to go to hell if they don't believe just like them—what a terrible misinterpretation of Christian faith and beliefs.

An article from The Wall Street Journal talking about the contraception rule, talking about the discussions about it among the political candidates.

People need to understand the Christian faith is under assault, and this administration has stepped up the ante in that assault. And if people, whether they're Christians, Jews, Muslims, whatever faith—Hindu, Buddhists, Atheists—once you see a Federal Government telling Christians you cannot practice what you believe with your whole heart spiritually, you could be next. This ought to stir up not merely Christians. It ought to stir up people of all kinds of faith. Because, again, a Federal Government that can tell you to buy one product can tell you to buy any others if it has that much power. A Federal Government that tells Christians they cannot actually practice their religious beliefs can tell other religions the same thing.

We've just about come 360. This gift we've been given, we've been blessed with more freedoms in this country than any country in the history of the world. It doesn't take all that much study of world history to see that. It doesn't take all that much traveling around the world to see that. As I've traveled the world, going back to my days as an exchange student in 1973 to the Soviet Union, you develop a love for people all over the world. It's ironic when people call you a xenophobe and have no idea how many people you love with all your heart—Africa, Asia, Europe, around the world, different places.

And as one West African told me when I was visiting there, You have to understand, we were so excited when you elected a black President, but now we've seen America growing weak. And you must let the people in Washington know that unless America stays strong, we will suffer. You're our protectors. Without you staying strong, we don't have hope of having the freedoms we have right now. America's strength and America's standing for freedom and liberty don't just affect the people in America.

I jotted some notes inspired by a pastor's comments decades ago. It says: Start thinking about what we have seen in this country. First they said you can't have prayer in school, but most people didn't speak out because they would just pray somewhere else. Then they said you couldn't publicly post the Ten Commandments because people might be tempted to read them; and if they read them, they might be tempted to follow them and live moral lives. But most people didn't speak out because they knew where to find the Ten Commandments if they decided they wanted to have that kind of moral code.

They said you couldn't use a cross for a headstone, even for soldiers who died in the Christian faith in Jesus Christ, believing what Jesus said that ''greater love hath no one than this, that a man lay down his life for his friends.'' But not enough people have spoken out, because the soldiers are gone and they can't respond, so maybe it doesn't really matter.

I had a judge tell students, recent history, they could not have the freedom of speech to say what was in their hearts if it included horrible verboten words like prayer, invocation, benediction, but worst of all, God, prayer, amen, bow our heads, join in prayer. And most people didn't speak out because that was somewhere else, a judge somewhere else, not ours. Some judges said you couldn't say God in the pledge in a public place. It seems more judges have said that in more recent history. Fortunately, it was struck down, but they're still saying it. And not enough people are speaking out because it's some other judge. Maybe an appellate court will strike it down. I hope so.

Now we're being told by some if you want to hire someone, unless you're hiring a minister, you can't hire someone with the same religious spiritual faith that you have. Not enough people speaking out because they think surely that won't apply to me, at least not for a while. We're being told if you know in your heart that killing the most innocent among us, the infant unborn, if you believe that's killing, it's murder, it's wrong, well, we're the Federal Government and you have to forget your religious beliefs. We're going to tell you what you can or can't believe and tell you what you can or can't do. You have to go ahead and pay, in tax money or in health insurance money, for someone else to kill an unborn child.

□ 2030

And we have hospitals, doctors, nurses, health care providers being told, you may know in your Christian heart that it's wrong personally to participate in the taking of an innocent life, like an infant unborn, but if you want to stay in the health care business you're probably going to have do it anyway. We're the Federal Government, and we'll dictate not only what you may believe or not believe, but what you may put into practice and not put into practice.

And there are some in our government telling military chaplains, even priests, preachers, you may believe in your spirit, in your heart, in your soul that marriage is between a man and a woman, that Nature's God intended the perfect biological fit to produce a combination of a sperm and an egg. And some want to tell them you've got to set aside your religious beliefs and do what we, the Federal Government tell you, and marry whoever we tell you to marry.

You believe Romans 1? Forget it. Tear it out of your Bible because we're the Federal Government. We have a right to tell you what you can or can't believe.

Some say it's okay to force Catholics to violate their Christian consciences and their religious beliefs because our Federal Government has the power to tell them what to do. Not enough people are crying out. I guess they figure, well, I'm not really Catholic, or maybe I'm Catholic but surely they wouldn't try to tell me what to do in violation of my Christian spiritual beliefs.

But if the government can order, with the full power of Federal law enforcement, anyone to violate their Christian beliefs, we have come full circle. And the prayers of generations, the work of churches throughout our history—first, to even have a revolution based on freedom, based on the liberty that they knew God gave us, where over a third of the signers of the Declaration of Independence weren't

just Christians, they were ordained Christian ministers. But they believed in freedom so strongly that they were willing to fight and die for the spiritual freedom of all people in this country.

And a Constitution was put together and followed by a Bill of Rights, and it said what it meant, but it took a long time for it to be applied across racial bounds. It should have been clear. It's not a living, breathing document, but it says what it means, and it means that all people should have those rights under the Bill of Rights, that we were all created equal in God's eyes. The Founders believed that.

The churches were the heart and soul of the abolitionist movement to do away with that horrible evil called slavery. People like John Quincy Adams, 16, 17 years down the hall, Statuary Hall, after he was defeated for a second term as President, beseeching, preaching against the evils of slavery, inspired by what he knew from William Wilberforce as a Christian in the United Kingdom doing the same thing before him.

Abraham Lincoln, inspired by that overlapping time with John Quincy Adams, down the hall, because of his Christian beliefs and faith. If anybody doubts his belief, what motivated that man, go read the second inaugural address on the inside of the north wall of the Lincoln Memorial, as he tried to make sense, as a Christian, spiritually, about all the injustice and wrongs and death and suffering in America.

The movement for women's equality involved women of great faith. The civil rights movement, the greatest saint of the movement was a man who was an ordained Christian minister, who knew in his heart what Jesus had done for him, and he wanted all people to have liberty equally together, and be judged by the content of their character, not the color of their skin.

And now, it appears, war is being waged like never before on people of biblical Christian beliefs. You wonder what some of the Founders had to say. Samuel Adams was one of the strongest Christians alive during the Revolution. He was inspirational.

''How strangely will the tools of a tyrant pervert the plain meaning of words!'' Samuel Adams, that devout, strong Christian said, his wonderful quote inspired by his faith.

And he said:

> If you love wealth better than liberty, the tranquility of servitude than the animating contest of freedom, go from us in peace. We seek not your counsel nor your arms. Crouch down and lick the hands that feed you. May your chains sit lightly upon you, and may posterity forget that you were our countrymen.

These are people of faith who believed in liberty that started this place. And to have courts saying you can't say the word ''God'' in invocation, benediction—we start every day with a prayer in this Chamber, and have for centuries.

But we go back and finish with this. The speech of Benjamin Franklin that we have from his own handwriting. So what he said, 1787, late June, 1787, when nearly 5 weeks had gone by and they'd accomplished virtually nothing, and he pointed out that they had accomplished virtually nothing, that they had more ''nos'' than ''ayes'' on virtually every vote.

And he went on to say:

> In this situation of this Assembly, groping as it were in the dark to find political truth, and scarce able to distinguish it when presented to us, how has it happened, Sir, that we have not hitherto once thought of humbly applying to the Father of Lights to illuminate our understandings? In the beginning of the contest with Great Britain, when we were sensible of danger, we had daily prayer in this room.

That was Independence Hall. This great, brilliant man, who most of us were taught was a Deist, went on to say:

> Our prayers, Sir, were heard, and they were graciously answered.

That's not a Deist.

> All of us who were engaged in the struggle must have observed frequent instances of a superintending providence in our favor.
>
> I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men.

Now, the judges in this country, there are those who would say, he shouldn't be able to give that speech. He just mentioned the ''G'' word. Yet, it was what inspired people, these kind of speeches.

He said:

> And if a sparrow cannot fall to the ground without His notice, is it possible an empire could rise without His aid?
>
> We have been assured, Sir, in the sacred writings, that ''except the Lord build the House, they labour in vain that build it.'' I also firmly believe, without His concurring aid, we shall succeed in our political building no better than the Builders of Babel: We shall be confounded by our local partial interests and we ourselves shall become a byword down through the ages.

He went on to say he believed they should start every day with prayer.

He was followed by Randolph from Virginia, who basically pointed out that here we are at the end of June, we are about to celebrate our anniversary, let's all go to church together, hear a sermon together, which they did, the reformed Calvinist Lutheran Church. They all went to church and heard a sermon together. They came back in a new spirit, and gave us the Constitution, and gave us the Bill of Rights after that.

How in the world can a Federal Government that came from those roots begin to declare war on Christians, and Catholic Christians now? Beware, beware. The Federal Government that can declare war on Catholic Christian faith may be after your faith next.

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

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 588. An act to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 8 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Friday, February 3, 2012, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

4801. A letter from the Acting Director, Policy Issuances Division, Department of Agriculture, transmitting the Department's final rule — Classes of Poultry [Docket No.: FSIS-2007-0048] (RIN: 0583-AC83) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4802. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Lists of Regions Classified With Respect to Certain Animal Diseases and States Approved To Receive Certain Imported Horses [Docket No.: APHIS-2009-0035] (RIN: 0579-AD05) received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4803. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus subtilis strain CX-9060; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0104; FRL-9330-9] received January 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4804. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Hong Kong pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4805. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Federal Home Loan Bank Housing Goals: Mortgage Reporting Amendments (RIN: 2590-AA48) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4806. A letter from the Executive Secretary, National Labor Relations Board, transmitting the Board's final rule — Representation-Case Procedures (RIN: 3142-AA08) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4807. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy,

transmitting the Department's final rule — Energy Conservation Program: Test Procedure for Automatic Commercial Ice Makers [Docket No.: EERE-2010-BT-TP-0036] (RIN: 1904-AC38) received January 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4808. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Applications for Food and Drug Administration Approval To Market a New Drug; Revison of Postmarketing Reporting Requirements-Discontinuance [Docket No.: FDA-2011-N-0898] received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4809. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia; Rome; Fine Particulate Matter 2002 Base Year Emissions Inventory[EPA-R04-OAR-2011-0849-201153(a); FRL-9617-2] received January 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4810. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval, Disapproval and Promulgation of Air Quality Implementation Plans; Colorado: Smoke, Opacity and Sulfur Dioxide Rule Revisions; Regulation 1 [EPA-R08-OAR-2011-0588; FRL-9614-8] received January 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4811. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — New Mexico: Final Authorization of State-initiated Changes and Incorporation-by-Reference of State Hazardous Waste Management Program [EPA-R06-RCRA-2011-0407; FRL-9613-6] received January 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4812. 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-2011-0789; FRL-9615-5] received January 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4813. A letter from the Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 2 and 95 of the Commission's Rules to Provide Additional Spectrum for the Medical Device Radiocommunication Service in the 413-457 MHz band [ET Docket No.: 09-36] received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4814. A letter from the Assistant Secretary, Department of Defense, transmitting a letter of justification for the implementation of Cooperative Threat Reduction; to the Committee on Foreign Affairs.

4815. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act with respect to Cote d'Ivoire that was declared in Executive Order 13396 of February 7, 2006; to the Committee on Foreign Affairs.

4816. A letter from the Honorary Secretary, Foundation of Japanese Honorary Debts, transmitting the 205th petition to the Prime Minister of Japan; to the Committee on Foreign Affairs.

4817. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting the Fellowship's Performance and Accountability Report and Financial Statements for the years 2011 and 2010; to the Committee on Oversight and Government Reform.

4818. A letter from the Executive Analyst, Department of Health and Human Services, transmitting two reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4819. A letter from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting seven reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4820. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-55; Introduction [Docket: FAR 2001-0076; Sequence 7] received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4821. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Preventing Abuse of Interagency Contracts [FAC 2005-55; FAR Case 2008-032; Item I; Docket 2010-0107, Sequence 1] (RIN: 9000-AL69) received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4822. A letter from the Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Transition to the System for Award Management (SAM) [FAC 2005-55l FAR Case 2011-021; Item II; Docket 2011-0021, Sequence 1] (RIN: 9000-AM14) received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4823. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — Declassification of National Security Information [FDMS NARA-11-0001] (RIN: 3095-AB64) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4824. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Extension of Statutory Period For Compensation For Certain Disabilities Due To Undiagnosed Illnesses and Medically Unexplained Chronic Multi-Symptom Illnesses (RIN: 2900-AO09) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4825. A letter from the Senior Advisor for Regulations, Social Security Administration, transmitting the Administration's final rule — Revisions to Rules of Conduct and Standards of Responsibility for Representatives [Docket No.: SSA-2011-0016] (RIN: 0960-AH32) received January 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. DREIER: Committee on Rules. H.R. 3521. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for a legislative line-item veto to expedite consideration of rescissions, and for other purposes; with an amendment (Rept. 112–364 Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. ROS-LEHTINEN (for herself, Mr. ROYCE, and Mr. CHABOT):

H.R. 3880. A bill to require the imposition of sanctions on foreign financial institutions that are members of an entity that provides services relating to secure communications, electronic funds transfers, or cable transfers to the Central Bank of Iran or sanctioned financial institutions; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 3881. A bill to amend the Immigration and Nationality Act to provide authority for immigration judges to terminate proceedings or appoint counsel when necessary for aliens with mental disabilities, and for other purposes; to the Committee on the Judiciary.

By Mr. RIGELL (for himself, Mr. WITTMAN, Mr. HURT, Mr. GOODLATTE, and Mr. GRIFFITH of Virginia):

H.R. 3882. A bill to require inclusion of Lease Sale 220 in the proposed Outer Continental Shelf oil and gas leasing program for the 2012–2017 period, and for other purposes; to the Committee on Natural Resources.

By Mr. BROUN of Georgia (for himself, Mr. WILSON of South Carolina, Mr. CHABOT, Mr. SOUTHERLAND, Mr. FLORES, and Mr. HARRIS):

H.R. 3883. A bill to amend title 31, United States Code, to eliminate the requirement that the President submit a budget to the Congress each year, and for other purposes; to the Committee on the Budget, and in addition to the Committees on House Administration, Oversight and Government Reform, and Rules, 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. CAPPS (for herself and Mr. YOUNG of Indiana):

H.R. 3884. A bill to amend the Public Health Service Act to provide grants to State emergency medical service departments to provide for the expedited training and licensing of veterans with prior medical training, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CRAWFORD (for himself and Mr. LUETKEMEYER):

H.R. 3885. A bill to amend the Internal Revenue Code of 1986 to authorize agricultural producers to establish and contribute to tax-exempt farm risk management accounts; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida (for himself, Mr. GRIMM, Mr. SCHRADER, Mr. GRIJALVA, Mr. MORAN, Ms. LEE of California, Mr. KUCINICH, Mr. COHEN, Mr. KISSELL, Ms. BORDALLO, and Ms. NORTON):

H.R. 3886. A bill to expand the workforce of veterinarians specialized in the care and conservation of wild animals and their ecosystems, and to develop educational programs focused on wildlife and zoological veterinary medicine; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself and Mr. COURTNEY):

H.R. 3887. A bill to provide increased funding for the reinsurance for early retirees program; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 3888. A bill to authorize microenterprise assistance for renewable energy projects in developing countries; to the Committee on Foreign Affairs.

By Mr. ISSA (for himself and Ms. ZOE LOFGREN of California):

H.R. 3889. A bill to amend title 35, United States Code, to provide for an exception from infringement for certain component parts of motor vehicles; to the Committee on the Judiciary.

By Mr. DANIEL E. LUNGREN of California (for himself and Mr. MCCARTHY of California):

H.R. 3890. A bill to provide for additional Federal district judgeships; to the Committee on the Judiciary.

By Mr. MARKEY (for himself and Mr. SMITH of New Jersey):

H.R. 3891. A bill to amend the Public Health Service Act to speed American innovation in research and drug development for the leading causes of death that are the most costly chronic conditions for our Nation, to save American families and the Federal and State governments money, and to help family caregivers; to the Committee on Energy and Commerce.

By Mr. MCCLINTOCK (for himself, Mr. SCHIFF, Ms. ESHOO, Ms. LEE of California, Mr. FILNER, Mr. SHERMAN, Mr. BILBRAY, Mr. MCKEON, Mr. ROHRABACHER, Mr. DANIEL E. LUNGREN of California, Mr. DREIER, Mr. CARDOZA, Mr. NUNES, Ms. MATSUI, Mr. HUNTER, Mr. ROYCE, Mr. GALLEGLY, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. WAXMAN, Mr. BERMAN, Ms. SPEIER, Ms. HAHN, Mr. DENHAM, Mr. LEWIS of California, Mr. MCNERNEY, Mr. COSTA, Mr. BACA, Mr. CAMPBELL, Mr. GARAMENDI, Ms. CHU, Ms. BASS of California, Mr. CALVERT, Mr. MCCARTHY of California, Ms. RICHARDSON, Ms. LINDA T. SÁNCHEZ of California, Mrs. CAPPS, Ms. LORETTA SANCHEZ of California, Ms. ROYBAL-ALLARD, Ms. WOOLSEY, Mrs. BONO MACK, Ms. WATERS, Mr. HONDA, Mr. THOMPSON of California, Ms. PELOSI, Mr. STARK, Mr. FARR, Mrs. DAVIS of California, Mr. HERGER, Mr. BECERRA, and Ms. ZOE LOFGREN of California):

H.R. 3892. A bill to designate the facility of the United States Postal Service located at 8771 Auburn Folsom Road in Roseville, California, as the ''Private First Class Victor A. Dew Post Office''; to the Committee on Oversight and Government Reform.

By Mr. MULVANEY:

H.R. 3893. A bill to amend the Small Business Act with respect to subcontracting and insourcing, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DIAZ-BALART (for himself, Ms. ROS-LEHTINEN, Mr. SIRES, and Mr. RIVERA):

H. Res. 536. A resolution condemning the murder of Wilman Villar Mendoza and honoring his sacrifice in the cause of freedom for the Cuban people; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

179. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Concurrent Resolution No. 20 memorializing the Congress to enact legislation that classifies forestry management activities as nonpoint sources under the federal Clean Water Act; to the Committee on Transportation and Infrastructure.

180. Also, a memorial of the Senate of the State of Michigan, relative to Senate Concurrent Resolution No. 21 urging the Congress and the United States Forest Service to take immediate and aggressive action to correct mismanagement of national forestlands; jointly to the Committees on Agriculture and Natural Resources.

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 Ms. ROS-LEHTINEN:

H.R. 3880.

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

Article I, Section 8 of the Constitution.

By Mr. STARK:

H.R. 3881.

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

* Clause 4, Section 8 of Article I of the Constitution

By Mr. RIGELL:

H.R. 3882.

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

Article IV, section 3, clause 2

By Mr. BROUN of Georgia:

H.R. 3883.

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

Article I, Section 8, Clause 1

By Mrs. CAPPS:

H.R. 3884.

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. CRAWFORD:

H.R. 3885.

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

Congress has the power to enact this legislation pursuant to the enumerated powers listed in Article I, Section 8, which include the power to ''regulate commerce...among the several States...''.

By Mr. HASTINGS of Florida:

H.R. 3886. Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article 1 of the Constitution

By Mr. HOLT:

H.R. 3887.

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

Article I of the Constitution of the United States

By Mr. ISRAEL:

H.R. 3888.

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

Article 1, section 8.

By Mr. ISSA:

H.R. 3889.

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

Article 1, Section 8, Clause 8 of the Constitution

By Mr. DANIEL E. LUNGREN of California:

H.R. 3890.

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

The Emergency Judicial Relief Act of 2012 is authorized by Article 1 Section 8 to constitute Tribunals inferior to the Supreme Court.

By Mr. MARKEY:

H.R. 3891.

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

Article I, §8, clause 3

By Mr. MCCLINTOCK:

H.R. 3892.

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

Article I, Section 8, Clause 7 of the Constitution of the United States of America.

By Mr. MULVANEY:

H.R. 3893.

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

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution, which provides Congress with the ability to enact legislation necessary and proper to effectuate its purposes in taxing and spending.

ADDITIONAL SPONSORS

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

H.R. 12: Mr. CLAY.

H.R. 83: Mr. KUCINICH.

H.R. 104: Mr. STIVERS.

H.R. 192: Mr. GUTIERREZ, Mr. CONYERS, Ms. DEGETTE, and Ms. HAHN.

H.R. 196: Mr. LOEBSACK and Ms. NORTON.

H.R. 420: Mr. ROKITA.

H.R. 458: Mr. HEINRICH, Mr. CLAY, Ms. SPEIER, Mr. DAVIS of Illinois, Ms. WASSERMAN SCHULTZ, and Mr. LANGEVIN.

H.R. 719: Mr. HURT.

H.R. 733: Ms. CHU, Ms. LORETTA SANCHEZ of California, Ms. WATERS, Mr. BACA, Mr. BECERRA, Ms. VELÁZQUEZ, Ms. BASS of California, Mr. GEORGE MILLER of California, Ms. MCCOLLUM, and Ms. SCHWARTZ.

H.R. 938: Mrs. SCHMIDT.

H.R. 997: Mr. HUELSKAMP and Mr. RAHALL.

H.R. 1009: Mr. STEARNS.

H.R. 1057: Mr. MCGOVERN and Mr. CLAY.

H.R. 1065: Mrs. CAPITO.

H.R. 1093: Mr. STIVERS.

H.R. 1148: Mr. DICKS, Mr. NEAL, Mr. SABLAN, Mr. YODER, Mr. PITTS, Mr. FATTAH, and Mr. RIGELL.

H.R. 1179: Ms. JENKINS, Mr. BUCHANAN, Mr. MARINO, Mr. JORDAN, and Mr. WOLF.

H.R. 1244: Mr. CULBERSON.

H.R. 1267: Mr. HUNTER, Ms. HAHN, and Mr. SMITH of Washington.

H.R. 1278: Mr. HOLT.

H.R. 1354: Mr. RUSH.

H.R. 1477: Mr. RUSH.
H.R. 1489: Mrs. DAVIS of California.
H.R. 1568: Mr. KEATING and Mr. HOLT.
H.R. 1588: Mr. LATHAM.
H.R. 1672: Mr. MCCOTTER, Mr. HUIZENGA of Michigan, Mr. MORAN, Mr. ROSS of Arkansas, Mr. MURPHY of Connecticut, Mr. FRANK of Massachusetts, and Mr. GONZÁLEZ.
H.R. 1738: Mr. QUIGLEY.
H.R. 1739: Mr. SMITH of Washington.
H.R. 1777: Mr. AMODEI, Mr. BROUN of Georgia, Mr. FLEISCHMANN, Mr. GINGREY of Georgia, Mr. HULTGREN, Mrs. MCMORRIS RODGERS, Mr. POE of Texas, and Mr. SCHWEIKERT.
H.R. 1792: Mr. DOLD.
H.R. 1897: Mr. LATHAM.
H.R. 1903: Mr. CLAY and Mr. MCNERNEY.
H.R. 2086: Mr. WATT.
H.R. 2166: Mr. BUCHANAN.
H.R. 2168: Mr. SENSENBRENNER.
H.R. 2182: Ms. TSONGAS.
H.R. 2238: Mr. HOLDEN and Mr. CRITZ.
H.R. 2284: Mr. COFFMAN of Colorado and Mr. AMODEI.
H.R. 2299: Mr. PEARCE.
H.R. 2335: Mr. BENISHEK.
H.R. 2364: Mr. ROTHMAN of New Jersey.
H.R. 2429: Mr. POMPEO.
H.R. 2487: Ms. SLAUGHTER.
H.R. 2595: Mr. LEVIN.
H.R. 2639: Mr. KUCINICH.
H.R. 2697: Mr. HASTINGS of Florida.
H.R. 2741: Ms. MCCOLLUM.
H.R. 2758: Ms. WOOLSEY.
H.R. 2809: Mr. CLAY.
H.R. 2966: Mr. GUTIERREZ.
H.R. 2978: Mr. CONAWAY.
H.R. 2980: Mr. BACA.
H.R. 2982: Mrs. CAPPS.
H.R. 3001: Mr. GEORGE MILLER of California, Mr. MORAN, Mr. REYES, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. CARNEY, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Ms. DELAURO, Mr. TOWNS, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVID SCOTT of Georgia, Mr. CLEAVER, Ms. WILSON of Florida, Ms. SEWELL, Mr. BISHOP of Georgia, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. CLYBURN, Mr. SCOTT of Virginia, Mr. WATT, Mr. RICHMOND, Mr. TONKO, Mr. COHEN, Mr. CUELLAR, Mr. INSLEE, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. BUTTERFIELD, Mr. ELLISON, Mr. SERRANO, Ms. VELÁZQUEZ, Ms. EDWARDS, Ms. JACKSON LEE of Texas, Mr. FATTAH, Mr. HOLT, Mr. PERLMUTTER, Ms. MOORE, Ms. BALDWIN, Ms. BASS of California, Mr. CONNOLLY of Virginia, Mr. ROTHMAN of New Jersey, Mr. RUSH, and Mr. CUMMINGS.
H.R. 3053: Mr. CLAY.
H.R. 3059: Mr. CLAY.
H.R. 3066: Mrs. NOEM and Mr. LATHAM.
H.R. 3151: Mr. FILNER, Mr. KUCINICH, and Mr. CLAY.
H.R. 3200: Mr. POLIS and Ms. PINGREE of Maine.
H.R. 3216: Mr. HARRIS.
H.R. 3221: Mr. LUJÁN and Mr. TONKO.
H.R. 3283: Mr. DOLD.
H.R. 3307: Mr. CICILLINE, Ms. LEE of California, Mr. PAYNE, and Mrs. NOEM.
H.R. 3322: Mr. KUCINICH.
H.R. 3323: Mr. THORNBERRY.
H.R. 3356: Mr. POE of Texas and Mr. LATOURETTE.
H.R. 3359: Mr. CLAY and Ms. SCHAKOWSKY.
H.R. 3410: Mrs. NOEM.
H.R. 3422: Mrs. BLACKBURN.
H.R. 3440: Mr. MCCOTTER.
H.R. 3458: Mr. BENISHEK.
H.R. 3462: Mr. OLVER and Mr. STARK.
H.R. 3480: Mr. FILNER, Ms. SCHAKOWSKY, Mr. POLIS, Mr. KUCINICH, Mr. HONDA, and Mr. CLAY.
H.R. 3509: Mr. MCGOVERN.
H.R. 3510: Mr. MILLER of Florida and Mr. POLIS.
H.R. 3526: Mr. HIMES, Mr. BACA, Ms. MOORE, Ms. RICHARDSON, and Ms. MCCOLLUM.
H.R. 3545: Mr. WATT.
H.R. 3548: Mr. CONAWAY and Mr. CHABOT.
H.R. 3570: Ms. SLAUGHTER.
H.R. 3573: Mr. KUCINICH.
H.R. 3594: Mr. NUGENT, Mr. FORBES, Mr. LUETKEMEYER, Mr. STIVERS, and Mr. GOSAR.
H.R. 3596: Mr. HOLT, Mr. OLVER, Ms. HOCHUL, Mr. CLEAVER, Mr. TONKO, Mr. ENGEL, and Ms. HAHN.
H.R. 3599: Mr. THOMPSON of California.
H.R. 3606: Mr. WELCH, Mr. SMITH of Washington, and Ms. SEWELL.
H.R. 3612: Mr. OWENS and Mr. TONKO.
H.R. 3670: Mr. HUNTER and Mr. DANIEL E. LUNGREN of California.
H.R. 3676: Mrs. DAVIS of California, Mr. POLIS, Mr. SOUTHERLAND, and Mr. KUCINICH.
H.R. 3695: Ms. SPEIER, Mr. KINGSTON, and Mr. DANIEL E. LUNGREN of California.
H.R. 3698: Mr. DUNCAN of South Carolina.
H.R. 3702: Mr. CLAY and Mr. ROHRABACHER.
H.R. 3728: Mr. JONES.
H.R. 3733: Mr. FILNER.
H.R. 3742: Mr. YOUNG of Alaska, Mr. FRANKS of Arizona, and Mr. CARTER.
H.R. 3770: Mr. CULBERSON and Mr. BONNER.
H.R. 3771: Mr. POLIS.
H.R. 3778: Mr. LATTA and Mr. KINZINGER of Illinois.
H.R. 3794: Mr. ROKITA.
H.R. 3795: Mr. CLAY.
H.R. 3803: Mr. WOMACK, Mr. GOODLATTE, Mr. FINCHER, Mr. POMPEO, Mr. MCCOTTER, Mrs. EMERSON, Mr. CHABOT, Mr. YODER, Mr. PALAZZO, Mr. QUAYLE, Ms. JENKINS, and Mr. CALVERT.
H.R. 3805: Mr. POMPEO and Mr. SCHILLING.
H.R. 3811: Mrs. BLACKBURN, Mr. SCOTT of South Carolina, and Mr. BERG.
H.R. 3821: Ms. WOOLSEY, Mr. CLAY, and Mr. KUCINICH.
H.R. 3826: Mr. CLAY, Mr. LARSON of Connecticut, Mr. CICILLINE, Mr. KUCINICH, Mr. HINCHEY, Mr. LOEBSACK, Ms. WATERS, and Ms. WOOLSEY.
H.R. 3828: Mr. POMPEO and Mr. DUNCAN of South Carolina.
H.R. 3831: Mr. BARLETTA, Mr. BOSWELL, Mr. LOEBSACK, and Mr. LATHAM.
H.R. 3840: Mr. CONYERS and Mr. GRIJALVA.
H.R. 3842: Mr. FLORES, Mr. STUTZMAN, Mr. KINGSTON, Mr. AUSTIN SCOTT of Georgia, Mr. BROUN of Georgia, Mr. GINGREY of Georgia, Ms. BUERKLE, Mrs. HARTZLER, Mr. GOWDY, Mr. FLEISCHMANN, Mr. PEARCE, and Mr. BENISHEK.
H.R. 3844: Mr. QUAYLE.
H.R. 3848: Mr. DIAZ-BALART.
H.R. 3852: Mr. WELCH and Ms. CASTOR of Florida.
H.R. 3855: Mr. KUCINICH.
H.R. 3858: Mr. SHULER, Mr. SHERMAN, Mr. HASTINGS of Florida, Mr. LARSON of Connecticut, Mr. SCHIFF, Mr. COOPER, Ms. WILSON of Florida, Ms. SCHAKOWSKY, Mr. HONDA, Mrs. DAVIS of California, Mr. TONKO, Ms. DEGETTE, Mr. PASCRELL, Mr. RAHALL, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Mr. CLARKE of Michigan, Mrs. MCCARTHY of New York, Ms. ESHOO, Ms. MATSUI, Ms. CHU, Mr. LYNCH, Mr. THOMPSON of California, Mr. CONNOLLY of Virginia, Mr. BISHOP of New York, Mr. GUTIERREZ, Mr. DEFAZIO, Mr. NEAL, and Mrs. MALONEY.
H.R. 3867: Mr. HARRIS and Mr. CONAWAY.
H.R. 3868: Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Ms. LEE of California, Mr. THOMPSON of Mississippi, Mr. RICHMOND, Mr. RANGEL, Ms. BROWN of Florida, Mr. DAVIS of Illinois, Mr. DAVID SCOTT of Georgia, Mr. KUCINICH, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Mr. CUMMINGS, Mr. CLEAVER, Ms. WILSON of Florida, Mr. BUTTERFIELD, Mr. MEEKS, Ms. MOORE, Mr. JACKSON of Illinois, Mr. LEWIS of Georgia, Ms. BASS of California, Ms. FUDGE, Ms. WATERS, Mr. WATT, Mr. SCOTT of Virginia, Mr. BISHOP of Georgia, Ms. JACKSON LEE of Texas, Mr. COHEN, Ms. SEWELL, and Ms. CLARKE of New York.
H.R. 3877: Mr. LOBIONDO.
H. Con. Res. 98: Mr. POMPEO.
H. Res. 25: Mr. LUJÁN.
H. Res. 111: Mr. BISHOP of New York, Mr. HOLDEN, Mr. WITTMAN, Mr. DANIEL E. LUNGREN of California, and Mr. KINZINGER of Illinois.
H. Res. 137: Mrs. NOEM.
H. Res. 507: Mr. GRIFFIN of Arkansas.
H. Res. 526: Mrs. MCCARTHY of New York.

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. 3764: Mr. JACKSON of Illinois.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

33. The SPEAKER presented a petition of Interstate Oil and Gas Compact Commission, New York, relative to Resolution 11.066 urging the repeal of section 526 of the Energy Independence and Security Act of 2007; to the Committee on Oversight and Government Reform.

34. Also, a petition of City of Lauderhill, Florida, relative to Resolution No. 11R–11–252 supporting S. 1836; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

35. Also, a petition of City of Lauderhill, Florida, relative to Resolution No. 11R–11–253 supporting H.R. 2914; jointly to the Committees on Education and the Workforce, Natural Resources, Agriculture, the Judiciary, Science, Space, and Technology, and Energy and Commerce.

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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, THURSDAY, FEBRUARY 2, 2012 No. 17

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. Dr. Joseph Vought, senior pastor of Community Lutheran Church in Sterling, VA.

The guest Chaplain offered the following prayer:

Let us pray.

God of grace and glory, in whom all righteousness, peace, and goodness are found, You have created us in Your image, given us a world of good gifts and the blessing of this land we call home.

Send Your spirit of wisdom, discernment, and grace to these elected servants. Take away any fear or prejudice that may keep them from civil discourse, good will, and mutual endeavor. Remind them of their calling to serve, and inspire them to make decisions which promote the common good, ensure justice and liberty for all, and make this Nation a beacon of hope for the world.

In Your holy Name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL 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, February 2, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 11 a.m. this morning. The majority will control the first half and the Republicans the second half. Following morning business, the Senate will resume consideration of the STOCK Act. We worked very hard until late in the evening last night to try to come up with an agreement to complete action on this bill. We will notify Senators when those votes are scheduled. We hope that can be done.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

Mr. REID. Mr. President, I 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. DURBIN. 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.

AMERICAN BUSINESSES

Mr. DURBIN. Mr. President, over the last several months, I put my staff on a little mission. I asked them to identify manufacturing companies in my home State of Illinois that have not only weathered this recession but are doing well and are hiring. I wanted to meet with these companies and find out why the recession has treated them differently, particularly when it comes to manufacturing jobs. I have been pleasantly surprised at how many businesses I have found to be in that condition in my State. Not to understate our unemployment rate or the impact of the recession on many businesses, the fact is there are some that have not only weathered the storm but are doing quite well, and they represent a variety of different goods that they manufacture.

The heartening and encouraging news is that we are hearing more often that companies have decided to resource their jobs back to the United States. In his State of the Union Address, the President spoke of one such company, Master Lock, located in Milwaukee, WI, which he noted has now announced that they think America is the best place to make products and do business. That is a good trend we want to encourage.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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We know we have lost a goodly share of manufacturing jobs over the last several years. In the year 2000, more than 17 million Americans were employed in manufacturing. Ten years later, the number had fallen to 11.5 million—from 17 million to 11.5 million. More than 300 of those jobs were lost in my home State of Illinois in that decade, from 2000 to 2010.

But American manufacturing is growing again. One of the real good news stories is Chrysler. I am sure the Presiding Officer remembers the controversy when General Motors and Chrysler faced bankruptcy and the possibility of literally going out of business. In my lifetime, other car manufacturers have gone out of business. The President decided—and rightly so—that we could not afford to lose those jobs. So we engineered a loan with General Motors and Chrysler, premised on their changing the way they did business.

Many critics said that was the wrong thing to do, the capitalist purists who were saying: No, no, these things happen. Companies go away, and new companies emerge; General Motors and Chrysler should be allowed to go gently into the night.

President Obama disagreed. Many of us disagreed. And he put a downpayment on the future of the American automobile industry which has paid off handsomely. Just this last week, the major auto manufacturers—Ford, Chrysler—announced recordbreaking profits. They have restructured. They are selling a better product, they are doing it in a better way, and they are now competitive. The American people are buying their products. General Motors has come back strong.

Just by way of comparison, I recently read that if you look at the total number of employees in certain companies, it gives you an idea of why some have more value overall to the economy than others. We all know Facebook. We hear about it all the time. When somebody asks to take my picture, I laughingly say: Do you promise you will put it on Facebook? And they laugh out loud because that is exactly what they are going to do, instantaneously. Facebook has about 3,000 employees in America. We all know Google. We use it every day—I do—to find information and to access different sites. Google has about 30,000 employees in the United States. How many employees are there in General Motors' direct employment? A hundred thousand.

When the President said that we need to invest in the automobile industry, it was a decision based on the need for good-paying jobs right here in America. Well, I can tell you, when it comes to Chrysler, it was an investment that paid off for my home State of Illinois. This week, Chrysler is announcing that it will be adding 1,600 manufacturing jobs at its plant in Belvidere, IL. I was encouraged when I met with the CEO of Chrysler and he said it is one of the most efficient and cost-productive plants in all of Chrysler Corporation, and it should be expanded.

In November, Caterpillar, the largest exporter in my State, the largest manufacturer, announced a $600 million investment in its plants in Decatur and Peoria, IL, and they are going to bring back hundreds of jobs to our area.

American companies are beginning to realize that manufacturing products right here in the United States can be profitable again. That is good news for Illinois and good news for America. Manufacturing was the backbone of the American economy for decades. We may never see it return to its heyday, but we should take steps to strengthen it.

In the State of the Union Address, President Obama laid out a number of key steps to boost manufacturing and ensure that more products have these three key words: ''Made in America.''

The President's proposal builds on legislation that I introduced personally in 2010 to reduce the tax benefits that companies can claim when they close factories here in the United States. Hard as it may be to believe, the Tax Code rewards and compensates those companies that decide to close down manufacturing in the United States and move it overseas. The Tax Code currently allows companies moving operations overseas to the deduct their moving expenses and reduce their taxes in the United States as a result. It is a direct subsidy to move a job overseas. It is just common sense that taxpayers should not be helping companies cover the cost of outsourcing jobs.

The President is also taking important steps to encourage insourcing—when companies close operations overseas and move jobs back to the United States. Specifically, the President is calling for a 20-percent income tax credit for the expenses of moving operations back into the United States to help companies bring jobs home.

He also proposed a new credit for investments that help finance projects in communities that have suffered a major job loss event, and every one of our States has one. It might be the steel mill in Hennepin, IL, the tool manufacturers in Sterling-Rock Falls, the appliance factory in Galesburg, or the farm equipment factory in Canton, IL. Too many communities have suffered dramatic layoffs when plants have shut down over the last several decades. We have all seen the stories. We have all met the people who have seen their lives changed dramatically because of those decisions. Without new investment, many of these communities will continue to struggle.

The tide is starting to turn for American manufacturing, but we can do more to make growth in that sector stronger and faster. We may never return to the forties and fifties, but there are some things we can do. One of the things I found interesting as I visited these plants that were trying to hire people in manufacturing was the obstacles they were running into.

We have a State with a lot of unemployment, over 8 percent. In some parts of the State, it is over 10 percent. You wonder how in the world with so many people out of work there would be good-paying jobs unfilled. It turns out, I found, as I traveled around the State, those in manufacturing who want to hire new employees run into three obstacles.

The first obstacle is that people applying for a job don't have the skills necessary to work in manufacturing today. Those who have not seen it personally may not know what manufacturing looks like today. It is much different than the image of 30, 40 years ago. The plants themselves are much cleaner operations, and most of them are computer driven. Unlike the old days of steam and dirt in every direction, those aren't the manufacturing plants of today, in many instances, across America.

What they are looking for in applicants for industrial maintenance, for example, which is a major area of need as baby boomers age out and retire—industrial maintenance requires that the applicant have more than a passing knowledge of mathematics and computers. If they don't, frankly, they are walking into an environment where they cannot be of much help.

In some areas—in Danville, for example—a local manufacturer is teaming up with the Danville Community College to take those who don't possess the right math and computer skills and train them at the expense of the company so they can go to work. The same is true in my State over and over again. The community college links up with the manufacturing concern and starts training employees so they will be ready to fill the jobs, at the expense of the company.

The second obstacle is a psychological one which I hadn't thought about. It turns out that many parents, when the son says they are hiring at such-and-such a business, will say: Wait a minute. I didn't want you to grow up working in a factory like your dad. I wanted you to have a job where you wear a coat and tie. Didn't you go to community college? You ought to do better than that. It turns out there is a prejudice against working in factories, even though, as I said, they are much different and the compensation is much better than some other alternatives. They are having open houses at many factories in Illinois so families and high school counselors can see what they look like and see that they are not the image they might have in their mind.

The third obstacle is one that is very practical. Before an employer would put an employee in charge of a multimillion-dollar, computer-driven manufacturing process, they would want to make sure the employee is not only skilled but sober. That means drug tests. Many of these would-be applicants for manufacturing jobs fail drug tests time and again. Why? They have

grown up in a generation that says marijuana doesn't count, and they are wrong. Or they are engaged in other drugs. They just cannot expect to be taken seriously as a job applicant if they cannot pass a drug test. They will not get through the front door.

Those three things—basic skill and training, attitudes of families toward jobs in manufacturing, and the drug tests—have turned out to be the three obstacles that have been raised time and again all across Illinois. But we can overcome each one of them, and we should. We can fill these jobs, good American jobs, with skilled set people who can produce for this country for many years to come.

CITIZENS UNITED

Mr. DURBIN. Mr. President, this year's political campaigns are different than just 2 years ago. There is a dramatic infusion of money from so-called super PACs. Now we are starting to learn the identity of those who were behind it. Just yesterday there were disclosures about some of the contributors. Many of the names are familiar—the same very wealthy people who have, time and again, been engaged in our political process. The new approach, of course, is that there is no limitation in what they can spend. In addition, there is little disclosure on a timely basis.

There are a lot of reasons for that. One of them is the Supreme Court decision in Citizens United. It may be as flawed a decision as that Court has ever made: to equate corporations and special interest groups with average Americans when it comes to our political process and say speech is money, money is speech, and say, basically, there are no rules or limits in terms of what a special interest group or a corporation can spend in our political process.

I cannot think of a more corrupting influence. We know politics and campaigns have become more expensive in this country every year. Those of us who are engaged in this business have, over our political lifetimes, seen a dramatic evolution in terms of how money is raised and spent. I can recall, in my first race in 1982 for the U.S. House of Representatives, raising and spending what was then almost a record amount in a House race against an incumbent Congressman of $800,000. It was a huge amount of money then, as I said, one of the most expensive congressional races to date. I waited anxiously for a $25,000 check from the Democratic National Campaign Committee they had promised, but it never showed up. But $25,000 was a big deal.

Look where we are today. It is not unusual for candidates for Congress and the Senate to spend millions of dollars routinely in electing and reelecting Members of the House of Representatives. On our side of the Rotunda just dramatically increase those numbers, and you will see the basic political field we play on in political campaigns.

The Citizens United decision was a step in the wrong direction. It wasn't that long ago when two of our own—a Republican, JOHN MCCAIN, and a Democrat, Russ Feingold of Wisconsin—teamed up to end soft money in politics and to try to bring down the infusion of money from outside interests. They took years to reach their goal. Finally, when they did, after being challenged in court, they were picked away at over the years, and now with Citizens United, they have been toppled completely. Now the field is wide open.

Whether we are talking about the need to reduce the deficit, reform the Tax Code, create jobs, most everybody knows different parties have different ideas. What many people don't know is that there are special interest groups that have their own agenda and ideas on these and so many other issues. It is just hard for Presidential candidates and Members of Congress to navigate through or around the special interests that have now become such an integral part of campaigns. The major donors in the Citizen United decision are a major force in American politics.

I believe the overwhelming majority of people serving in the House and Senate in both parties are honest and hard-working people. I believe they are guided by good intentions. We are nonetheless stuck in a terrible, corrupting campaign financing system. That decision by the Supreme Court 2 years ago made our system so much worse that I think the only thing that can save it—literally save it so our democracy is protected—is a dramatic change.

After Citizens United, corporations and unions can spend as much money as they want to influence the Presidential race, as well as congressional elections, and the Federal and State and local elections as well. In 2010, for the first time ever, spending on House and Senate races exceeded $1.6 billion. Outside groups spent 335 percent more on congressional campaigns than just 4 years earlier. Those numbers are still like a drop in the bucket compared to this year, this election cycle. The super PAC money is being used, as we have seen in the Republican Presidential primary, to fund negative, deceptive ads in support of candidates who are loosely, albeit not officially or formally, connected to those running super PACs.

I think of the situation with former Speaker of the House Gingrich. One man and his wife have literally financed Gingrich's campaign in two States, with $5 million contributions in each of those States, as I understand it. That, to me, is a corruption of the process. You can bet that big business isn't going to be shy about engaging in the Citizens United strategy of spending money to influence the outcome of elections, and you can bet it will impact those of us who serve in the Senate and House. We know every single day as we vote, there is the potential for some special interest group out there deciding that is the breaking point; that from that point forward they will do everything in their power to defeat us, and they can spend as much as they want to get the job done. It is a humbling, sobering reality from the Citizens United decision.

Well, there is an alternative. One is a resolution that has been offered by the Presiding Officer, which I am cosponsoring. That is a constitutional amendment that would reverse Citizens United. We all know how uphill that struggle will be, but at least we have staked out a position to say we have to overturn this decision; we have to go back to the days of accountability and manageability when it comes to financing campaigns. I applaud the Presiding Officer, the Senator from New Mexico, for his leadership on that issue.

There is another issue too, one that I think we should continue to bring up and discuss. It is called Fair Elections Now. The Fair Elections Now Act is a bill that I have introduced in many Congresses. It would dramatically change the way congressional campaigns are funded. It would make super PACs irrelevant. The bill would allow candidates to focus on the needs of the people they represent regardless of whether those people are wealthy or whether they donate to a super PAC, attend a fundraiser, or try to find special access to a candidate.

Candidates in the fair election system would not need a penny from special interest lobbyists or corporations to run their campaigns. Under this system, qualified candidates for Congress—and to qualify, they would need to raise small contributions in volume in the State they are running in—those qualified candidates would receive grants, matching funds, and television broadcasting vouchers from the fair elections fund to help them run competitive campaigns. In return, candidates who voluntarily participate in the fair election system would agree to only accept campaign donations from small-dollar donors in their States.

We pay for the fund by asking businesses that earn more than $10 million a year in Federal contracts to pay a fee of one-half of 1 percent, with a maximum amount of $500,000 per year. That would fund it, and it would make certain that under the fair election system we would have public financing and we would put it into this money chase that I believe is not only corrupting our campaign system but could someday corrupt the very government we are proud of and represent as elected officials.

It is time to reform our system. I am afraid, as I said in one gathering recently, if you are a student of history, it takes a massive scandal or crisis to create a massive reform. I hope that doesn't happen. I hope we have the good sense to move toward reform

without that happening. In the meantime, what is happening to our political system is not in the best interest of democracy.

If the average person who is not wealthy cannot even consider the possibility of being a candidate for Congress without the backing of huge special interest groups or without their own personal wealth, then we have lost something. A lot of us who got engaged in public life many years ago might never have considered it under today's rules because it is so expensive and overwhelming. Any person who now steps up and says they are ready to run for Congress or the Senate is introduced quickly to what is known as the ''Power Hour''—dialing for dollars. We sit them down in a chair and they get on the phone and call this list and beg every person they can reach for at least $2,300, $2,500. And they keep calling until the Sun goes down, and they start again the next day.

There was a time when many of these candidates would not be sitting talking to the wealthiest givers in America but would be out in their States and districts talking to the people whose needs they ought to appreciate. That time has changed. We can change it back. We need to have the support of the American public and the political will in both political parties to achieve it.

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. ALEXANDER. 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. ALEXANDER. I ask the President to notify me when I have used 10 minutes.

The ACTING PRESIDENT pro tempore. The Chair will do so.

RECESS APPOINTMENTS

Mr. ALEXANDER. Mr. President, last week we Republican Senators had an extraordinary experience that millions of Americans have had and will have in the future: We spent a day at Mount Vernon, George Washington's home, which is not more than about 40 minutes from the Nation's Capital.

Even in the middle of winter, it is a beautiful, historic setting. It is hard to imagine why George Washington and Martha Washington would ever want to leave the place.

Touring the rooms, we could imagine what life must have been like then. There are many things that impress any of us when we visit there.

One thing that especially impressed me was the fact that, despite the beauty of the place and Washington's love for farming, he was gone from Mount Vernon for 8½ years during the Revolutionary War. He never went home; he was always in the war. Even when he was President of the United States for 8 years, he was only at Mount Vernon 10 times during those 8 years; and after the Presidency, of course, he soon died. So he gave up quite a bit to be President of the United States.

There were other things that impressed me about our visit to Mount Vernon. One was the reminder that our Revolution was a revolution against a King. George Washington, as commander in chief of the Continental Army, led a fight for independence from a King whom the signers of the Declaration of Independence stated, had a ''History of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States.''

Those were our Revolutionary Founders talking. As President of the Philadelphia Convention, George Washington presided over the writing of the U.S. Constitution which emphasizes, if it emphasizes any one word, the idea of ''liberty'' in creating the system of government we enjoy today.

Then there was another aspect to George Washington of which we were reminded which would be good for us to think about today and that was his modesty and restraint.

George Washington must have had remarkable presence. He never had to say very much, apparently, to command the attention and respect of his countrymen. He likely could have been general of the Army as long as he wished and President of the United States as long as he wished, but he chose not to do that.

It was he who first asked to be called simply Mr. President, rather than some grand title. It was Washington who gave up his commission when the war was over, and it was Washington who stepped down after two terms and went home to Mount Vernon. In fact, that aspect of his character was imprinted upon the American character, that modesty and restraint on the part of the executive branch and a recognition that our system depends absolutely on checks and balances.

I am struck by that attitude and the different attitude I see in the administration of President Obama, which has shown disregard for those checks and balances and the limits on Presidential power that our Founders and George Washington felt were so important.

This administration, over 3 years, has been arrogating more power to the executive branch of government and upsetting the delicate balance, which the Founders created for the purpose of—what? For the purpose of guaranteeing to each of us as individuals the maximum amount of liberty.

I remember Senator Byrd saying time and time again that the purpose of the Senate, more than anything else, was a restraint upon the tyranny of the executive branch of government. That is our purpose as a Senate.

This President's Executive excesses were first illustrated by the creation of more czars than the Romanovs had.

We have always had some so-called czars in the White House—the drug czar, for example. But now we have approximately three dozen of them. These czars duplicate and dilute the responsibilities of Cabinet members; they make it harder for the Congress, us, to have a supervisory role over exactly what they are doing. It is not only antidemocratic, it is a poor way to manage the government.

Equally disturbing to me has been this administration's use of regulation and litigation to bypass the Congress and the will of the people when the Congress has a different point of view.

For example, this was the case with the National Labor Relations Board and their decision in the Boeing case; which has now been apparently resolved but which was an enormous—an enormous abuse of power, in my opinion.

Then the President is taking to blaming almost everyone for the problems we see in our lives today: First, it was President Bush, then it was the banks, then it was business, then it was the insurance companies, then it was Wall Street, then it was 1 percent of us, and now it is the Congress, which of course is in a government that is primarily run by the President's own political party.

The President has taken to saying in his campaign speeches and his State of the Union Address the other day, ''If Congress won't act, I will,'' and he has begun to show that is no idle threat.

Because now, on top of these other abuses, with his recent appointments to the National Labor Relations Board and the Director of the Consumer Financial Protection Bureau to head a new and unaccountable agency, the president has undermined the checks and balances that were placed in our Constitution and that George Washington so respected.

This Senate has always been the place—whether it was a Democratic Senate arguing about the appropriateness of President Bush using war powers, this Senate has always been the place that has insisted upon checks and balances and the liberty of the people as guaranteed by those checks and balances.

The President's recent actions have shown disregard for possibly the best known and possibly most important role of the Senate and that is its power of advice and consent of executive and judicial nominations as outlined in Article II, Section 2 of the Constitution.

These actions, four appointments during a period of time when the Senate, in my opinion, was in session, fly in the face of the principle of separation of powers and the concepts of checks and balances against an imperial President.

Let's look for a moment at the history and precedents of recess appointments. The exact length required for a

recess is not defined in the Constitution, but according to the Congressional Research Service ''it appears that no President, at least in the modern era, has made an intra-session recess appointment during a recess of less than 10 days.''

Both parties have relied upon the adjournment clause in Article I of the Constitution to argue that the absolute minimum recess period would conceivably be 3 days.

We can also look at the number of recess appointments made by recent Presidents. As of January 23 of this year, President Obama had made 32 recess appointments, all to full-time positions. At the same point in time in his first term, President Clinton had made nine recess appointments to full-time positions. President Bush, at about the same time, had made 35.

So they all made recess appointments—appointments while the Senate was in recess. That is provided for specifically in the Constitution as something the President could do. But President Clinton never did it when Congress was in session for less than 10 days. President Bush never did it when Congress was in recess for shorter than 11 days. Now, unfortunately, President Obama has broken that precedent and made 4 appointments when we were in a period of less than 3 days.

Why is that important? In 2007, the current majority leader of the Senate, HARRY REID, decided the Senate did not want President Bush making recess appointments; that is, making appointments while the Senate wasn't in session. So the Senate refused at that time to enter into prolonged recesses. They invented the idea of pro forma recesses every 3 days. President Bush strenuously objected to that, but he respected that. He respected the constitutional authority of the Senate under article I, section 5 to determine when the Senate is in session.

On November 16, 2007, Senator REID said: ''With the Thanksgiving break looming, the administration has informed me that they would make several recess appointments.''

Senator REID didn't like the idea of recess appointments any more than we do. So he said: ''As a result, I am keeping the Senate in pro forma to prevent recess appointments until we get back on track.''

The ACTING PRESIDENT pro tempore. The Senator has consumed 10 minutes.

Mr. ALEXANDER. I thank the Chair and ask to be notified when I have consumed 3 minutes more.

On November 16, 2007, Senator REID said:

> As a result, I am keeping the Senate in pro forma to prevent recess appointments until we get this process back on track.''

And on July, 28, 2008 he said: ''We don't need a vote to recess. We will just be in pro forma session. We will tell the House to do the same thing.''

The President is restricted, as Senator REID indicated, by article I section 5 of the Constitution, which states that ''neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.''

Last December when the House and Senate agreed to adjourn, the Speaker—a Republican—and the majority leader here—a Democrat—agreed the two Chambers would hold pro forma sessions for the express purpose of not going into recess. Yet the President went ahead and made his appointments. This is a dangerous trend. It is a dangerous trend.

The major issue before our country is the Obama economy. That is what we will be talking about more than anything else in an election year. But liberty is the defining aspect of our American character. If the President's current actions were to stand as a precedent, the Senate may very well find that when it takes a break for lunch, when it comes back, the country has a new Supreme Court Justice.

Because we believe in the importance of that constitutional system, all of us on the Republican side insist on a full and complete debate on this issue. We intend to take this issue to the American people. We will file amicus curiae briefs in all of the appropriate courts and we will take this issue to the most important court in the land and that is the court of the American people on election day.

I do not suggest that the President will find, or even should find, his relationship with Congress to be easy or simple. George Washington did not. President Washington once came up here to discuss a treaty with Senators and became so angry that he said, and this is Washington's word, he'd be ''damned'' if he ever went there again.

The separation of powers does not mean an easy distribution of powers but it is essential to the American character. We should remember that. A short trip to Mount Vernon would remind us of that. The President's recess appointments not only show disregard for the Constitution, they show disregard for every individual American who chooses liberty over tyranny, President over King.

I yield the floor.

REPEAL THE CLASS ACT

Mr. THUNE. Mr. President, I come to the floor today to laud the actions of the House of Representatives which voted to repeal the CLASS long-term care entitlement program that was created by the health care law. The vote yesterday in the House of Representatives was 267 in favor of repeal. It was a bipartisan vote. It was a clear, I think, message that this is a piece of legislation that needs to be taken off the books.

It was a disaster in the making from the very beginning. Many of us tried to predict that ultimately this program was destined to fail. The vote in the House of Representatives yesterday to repeal this insolvent program I hope will pave the way for the Senate to follow suit. My fear has been all along that if we do not get this program off the books, at some point there will be an attempt to resurrect it. That would be the absolute worst outcome and worst scenario for the American taxpayer because this is a program that, even before it was voted on and added to the health care bill, was predicted would fail.

The Congressional Budget Office said it would run deficits in the outyears. The Actuary at the Health and Human Services Department predicted that this was a program that actuarially was unsound, could not be viable in the long run. It was here in the last few months that finally the Secretary of Health and Human Services, Kathleen Sebelius, came out and said, ''I do not see a viable path forward for CLASS implementation.''

That was a statement she made back in the middle of October. So even the person who was tasked with implementing this program has now said there is no viable path forward for CLASS.

We ought to get this off the books. It was, in fact, a pay-for in the health care bill. It was designed to help understate the cost of the health care bill. It front-end-loaded premiums, got revenue in the door early, knowing full well that when the demands for payments came later on that it was going to be upside down, and it was clearly a program that I think, by any account, all who observed this process closely knew just flat out this would not work. But what was done—it obscured the cost of the health care bill and helped it to sort of balance out because it was front-end loaded, saw revenues come in in the early years before payments would have to go out in the outyears.

I am hopeful the Senate will take the action that was taken by the House of Representatives and end this once and for all. We have people on both sides of the aisle who have come to that conclusion. There was a lot of debate, even in the runup, the lead-up to the health care bill, about how this would not work. I offered an amendment during the health care debate to strip it. We had 10 Democrats at the time who voted with me on that amendment. Many of them made statements regarding this legislation and the implications if it were to pass. In fact, the Senator from North Dakota, the chairman of the Senate Budget Committee, said at the time that this is ''a Ponzi scheme of the first order, the kind of thing that Bernie Madoff would have been proud of.''

He vowed to block its inclusion in the Senate bill. It ended up in the Senate bill and ended up in the overall bill, so to this day it is still a part of the health care legislation but a part that needs to be stripped out if we are going to do what is in the best interests of

the American taxpayer and not put yet another unfunded liability on the backs of our children and grandchildren.

We have a lot of bipartisan support for repealing it. There are a lot of people who have weighed in against this, who know it will not work. We have an awful lot of outside interests as well who have observed, now, that this is not something that is sustainable over time. In fact, a lot of editorial pages around the country, newspapers have weighed in on this. The Washington Post:

. . . a new gimmick that has been designed to pretend the health reform is fully paid for.

That is something they said back when this was being debated.

The Wall Street Journal:

Known by the acronym CLASS, the long-term care insurance program for nursing homes and the like was grafted onto the health-care bill mostly to hide that bill's true costs.

It has been described as ''a budgetary time bomb.''

It seems to make perfect sense to me, and I hope to many of my colleagues, that we take the steps necessary to get this program off the books once and for all. In trying to justify this, there are people who say we ought to keep it on the books in case we figure out a way to go forward with it, to implement it. It does not work. It cannot work. That has been known from the very outset.

I want to mention something else the Actuary, Rick Foster, said prior to it being voted on. He said:

Thirty-six years of actuarial experience lead me to believe that this program would collapse in short order and require significant federal subsidies to continue.

I want to repeat that. This is from the person who studies the trends and makes sure, or tries to make sure, these programs are actuarially sound.

Thirty-six years of actuarial experience lead me to believe that this program would collapse in short order and require significant federal subsidies to continue.

That was the warning that was issued way before the vote ever occurred on the CLASS Act.

He described it as '' . . . a classic 'assessment spiral' or 'insurance death spiral.' '' Those are words he used to describe this.

The program is intended to be ''actuarially'' sound but at first glance this goal may be impossible.

These were all statements made by the Actuary.

Those of us who were here at the time and were concerned about this being included in the health care bill came to the floor and, as I said, I offered an amendment to strip it. It came close to getting the necessary votes but unfortunately came short. It had broad bipartisan support but we recognized at the time this thing was destined to fail. Now we have all this, the studies that have been done since, that validate that by the objective third-party validators, if you will, by the HHS Actuary.

It seems to me at least that the American taxpayers, the American people deserve to know where their elected officials stand on the CLASS Act. Are they for keeping this unviable, insolvent, actuarially unsound provision in the health care bill, which now even those who are tasked with implementing it—the Health and Human Services Secretary, Kathleen Sebelius—have said there is no viable path forward for its implementation? Are we going to continue to keep this around? Or are we going to have a vote here in the Senate to put an end to this once and for all?

I hope the majority leader, Senator REID, will allow us to get this up for a vote. It has been passed in the House of Representatives. It is very clear based on not only all the actuarial evidence but all those who have looked at it who are tasked with trying to put it into practice that it is not going to work. I hope before this goes any further we will get a vote here in the Senate that will echo what happened in the House of Representatives and that we will do the right thing by the American taxpayer and get rid of a program that, if it ever is resurrected, if it ever is reincarnated in some form, would be a terrible drain on American taxpayers, not only today but well into the future, and represent yet another unfunded liability that we will put on the backs of our children and grandchildren. It is time to end the CLASS Act once and for all.

I am going to continue to press for a vote on this and I hope Majority Leader REID will allow us to get a vote on repeal of the CLASS Act so the American people do know exactly where their elected officials stand and whether they are going to stand on the side of the taxpayer, stand on the side of common sense, or stand on the side of using this budgetary gimmick to understate the cost of the health care bill and perhaps at some point in the future put a plan in place that literally is not going to work, is only going to continue to lead us on the pathway to bankruptcy.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

THE STOCK ACT

Mr. MCCONNELL. Mr. President, I think it is pretty clear at this point that there is broad bipartisan support for legislation that provides greater transparency in Congress. The more important question at this point is whether the executive branch is willing to play by the same rules. I mean, I think a lot of people out there want to know why a venture capitalist who raised hundreds of thousands of dollars for the President, only to end up overseeing the administration's green energy loan program, should not be held to the same high standard as others. Shouldn't the President's Chief of Staff be held to the same standard as a legislative director to a freshman Senator?

Let's be honest, people are equally, if not more, concerned about the kind of cronyism they keep reading about over at the White House and within the executive branch agencies such as the Department of Energy that it controls. There is no question that Congress should be held to a high standard, but if we are going to pass new standards here, the same standards should apply to the White House and to the executive agencies that spend hundreds of billions of dollars of taxpayer money at the President's direction.

That leads to a larger point, which is this: As long as the White House and the agencies it controls continue to play favorites, this economy will never fully recover and the playing field won't ever be level. As long as Washington has this much say over the direction of the economy, people won't ever feel they are getting a fair shake. So, yes, let's hold Congress to a high standard, but the White House must be held to the very same standard.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

Mr. GRAHAM. I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Please let me know when 5 minutes elapses. I will try to keep my comments short.

CLASS ACT REPEAL

Mr. GRAHAM. Mr. President, the topic I wish to address is the CLASS Act repeal being taken up by the House. I understand the HHS Secretary has indicated that from her point of view the CLASS Act will not work, and this is music to my ears.

During the Obama health care debate, one of the revenue raisers was the CLASS Act wherein the Federal Government would be in the long-term health care insurance business and, supposedly, would collect premiums over a decade that would allow something like $80 billion in revenue that

would help pay for Obama health care. However, eventually we would have to honor the payments due to the people on the program.

Senator CONRAD from North Dakota called the CLASS Act a Ponzi scheme of the first order because what we would be doing under the program is collecting premiums for an insurance product and using the money to help pay for Obama health care. So when people are ready to get the services they have paid for, there would be no money in the program to pay them because it was used to offset Obama health care costs. It is just not a practical idea. The costs would explode over time. There would be adverse selection. So it was an ill-conceived idea.

The House is going to repeal it. The HHS Secretary said they would not implement the program. I hope the Senate will allow repeal so we can take it off the table and it is a reason for the Congress to revisit the Affordable Health Care Act, Obama health care, because one of the components of the legislation relied upon the revenue to be collected by the CLASS Act to offset the cost of Obama health care, trying to make it deficit neutral. That is no longer a viable option. The money to be collected by the CLASS Act is never going to happen. So that money cannot be used to make the legislation deficit neutral.

This is a chance for the Senate, working with the House, to repeal the program. I think it would be wise for us all to sit down and try to reevaluate what does this mean in terms of the viability of the Affordable Health Care Act because the assumptions made by the CLASS Act are never going to come true.

I have been working with Senator THUNE for a very long time to keep this program from coming about. I would like to say this is a bipartisan moment, where we have stopped a program that would have a devastating effect long term on the country's finances and would do very little to improve health care.

I wish to, one, congratulate the HHS Secretary for understanding this program is unsound. I would like to make sure it is repealed, and I think Congress should be the body to do that. But this is good news for the taxpayer. It is good news for the country as a whole that we are not going to allow a program to be created that is unsustainable, that is going to add to the debt and do very little to take care of our health care needs. It was a Ponzi scheme. It is a Ponzi scheme that needs to be buried politically, as soon as possible.

I look forward to taking up the House-passed legislation. I hope we can get bipartisan support in the Senate to make sure what HHS Secretary Sebelius said never happens, that the CLASS Act never becomes reality because it is an unsound, unwise, poorly constructed program, and this is a chance for the Senate to come together and do something about it with our House colleagues.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. 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. LIEBERMAN. Mr. President, I note the presence on the floor of the distinguished Senator from Delaware, to whom I am pleased to yield.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I thank Senator LIEBERMAN.

I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

Mr. COONS. Mr. President, I rise to speak on behalf of tens of thousands of Delawareans affected by domestic violence each year, as well as their families, their friends, and their allies across our State and our country.

Just a few minutes ago, my colleagues on the Senate Judiciary Committee took up the reauthorization of the Violence Against Women Act. It has earned strong bipartisan support through the nearly two decades since its original passage, and it was voted out earlier today.

Law enforcement agencies across this country are counting on us to move forward with the Violence Against Women Act reauthorization, depending on the training and the resources to advocate for victims and to provide critical and lifesaving interventions that it funds.

As I asked for input from Delawareans in the last few weeks, one of the hundreds who took the time to write or call my office in strong support of the reauthorization of VAWA was a former New Castle County police officer. He e-mailed me to tell me he had seen firsthand that dedicated resources and innovative policing methods made possible by VAWA made a real difference in combating these types of crimes and improving the lives of victims.

The Violence Against Women Act has been extraordinarily effective, with the annual incidence of domestic violence falling by more than 50 percent since it was first passed. Yet we still have so far to go.

Just this week, I heard from hundreds of constituents in Delaware for whom this legislation has a deep and resounding importance. From young women in their twenties to senior citizens, Delawareans from all walks of life have reached out to ask us, as Members of the Senate, to take action without delay, to work with our colleagues in the House, and to reauthorize this most important bill.

Paul from Yorklyn, DE, wrote to say that as a father of two young daughters, he worries that if the Violence Against Women Act is not reauthorized, then victims of sexual assault will once again be subject to two traumas—first, horrific attacks and, second, trying to pursue justice against their attackers.

Linda from New Castle, DE, had the courage to write me personally and say:

> First of all, I am a victim and I am not ashamed to say that [today].

Linda's willingness to lift the cloud of fear and shame that for so long enveloped victims of domestic and dating violence is brave and important in that she was able and willing to do that, but she also highlights the ongoing challenges we face. She described her hesitation to discuss abuse out loud and stressed the importance of talking about these crimes in the open in order to break what she called the generational curse.

As a son, as a husband, as a father, I too am deeply concerned about this curse that has moved from generation to generation and has affected families all throughout this country's history.

Evils such as domestic violence thrive in darkness. The Violence Against Women Act is a spotlight, and it deserves to be strengthened and sustained by this Senate today and this year.

The Violence Against Women Act requires reauthorization every 5 years. This signifies a belief that protecting victims of domestic and dating violence is so important that we must revisit it to make sure we are getting it right.

Each time we go through the process of reauthorizing this bill, we learn more about what is needed. This time around, that process, I believe, has resulted in several critical enhancements; first, by bolstering the tools available to law enforcement. Along with my friend and colleague Senator BLUNT, I cochair the Senate Law Enforcement Caucus. I am determined to ensure local agencies have the tools they need to support victims and to prosecute abusers. This reauthorization will do just that.

Second, our review made clear that perpetrators find their victims throughout our society without regard for sexual orientation or gender identity. So the reauthorization that was passed out of the Judiciary Committee just earlier today addresses that challenge by making this the very first Federal grant program to explicitly state that grant recipients cannot discriminate on the basis of a victim's status. Whether they are or are not a member of the LGBT community should be irrelevant to whether they are able to access the vital services funded by the VAWA.

Finally, this reauthorization recognizes our current difficult fiscal situation as a country and promotes accountability to make sure these dollars are well spent. It reduces authorization levels while protecting the programs which have been most successful. This VAWA reauthorization merges 13 existing programs into 4 streamlined and consolidated programs. This will prevent wasted time and effort and make the application and administrative processes more efficient.

I am honored to be joined today by an old and dear friend, a former countywide-elected official, Paulette Moore, now vice president of public policy for the National Network to End Domestic Violence. I am grateful to my dear friend Carol Post, who leads the Delaware Coalition Against Domestic Violence, and my friend Amy Barasch, a tireless advocate in the ongoing efforts to bring to light the challenges of domestic violence in the State of New York.

There are folks all across this country who turn to this task week in and week out. It is long and tiring and difficult work, but it is uplifting because it is part of making this a more just, more safe, and more secure nation.

It is important for me to note that, unfortunately, some of my colleagues on the other side of the aisle see the enhancements I just referred to in this reauthorization as a reason to abandon their long-term support for it, even though they have been strong backers of VAWA in the past. In fact, the vote we just took in the Judiciary Committee was 10 to 8. It only narrowly passed. I hope our friends on the other side of the aisle will review the details of these changes one more time and see their way clear to join us in this effort to strengthen and sustain the Violence Against Women Act. It is and should remain a bipartisan bill and a bipartisan effort.

My predecessor in this seat, our great Vice President, JOE BIDEN of Delaware, took an absolutely central leadership role in writing and passing the first Violence Against Women Act in one of the most enduring legacies of his 36-year Senate career, representing Delaware and advocating for women all over this country.

His efforts broke barriers and laid the groundwork for this current bill. But it is up to all of us to keep pushing tirelessly for Federal, State, and local governments to do more to save lives and to serve victims.

I urge my colleagues to come together and promptly pass the reauthorization of the Violence Against Women Act. Thank you to the men and women of this country who work so hard to end this terrible scourge of domestic violence in our country.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 2038

Mr. REID. Mr. President, I ask unanimous consent that the following amendments listed below be the only amendments remaining in order to the bill before the Senate, S. 2038:

Lieberman No. 1482; Paul No. 1484; Paul No. 1487; Lieberman side-by-side to Shelby amendment No. 1491; Shelby No. 1491, as modified; Lieberman side-by-side to Paul No. 1485; Paul No. 1485, as modified; Collins side-by-side to Boxer No. 1489; Boxer-Isakson No. 1489; Portman No. 1505; Enzi No. 1510; Blumenthal No. 1498; Toomey-McCaskill No. 1472; Inhofe No. 1500; McCain No. 1471; Leahy-Cornyn No. 1483; Coburn No. 1473; DeMint No. 1488; Grassley No. 1493; Brown of Ohio No. 1481, as modified; that all other pending amendments be withdrawn, with the exception of the substitute amendment; that the time until 2 p.m. be for debate on the bill and amendments, with the time equally divided between the two leaders or their designees; that at 2 p.m., the Senate proceed to votes in relation to the amendments in the order listed; that there be no amendments or points of order to any of the amendments prior to the votes other than budget points of order; that the following be subject to a 60-vote affirmative threshold: Paul No. 1487; Collins side-by-side to Boxer No. 1489; Boxer No. 1489, as modified; Blumenthal No. 1498; Toomey-McCaskill No. 1472; Inhofe No. 1500; McCain No. 1471; Leahy No. 1483; DeMint No. 1488; Grassley No. 1493; and Brown No. 1481; further, that Coburn amendment No. 1473 be subject to a two-thirds affirmative vote threshold; that there be two minutes equally divided in between the votes; that all after the first vote be 10 minutes in duration; that upon disposition of the amendments listed, the substitute amendment, as amended, if amended, be agreed to, and the Senate then proceed to vote on passage of the bill, as amended.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment No. 1491, as modified, is as follows:

At the end of the amendment, insert the following:

SEC. 10. PROMPT REPORTING AND PUBLIC FILING OF FINANCIAL TRANSACTIONS FOR EXECUTIVE BRANCH.

(a) TRANSACTION REPORTING.—Each agency or department of the Executive branch and each independent agency shall comply with the provisions of sections 6 with respect to any of such agency, department or independent agency's officers and employees that are subject to the disclosure provisions under the Ethics in Government Act of 1978.

(b) PUBLIC AVAILABILITY.—Not later than 2 years after the date of enactment of this Act, each agency or department of the Executive branch and each independent agency shall comply with the provisions of section 8, except that the provisions of section 8 shall not apply to a member of a uniformed service for which the pay grade prescribed by section 201 of title 37, United States Code is O-6 or below.

Mr. REID. Mr. President, the mere fact that we now have the right to vote doesn't mean people have to have recorded votes. There are other ways of rejecting or approving amendments. I hope people will talk to Senators LIEBERMAN and COLLINS and find out if there needs to be a recorded vote on these matters. I appreciate the cooperation of both sides.

STOP TRADING ON CONGRESSIONAL KNOWLEDGE ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2038, which the clerk will report.

The bill clerk read as follows:

A bill (S. 2038) to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

Pending:

Reid amendment No. 1470, in the nature of a substitute.

Reid (for Lieberman) amendment No. 1482 (to Amendment No. 1470), to make a technical amendment to a reporting requirement.

Brown (OH) amendment No. 1478 (to amendment No. 1470), to change the reporting requirement to 10 days.

Brown (OH)/Merkley modified amendment No. 1481 (to amendment No. 1470), to prohibit financial conflicts of interest by Senators and staff.

Toomey amendment No. 1472 (to amendment No. 1470), to prohibit earmarks.

Thune amendment No. 1477 (to amendment No. 1470), to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D.

McCain amendment No. 1471 (to amendment No. 1470), to protect the American taxpayer by prohibiting bonuses for Senior Executives at Fannie Mae and Freddie Mac while they are in conservatorship.

Leahy/Cornyn amendment No. 1483 (to amendment No. 1470), to deter public corruption.

Coburn amendment No. 1473 (to amendment No. 1470), to prevent the creation of duplicative and overlapping Federal programs.

Coburn/McCain amendment No. 1474 (to amendment No. 1470), to require that all legislation be placed online for 72 hours before it is voted on by the Senate or the House.

Coburn amendment No. 1476, in the nature of a substitute.

Paul amendment No. 1484 (to amendment No. 1470), to require Members of Congress to certify that they are not trading using material, non-public information.

Paul amendment No. 1485 (to amendment No. 1470), to apply the reporting requirements to Federal employees and judicial officers.

Paul amendment No. 1487 (to amendment No. 1470), to prohibit executive branch appointees or staff holding positions that give them oversight, rule-making, loan or grant-making abilities over industries or companies in which they or their spouse have a significant financial interest.

DeMint amendment No. 1488 (to amendment No. 1470), to express the sense of the Senate that the Senate should pass a joint resolution proposing an amendment to the Constitution that limits the numbers of terms a Member of Congress may serve.

Paul amendment No. 1490 (to amendment No. 1470), to require former Members of Congress to forfeit Federal retirement benefits if they work as a lobbyist or engage in lobbying activities.

Blumenthal/Kirk amendment No. 1498 (to amendment No. 1470), to amend title 5, United States Code, to deny retirement benefits accrued by an individual as a Member of Congress if such individual is convicted of certain offenses.

Shelby amendment No. 1491 (to amendment No. 1470), to extend the STOCK Act to ensure that the reporting requirements set forth in the STOCK Act apply to the executive branch and independent agencies.

Inhofe/Hutchison amendment No. 1500 (to amendment No. 1470), to prohibit unauthorized earmarks.

Boxer/Isakson amendment No. 1489 (to amendment No. 1470), to require full and complete public disclosure of the terms of home mortgages held by Members of Congress.

Tester/Toomey amendment No. 1492 (to amendment No. 1470), to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such act.

Tester/Cochran amendment No. 1503 (to amendment No. 1470), to require Senate candidates to file designations, statements, and reports in electronic form.

The PRESIDING OFFICER. The time until 2 p.m. is equally divided.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the majority leader. I thank Senator COLLINS, Senator BROWN of Massachusetts, Senator GILLIBRAND, and a lot of others, who have worked to get us to this point where we can do two things. Most important to those of us who have worked on the STOCK Act is that we are now in a position this afternoon of adopting a clear statement that Members of Congress and our staffs are covered by anti-insider trading rules and that we can also provide for fuller disclosure by Members, making it accessible to the public online.

Instead of coming to a point where the system broke down again and Senator REID being forced to file a cloture motion, we worked out an agreement here, people were reasonable, and there will be votes on a number of germane amendments—and some that are not, but we have agreed to a 60-vote threshold.

This is the way I think the Senate is supposed to work. Some of these votes will be controversial, some difficult. But that is why we are here. I thank everybody who was part of getting to this point.

I note the presence of the Senator from Massachusetts, Mr. BROWN, and I yield to him.

Mr. BROWN of Massachusetts. Mr. President, I also stand and commend the majority leader for allowing this process to unfold in a thoughtful and fair manner, the way it should. We are starting the new year off correctly and allowing everybody to feel as if they are participating in the democratic process, not moving for cloture, shutting off debate, and filling the tree, but allowing us to stay late and work together in a bipartisan manner to work through the amendments, allowing me and Senator COLLINS, and on their side, Senators LIEBERMAN and GILLIBRAND, to call individual Members and say: You have four amendments up; which ones do you want? Is there a modification or can we combine them with other similar amendments? That is how it should work.

This is what I have been saying for the last 2 years and why I have continuously moved to work across the aisle: to allow that democratic process to work.

I am thankful we are here. These are some tough votes, but we are the Senate. We should be taking tough votes. That is why the people sent us here. I am thankful that we can send the message to the American people that we are trying to reestablish that trust that seems to have been lost with them by moving on the STOCK Act.

There are other issues we are taking up. I hope they are just as thoughtful and methodical and respectful. I hope we are going to do the postal bill next. It is something Senators LIEBERMAN, COLLINS, CARPER, and I have spearheaded. It is a solid bill and a good framework. If we allow it to move forward and everybody has their say and their day in the Sun, and we do as we have done today, we will have another good deed and, who knows, maybe we will be in double figures in terms of the approval rating pretty soon.

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. INOUYE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

AMENDMENT NO. 1472

Mr. INOUYE. Madam President, I rise today to speak against the Toomey amendment that would impose a permanent ban on congressional initiatives or earmarks.

The Constitution grants to the Congress the power of the purse. There is no authority more vital to the separation of powers than the one that prevents the executive branch from directly spending the tax dollars collected from its citizens. Depriving the Congress of the ability to direct money to specific projects does not save money or reduce the deficit; it simply gives additional power to the President and weakens the legislative branch.

As I stated when I announced the initial moratorium on appropriations earmarks last February, I continue to support the constitutional right of Members of Congress to direct investments to their States and districts under the fiscally responsible and transparent earmarking process we have established.

Hawaii is a long way from the Capital City. It is simply not possible for a bureaucrat here in Washington to understand the needs of my home State as well as I do. And I believe such is the case with all 50 States. Each one is unique, each one has individual challenges, and each one has issues that cannot be fully understood by civil servants located thousands of miles away.

This amendment has nothing to do with lowering the deficit. Let me state that again. Eliminating earmarks will not save a single penny in spending. It will simply take decisions that were rightfully made by Congress and delegate them to the executive branch.

In truth, this is a political amendment meant to give cover to those who seek to mislead the American people into thinking earmarks are responsible for our current deficit, and that simply is not the case. Our deficit is driven by entitlement spending that is rising at a rate three times that of inflation, not by discretionary spending that is now capped at less than the rate of inflation. Our deficit is driven by the fact that revenues are at their lowest level in 50 years. A permanent ban on earmarks addresses neither of these matters.

Madam President, finally, I note for my colleagues that the voluntary moratorium in appropriations bills for fiscal year 2012 was 100 percent successful, and the committee will continue the moratorium for fiscal year 2013. Prior to the moratorium taking effect, the Appropriations Committee had to put into place a series of reforms that ensured openness and transparency for earmark requests. Every earmark request was posted online. Every earmark that was approved was listed along with the sponsor's name in committee reports and posted online. There were no secrets and no backroom deals.

The reality is that without congressional earmarks, we find ourselves at the mercy of the bureaucrats to ensure that our local needs are fulfilled. If we approve this amendment, from now on earmarks will be at the sole discretion of the executive branch. Local needs will either go unmet or will be included through deals made between our elected officials and the White House or unelected bureaucrats. No longer will we show the American people what earmarks we are funding and why. Instead, they will be part of a tradeoff between Members and bureaucrats—a bridge in return for support of a trade agreement.

By permanently banning earmarks, the spending decisions will move from the transparent process to discussions that are hidden from the public. So we face a choice between an open and transparent method for allocating targeted funding or one that will be done with phone calls, conversations, winks,

and nods. One method allows for accountability and another leaves us all at the whim of unelected bureaucrats.

I urge my colleagues to vote against the Toomey amendment. This amendment will serve to deprive the Congress of essential congressional prerogatives. It has no impact on the debt, and it is simply designed to give political cover to those who refuse to address the core drivers of our fiscal imbalance—lack of revenues and ever-increasing entitlement spending.

I yield the floor, Madam President, 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. INOUYE. 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. INOUYE. Madam President, on behalf of the Leader, I ask unanimous consent that any time spent in quorum calls be equally divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. I thank the Chair, 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. KYL. 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. KYL. Madam President, I rise to speak on the pending Toomey amendment, an amendment that we will be voting on here after a little bit, amendment No. 1472, known as the Earmark Elimination Act.

I thank Senators TOOMEY and MCCASKILL for continuing this important discussion and commend them as well as numerous other Senators, including my colleague from Arizona, Senator MCCAIN, and Senators COBURN and DEMINT, who have championed reforms to Washington's earmark culture. The concern, as noted by Senators TOOMEY and MCCASKILL, is that the earmark process lacks transparency and scrutiny. I support their efforts to reform the process in a manner that reflects the principles of our Founders and the trust the American people instill in us to represent them.

I wish to confirm, however, that this effort does not restrict Congress's ability to protect the American taxpayer from unnecessary expenses and significant legal exposure. In certain situations, the United States is required to fulfill legal obligations. For example, the United States must resolve water rights claims that American Indian tribes assert against the United States and other water users within an affected State. In those instances, as is common in other litigation, it is in the interest of the United States and the American taxpayer to limit ongoing legal exposure by settling the tribe's water rights claims. Effectuating the terms of such a settlement requires congressional review and approval. Congress will undoubtedly employ the searching scrutiny required to understand whether the settlement is in the best interests of the American people. Such settlements, however, are not amenable to a formula-driven or competitive award process. Rather, the settlements must be addressed and negotiated if and when the claims are asserted against the United States.

Congressionally enacted Indian water rights settlements have not previously fallen within the earmark moratorium. In that vein, I want to confirm with my colleague from Pennsylvania that the Earmark Elimination Act does not restrict Congress's authority to protect taxpayers by limiting the exposure of the United States to similar legal challenges.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, the Senator from Arizona is absolutely correct. The Earmark Elimination Act is not intended to preclude Congress from effectuating legal settlements, such as Indian water rights settlements, that resolve claims against the United States. This body must maintain its ability to avoid costly litigation and to limit the legal exposure of the United States in a manner that ultimately benefits American taxpayers.

Mr. KYL. I thank my colleague from Pennsylvania. I concur with my colleague in expressing a commitment to ensuring that these positive efforts to reform the earmark process do not result in an unintended consequence whereby Congress's efforts to settle legal claims against the United States are subject to a point of order.

I thank my colleague from Pennsylvania for his efforts, 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. INHOFE. 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. INHOFE. I ask unanimous consent that I be recognized for as much time as I consume and that at the conclusion of my remarks, the Senator from Ohio be recognized for such time as he consumes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1500

Mr. INHOFE. Madam President, we are going to have a number of votes on amendments this afternoon. I think it is important that we look at this in historic perspective. I am referring to the amendments and the meaning of the Toomey amendment, which I think is very significant.

As most people think about earmarks, yes, we want to do away with this. I am the first to admit that there has been a lot of abuse in the earmark process. I don't want to take sides between authorizers and appropriators, but I can remember several times here on the floor when appropriations bills are coming through, when people are legislating on appropriations bills, when they are swapping out deals. That is the kind of thing we want to stop. I think we have an opportunity to do that today.

I have an amendment. It is my understanding, the way the amendments are stacked up, there is going to be a vote on the Toomey amendment and then a vote on my amendment. Let me talk a little bit about how long we have been working on this issue.

Way back in 2007, I gave a talk to the Grover Norquist group. It was on July 25, 2007. I gave the Senate history of the 200-year fight between appropriators and authorizers.

In 1816 responsibilities between authorizing versus appropriating had been debated. In that year the Senate created the first 11 permanent standing committees.

I think most people understand that we in the Senate, each one of us is on at least two standing committees. Many of these are authorizing committees or appropriating committees. Mine happened to be authorizing committees. My two major committees I have been on since serving in the Senate are the Senate Armed Services Committee and the Environment and Public Works Committee. Both are authorizing committees.

What is significant about this is that there has always been a fight. This is not a new fight. People think this is just going on today. This has been going on literally since 1816.

In 1867 the Senate created the Appropriations Committee. The purpose of that was to have the tax writing put in the Finance Committee and then have the appropriating committee as a separate committee—keeping those functions divided. Here it is now a couple of hundred years later and we are still trying to do the same thing. Today may be the day we can do it, and my amendment actually would do that.

In 1921—I am reading notes from the speech I made in 2007 at the Grover Norquist event—in 1921 the Senate passed the Budget and Accounting Act of 1921. The Senate tried to ensure that authorizing had to take place in a separate committee.

There we go. That is what we are talking about today. My amendment actually resolves the problem because it defines an earmark as an appropriation that hasn't been authorized. In a minute, I am going to talk about that because there is a lot of support for that currently that should be considered.

Let me use my committees as an example. If we were to do away with all earmarks as they are described in the House bill, the earmarks would actually be defined as any appropriation or

authorization. That gets into the huge question we will talk about in a minute—what our Constitution says. It says we, the House and the Senate, should do the spending or the appropriating. This has been this way for a long time.

I am hoping Members will go back and read Joseph Story and some of the great people in the past who have talked about why it is necessary for all the authorizing and the spending to take place in this body, in the Senate and in the House. If that does not happen, we are going to be in a position where we are giving our function to the President. We are ceding our constitutional obligation to the President—in this case, President Obama.

Back in the time I was making this speech initially, I talked about such things. I mentioned this on the floor yesterday. A lot of people do not understand. The budget that comes to us is a budget from the President. It is not from Congress, not from the House, not from the Senate, not from the Democrats, not from the Republicans, it is from the President. The President is the guy who sends the budget down. I am so critical of this President because every one of these budgets now—we have just gotten the fourth budget—has a deficit of over $1 trillion. Unheard of. I can remember back in the days—1996 was the first $1.5 trillion budget. That was during the Clinton administration. I remember coming down to the floor and saying: We cannot sustain this level of spending. That was $1.5 trillion to run the entire United States of America. What President Obama has sent down is $1 trillion to $1.5 trillion in each of his budgets, just deficit alone. We can't continue to do that.

I am on the Armed Services Committee. It is an authorizing committee. It is a committee staffed with experts in every area—missile defense, strike fighters—all of that having to do with defending America. Of course, when the budget comes down, historically—I am talking about historically from 100 years ago—we have taken that budget and analyzed that budget. The Chair is fully aware of this because she sits on that committee. We determine what is the best way to spend the given number of dollars that come down in the budget to best defend America.

The example I used yesterday was in one of the first budgets that came down. I think it was the first budget from President Obama. It had one item that was a $330 million item that was for a launching system that was referred to as a box of rockets—a good system, I might add, but with the scarce dollars we made a determination in the Armed Services Committee that we could take that same $300 million and instead of spending it on a launching system, spend it on six new F–18 strike fighter aircraft. And we did that. That is what we should be able to do. But if you have an earmark ban, then you would not be able to do that. It depends on how it is going to be interpreted, but the way I interpret it, it would mean we cannot change what the President sends down because that would be called a congressional earmark. Some might argue and say: No, it is that only if it happens to be in your district or something like that. That is not what it says, though. The way it is defined is anything that would be an authorization or an appropriation.

So we had the example there in the Armed Services Committee, and one of the unintended consequences would be—I will just use this as an example. I can remember back in the days, I am old enough to remember back when Reagan was President and nobody believed we would ever have a problem with people sending over a missile with some type of a weapon on it that would be very destructive to America, nor did they believe it would be possible, if a missile were coming in, that we could knock down that missile. Well, we have now settled that. Everyone knows you can hit a bullet with a bullet. We have done it before. We are doing a good job.

We also know after having gone through 9/11 that we should have at the very top of our concern as representatives of this country to defend America and to have an enhanced system. So we had a policy that we wanted to have a redundancy in all three phases of missile defense. In missile defense, you have three phases—a boost phase, a midcourse phase, and a terminal phase—and we want to have that. So when we are addressing that, if the President comes in with something that doesn't follow that redundancy, we could be in a position where we would not be able to do what is in the best interests of the country.

I am not the only one who believes that when we say we want an outright ban on all spending—and that is what we are saying, an outright ban on all spending—there is an article that I took out of the Hill Magazine—that would have been about 3 or 4 years ago—saying ''Lobbyists Hitting Up Agencies As Earmark Rate Drops.'' In other words, as we quit spending here, it does not save a cent. That money goes back into the bureaucracy, and they are spending it at that point. So that puts us in the position of, admittedly, what they are talking about—they are actually lobbying the bureaucrats as opposed to Members because that is where all the power is. In other words, we have ceded that power.

I can see a lot of the Democrats wanting to pass an all-out ban on congressional earmarks because they are supporting Obama. Obama wants to do the spending. They want him to do that. I understand that, and I heard from some of the Democrats who do not agree with that, and I appreciate their making that statement on the floor.

But I think as we address this and go back to things that we did on the floor a year and a half ago—this was November 2010—we talked about the Constitution and how it restricts spending only to the legislative branch and specifically denies that honor to the President.

We take an oath of office—

I am reading now from a statement I made on the floor a year and a half ago.

We take an oath of office to uphold the Constitution of the United States. That means that we take an oath of office to uphold article I section 9 of the Constitution.

What does that say? That says that the spending in our government should be confined to the legislative branch. That is us. If you go and look in the Federalist Papers, it talks about this. Over and over, judges without exception have reinforced this as the constitutional obligation we have.

Sometimes I miss Senator Bob Byrd more than other times, and this is one of the times I do. I can hear him standing on the floor saying: Why is it we are giving up our constitutional right? Remember he used to carry around the Constitution? He would hold it up. I wish he were here today so he could talk about article I, section 9 of the Constitution and how we are ceding that authority to the President.

I mentioned yesterday that one of the problems I have with a permanent moratorium without a definition of what an earmark is—one of the problems we have in giving the President, ceding our authority to him—and there is no better example—a lot of us got quite upset in this body when the President had his $800 billion-or-so stimulus plan. Remember the stimulus plan that didn't stimulate and he spent all this money? And when he signed it, he was talking about how this was going to stimulate. As it turned out, only 3 percent went into roads, highways, and so forth, and only 3 percent into defending America. When he signed it, President Obama said: What I am signing then is a balanced law with a mix of tax cuts and investments. It has been put together without earmarks or the usual porkbarrel spending. So, anyway, we had such examples of earmarks.

In fact, I remember on Sean Hannity's program, he had the 102 most egregious earmarks. In those earmarks was $219,000 to study the hookup and behavior of female college co-eds in New York; $1 million to do fossil research; $1.2 million to build an underpass for deer crossing in Wyoming. There were 102 egregious earmarks and not one of them was a congressional earmark. They are all bureaucratic earmarks. We ceded that so the President, through our action, was able to do all those things he could not otherwise do.

I have a longer list that I ask to be made a part of the RECORD at this point in my presentation, which includes about 10 or 15 other egregious earmarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIFTEEN EARMARKS FROM HANNITY'S LIST OF 102 MOST EGREGIOUS EARMARKS

1. $219,000 to a university to study the hookup behavior of female college coeds in New York.
2. $8,408 to a university to study whether mice become disoriented when they consume alcohol.
3. $712,883 to develop ''machine generated humor'' in Illinois.
4. $325,394 to study the mating decisions of Cactus bugs in Florida.
5. $500,000 to Ohio to purchase recycling bins with microchips embedded inside of them.
6. $800,000 to a company in Arizona to install motion sensor light switches.
7. $25,000 for socially conscious puppet shows in Minnesota.
8. $1 million to research fossils in Argentina.
9. $500,000 to study the impact of global warming on wild flowers in a Colorado ghost town.
10. $150,000 to develop the next generation football globes in Pennsylvania.
11. $1.2 million to build a deer underpass in Wyoming.
12. $50,000 to resurface a tennis court in Montana.
13. $15,000 for a storytelling festival in Utah.
14. $14,675 for doormats at the Department of the Army in Texas.
15. $10,000 for the Colorado Dragon Boat Festival.

Mr. INHOFE. As it turned out, the President was the one who did the earmarks of the $800 billion stimulus program.

Again, getting back to article I, section 9:

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.

The law, that is us. We are the legislative branch of government. That is what we are supposed to do. I think everyone understands that. It is unintended, and I know a lot of people out there would say, well, we want to kill all earmarks, without stopping to think that that is all spending and that is our constitutional duty.

I would say if we continue on making permanent and current moratoriums on congressional earmarks, then we are limiting our ability to govern with the President. If all we are doing is handing the President pots of money and requiring that he have competitive grants to disburse the funds, then we are washing our hands of the outcome. There is no light or transparency inherent to the Federal grant-making process. So what we are doing is giving up our constitutional responsibility in ceding that to the President.

It could be that things are going to be refined, with further definitions, and I have no objection to that. But I am saying we have one very simple solution to it. When the votes come up today, I will announce right now, if we don't have a definition of earmark, then I would vote against a permanent moratorium on earmarks because that is our constitutional responsibility.

My amendment is a little bit different, because what I do is define what an earmark is, and an earmark is defined as an appropriation that has not been authorized. I was very proud—2 days ago Senator TOOMEY said that some earmarks ought to be funded, but they ought to be funded in a transparent and honest way subject to evaluation by an authorizing committee. That is exactly what my amendment does. I talked to Senator TOOMEY, and I appreciate the fact that he is very open about this. I will repeat that: Some things ought to be funded, but they should be funded in a transparent and honest way subject to evaluation by an authorization committee. That is my amendment. A definition of an earmark is spending or appropriating without authorizing.

Last year Senator COBURN said: ''It is not wrong to go through an authorization process where your colleagues can actually see it. It is wrong to hide something in a bill . . . .'' Amen. I agree with that. I said earlier, and I said yesterday, I can remember Democrats and Republicans on consideration of appropriations bills sitting on the floor, swapping out deals, making deals back and forth. That is what we want to do something about, and this is not a partisan thing. This is something that has been going on, and we have a way now of doing it.

Senator MCCAIN was kind enough to endorse a freestanding bill I had that does the very thing of defining an earmark as an appropriation that has not been authorized. Senator MCCAIN said: Some earmarks are worthy. If they are worthy, then they should be authorized. Authorized, there is the key, and Senator MCCAIN is exactly right. If you authorize it, then that is the process we want. When an earmark is considered by an authorization committee before it is appropriated, real transparency is brought to the process.

In fact, I remember it was Senator COBURN who said on the floor—and this is about a year and a half ago—he agreed with me and said one good thing about requiring an authorization before an appropriation is that then if it is a bad one, we have two chances to kill it. Senator COBURN is right. We can kill it in the authorization phase or we can kill it in the appropriations phase.

The example I use is a good example in terms of what we and the Armed Services Committee should be doing and are not doing. But I would say to you that this afternoon when we have these votes—it is my understanding we are going to have around 20 votes. A lot of these will be voice voted, I am sure. But the two votes I am concerned about are, No. 1, the vote on the Toomey bill, which I support, but I support it if you can define it and make real transparency set in by having the authorization process in place.

I would only say that we go back to the Constitution. As I mentioned, let's go back to the statements that were made by Senator TOOMEY, Senator MCCAIN, and Senator COBURN, that we want transparency and we don't want to cede the power of our constitutional duty as Members of the Senate to the executive branch. I know some in here would probably want to do that. Some are stronger supporters of Obama than I am. I am very critical of what Obama has done in terms of the deficits, which we have already talked about, in terms of what he is doing to the military. Some trillion dollars over a period of 10 years would be taken out of our military. When you add his budget to the sequestration, that is something that should not happen.

With energy, right now the President is going around talking about how he is for developing energy in this country, and yet he is the obstacle to the development. He is the one who has in his budget the various things that make it very difficult, if not impossible, to get our resources that we have out there in oil and gas.

In fact, it is kind of humorous and very clever of the President. Last week during his State of the Union message the President was talking about wanting to exploit all of our natural gas when he slipped in a little phrase that hardly anyone heard. I know Senator BOXER heard it because she was next to me, and we disagree on this whole issue. He said: We want to go after this type of formation, all the shale that is out there, but we don't want to poison the ground at the same time. Well, what he is talking about there is hydraulic fracturing. If you take away hydraulic fracturing, as he is trying to do, and put that in the hands of the Federal Government, then you might as well say goodbye to all these types of formations, oil and gas. We would not be able to do it. So I am critical of him in that respect.

In the fourth area, in addition to what he is doing to the military, the deficit spending, and energy in this country is regulations. I am the ranking member of the Environmental and Public Works Committee, with all of these MACT programs—that is MACT, maximum achievable control technology. He is trying to do away with emission requirements where there is no technology to get into that type of requirement. So it is very expensive.

The other thing he is trying to do—and I know this is the most controversial issue among liberals and conservatives—and that is we were able to successfully stop this whole global warming cap-and-trade legislation that has been out there ever since we refused to ratify Kyoto. It was made very clear that there is one thing nobody argues with—we know it is true—if you were to have legislation for cap and trade, the cost would be between $300 billion and $400 billion a year. We know that is true. That has come from the MIT, it has come from the CRA, and it has come from the Wharton School. That is the range they talk about. However, now this President is trying to do by regulation what we have voted down in legislation.

Right now in this body of 100 Senators, there are at the very most 25

Members of the Senate who would vote for cap and trade, and yet he is trying to do that through regulation. I have to say that would be the largest amount of money in terms—that would probably exceed the obligations we have to pay back even the deficits he has had. We will talk more about that later, but the issue right now is the two votes that are coming up.

I would encourage us to vote for my amendment, which would define an earmark as an appropriation that has not been authorized. I have read to you quotes from virtually everyone in here who would agree with that, except for those individuals who want to cede this power to the President of the United States.

I yield the floor, and I understand under unanimous consent that the Senator from Ohio would be the next speaker.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, at the conclusion of my remarks, I ask unanimous consent that the Senator from Iowa, Senator GRASSLEY, be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. I thank Senator INHOFE for the sensible nature of his words in terms of the difference between a Presidential and a congressional earmark. I think the Senator brought good sense to this, and I appreciate his words.

AMENDMENT NO. 1481

Madam President, I rise in support of amendment No. 1481, cosponsored by Senator MERKLEY, our amendment to the STOCK Act. I thank Senator GILLIBRAND for her good work on managing this legislation.

USA Today had an editorial from Tuesday that said:

> If lawmakers were really concerned with ethics, they'd put their equity holdings in blind trusts, so they wouldn't have the obvious conflict of interest that comes from setting the rules for the companies they own.
>
> Banking committee members wouldn't invest in financial institutions, Armed Services Committee members wouldn't invest in defense contracts, and energy committee members wouldn't invest in oil companies.

How simple is that? How straightforward is that? How right is that? These stories simply don't reflect well on the world's greatest deliberative body. Most of us think these investments don't affect our decisions here, and they probably don't, but isn't it time we held ourselves to a higher standard?

Senator MERKLEY and I are proposing the Putting the People's Interests First Act as an amendment to the STOCK Act. It would require Senators and their senior staff who are subject to financial disclosure—no more than two or three or four of our staff people in each office; the most well paid, those in the highest ranking decision-making position—to sell individual stocks that create conflicts or to put their investments in blind trusts or to invest in only widely held mutual funds.

No one is required to avoid equities. We could still invest in broad-based mutual funds or exchange-traded funds. You can keep your ownership interest in your family farm or small business. I will repeat that: In no way does this affect your ownership in your family farm or small business. If you are setting up a blind trust, you can instruct the trustee to hold onto your stock in your family company. This rule would be similar to steps that have already been taken to address financial conflicts of interest or at least the appearance of financial conflicts.

Senate Ethics rule 37.7 requires committee staff making more than $25,000 per year—way more strict than our amendment in that way—''to divest himself [or herself] of any substantial holdings which may be directly affected by the actions of the committee for which he works.''

The Armed Services Committee requires staff and spouses and dependents to divest themselves of stock in companies doing business with the Department of Defense and the Department of Energy. The committee does permit the use of blind trusts.

When asked about a requirement to divest, former Defense Secretary William Perry said:

> That was very painful, but I do not disagree with the importance of doing this. The potential of corruption is very high. It keeps our government clean.

In the executive branch, Federal rules and Federal criminal law generally prohibit employees, their spouses, and their children from owning stock in companies they regulate. All Senator MERKLEY and I are saying is that Members of the Senate should hold themselves to the same standard we already require of much of our committee staff and executive branch employees. Our staff's requirements are more severe than ours, and we are the ones whose names are on the ballot, we are the ones who are sworn in to do the bidding of the American people. We are the 100 people in this so-called exclusive club and yet we are going to have different rules for us than we do for a $30,000-a-year staff person? That hardly seems right.

Some argue that selling all of our stock will make us lose touch with the rest of society. That kind of thinking falls on deaf ears for most Americans. The ranking member of the House Financial Services Committee doesn't invest in stocks. Instead he invests in State and local bonds with a small amount directed into mutual funds. When asked, Congressman FRANK of Massachusetts said: ''I get a steady 4.5 percent, and I help my state in the process. I'm a patriot, and I'm making money too.''

Why should Members of the Senate who own stock in oil companies vote on issues that affect the oil industry? Why should Members of the Senate who might own stock in a pharmaceutical company vote on issues that affect health care, on a generic drug bill or on a biologics bill or on Medicare or Medicaid? Appearances matter. Right now the American people don't trust that we are acting in the Nation's best interest far too many times. Investing in broadly held funds or a blind trust will keep us in touch with society. It is not a retreat from the U.S. economy. Instead it will keep us from picking winners and losers. It will show the public that our focus is on policies that will help grow the economy. Again, I am not accusing any of my colleagues, if they own an oil stock, of voting for more tax breaks for the oil industry. I am not saying they do that; I am saying there is the appearance that some of them might do it.

We need to remember that public service is a privilege. Folks around Washington are already paid well in these jobs. There is no reason they need to be buying and selling stocks in small or multimillion-dollar portfolios.

When asked about the fact that Senate Armed Services Committee conflict-of-interest rules apply only to staff and Department of Defense appointees—but not to Senators—again, when asked about the fact that the Senate Armed Services Committee conflict-of-interest rules apply to staff people—and, again, not necessarily highly paid staff—and Department of Defense appointees, President Bush's Deputy Secretary of Defense, Gordon England, said: ''I think Congress should abide by the same rules we impose on other people.''

No kidding. Really.

In a State of the Union Message, the President said: ''Let's limit any elected official from owning stocks in industries they impact.''

As we cast votes, we all—the 100 Members of the Senate—have an impact on all kinds of industries every day, on all our economies.

I agree with Under Secretary England. I agree with President Obama. I agree with Senator MERKLEY as we offer this amendment. It is simple and direct. The public should expect nothing less from us.

Thank you.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 1493 TO AMENDMENT NO. 1470

Mr. GRASSLEY. Before I speak on the amendment, I ask unanimous consent that the pending amendment be set aside to call up my amendment No. 1493 and make that the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

> The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 1493.

Mr. GRASSLEY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require disclosure of political intelligence activities under Lobbying Disclosure Act of 1995)

At the end of the amendment, insert the following:

SEC. ___. DISCLOSURE OF POLITICAL INTELLIGENCE ACTIVITIES UNDER LOBBYING DISCLOSURE ACT.

(a) DEFINITIONS.—Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended—

(1) in paragraph (2)—

(A) by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities''; and

(B) by inserting after ''lobbyists'' the following: ''or political intelligence consultants''; and

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

''(17) POLITICAL INTELLIGENCE ACTIVITIES.—The term 'political intelligence activities' means political intelligence contacts and efforts in support of such contacts, including preparation and planning activities, research, and other background work that is intended, at the time it is performed, for use in contacts, and coordination with such contacts and efforts of others.

''(18) POLITICAL INTELLIGENCE CONTACT.—

''(A) DEFINITION.—The term 'political intelligence contact' means any oral or written communication (including an electronic communication) to or from a covered executive branch official or a covered legislative branch official, the information derived from which is intended for use in analyzing securities or commodities markets, or in informing investment decisions, and which is made on behalf of a client with regard to—

''(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

''(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government; or

''(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license).

''(B) EXCEPTION.—The term 'political intelligence contact' does not include a communication that is made by or to a representative of the media if the purpose of the communication is gathering and disseminating news and information to the public.

''(19) POLITICAL INTELLIGENCE FIRM.—The term 'political intelligence firm' means a person or entity that has 1 or more employees who are political intelligence consultants to a client other than that person or entity.

''(20) POLITICAL INTELLIGENCE CONSULTANT.—The term 'political intelligence consultant' means any individual who is employed or retained by a client for financial or other compensation for services that include one or more political intelligence contacts.''.

(b) REGISTRATION REQUIREMENT.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting after ''whichever is earlier,'' the following: ''or a political intelligence consultant first makes a political intelligence contact,''; and

(ii) by inserting after ''such lobbyist'' each place that term appears the following: ''or consultant'';

(B) in paragraph (2), by inserting after ''lobbyists'' each place that term appears the following: ''or political intelligence consultants''; and

(C) in paragraph (3)(A)—

(i) by inserting after ''lobbying activities'' each place that term appears the following: ''and political intelligence activities''; and

(ii) in clause (i), by inserting after ''lobbying firm'' the following: ''or political intelligence firm'';

(2) in subsection (b)—

(A) in paragraph (3), by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities'';

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by inserting after ''lobbying activities'' the following: ''or political intelligence activities''; and

(ii) in subparagraph (C), by inserting after ''lobbying activity'' the following: ''or political intelligence activity'';

(C) in paragraph (5), by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities'';

(D) in paragraph (6), by inserting after ''lobbyist'' each place that term appears the following: ''or political intelligence consultant''; and

(E) in the matter following paragraph (6), by inserting ''or political intelligence activities'' after ''such lobbying activities'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting after ''lobbying contacts'' the following: ''or political intelligence contacts''; and

(B) in paragraph (2)—

(i) by inserting after ''lobbying contact'' the following: ''or political intelligence contact''; and

(ii) by inserting after ''lobbying contacts'' the following: ''and political intelligence contacts''; and

(4) in subsection (d), by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities''.

(c) REPORTS BY REGISTERED POLITICAL INTELLIGENCE CONSULTANTS.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—

(1) in subsection (a), by inserting after ''lobbying activities'' the following: ''and political intelligence activities'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting after ''lobbying activities'' the following: ''or political intelligence activities'';

(ii) in subparagraph (A)—

(I) by inserting after ''lobbyist'' the following: ''or political intelligence consultant''; and

(II) by inserting after ''lobbying activities'' the following: ''or political intelligence activities'';

(iii) in subparagraph (B), by inserting after ''lobbyists'' the following: ''and political intelligence consultants''; and

(iv) in subparagraph (C), by inserting after ''lobbyists'' the following: ''or political intelligence consultants'';

(B) in paragraph (3)—

(i) by inserting after ''lobbying firm'' the following: ''or political intelligence firm''; and

(ii) by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities''; and

(C) in paragraph (4), by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities''; and

(3) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting ''or a political intelligence consultant'' after ''a lobbyist''.

(d) DISCLOSURE AND ENFORCEMENT.—Section 6(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended—

(1) in paragraph (3)(A), by inserting after ''lobbying firms'' the following: '', political intelligence consultants, political intelligence firms,'';

(2) in paragraph (7), by striking ''or lobbying firm'' and inserting ''lobbying firm, political intelligence consultant, or political intelligence firm''; and

(3) in paragraph (8), by striking ''or lobbying firm'' and inserting ''lobbying firm, political intelligence consultant, or political intelligence firm''.

(e) RULES OF CONSTRUCTION.—Section 8(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1607(b)) is amended by striking ''or lobbying contacts'' and inserting ''lobbying contacts, political intelligence activities, or political intelligence contacts''.

(f) IDENTIFICATION OF CLIENTS AND COVERED OFFICIALS.—Section 14 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1609) is amended—

(1) in subsection (a)—

(A) in the heading, by inserting ''OR POLITICAL INTELLIGENCE'' after ''LOBBYING'';

(B) by inserting ''or political intelligence contact'' after ''lobbying contact'' each place that term appears; and

(C) in paragraph (2), by inserting ''or political intelligence activity, as the case may be'' after ''lobbying activity'';

(2) in subsection (b)—

(A) in the heading, by inserting ''OR POLITICAL INTELLIGENCE'' after ''LOBBYING'';

(B) by inserting ''or political intelligence contact'' after ''lobbying contact'' each place that term appears; and

(C) in paragraph (2), by inserting ''or political intelligence activity, as the case may be'' after ''lobbying activity''; and

(3) in subsection (c), by inserting ''or political intelligence contact'' after ''lobbying contact''.

(g) ANNUAL AUDITS AND REPORTS BY COMPTROLLER GENERAL.—Section 26 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1614) is amended—

(1) in subsection (a)—

(A) by inserting ''political intelligence firms, political intelligence consultants,'' after ''lobbying firms''; and

(B) by striking ''lobbying registrations'' and inserting ''registrations'';

(2) in subsection (b)(1)(A), by inserting ''political intelligence firms, political intelligence consultants,'' after ''lobbying firms''; and

(3) in subsection (c), by inserting ''or political intelligence consultant'' after ''a lobbyist''.

Mr. GRASSLEY. Madam President, the Wall Street Journal recently reported that political intelligence is an approximately $100 million industry. The article also says that expert networks employ over 2,000 people to do political intelligence in Washington, DC.

We have to say approximately because no one truly knows how many people work in this industry. We don't know from whom they seek information, what happens to that information, and how much they get paid. This is a problem if one believes in transparency in government and if one believes in the purposes behind this legislation, as I do—the underlying legislation—that Members of the Senate and Congress should not benefit from insider trading information.

So we have people in this city or people who come into this city to get information on what Congress might do or what their regulators might do that might affect the stock in some company or something, and this political intelligence information is gathered and given to people who presumably profit from it or I guess these people wouldn't be employed in the first place. So there is a growing unregulated industry with no transparency. If a lobbyist has to register in order to advocate for a school or a church or a private corporation, shouldn't the same lobbyist have to register if he or she is seeking and getting inside information that ends up in making people a profit? This is especially true if that information would make millions for a hedge fund or a private equity firm.

We have current law. Under current law, this is not the case. We have no registration of these people and we don't know who they are. So we go back to amendment No. 1493. My amendment merely brings sunlight to this unregulated area. It defines what a political intelligence lobbyist is and requires that person or firm to register. In other words, it requires them to do what, under the 1995 law, every lobbyist has to do.

I understand some would say there have not been hearings on this subject and that it should be studied first. But there isn't much that is complicated about this amendment. It is pretty simple. If a person seeks information from Congress in order to make money, the American people have a right to know the name of that person and who that person is selling that information to. That is just pretty basic good government, isn't it? It is the same as if a person is a lobbyist for a piece of legislation under laws going back to 1946 and amended since then, they have to register. The public has a right to know who the lobbyist is, whom they are working for, and what they are lobbying for or against.

This amendment isn't just helpful to the American people, though. It isn't just helpful to make people responsible, because the more transparency we have the more accountability there is and the more openness we have in government the better off we are. So I make a case to help the American people, yes. But it is also going to help Members of Congress and our staff who are trying to decipher their duties under this proposed legislation.

Senators have raised the question: How will we know if the people we speak to trade on what we say? So to answer that question, we require the people doing it to be responsible. So we achieve more transparency in government, and we even help Members of Congress and our staff because these political intelligence people are pretty smart. They know where to get the information because they come to us and ask questions, but we might not know why they are asking the questions. So it is going to help Members of Congress and our staff as well. By requiring lobbyists who sell information to stock traders to register, Members and staff then have an easy way to track who these people are and to whom they would sell their information. This strengthens the bill, from my point of view, and helps Members and staff comply with its requirements.

So I hope we can pass this amendment soon and bring light and transparency to this growing industry and, when we are talking to someone, know who they are, what they seek, whom they are working for, et cetera.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

AMENDMENT NO. 1491

Mr. SHELBY. Madam President, I rise again today to speak on behalf of fairness. We have heard quite a bit from the President on the campaign trail about fairness. But it appears there is no interest in fairness when it comes to transparency for the executive branch.

The bill we are currently debating in the Senate will subject Congress to additional reporting requirements for certain financial transactions. The goal is to ensure that Members of Congress and congressional staff are not using their unique access to confidential information for personal gain. That goal is worthy.

I believe this is an appropriate goal, and one I fully support. I do not understand, however, why the additional reporting requirements do not extend to members of the executive branch who arguably have even greater access to such confidential information than Members of Congress and their staffs do.

It only seems fair that executive branch officials, who are already required to file annual financial reports, as we are, also be directed to meet the same additional reporting requirements being imposed on the legislative branch.

I have yet to hear a compelling argument against equity between the branches. Some people have argued that the executive branch has other ways to deal with insider trading. Think about it. But none of those will subject executive branch employees to the same public scrutiny as this legislation would. I believe what is good for the goose, it seems to me, should be good for the gander. We have heard that all of our life.

I understand there is a willingness on the other side to expand the reporting requirements, but it would fall far short of parity.

Some have said here it would cost too much. But if we are willing to expand the population of executive branch officials required to report publicly, then any further expansion will only present marginal additional costs.

Currently, less than 1 percent of the executive branch workforce is required to file financial disclosure statements. The other 99 percent are not. My parity amendment will not expand that universe. It will only require them to meet the same reporting standards that will apply to the Congress itself.

As I understand it, the Democratic alternative to my amendment would produce some bizarre results. For example, a Senate office administrator who meets the reporting threshold would be required to report publicly as directed in this bill, but the head of enforcement at the Securities and Exchange Commission would not. That is bizarre. A Senate scheduler may have to make additional public disclosures, but the General Counsel of the Federal Reserve would not. This is not fair, and I believe it is unacceptable.

My amendment simply says if you are an executive branch or independent agency official and you currently file financial disclosure reports, you will have to comply with the same public reporting requirements contained in this bill that we plan to impose on the Congress.

My amendment also contains the same military personnel exemption that the Democratic alternative does, as well as the same 2-year implementation provision.

My amendment is simple, fair, and deserves the support of every Member of this body. If my friends on the other side of the aisle believe in fairness, this would be a very good way to show it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1489, AS MODIFIED, AND 1485, AS MODIFIED

Mrs. GILLIBRAND. Madam President, on behalf of Senator BOXER, I ask unanimous consent that the Boxer-Isakson amendment No. 1489 be modified with the changes that are at the desk; that the order for a Collins side-by-side amendment be vitiated; that the Paul amendment No. 1485 be modified with the changes that are at the desk; further, that the order for the Lieberman side-by-side amendment to the Paul amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, as modified, are as follows:

AMENDMENT NO. 1489, AS MODIFIED

(Purpose: To require full and complete public disclosure of the terms of home mortgages held by Members of Congress, the President, the Vice President, and executive branch officers nominated or appointed to a position by the President, by and with the advice and consent of the Senate)

At the end, add the following:

SECTION 11. REQUIRING MORTGAGE DISCLOSURE.

Section 102(a)(4)(A) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking ''spouse; and'' and inserting the following: ''spouse, except that this exception shall not apply to a reporting individual—

''(i) described in paragraph (1), (2), or (9) of section 101(f);

''(ii) described in section 101(b) who has been nominated for appointment as an officer or employee in the executive branch described in subsection (f) of such section, other than—

''(I) an individual appointed to a position—

''(aa) as a Foreign Service Officer below the rank of ambassador; or

''(bb) in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code is O-6 or below; or

''(II) a special government employee, as defined under section 202 of title 18, United States Code; or

''(iii) described in section 101(f) who is in a position in the executive branch the appointment to which is made by the President and requires advice and consent of the Senate, other than—

''(I) an individual appointed to a position—

''(aa) as a Foreign Service Officer below the rank of ambassador; or

''(bb) in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code is O-6 or below; or

''(II) a special government employee, as defined under section 202 of title 18, United States Code; and''.

AMENDMENT NO. 1485, AS MODIFIED

(Purpose: To extend the transaction reporting requirement to judicial officers and senior executive branch employees)

On page 7, strike lines 6 through 9, and insert the following:

''(j)(1) Not later than 30 days after any transaction required to be reported under section 102(a)(5)(B), a Member of Congress or officer or employee of Congress, a judicial officer, or a senior executive branch official shall file a report of the transaction.

''(2) In this subsection, the term 'senior executive branch official' means—

''(A) the President;

''(B) the Vice President; and

''(C) individuals serving in full-time, paid positions required to be appointed by the President with the advice and consent of the Senate but does not include members of the armed services, foreign service, public health service, or the officer corps of the National Oceanic and Atmospheric Administration.''.

AMENDMENTS NOS. 1511 AND 1505 TO AMENDMENT NO. 1470

Mrs. GILLIBRAND. Madam President, I ask unanimous consent to set aside the pending amendment so that I may call up on behalf of Senator LIEBERMAN the side-by-side amendment to the Shelby amendment No. 1491 and on behalf of Senator PORTMAN his amendment No. 1505.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. GILLIBRAND], for Mr. LIEBERMAN, proposes an amendment numbered 1511 to amendment No. 1470.

The Senator from New York [Mrs. GILLIBRAND], for Mr. PORTMAN, proposes an amendment numbered 1505 to amendment No. 1470.

The amendments are as follows:

AMENDMENT NO. 1511

(Purpose: To extend the STOCK Act to ensure that the reporting requirements set forth in the STOCK Act apply to the executive branch and independent agencies)

On page 7, strike lines 6 through 9, insert the following:

''(j) Not later than 30 days after any transaction required to be reported under section 102(a)(5)(B), the following persons, if required to file a report under any other subsection of this section subject to any waivers and exclusions, shall file a report of the transaction:

''(1) A Member of Congress.

''(2) An officer or employee of Congress required to file a report under this section.

''(3) The President.

''(4) The Vice President.

''(5) Each employee appointed to a position in the executive branch, the appointment to which requires advice and consent of the Senate, except for—

''(A) an individual appointed to a position—

''(i) as a Foreign Service Officer below the rank of ambassador; or

''(ii) in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code is O-6 or below; or

''(B) a special government employee, as defined under section 202 of title 18, United States Code.

''(6) Any employee in a position in the executive branch who is a noncareer appointee in the Senior Executive Service (as defined under section 3132(a)(7) of title 5, United States Code) or a similar personnel system for senior employees in the executive branch, such as the Senior Foreign Service, except that the Director of the Office of Government Ethics may, by regulation, exclude from the application of this paragraph any individual, or group of individuals, who are in such positions, but only in cases in which the Director determines such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government.

''(7) The Director of the Office of Government Ethics.

''(8) Any civilian employee, not described in paragraph (5), employed in the Executive Office of the President (other than a special government employee) who holds a commission of appointment from the President.''.

At the end insert the following:

SEC. ____. EXECUTIVE BRANCH REPORTING.

Not later than 2 years after the date of enactment of this Act, the President shall—

(1) ensure that financial disclosure forms filed by officers and employees referred to in section 101(j) of the Ethics in Government Act of 1978 (5 U.S.C. App.) are made available to the public as required by section 8(a) on appropriate official websites of agencies of the executive branch; and

(2) develop systems to enable electronic filing and public access, as required by section 8(b), to the financial disclosure forms of such individuals.

AMENDMENT NO. 1505

(Purpose: To clarify that political intelligence includes information gathered from executive branch employees, Congressional employees, and Members of Congress)

On page 8, lines 23 and 24, strike ''executive branch and legislative branch officials'' and insert ''an executive branch employee, a Member of Congress, or an employee of Congress''.

Mrs. GILLIBRAND. Madam President, we here in the Senate are so close to doing something so basic, so common sense to begin restoring the faith and trust the American people have with this institution. I am encouraged that we have found more to agree on today than that which we disagree on, so we can bring this bill on the floor to a vote.

I thank Leader REID for his extraordinary perseverance and leadership on this issue. I also thank Chairman LIEBERMAN and Ranking Member COLLINS for their vision and their hard work in bringing this strong piece of legislation to the floor. I also thank Senator SCOTT BROWN and our other cosponsors who have worked so hard to do what is right for the American people. And, of course, I thank my colleagues on the other side of the aisle who have worked with us in good faith to bring this legislation to fruition.

We have tried to focus on the specific task at hand, and that is closing loopholes to ensure that Members of Congress play by the exact same rules as every other American. While there are some amendments today that will not meet that test, there are others that will make this bill stronger, and I believe the final product will have teeth.

This sorely needed bill would establish for the first time a clear fiduciary responsibility to the people we serve—removing any doubt that both the SEC and the CFTC are empowered to investigate and prosecute cases involving insider trading of securities from nonpublic information that we have access to when we do our jobs.

We are entrusted with a profound responsibility to the American people: to look out for their best interests, not to do what is in our financial interest. Let's show the people who have sent us here that we as a body can come together and do the right thing.

Today, we are taking a step forward to show them we are worthy of their trust. I encourage all of my colleagues to take this step with us today.

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. LIEBERMAN. 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. LIEBERMAN. Madam President, in 6 or 7 minutes the Senate will begin a series of votes on the matter before us, the STOCK Act. I want to take a few moments to restate the underlying

main purpose of the legislation, which is to respond to the public concern, informed by testimony before our committee from experts on securities law, that it is not totally clear that Members of Congress and our staffs are covered by anti-insider trading laws enforced by the SEC. The No. 1 accomplishment of this proposal will be to make that crystal clear.

We are not exempt from that law; we should not be exempt. I presume most Members of Congress have assumed we have never been exempt. But this will make it clear if anybody crosses the line, they cannot defend themselves by saying that Members of Congress are not covered by the law.

We have also added in committee a couple of provisions which embrace the old but still important notion that sunshine is the best disinfectant in government by requiring that the annual financial disclosure reports we file will now be filed electronically and will therefore be available on the Internet. Right now, these are public documents. When they are filed in the Office of the Secretary of the Senate, people have to go there and make copies of them to see them. As Senator BEGICH, our colleague from Alaska, said: That is not easy if you are an Alaskan. This will bring that system up to date.

The third part—which I know is controversial for some, but I think it is sensible—is to require that within 30 days of any stock trades, disclosure forms must be filed with the Senate and also online. I can tell you that the Securities and Exchange Commission has made clear in testimony before the House committee and in discussions with our staff that that kind of periodic requirement for disclosure of trades in stock and securities will help them do the job we want them to do to make sure that insider trading laws are not being violated and, of course, will keep the public, our constituents, informed of what we are about.

A number of amendments are up. As Senator REID said, I hope we don't have rollcall votes on all of them. I think a number of them will receive unanimous support on both sides. I hope we can adopt them by voice.

There is one amendment, Senator SHELBY's amendment No. 1491, to which, as part of the agreement, I filed a side-by-side, as it were. I support the goal that Senator SHELBY has of holding the executive branch accountable in ways similar to the way we are; that is, the amendment, generally speaking, would extend the 30-day reporting requirement, disclosure requirement, to a very large number of executive branch employees. That, to me, is the problem. It is too broad. It would create a cost and an unnecessary reporting system for many executive branch employees.

I want to point out here that when it comes to avoiding and preventing conflicts of interest, the executive branch is probably well ahead of the legislative branch. The ethics rules requirement and guidance put forward over the years by the Office of Government Ethics at the agencies are extensive and address a wide range of potential conflicts of interest and/or improprieties. They have teeth, criminal sanctions.

For instance, high-level executive branch employees already file financial disclosure forms that face a very extensive system of agency review. These agency officials and career civil servants are often forced to divest themselves of their stock holdings if they seem to be in conflict with their responsibilities or to recuse themselves, not to be involved in matters in order to minimize potential conflicts of interest. That is a much different standard than we impose on ourselves, which is the standard of disclosure.

I have introduced a version of Senator SHELBY's amendment, which I think achieves his goal in a significant way but not so broadly. Rather than the tens of thousands of people encompassed in the Shelby amendment, mine is targeted at policymakers most equivalent to those of us in Congress and those who work with us; that is, positions in our government that are Senate-confirmed and also certain high-level White House and agency staff who might not be Senate-confirmed but are policymakers. These individuals are public officials with visible high-profile roles, and the extra scrutiny that comes with increased reporting requirements seems to be more appropriate for this group—including the President, Vice President, appointees in the White House, the so-called policy czars, special assistants to the President, as well as members of the Federal Reserve Board.

I hope we can take this significant step to achieve what Senator SHELBY had in mind, but not, if I can put it this way, overdo it in a way that will actually, according to comments we have had from people in the executive branch, get in the way of the existing very tough ethics rules they live under now.

I yield the floor at this point.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, first, let me commend the chairman of our committee, Senator LIEBERMAN. As always, it has been a great pleasure to work with him to produce this bill. I also wish to commend the author of the bill, Senator SCOTT BROWN, who was the first to introduce this legislation in the Senate, and also praise the work of the Senator from New York, Mrs. GILLIBRAND, for her contributions.

The STOCK Act is intended to affirm that Members of Congress are not exempt from our laws prohibiting insider trading. There are disputes among the experts about whether this legislation is necessary, but we feel we should send a very strong message to the American public that we understand Members of Congress are not exempt from insider trading laws, and that is exactly what this bill does.

We need to reassure a skeptical public that we understand elective office is a place for public service, not for private gain. Underscoring that important message is clearly the purpose of this bill, and that is why I support it.

I thank the Chair.

AMENDMENTS NOS. 1478, 1477, 1474, 1476, 1490, 1492, AND 1503 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, the following amendments are withdrawn:

Amendment No. 1478, amendment No. 1477, amendment No. 1474, amendment No. 1476, amendment No. 1490, amendment No. 1492, and amendment No. 1503.

AMENDMENT NO. 1482

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 1482, offered by the Senator from Connecticut, Mr. LIEBERMAN.

Mr. LIEBERMAN. Madam President, this is a highly technical amendment. It simply says the GAO report, required by the underlying bill on the question of political intelligence, be sent not only to the Committee on Government Oversight in the House but also to the Judiciary Committee.

If there is no objection, I urge the adoption of the amendment. I don't believe there is any opposition and, therefore, no need for a rollcall vote.

The PRESIDING OFFICER (Mr. SANDERS). Is there further debate?

If not, the question is on agreeing to amendment No. 1482.

The amendment was agreed to.

AMENDMENT NO. 1484

The PRESIDING OFFICER. The question is on the Paul amendment, No. 1484. There is 2 minutes of debate, equally divided, on this amendment.

The Senator from Kentucky.

Mr. PAUL. Mr. President, I rise in support of this amendment. This amendment would strike the underlying bill and would replace it with an affirmation that we are not exempt from insider trading and that each Senator would sign a statement each year affirming they did not participate in insider trading.

I think this is the way to go. I think the American people want to be sure we are not exempt. I think this is a good way to do it without creating a bureaucracy and a nightmare that may well have many unintended consequences.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I respectfully oppose the amendment. It would, as the Senator from Kentucky, with his characteristic directness said, strike the entire bill. The affirmation by Members they have not violated insider trading laws is, in my opinion, not enough. In the opinion of the SEC, it is not enough because it doesn't establish the duty of trust this underlying bill does that is required to guarantee charges against a Member of Congress or staff on insider trading

will not be successfully defended against on the argument that Members are not covered.

I yield the rest of my time to my friend from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I too am opposed to the amendment offered by Senator PAUL. I do think the idea of a certification is a good one, but, unfortunately, Senator PAUL's amendment would strike the provisions of the bill that affirm the duty we have to the American people and that scholars who testified before the committee said was necessary.

Mr. PAUL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 61, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—37

Alexander	Crapo	Moran
Ayotte	DeMint	Nelson (NE)
Barrasso	Enzi	Paul
Begich	Graham	Risch
Blunt	Hatch	Roberts
Burr	Hoeven	Shelby
Chambliss	Johnson (SD)	Thune
Coats	Johnson (WI)	Toomey
Coburn	Kyl	Warner
Cochran	Leahy	Webb
Conrad	Lee	Wicker
Corker	Lugar	
Cornyn	McConnell	

NAYS—61

Akaka	Harkin	Murray
Baucus	Heller	Nelson (FL)
Bennet	Hutchison	Portman
Bingaman	Inhofe	Pryor
Blumenthal	Inouye	Reed
Boozman	Isakson	Reid
Boxer	Johanns	Rockefeller
Brown (MA)	Kerry	Rubio
Brown (OH)	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Snowe
Casey	Levin	Stabenow
Collins	Lieberman	Tester
Coons	Manchin	Udall (CO)
Durbin	McCain	Udall (NM)
Feinstein	McCaskill	Vitter
Franken	Menendez	Whitehouse
Gillibrand	Merkley	Wyden
Grassley	Mikulski	
Hagan	Murkowski	

NOT VOTING—2

Kirk	Sessions

The amendment (No. 1484) was rejected.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote.

Ms. COLLINS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1487

The PRESIDING OFFICER. Under the previous order, there is 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1487, offered by the Senator from Kentucky, Mr. PAUL. This amendment is subject to a 60-vote threshold.

The Senator from Kentucky is recognized.

Mr. PAUL. Mr. President, this amendment would say that those in the executive branch who decide loans and grants, if they have a self-interest in the company or if their family has a self-interest in the company, they should not be making decisions awarding grants and awarding loans. I think the idea that you should not make money off of government is an important one, but it is not just Congress that this should apply to; this should apply to the executive branch. We should not have hundreds of millions of dollars in loans—even billions of dollars in loans—dispensed by people who used to work for that company or whose family still works for the company.

I yield my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. This is one of a series of amendments in which our colleagues are applying ethics rules to the executive branch although the bill, of course, is focused on Members of Congress. In this case, this applies probably the harshest penalty that has ever been applied to members of the executive branch. The fact is, executive branch employees are already subject to an effective, in some ways broader ethics regime than we face now. It is backed up by criminal sanctions. As an example, executive branch employees file financial disclosure forms. Agency ethics officials who examine them can compel divestiture of holdings. They can require the individual to recuse himself from certain matters and, if recusal is not sufficient, the agency can reassign the individual.

In this case, Senator PAUL would say that an executive branch employee is forbidden from holding a position in which they or their family have any financial interest of $5,000 or more, so I oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. PAUL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a second?

There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—48

Alexander	Enzi	McConnell
Ayotte	Graham	Menendez
Barrasso	Grassley	Moran
Blunt	Hatch	Nelson (NE)
Boozman	Heller	Nelson (FL)
Burr	Hutchison	Paul
Cantwell	Inhofe	Risch
Carper	Isakson	Roberts
Casey	Johnson (WI)	Rubio
Chambliss	Klobuchar	Sessions
Coats	Kyl	Shelby
Coburn	Lee	Snowe
Corker	Levin	Stabenow
Cornyn	Lugar	Thune
Crapo	McCain	Toomey
DeMint	McCaskill	Vitter

NAYS—51

Akaka	Gillibrand	Murray
Baucus	Hagan	Portman
Begich	Harkin	Pryor
Bennet	Hoeven	Reed
Bingaman	Inouye	Reid
Blumenthal	Johanns	Rockefeller
Boxer	Johnson (SD)	Sanders
Brown (MA)	Kerry	Schumer
Brown (OH)	Kohl	Shaheen
Cardin	Landrieu	Tester
Cochran	Lautenberg	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	Lieberman	Warner
Coons	Manchin	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wicker
Franken	Murkowski	Wyden

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote.

Mrs. COLLINS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1511

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1511 offered by the Senator from Connecticut, Mr. LIEBERMAN.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, this is a side-by-side with an amendment offered by my friend from Alabama. The question is, How many employees of the executive branch of government should be required to electronically file their disclosure statements? I believe, respectfully, Senator SHELBY's amendment requires maybe more than 300,000 Federal employees, including many who filed confidential disclosure statements.

This amendment would include people in the Federal executive branch who hold positions equivalent to those of us in Congress who are policymakers, and that includes the President, the Vice President, appointees in the White House, members of the Federal Reserve Board, and Senior Executive Service. It is the difference between applying this requirement to 2,000 executive employees or more than 300,000 Federal employees.

I yield the remainder of my time.

The PRESIDING OFFICER (Mrs. SHAHEEN). There is no time remaining.

The Senator from Alabama.

Mr. SHELBY. Madam President, the Lieberman amendment is a side-by-side with the Shelby amendment. This Lieberman amendment would create loopholes, disparity, and it undermines the true transparency. I encourage my colleagues to oppose it.

On the other hand, my amendment would be a side-by-side, and it creates parity, fairness, and true transparency. Without transparency the American people will be left in the dark. Also, the Senator from Connecticut is talking about who would have to file these. It will be the same people who have to file disclosures now. Why should they be exempt? My amendment would make it a level playing field. It makes a lot of sense. It is fair, it is honest, and the executive branch should not be excluded for any reason I can think of.

I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LIEBERMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

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. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 18, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—81

Akaka	Gillibrand	Merkley
Alexander	Graham	Mikulski
Ayotte	Grassley	Murkowski
Baucus	Hagan	Murray
Begich	Harkin	Nelson (NE)
Bennet	Hatch	Nelson (FL)
Blumenthal	Heller	Paul
Boozman	Hoeven	Pryor
Boxer	Hutchison	Reed
Brown (MA)	Inhofe	Reid
Brown (OH)	Inouye	Risch
Burr	Isakson	Roberts
Cantwell	Johanns	Rockefeller
Cardin	Johnson (SD)	Rubio
Carper	Kerry	Sanders
Casey	Klobuchar	Schumer
Coats	Kohl	Shaheen
Cochran	Kyl	Snowe
Collins	Landrieu	Stabenow
Conrad	Lautenberg	Tester
Coons	Leahy	Thune
Corker	Levin	Udall (CO)
Cornyn	Lieberman	Udall (NM)
Crapo	Manchin	Warner
Durbin	McCain	Webb
Feinstein	McCaskill	Whitehouse
Franken	Menendez	Wyden

NAYS—18

Barrasso	Enzi	Portman
Bingaman	Johnson (WI)	Sessions
Blunt	Lee	Shelby
Chambliss	Lugar	Toomey
Coburn	McConnell	Vitter
DeMint	Moran	Wicker

NOT VOTING—1

Kirk

The amendment was agreed to.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1491

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 1491, as modified, offered by the Senator from Alabama, Mr. SHELBY.

The Senator from Maine.

Ms. COLLINS. Madam President, first, I wish to commend Senator PAUL and Senator SHELBY for raising the issue of extending these requirements to the executive branch. I agree with them. I supported the amendment offered by Senator LIEBERMAN, but I also encourage my colleagues to support the amendment offered by Senator SHELBY. It would take in the independent regulatory agencies, and it goes a little bit deeper into the executive branch. So I think both principles are correct—that the kind of disclosures we are going to be required to make should also apply to high-level executive branch employees.

I thank both the Senator from Kentucky and the Senator from Alabama for their leadership.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, I appreciate the remarks of the Senator from Maine. She is urging people to vote yea on the Shelby amendment. I appreciate that. It is a good amendment, and I will do the same thing: Vote yea.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I respectfully ask for a ''no'' vote.

As I indicated in support of the side-by-side I offered, executive branch employees are now under very tough ethics regulations requiring, in many cases, divestiture or recusal, and this adds a good requirement which is for some of them to file electronically the disclosure statements they have to make. But the amendment we just passed—mine—would add that requirement to 2,000 of the top-level policymakers in our Federal Government. Senator SHELBY's amendment would extend that to more than 300,000 Federal employees, including some, by our count in the Office of Government Ethics, drivers and secretaries.

In addition to the burden it would place on them unduly, we are asking agencies to stretch personnel and resources to fulfill a totally new requirement when, in fact, we want them to save money and not figure out ways to spend more money.

I respectfully ask my colleagues to vote no.

The PRESIDING OFFICER. The question is on agreeing to the Shelby amendment No. 1491, as modified.

Mr. SHELBY. 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 proceeded to call the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—58

Alexander	Hatch	Nelson (NE)
Ayotte	Heller	Nelson (FL)
Barrasso	Hoeven	Paul
Blunt	Hutchison	Portman
Boozman	Inhofe	Pryor
Brown (MA)	Isakson	Risch
Burr	Johanns	Roberts
Cantwell	Johnson (WI)	Rubio
Chambliss	Kerry	Sessions
Coats	Klobuchar	Shaheen
Coburn	Kyl	Shelby
Cochran	Lee	Snowe
Collins	Lugar	Stabenow
Corker	Manchin	Thune
Cornyn	McCain	Toomey
Crapo	McCaskill	Vitter
DeMint	McConnell	Wicker
Enzi	Merkley	Wyden
Graham	Moran	
Grassley	Murkowski	

NAYS—41

Akaka	Feinstein	Mikulski
Baucus	Franken	Murray
Begich	Gillibrand	Reed
Bennet	Hagan	Reid
Bingaman	Harkin	Rockefeller
Blumenthal	Inouye	Sanders
Boxer	Johnson (SD)	Schumer
Brown (OH)	Kohl	Tester
Cardin	Landrieu	Udall (CO)
Carper	Lautenberg	Udall (NM)
Casey	Leahy	Warner
Conrad	Levin	Webb
Coons	Lieberman	Whitehouse
Durbin	Menendez	

NOT VOTING—1

Kirk

The amendment (No. 1491), as modified, was agreed to.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1485 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1485, offered by the Senator from Kentucky, Mr. PAUL.

The Senator from Kentucky.

Mr. PAUL. Madam President, I think the issue has already been addressed by previous amendments. I thank the chairman and the minority ranking member for their addressing this problem.

I ask unanimous consent that the amendment, as modified, be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, I thank the Senator from Kentucky. I would urge others with amendments

listed here to think of following that example. But certainly as I look at the next four amendments, I think they are all noncontroversial. I would urge their sponsors to have the 2 minutes of debate, and, hopefully, let's have a voice vote so we can proceed.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 1489

Mrs. BOXER. Madam President, I believe my amendment is next.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Boxer amendment No. 1489.

Mrs. BOXER. Madam President, I would be delighted to take a voice vote on this amendment, which I am proud to say was written by myself and Senator ISAKSON. I am very pleased Senator COLLINS suggested the modification.

All this amendment does is broaden the mortgage disclosure requirements on all of us—Members of Congress—and it does the same thing for the President, the Vice President, and the executive branch employees who are subject to the advice and consent of the Congress.

I think it is fair, I think it is wise, and I think we have had issues that require this to be done.

With that, I yield back my time to Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I am very pleased the Senator from California has agreed to modify her amendment to apply it to the executive branch. I thank her very much for her cooperation, and I would suggest the amendment be adopted, as modified, by a voice vote.

Mrs. BOXER. Madam President, I ask for a voice vote.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I ask unanimous consent to vitiate the 60-vote requirement on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 1489), as modified, was agreed to.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1505

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, the next amendment is one from Senator PORTMAN. It is No. 1505. It is truly a technical amendment. I do not believe it needs a rollcall vote. I would suggest, with the concurrence of the chairman, that we vitiate the yeas and nays and adopt it by a voice vote.

Mr. LIEBERMAN. Madam President, I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1505) was agreed to.

Mr. PORTMAN. Madam President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

AMENDMENT NO. 1510 TO AMENDMENT NO. 1470

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Enzi amendment No. 1510.

Ms. COLLINS. Madam President, this is a very good amendment that Senator ENZI has offered. It recognizes the fact that we do not control trades that happen within mutual funds. Thus, there is not a need for reporting every 30 days; rather, we should keep the annual reporting requirement.

It has been cleared by both sides. I do not believe it requires a rollcall vote. I would suggest that we vitiate any rollcall vote that was suggested and adopt it by a voice vote, with the concurrence of the chairman of the committee.

Mr. LIEBERMAN. Madam President, this is a good amendment. I support it.

Ms. COLLINS. Madam President, on behalf of Senator ENZI, I call up the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. ENZI, proposes an amendment numbered 1510 to amendment No. 1470.

The amendment is as follows:

(Purpose: To clarify that the transaction reporting requirement is not intended to apply to widely held investment funds)

At the end of the amendment, insert the following:

SEC. _____. TRANSACTION REPORTING REQUIREMENTS.

The transaction reporting requirements established by section 101(j) of the Ethics in Government Act of 1978, as added by section 6 of this Act, shall not be construed to apply to a widely held investment fund (whether such fund is a mutual fund, regulated investment company, pension or deferred compensation plan, or other investment fund), if—

(1)(A) the fund is publicly traded; or

(B) the assets of the fund are widely diversified; and

(2) the reporting individual neither exercises control over nor has the ability to exercise control over the financial interests held by the fund.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1510) was agreed to.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

AMENDMENT NO. 1498

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Blumenthal amendment No. 1498.

The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Madam President, I would like to take a moment to commend Senator BLUMENTHAL and Senator KIRK. As you all know, Senator KIRK is battling to come back with us. As a gesture and also because it is a good-government measure, this particular amendment, No. 1498, extends the number and types of felonies for which Members of Congress and executive branch employees or an elected State or local government official can lose his or her pension. This is a good-government amendment and an appropriate way to honor our colleague, Senator KIRK, whom we wish a speedy recovery.

I ask to have the yeas and nays by voice vote.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I wish to join in acknowledging Senator KIRK's contribution to this amendment. The reason I have offered it is very simply to send a message and have the effect that no corrupt elected official, no official convicted of a felony in connection with his official duties as a Member of Congress should receive one dime of taxpayer money. And that breach of law should have consequences.

I join in asking for a voice vote.

Mr. BROWN of Massachusetts. Madam President, I ask unanimous consent to vitiate the 60-vote threshold on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 1498) was agreed to.

Mr. BROWN of Massachusetts. Madam President, I move to reconsider the vote.

Mr. LIEBERMAN. Madam President, I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

AMENDMENT NO. 1472

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Toomey amendment No. 1472.

The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I rise in support of my amendment. I wish to thank Senator MCCASKILL for cosponsoring this amendment and for her support on this ban on earmarks.

What this amendment does is it would codify the current moratorium that is in place. I commend the majority Senators for extending that moratorium, but let's just codify this now, put this in place, and end this process that lacks any transparency. This is a surgical point of order that would not be held against the entire bill but, rather, just the specific earmark.

Unlike the next amendment, which would allow earmarks on authorization

bills and would permit, for instance, earmarking of the ''bridge to nowhere'' and would only forbid earmarks on appropriations bills, this would be a ban on earmarks of all kinds.

Some suggest that we would be ceding our constitutional control of the purse strings. This is clearly not true. Most of all government spending is not earmarked. Most discretionary spending is not earmarked. That doesn't mean we have ceded our authority to the executive branch. The fact is, we define the terms and the rules under which the spending can occur. That is appropriate, but it ought to happen under scrutiny and should be subject to full review.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Hawaii.

Mr. INOUYE. Madam President, this amendment does not save any money. It does not reduce the deficit. It simply gives additional power to the President and thereby weakens the legislative branch.

The reality is that without these earmarks, we find ourselves at the mercy of bureaucrats to ensure that our local needs are fulfilled. No one in this Chamber believes that a bureaucrat here in Washington knows better or understands the needs of their home State as well as they do.

So I say again, Madam President, the voluntary moratorium is now 100 percent successful. It will continue in fiscal year 2013.

I urge my colleagues to vote against the Toomey amendment.

Mr. MCCAIN. Mr. President, I come to the floor today to speak in support of Senator TOOMEY's amendment to permanently ban the use of earmarks in Congress. The underlying bill, the STOCK Act, was designed to end a corrupt practice in Congress. I fully support that goal. But if we are serious about ending corruption in Congress, then we must begin by permanently banning earmarks. It is my belief that these two issues go hand and hand.

One of the most blatant examples of the corruption that stems from earmarking is the case of former U.S. Representative Randy Cunningham who now sits in a Federal penitentiary today for selling earmarks. Among the $2.4 million in bribes Cunningham admitted receiving were the sale of his house at an inflated price, the free use of a yacht, a used Rolls-Royce, antique furniture, Persian rugs, jewelry, and a $2,000 contribution for his daughter's college graduation party. In return, he earmarked untold millions of dollars and pressured the Department of Defense to award contracts to his co-conspirators.

Year after year I have been coming to the Senate floor to speak out against the corrupt practice of Congressional earmarking and I have been joined by many of my colleagues such as Senators COBURN and MCCASKILL. Even President Obama called for a ban on earmarks in last year's State of the Union speech. The time has come to end this practice once and for all, permanently.

Let me be clear, both Republicans and Democrats have been guilty of wasting valuable taxpayer dollars on these pet projects. And as the moratorium on earmarking expires at the end of this year, we must move forward with a permanent ban to protect the American taxpayer.

Let me remind my colleagues about our current fiscal situation. Our National debt now stands at over $15 trillion and our deficit stands at $1.3 trillion. In fact, this is the fourth year in a row with deficits over a trillion dollars. Unemployment in our country stands at 8.5 percent and according to CBO, unemployment is expected to remain above 8 percent until 2015. Given these dismal economic numbers, are we prepared to tell the American people that we want to go back to the corrupt practice of earmarking and spend their hard-earned tax dollars on pork barrel projects that have little purpose other than to improve the re-election prospects of their authors?

Some of my colleagues are ''happy'' with their earmarking pasts and have justified carrying on the practice by saying that they only account for a small percentage of our annual budget. That may be the case—but is that really reason enough to continue a practice that breeds corruption? I am very aware that earmarks consume a very small percentage of a budget measured in the trillions. But given the serious problems confronting American families, many of whom wake up every morning wondering if they will lose their job or their house, it is appalling that Congress will not stir itself to relinquish any of its self-serving prerogatives in solidarity with the people we serve, who have had to tighten their own budgets, change their spending habits and restrain their ambitions. It is all the more offensive given that we have had in recent times all the evidence we should require to understand that earmarks are so closely tied to acts of official corruption.

In a report titled ''Why Earmarks Matter'' The Heritage Foundation wrote:

> They Invite Corruption: Congress does have a proper role in determining the rules, eligibility and benefit criteria for federal grant programs. However, allowing lawmakers to select exactly who receives government grants invites corruption. Instead of entering a competitive application process within a federal agency, grant-seekers now often have to hire a lobbyist to win the earmark auction. Encouraged by lobbyists who saw a growth industry in the making, local governments have become hooked on the earmark process for funding improvement projects.
>
> They Encourage Spending: While there may not be a causal relationship between the two, the number of earmarks approved each year tracks closely with growth in Federal spending.
>
> They Distort Priorities: Many earmarks do not add new spending by themselves, but instead redirect funds already slated to be spent through competitive grant programs or by states into specific projects favored by an individual member. So, for example, if a member of the Nevada delegation succeeded in getting a $2 million earmark to build a bicycle trail in Elko in 2005, then that $2 million would be taken out of the $254 million allocated to the Nevada Department of Transportation (DOT) for that year. So if Nevada had wanted to spend that money fixing a highway in rapidly expanding Las Vegas, thanks to the earmark, they would now be out of luck.

If we want to show the American public that we are really serious about preventing corruption in Congress than we owe it to the American people to completely ban all earmarks in Congress. Senator TOOMEY's amendment proposes to do just that and I encourage my colleagues to support his amendment.

Mr. TOOMEY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The Senator from Oklahoma.

Mr. INHOFE. Madam President, I wanted to inquire, is there any time remaining?

The PRESIDING OFFICER. There is no time remaining.

Mr. INHOFE. Madam President, I ask unanimous consent that I be recognized for 1 minute.

The PRESIDING OFFICER. Without objection, so ordered.

Mr. DURBIN. Reserving the right to object. I withdraw that reservation.

Mr. TOOMEY. Madam President, reserving the right to object, if the Senator will grant 1 minute on his amendment, then I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. INHOFE. Madam President, first of all, I appreciate the opportunity to be heard.

I agree with what the author, Senator TOOMEY, is trying to do in terms of what most people think of as an earmark. The problem is this: You can vote for this if you are voting for and are against all earmarks as it is defined. It depends on how you do it. In the House, it is defined, under their rules, and it has been defined here as any type of appropriation or authorization. I would suggest to you, if you get the Constitution and look up article I, section 9, it says that is what we are supposed to be doing here.

So if I knew that my next amendment would pass, which defines an earmark as an appropriation that has not been authorized, which I know Senator TOOMEY and several others agree would be a good idea, then I would be wholeheartedly in support of this. So obviously we should have had that vote first. So I would vote against this even though I agree with what they are trying to do. But my next amendment is going to be the one that is necessary.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the amendment. This amendment has a 60-vote threshold.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—40

Ayotte	Graham	Nelson (FL)
Barrasso	Grassley	Paul
Bennet	Hagan	Portman
Boozman	Hatch	Risch
Brown (MA)	Heller	Rubio
Burr	Isakson	Snowe
Chambliss	Johanns	Stabenow
Coats	Johnson (WI)	Thune
Coburn	Kyl	Toomey
Corker	Lee	Udall (CO)
Cornyn	McCain	Vitter
Crapo	McCaskill	Warner
DeMint	McConnell	
Enzi	Moran	

NAYS—59

Akaka	Gillibrand	Murkowski
Alexander	Harkin	Murray
Baucus	Hoeven	Nelson (NE)
Begich	Hutchison	Pryor
Bingaman	Inhofe	Reed
Blumenthal	Inouye	Reid
Blunt	Johnson (SD)	Roberts
Boxer	Kerry	Rockefeller
Brown (OH)	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Sessions
Carper	Lautenberg	Shaheen
Casey	Leahy	Shelby
Cochran	Levin	Tester
Collins	Lieberman	Udall (NM)
Conrad	Lugar	Webb
Coons	Manchin	Whitehouse
Durbin	Menendez	Wicker
Feinstein	Merkley	Wyden
Franken	Mikulski	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order, requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1500

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided, with 1 minute controlled by the Senator from Pennsylvania, Mr. TOOMEY, on amendment No. 1500, offered by the Senator from Oklahoma, Mr. INHOFE. This amendment is also subject to a 60-vote threshold.

Mr. INHOFE. Madam President, I have the utmost respect for Senator TOOMEY and what he is trying to do. To me, this amendment is compatible with what he is trying to do. It merely defines an earmark as an appropriation that has not been authorized.

My junior Senator said on the Senate floor a year ago that, in a way that is good, because if a bad earmark comes up, we have two shots at it—one on authorization and one on appropriation. Senator TOOMEY, Senator MCCAIN, and others have been supportive of the idea that we should go back to authorizing.

We have been fighting this battle since 1816, and it is time we end it. This is a way of doing it, merely defining it as an earmark that hasn't been authorized. I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I point out that the Constitution doesn't make a distinction between an authorizing committee and an appropriating committee. I don't think we ought to be having the discussion and argument over who gets the earmark and who doesn't. It is the process that is flawed. It is the process that doesn't have the kind of scrutiny and the transparency and is not subject to competition the way it ought to be before taxpayer dollars are spent. So my objection is to this process wherever this occurs in the Senate or the House.

While I respect the intentions of my colleague from Oklahoma, I disagree with him. I suggest a ''no'' vote.

Mr. INHOFE. Madam President, I further say that after the stimulus bill, all of the 102 most egregious votes last year—or earmarks, not one was a congressional earmark. They were all bureaucratic earmarks. If we don't do our constitutional job under article I, section 9 of the Constitution, the President will be doing our job.

The PRESIDING OFFICER. The Senator's time has expired. The question is on agreeing to the amendment.

Mr. INHOFE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 26, nays 73, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—26

Alexander	Corker	Portman
Begich	Graham	Roberts
Blunt	Hutchison	Sessions
Boxer	Inhofe	Shelby
Brown (MA)	Isakson	Snowe
Casey	Kohl	Stabenow
Chambliss	Kyl	Thune
Cochran	Murkowski	Wicker
Collins	Nelson (FL)	

NAYS—73

Akaka	Conrad	Hoeven
Ayotte	Coons	Inouye
Barrasso	Cornyn	Johanns
Baucus	Crapo	Johnson (SD)
Bennet	DeMint	Johnson (WI)
Bingaman	Durbin	Kerry
Blumenthal	Enzi	Klobuchar
Boozman	Feinstein	Landrieu
Brown (OH)	Franken	Lautenberg
Burr	Gillibrand	Leahy
Cantwell	Grassley	Lee
Cardin	Hagan	Levin
Carper	Harkin	Lieberman
Coats	Hatch	Lugar
Coburn	Heller	Manchin
McCain	Pryor	Toomey
McCaskill	Reed	Udall (CO)
McConnell	Reid	Udall (NM)
Menendez	Risch	Vitter
Merkley	Rockefeller	Warner
Mikulski	Rubio	Webb
Moran	Sanders	Whitehouse
Murray	Schumer	Wyden
Nelson (NE)	Shaheen	
Paul	Tester	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I ask unanimous consent to vitiate the 60-vote requirement threshold on amendment No. 1471 and amendment No. 1483.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BROWN of Massachusetts. I would also ask unanimous consent to have the yeas and nays by voice vote on amendment No. 1471 and amendment No. 1483 as well.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1471

Mr. BROWN of Massachusetts. Mr. President, further, before I yield to Senator MCCAIN, I would like to briefly set up amendment No. 1471.

Fannie and Freddie have cost the American taxpayers billions of dollars. This year, they paid exorbitant bonuses to their executives.

I wish to commend Senator MCCAIN for his work on this very important issue and his leadership, and I encourage everybody to vote yes on it.

I now yield to Senator MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I don't have anything more to say. On behalf of myself and Senator ROCKEFELLER, I offer this amendment.

I yield the floor.

Mr. LIEBERMAN. Through the Chair, I was going to ask my friend from Arizona if he is feeling all right.

The PRESIDING OFFICER. The Senator looks just fine.

Mr. LIEBERMAN. He does.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1471) was agreed to.

Mr. BROWN of Massachusetts. Mr. President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 1483

Mr. LEAHY. Mr. President, am I correct that amendment No. 1483, the Leahy-Cornyn amendment, is next?

The PRESIDING OFFICER. The amendment is now pending.

SECTIONS 205 AND 211

Mr. LEVIN. Mr. President, Senator LEAHY and Senator CORNYN have introduced a rather substantial amendment to the STOCK Act that would strengthen the tools that prosecutors and investigators use to detect and prosecute corruption by public officials. I would like to ask my colleagues a few clarifying questions about how their amendment achieves this laudable goal.

Mr. LEAHY. We would be happy to answer the Senator's questions.

Mr. LEVIN. My first question refers to section 205 of your amendment, covering bribery and graft. What is the purpose of including the phrase ''former public official''? How is it possible to bribe a former public official?

Mr. LEAHY. You cannot bribe a former public official, at least not under the terms of this amendment. Section 205 does ensure that when a public official accepts a bribe in return for taking an official act, the official cannot escape liability by leaving public service before the bribe is received or discovered.

Mr. LEVIN. Under section 205, an ''official act'' can refer to any matter which may ''at any time be pending.'' What prevents this definition from being overbroad and covering matters that a former public official, for example, never anticipated would be pending?

Mr. LEAHY. The former public official must accept the bribe or gratuity ''for or because of'' the official act. If the public official does not know that a matter is pending, the public official cannot accept a bribe ''for or because'' of it.

Mr. LEVIN. Section 205 also refers to an official's ''place of trust and profit.'' What is a ''place of trust and profit''?

Mr. LEAHY. This phrase is in the current bribery and gratuities statute and has been part of the law for decades. Our amendment does not change its definition or the scope of its use. It appears in section 205 because of the way that the amendment is drafted, and it is interpreted consistent with the extensive body of case law on corruption.

Mr. LEVIN. I thank my colleague. Turning to section 211 of your amendment, the ''Prohibition on Undisclosed Self-Dealing By Public Officials,'' what is purpose of codifying this prohibition?

Mr. LEAHY. Without this codification, there is no Federal law prohibiting certain public officials from acting in their own financial interest, at the expense of the public, and in violation of existing State and local law.

Mr. LEVIN. Why is it necessary to make it a Federal crime for a local official to engage in undisclosed self-dealing?

Mr. LEAHY. This is an area where there is a particular Federal interest because if the corrupt official is in State or local law enforcement, there may be no other way to ferret out the corruption. In fact, in Skilling v. United States, the Supreme Court invited Congress to criminalize undisclosed self-dealing in the specific and narrowly tailored way we do today.

Mr. LEVIN. Does this amendment create the potential for arbitrary or politically motivated prosecutions of local officials?

Mr. LEAHY. No, it does not. Criminal liability only attaches when the public official acts with fraudulent intent and does so in knowing violation of existing rules and regulations.

Mr. LEVIN. Why isn't there a magnitude requirement for the financial interest underlying undisclosed self-dealing? If one just reads this section, it appears as though even a trivial, attenuated financial benefit could lead to a violation.

Mr. LEAHY. A trivial, attenuated financial benefit could not lead to this violation because the public official must still act knowingly and with fraudulent intent to receive the benefit, and they must do so in violation of existing law. For example, if State ethics rules do not require disclosure of financial interests below a certain threshold, then undisclosed self-dealing—even with fraudulent intent—below that threshold could not be charged under this statute. Moreover, the amendment requires the public official to act for the purpose of benefiting a financial interest.

Mr. LEVIN. Suppose a local official has not disclosed, as required by a local ordinance, that he owns a home in a targeted improvement district in his county. Then this official votes to install street lights in his town, which lowers crime, improves commerce, and consequently increases the value of his and other homes. Has he committed a Federal offense?

Mr. LEAHY. No, the local official has not committed a Federal offense in the hypothetical you describe. Criminal liability under Federal law only exists if the official knowingly fails to disclose the interest and further intentionally acts to benefit that financial interest and does so with the fraudulent intent required of the mail and wire fraud statute. In the hypothetical you describe, there is no fraud and therefore no criminal activity.

Mr. LEVIN. I thank my colleague for his helpful explanation. There is one more issue I would like to discuss. Section 211 of your amendment includes a definition of ''material information.'' I want to be absolutely clear that this definition is specific to section 211 and is in no way intended to provide any meaning to the phrase ''material information'' as used elsewhere in the STOCK Act or anywhere else in law.

Mr. LEAHY. Senator CORNYN and I worked hard to ensure that our amendment addresses the issue of undisclosed self-dealing in a narrow and precise manner. To make sure there are no ambiguities in the updated honest services statute our amendment creates, we carefully defined the term ''material information'' and made sure we did so in such a way that our definition would apply only to the precise section of the Criminal Code where the new undisclosed self-dealing provision will appear.

Mr. LEVIN. One question that has arisen is whether the definition of ''material information'' in the new Criminal Code section your amendment creates is intended to or could affect other parts of the STOCK Act since the same term also appears in a very different context in other parts of the bill.

Mr. LEAHY. Our definition will have no effect on the term ''material information'' as it appears in other parts of the STOCK Act because it is drafted to apply only to the new Criminal Code provision and not to other criminal laws or the Federal securities laws. On page 12, line 11 of amendment 1483, it says ''definitions—as used in this section:'' and then provides a set of definitions which includes ''material information.'' That provision very clearly applies the definition only to that new Criminal Code section, not to the rest of title 18, to the remainder of the STOCK Act, or to Federal securities law. In fact, this language was drawn from S. 401, the Leahy-Cornyn Public Corruption Prosecutions Improvement Act, and it is the legislative history of that bill and not that of the STOCK Act, that will apply when our amendment is interpreted.

Mr. LEVIN. I thank the Senator for that clarification. In addition to the precise wording of amendment 1483 and clear congressional intent that the phrase used in the new Criminal Code section not be imported to Federal securities law, the definition actually used in your amendment has no applicability or relevance to the materiality considerations that arise in insider trading cases.

I ask Senator CORNYN, does he agree with Senator LEAHY regarding our discussion of the amendment?

Mr. CORNYN. I agree.

Mr. LEVIN. I thank both of my colleagues for working with me to address my questions about the Leahy-Cornyn amendment.

Mr. COBURN. Mr. President, I rise to express my concerns about amendment No. 1483 to the STOCK Act. While we all oppose public corruption and recognize the need for tough laws in this area, I believe this amendment may blur the line between innocent behavior and criminal public corruption offenses. This amendment expands the Federal criminal gratuities statute to cover the gift of anything of value, over $1,000, that is given to a public official simply because of their status as a public official. A unanimous Supreme Court in United States v. Sun-Diamond Growers of California interpreted the honest services law to require the government to actually prove a link between the thing of value given and the specific act. The Court said the thing of value must be given ''for or because

of'' an official act. I am concerned that expanding the crime to include items given merely on the basis of the public official's status goes too far and criminalizes some legitimate conduct.

However, my primary concern with this amendment is the section that gives the Federal Government the authority to interpret, prosecute, and enforce State and local laws. I believe this provision violates the basic principles of federalism embodied in our Constitution. Amendment No. 1483 expands the definition of ''scheme or artifice to defraud'' in Federal criminal law to include the ''undisclosed self-dealing'' of an ''officer, employee, or elected or appointed representative, or person acting for or on behalf of the United States, a State, or a subdivision of a State, or any department, agency or branch of government.'' The amendment defines ''undisclosed self-dealing'' as an official act that furthers or benefits a financial interest of the official or certain family members and associates of the official. Undisclosed self-dealing also occurs when the official knowingly falsifies, conceals, or covers up material information that is required to be disclosed by any Federal, State, or local statute, rule, regulation, or charter or the knowing failure to disclose material information in a manner that is required by a Federal, State, or local statute, rule, regulation, or charter. Thus, this provision makes it a Federal crime for a State or local official to fail to comply with a State or local law, including the mere filing requirements of State or locality. This provision gives the Federal Government the power to enforce State and local laws.

I do not believe our Founders intended for Federal prosecutors to be able to bring Federal criminal cases against State or local officials based on that official allegedly breaking or failing to comply with a State or local law, and the Founders did not intend for Federal judges and Federal courts to be interpreting the State or local laws, expect in limited circumstances. Corruption of State and local officials is a serious problem, but it is not the Federal Government's problem to solve. For these other reasons, I oppose this amendment in its current form.

Mr. LEAHY. Mr. President, the Leahy-Cornyn amendment is drawn from our Public Corruption Prosecution Improvements Act. Our bill has been supported by the United States Department of Justice in a March 2009 letter, and this amendment is supported by the National Taxpayers Union, the FBI Agents Association, the National Association of Assistant United States Attorneys, the nonpartisan Campaign Legal Center, the League of Women Voters, Citizens for Responsibility and Ethics in Washington, Common Cause, and Democracy 21. I am working with Senator CORNYN, the lead Republican cosponsor of our bill and this amendment. We thank Senators CASEY and KIRK for cosponsoring this amendment.

This amendment will provide investigators and prosecutors with the tools they need to hold officials at all levels of government accountable when they act corruptly by closing legal loopholes. This amendment, which reflects a bipartisan, bicameral agreement, will strengthen and clarify key aspects of Federal criminal law and help investigators and prosecutors attack public corruption nationwide. The Senate Judiciary Committee has now reported this bill with bipartisan support in three successive Congresses. The House Judiciary Committee recently reported a companion bill unanimously. It is time for Congress to act to pass serious anti-corruption legislation.

Importantly, the amendment includes a fix to reverse a major step backward in the fight against fraud and corruption. In Skilling v. United States, the Supreme Court sided with a former executive from Enron and greatly narrowed the honest services fraud statute, a law that has been used for decades as a crucial weapon to combat public corruption and self-dealing. The Court's decision leaves corrupt conduct unchecked. Most notably, the Court's decision would leave open the opportunity for state and Federal public officials to secretly act in their own financial self-interest, rather than in the interest of the public. This amendment closes this gaping hole in our anti-corruption laws.

The amendment includes several other provisions designed to tighten existing law. It fixes the gratuities statute to make clear that public officials must not be bought. It reaffirms that public officials may not accept anything worth more than $1,000, other than what is permitted by existing rules and regulations, given to them because of their official position. It strengthens key sentences and gives prosecutors and investigators time to make complex and difficult cases.

As a former State prosecutor, I am sensitive to the dangers of creating too many Federal crimes. In the area of public corruption, however, sometimes it is only the Federal government that can effectively pursue complex corruption matters. Conflicts and relationships can make it difficult for State and local law enforcement, and these matters can require extensive resources that cannot be diverted from hard-pressed local budgets. This Federal law stands as a backstop to help ensure against public corruption.

I also know how important it is that our criminal laws be fair and precise, giving sufficient notice to those who may break the law. It is in that spirit that Senator CORNYN and I, working with Congressmen SENSENBRENNER and QUIGLEY, have refined this legislation. We have made it careful and precise and built in important safeguards. This amendment will only target corrupt conduct.

Right now, a mayor who takes a $1,000 payment to award a contract to a specific company can be prosecuted for corruption, but a mayor who conceals his interest in a company, awards a contract, and secretly makes $1 million out of the deal likely cannot be prosecuted. A contracting officer who accepts thousands of dollars in gifts from a frequent bidder hoping for favorable treatment on some unspecified future contract likely cannot be prosecuted. The Department of Justice has been dismissing counts and cases because of these gaps in the law. It is time to fix them.

If we are serious about addressing the kinds of egregious misconduct that we have witnessed in recent years in high-profile public corruption cases, Congress should enact meaningful legislation to give investigators and prosecutors the tools they need to enforce our laws. Public corruption erodes the faith the American people have in those who are given the privilege of public service. This amendment will help us to take real steps to restore confidence in government by rooting out criminal corruption.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I hope our colleagues will support this amendment that Senator LEAHY and I have worked on. This is an expansion of our Public Corruption and Prosecution Improvements Act which passed the Judiciary Committee last year.

Mr. President, I am proud to co-sponsor this important amendment with Senator PATRICK LEAHY, the distinguished chairman of the Judiciary Committee.

Our amendment is drawn from bipartisan, bicameral legislation—including our Public Corruption Prosecution Improvements Act, which passed the Judiciary Committee last year.

Public corruption is not a Republican or Democratic problem. It is a Washington, DC, problem. And it is a problem in statehouses and city halls across this country. Our citizens deserve to be governed by the rule of law, not the rule of man. Unfortunately, human nature being what it is, a few rotten apples have a tendency to spoil the bunch.

The amendment we will vote on today will strengthen the enforcement of U.S. Federal laws aimed at combating betrayals of public dollars and the public trust. Our amendment does this by making clarifications to public corruption laws and by giving prosecutors precise tools to use in their battle against corrupt officials.

Our amendment increases the maximum punishments on several offenses, including theft and embezzlement of federal funds, bribery, and a number of corrupt campaign contribution practices. For example, it cracks down on theft or bribery related to entities that receive Federal funds, by increasing the maximum sentence for a conviction from 10 to 15 years and lowering the threshold that prosecutors must prove, from $5,000 to $1,000.

It also clarifies the law in response to several court decisions narrowly interpreting the public corruption statutes. For example, the bill revises the definitions of ''illegal gratuities'' and ''official acts,'' clarifying that an entire ''course of conduct'' can be the result of bribery.

Federal investigators who seek to root out corrupt officials will benefit from new tools provided in this legislation. The bill would extend the statute of limitations on certain serious public corruption offenses, giving prosecutors more time to investigate and build a case.

And it expands the criminal venue provisions, allowing prosecutors to bring the case against corrupt officials in any district where some part of the corruption occurred. The bill similarly expands the venue for perjury and obstruction of justice.

I would like to take a minute or two to address concerns that I have heard, including from some on my side of the aisle.

One criticism I have heard is that this legislation ignores federalism principles.

This concern is directed at a portion of the amendment clarifying that the mail and wire fraud statute applies to any public official who uses the interstate mails or wires to advance a fraudulent scheme involving illegally undisclosed self-dealing.

The Supreme Court has interpreted the mail and wire fraud statutes more narrowly—asking that Congress clarify the definition of illegally undisclosed self-dealing.

Under this amendment, the Federal government would only be able to prosecute State officials where they can show, beyond a reasonable doubt, that the State official in question had knowingly or intentionally violated relevant State laws concerning the disclosure of material financial interests.

In other words, this legislation expressly defers to the States to determine what financial disclosures their public officials should be required to make.

Additionally, this provision would require the Federal government to show that the State official in question had engaged in an official act for the material purpose of benefitting the illegally concealed financial interest that they knowingly or intentionally failed to disclose.

Finally, the Federal government would have to show that the course of conduct included a constitutionally-sufficient federal nexus via use of the interstate mails or wires to perpetrate the fraud.

As for federalism principles generally, it is important to note that, under current law, the Federal government still has the authority to prosecute corrupt State officials for bribery and kickback schemes under the mail and wire fraud statutes.

This amendment simply updates and clarifies the honest services fraud statute to reach corrupt conduct—i.e., undisclosed self-dealing—that Congress intended to be part of the criminal law.

Some opponents of this amendment believe that we should repeal portions of current law so that the Federal government has no role whatsoever in rooting out public corruption at the State and local level. I fundamentally disagree.

Consider the all-too-common case of a corrupt State governor or State judge that local prosecutors are loathe to indict—or even investigate—for fear of reprisal.

Finally, I have heard some ask: Would this legislation criminalize the giving of baseball caps, jerseys, or other ceremonial gifts to Members of Congress?

The answer is very simple: No, it would not.

First, the amendment would only apply to status gratuities worth more than $1,000. Second, the amendment would also require prosecutors to prove that the government official in question knowingly accepted the illegal gratuity in violation of the relevant ethics rules or regulations governing their conduct.

I urge my colleagues to support the amendment. I look forward to engaging with any of my colleagues who have concerns or questions.

I thank Chairman LEAHY for his leadership on this and other legislation we have crafted together. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I wish to briefly thank the Senators from Vermont and Texas for this amendment. It strengthens the bill, as does the preceding amendment offered by Senator MCCAIN, and I urge its adoption.

The PRESIDING OFFICER. The question is agreeing to the amendment.

The amendment (No. 1483) was agreed to.

AMENDMENT NO. 1473

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Coburn amendment.

The Senator from Oklahoma.

Mr. COBURN. This is a simple, bipartisan amendment, and we have voted on an identical amendment before, 63 yeas, 33 nays. My colleague, the Senator from Colorado, has been gracious enough to support this amendment. This is straightforward. We just need to know what we are doing when we do it. It requires the CRS to show us if we have duplicated anything before a bill comes before the Senate.

I yield to my colleague from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I rise in support of amendment No. 1473. Senator COBURN and I have introduced this critical amendment to curb Congressional temptations to create more programs, laws and regulations, without first analyzing what already exists. Senator HATCH and I have also introduced legislation to create an official ''Unauthorizing Committee'' that would reinstitute a committee in Congress to rid our government of outdated and ineffective laws.

In the next few weeks, the GAO will release a report showing the extent of the wasteful and duplicative programs in the federal government. It shows that too often Congress focuses on creating new programs and regulations while neglecting our important role of overseeing and reforming existing laws. Our amendment would require that any new bill that is reported from committee contain an analysis from the Congressional Research Service determining if the bill creates any new federal program, office, or initiative that would overlap existing programs. Opponents worry that this amendment will slow the legislative process, but I believe that we must first pursue informed legislating and efficient government.

Senator COBURN and I don't always agree on the reach of government and the investments we ought to make, but we agree that our government ought to be smart, it ought to be efficient, and we shouldn't have duplication. This amendment would see us to that goal. Sixty-three of us voted for this amendment last year. Let's get 63 votes and more.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I respectfully oppose the amendment put in by my two friends. This would amend the Senate rules to make it out of order for the Senate to proceed to any bill or joint resolution unless the committee of jurisdiction has posted on its Web site a CRS analysis of whether the bill would create a new program, office, or initiative that duplicates or overlaps an existing one. So it sounds pretty good on the surface, but there are two problems. One is that CRS tells us it would be hard-pressed to carry out this responsibility, certainly in a timely manner. The second results from the first, which is that this would be another way to slow legislation because it did not yet have the CRS analysis.

A final point is this: The committees of jurisdiction ought to be making their own judgment and probably know better than CRS whether they are creating a new program that duplicates or overlaps an existing one.

So, respectfully, I would urge a ''no'' vote.

Mr. COBURN. Mr. President, I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I have the greatest respect for my chairman on homeland security. I love him dearly.

GAO has already told us we are not doing our job. The first study of the Federal Government showed $100 billion worth of duplication. The second

study is coming. CRS will have this easy because GAO will have already shown them where all the duplication is.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

This amendment does require a two-thirds threshold.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The yeas and nays resulted—yeas 60, nays 39, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—60

Alexander	Graham	Murkowski
Ayotte	Grassley	Nelson (NE)
Barrasso	Hatch	Nelson (FL)
Begich	Heller	Paul
Bennet	Hoeven	Portman
Blunt	Hutchison	Pryor
Boozman	Inhofe	Risch
Brown (MA)	Isakson	Roberts
Burr	Johanns	Rubio
Casey	Johnson (WI)	Sessions
Chambliss	Klobuchar	Shelby
Coats	Kyl	Snowe
Coburn	Lee	Stabenow
Cochran	Lugar	Tester
Collins	Manchin	Thune
Corker	McCain	Toomey
Cornyn	McCaskill	Udall (CO)
Crapo	McConnell	Vitter
DeMint	Merkley	Warner
Enzi	Moran	Wicker

NAYS—39

Akaka	Franken	Menendez
Baucus	Gillibrand	Mikulski
Bingaman	Hagan	Murray
Blumenthal	Harkin	Reed
Boxer	Inouye	Reid
Brown (OH)	Johnson (SD)	Rockefeller
Cantwell	Kerry	Sanders
Cardin	Kohl	Schumer
Carper	Landrieu	Shaheen
Conrad	Lautenberg	Udall (NM)
Coons	Leahy	Webb
Durbin	Levin	Whitehouse
Feinstein	Lieberman	Wyden

NOT VOTING—1

Kirk

The PRESIDING OFFICER. On this vote the yeas are 60, the nays are 39. Two thirds of the Senators voting not having voted in the affirmative, the amendment is rejected.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1488

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1488, offered by the Senator from South Carolina, Mr. DEMINT. This amendment is subject to a 60-vote threshold.

Mr. DEMINT. Mr. President, it is unfortunate that the actions of a few make it necessary for us to create more rules for the many honest people who serve in Congress, but we must reassure Americans that we are here to serve them and not ourselves. Congressmen and Senators have lots of power and we know that power corrupts. The longer we stay in office the more power we have. Unfortunately, we have seen that power, over a period of time, creates more opportunity and temptation for us to benefit ourselves rather than our constituents.

All of the cases of corruption and bribery I have seen unfortunately come from more senior Members. No offense to my senior Members, please. But this is one of many reasons why we should have term limits in Congress.

My amendment is not a statute. It is a sense of the Senate that says we should have some form of constitutional limit on our terms in office. We are not specific in the number of years, the number of terms. It is a sense of the Senate that we should have some limit on the amount of time we serve. I encourage my colleagues to at least support this and get the debate started.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, for some Members of Congress, 2 years in office is too long. For some Members of Congress, 20 years in office is not long enough. Who should make that decision? The Constitution in its wisdom says the voters of America make that decision. Let's stand by that Constitution and its language and defeat this sense-of-the-Senate resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 24, nays 75, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—24

Ayotte	Grassley	Moran
Blunt	Hatch	Paul
Boozman	Heller	Portman
Brown (MA)	Hutchison	Rubio
Coburn	Johanns	Sessions
Corker	Johnson (WI)	Thune
DeMint	Lee	Toomey
Graham	Manchin	Vitter

NAYS—75

Akaka	Cantwell	Crapo
Alexander	Cardin	Durbin
Barrasso	Carper	Enzi
Baucus	Casey	Feinstein
Begich	Chambliss	Franken
Bennet	Coats	Gillibrand
Bingaman	Cochran	Hagan
Blumenthal	Collins	Harkin
Boxer	Conrad	Hoeven
Brown (OH)	Coons	Inhofe
Burr	Cornyn	Inouye
Isakson	McConnell	Sanders
Johnson (SD)	Menendez	Schumer
Kerry	Merkley	Shaheen
Klobuchar	Mikulski	Shelby
Kohl	Murkowski	Snowe
Kyl	Murray	Stabenow
Landrieu	Nelson (NE)	Tester
Lautenberg	Nelson (FL)	Udall (CO)
Leahy	Pryor	Udall (NM)
Levin	Reed	Warner
Lieberman	Reid	Webb
Lugar	Risch	Whitehouse
McCain	Roberts	Wicker
McCaskill	Rockefeller	Wyden

NOT VOTING—1

Kirk

THE PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 1493

Under the previous order, there will be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 1493 offered by the Senator from Iowa. This amendment is subject to a 60-vote threshold.

The Senator from Iowa.

Mr. GRASSLEY. This is a good government amendment. Similar to the underlying piece of legislation, it is a good government amendment. The manager is going to tell you it ought to be studied a little bit longer. We have gone for far too long not having enough transparency in government. What my amendment does is it takes these people whom you call political intelligence professionals and has them register just like every lobbyist registers, so it is totally transparent when these people come around to get information from you that they sell to hedge funds. You will know who they are. You don't know that now, and transparency in government is very important if you want accountability.

For the Senators and their staffs who have to abide by these laws, they want to make sure they are not doing anything unethical. They have to know who these people are. They can come around and ask us questions. I don't know how many times each of us has maybe been caught up in this. You give them information, and they have information that people don't have on Wall Street and they sell it. We ought to know what we are being used for, and this gives identity to these people. So I want these people registered like lobbyists.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, there may be a problem.

Mr. GRASSLEY. There is a problem.

Mr. LIEBERMAN. But this amendment doesn't fix it. In the bill before the committee, there was a provision to bring so-called political intelligence under the Lobbying Disclosure Act. Political intelligence is defined as information which is intended for use in analyzing securities or commodity markets or information investment decisions, but what does that mean? Does it apply to a retailer who wants to open new stores and calls the Armed

Services Committee to see whether there is a base that is going to be built in a particular neighborhood? Some would say yes; some would say no. Violation of the Lobbying Disclosure Act carries civil and criminal penalties. We just felt we wanted to get the anti-insider trading provision out quickly and study this more. The bill calls for a GAO study.

Senator COLLINS and I announced we are going to hold a hearing on this question. We need a little more time to do it thoughtfully. We are ultimately dealing with first-amendment rights, and we ought not to legislate until we are prepared to do so in a reasonable way.

I ask my colleagues to oppose this amendment.

Mr. GRASSLEY. Do I have time to tell the Senators not to vote for Wall Street, vote for my amendment?

The PRESIDING OFFICER. There is no time. The question is on agreeing to the amendment.

Mr. GRASSLEY. 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. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—60

Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Begich	Hatch	Murray
Bennet	Heller	Nelson (FL)
Blunt	Hoeven	Paul
Boozman	Hutchison	Portman
Brown (OH)	Inhofe	Reed
Cantwell	Isakson	Roberts
Cardin	Johnson (WI)	Rubio
Carper	Kerry	Sanders
Casey	Klobuchar	Sessions
Chambliss	Kohl	Shelby
Coats	Lautenberg	Snowe
Coburn	Leahy	Stabenow
Corker	Lugar	Tester
DeMint	Manchin	Thune
Enzi	McCain	Udall (CO)
Feinstein	McCaskill	Whitehouse
Franken	Menendez	Wicker
Gillibrand	Merkley	Wyden

NAYS—39

Akaka	Crapo	Mikulski
Alexander	Durbin	Nelson (NE)
Baucus	Hagan	Pryor
Bingaman	Harkin	Reid
Blumenthal	Inouye	Risch
Boxer	Johanns	Rockefeller
Brown (MA)	Johnson (SD)	Schumer
Burr	Kyl	Shaheen
Cochran	Landrieu	Toomey
Collins	Lee	Udall (NM)
Conrad	Levin	Vitter
Coons	Lieberman	Warner
Cornyn	McConnell	Webb

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

AMENDMENT NO. 1481

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1481, as modified, offered by the Senator from Ohio, Mr. BROWN. This amendment is subject to a 60-vote threshold.

The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, the amendment Senator MERKLEY and I have proposed would require all Senators and their senior staff to sell individual stocks that create conflicts or to place their investments in blind trusts. You can still invest in broad-based mutual funds. You can keep your ownership interest in your family farm or small business.

If you are setting up a blind trust, you can instruct the trustee to hold on to your stock in your family company.

Current Senate ethics rules require committee staff making more than $25,000 a year to ''divest [themselves] of any substantial holdings which may be directly affected by the actions of the committee for which [they work].''

All Senator MERKLEY and I are saying is, Members of the Senate should hold ourselves to the same standard we already require of our committee staff and executive branch employees.

As Senator MERKLEY said, baseball players cannot bet on their games. We should not be able to hold stock in individual companies and then vote on issues that affect our holdings.

I ask for a ''yes'' vote.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I yield half of the time in opposition to Senator TOOMEY.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I thank the Senator from Maine.

I disagree with the fundamental premise of this amendment. I do not think we should all be forced to divest ourselves of all of our holdings. But I think it is worse than it was characterized by my friend from Ohio—worse in the sense that, as I read the definition of the securities that would be covered and as the securities attorneys have advised us on this—we would be required to divest ourselves even of our investment in a small family-owned business, a business that, perhaps, has absolutely no market whatsoever for the equity, and we would, nevertheless, be forced to sell that where there is no buyer.

I think that is a very unreasonable standard, so I would urge a ''no'' vote on this amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to oppose the amendment. This amendment would take Congress from where we have always been and are going to be after this law passes. In pursuit of disclosure and transparency, sunshine is the best guarantee of integrity. This would be the first time I am aware of that in the legislative branch we would require divestment of personal holdings. For that reason, I oppose the amendment.

Remember, in the underlying bill we have increased the public's access to information about our holdings and our transactions. Ultimately, that knowledge ought to be enough to guarantee the public or to energize the public to make sure we are following the highest ethical norms. Divestment, in my opinion, is a step too far.

Ms. COLLINS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 26, nays 73, as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—26

Blumenthal	Klobuchar	Sanders
Brown (MA)	Levin	Shaheen
Brown (OH)	Manchin	Snowe
Carper	McCaskill	Stabenow
Casey	Menendez	Udall (CO)
Franken	Merkley	Udall (NM)
Heller	Murkowski	Whitehouse
Hutchison	Pryor	Wyden
Kerry	Reed	

NAYS—73

Akaka	Durbin	McConnell
Alexander	Enzi	Mikulski
Ayotte	Feinstein	Moran
Barrasso	Gillibrand	Murray
Baucus	Graham	Nelson (NE)
Begich	Grassley	Nelson (FL)
Bennet	Hagan	Paul
Bingaman	Harkin	Portman
Blunt	Hatch	Reid
Boozman	Hoeven	Risch
Boxer	Inhofe	Roberts
Burr	Inouye	Rockefeller
Cantwell	Isakson	Rubio
Cardin	Johanns	Schumer
Chambliss	Johnson (SD)	Sessions
Coats	Johnson (WI)	Shelby
Coburn	Kohl	Tester
Cochran	Kyl	Thune
Collins	Landrieu	Toomey
Conrad	Lautenberg	Vitter
Coons	Leahy	Warner
Corker	Lee	Webb
Cornyn	Lieberman	Wicker
Crapo	Lugar	
DeMint	McCain	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment, as modified, is rejected.

Under the previous order, the substitute amendment, as amended, is agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, there will now be 2

minutes of debate equally divided prior to a vote on passage.

Mr. LIEBERMAN. Mr. President, this has been a good, open process. We had a good bill that came in. We made it better. I yield back the remainder of my time.

Ms. COLLINS. Mr. President, I am pleased to have joined Chairman LIEBERMAN in helping bring this important bill to passage today.

I would also like to single out Senator SCOTT BROWN of Massachusetts, who was the first Member of this body to introduce legislation on this topic. His leadership in tirelessly moving this bill forward has been indispensable.

Today, we confirm that Members of Congress are not exempt from the country's insider trading laws. We have sent a strong message to the American people that we affirm that we come to Washington for public service, and not for private gain.

We have added several amendments today which I believe strengthened the bill's focus on transparency. We have also extended several of its provisions to encompass all branches of the Federal Government.

Again, I thank my colleagues for their hard work on the bill. And my thanks to our hard-working staff.

The PRESIDING OFFICER. The question is on passage of the bill, as amended.

Mr. CARDIN. 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. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 3, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—96

Akaka	Franken	McConnell
Alexander	Gillibrand	Menendez
Ayotte	Graham	Merkley
Barrasso	Grassley	Mikulski
Baucus	Hagan	Moran
Begich	Harkin	Murkowski
Bennet	Hatch	Murray
Blumenthal	Heller	Nelson (NE)
Blunt	Hoeven	Nelson (FL)
Boozman	Hutchison	Paul
Boxer	Inhofe	Portman
Brown (MA)	Inouye	Pryor
Brown (OH)	Isakson	Reed
Cantwell	Johanns	Reid
Cardin	Johnson (SD)	Risch
Carper	Johnson (WI)	Roberts
Casey	Kerry	Rockefeller
Chambliss	Klobuchar	Rubio
Coats	Kohl	Sanders
Cochran	Kyl	Schumer
Collins	Landrieu	Sessions
Conrad	Lautenberg	Shaheen
Coons	Leahy	Shelby
Corker	Lee	Snowe
Cornyn	Levin	Stabenow
Crapo	Lieberman	Tester
DeMint	Lugar	Thune
Durbin	Manchin	Toomey
Enzi	McCain	Udall (CO)
Feinstein	McCaskill	Udall (NM)
Vitter	Webb	Wicker
Warner	Whitehouse	Wyden

NAYS—3

Bingaman	Burr	Coburn

NOT VOTING—1

Kirk

The bill (S. 2038), as amended, was passed, as follows:

S. 2038

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 ''Stop Trading on Congressional Knowledge Act of 2012'' or the ''STOCK Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) MEMBER OF CONGRESS.—The term ''Member of Congress'' means a member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

(2) EMPLOYEE OF CONGRESS.—The term ''employee of Congress'' means—

(A) an employee of the Senate; or

(B) an employee of the House of Representatives.

(3) EXECUTIVE BRANCH EMPLOYEE.—The term ''executive branch employee''—

(A) has the meaning given the term ''employee'' under section 2105 of title 5, United States Code; and

(B) includes—

(i) the President;

(ii) the Vice President; and

(iii) an employee of the United States Postal Service or the Postal Regulatory Commission.

(4) JUDICIAL OFFICER.—The term ''judicial officer'' has the meaning given that term under section 109(10) of the Ethics in Government Act of 1978.

SEC. 3. PROHIBITION OF THE USE OF NONPUBLIC INFORMATION FOR PRIVATE PROFIT.

The Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives shall issue interpretive guidance of the relevant rules of each chamber, including rules on conflicts of interest and gifts, clarifying that a Member of Congress and an employee of Congress may not use nonpublic information derived from such person's position as a Member of Congress or employee of Congress or gained from the performance of such person's official responsibilities as a means for making a private profit.

SEC. 4. PROHIBITION OF INSIDER TRADING.

(a) AFFIRMATION OF NON-EXEMPTION.—Members of Congress and employees of Congress are not exempt from the insider trading prohibitions arising under the securities laws, including section 10(b) of the Securities Exchange Act of 1934 and Rule 10b–5 thereunder.

(b) DUTY.—

(1) PURPOSE.—The purpose of the amendment made by this subsection is to affirm a duty arising from a relationship of trust and confidence owed by each Member of Congress and each employee of Congress.

(2) AMENDMENT.—Section 21A of the Securities Exchange Act of 1934 (15 U.S.C. 78u–1) is amended by adding at the end the following:

''(g) DUTY OF MEMBERS AND EMPLOYEES OF CONGRESS.—

''(1) IN GENERAL.—For purposes of the insider trading prohibitions arising under the securities laws, including section 10(b) and Rule 10b–5 thereunder, each Member of Congress or employee of Congress owes a duty arising from a relationship of trust and confidence to the Congress, the United States Government, and the citizens of the United States with respect to material, nonpublic information derived from such person's position as a Member of Congress or employee of Congress or gained from the performance of such person's official responsibilities.

''(2) DEFINITIONS.—In this subsection—

''(A) the term 'Member of Congress' means a member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico; and

''(B) the term 'employee of Congress' means—

''(i) an employee of the Senate; or

''(ii) an employee of the House of Representatives.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to impair or limit the construction of the existing antifraud provisions of the securities laws or the authority of the Commission under those provisions.''.

SEC. 5. CONFORMING CHANGES TO THE COMMODITY EXCHANGE ACT.

Section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) is amended—

(1) in paragraph (3), in the matter preceding subparagraph (A)—

(A) by inserting ''or any Member of Congress or employee of Congress (defined in this subsection as those terms are defined in section 2 of the Stop Trading on Congressional Knowledge Act of 2012)'' after ''Federal Government,'' the first place it appears;

(B) by inserting ''Member,'' after ''position of the''; and

(C) by inserting ''or by Congress'' before ''in a manner''; and

(2) in paragraph (4)—

(A) in subparagraph (A), in the matter preceding clause (i)—

(i) by inserting ''or any Member of Congress or employee of Congress'' after ''Federal Government,'' the first place it appears;

(ii) by inserting ''Member,'' after ''position of the''; and

(iii) by inserting ''or by Congress'' before ''in a manner'';

(B) in subparagraph (B), in the matter preceding clause (i), by inserting ''or any Member of Congress or employee of Congress'' after ''Federal Government,''; and

(C) in subparagraph (C)—

(i) in the matter preceding clause (i), by inserting ''or by Congress''—

(I) before ''that may affect''; and

(II) before ''in a manner''; and

(ii) in clause (iii), by inserting ''to Congress, or any Member of Congress or employee of Congress'' after ''Federal Government''.

SEC. 6. PROMPT REPORTING OF FINANCIAL TRANSACTIONS.

(a) REPORTING REQUIREMENT.—Section 101 of the Ethics in Government Act of 1978 is amended by adding at the end the following subsection:

''(j) Not later than 30 days after any transaction required to be reported under section 102(a)(5)(B), the following persons, if required to file a report under any other subsection of this section subject to any waivers and exclusions, shall file a report of the transaction:

''(1) A Member of Congress.

''(2) An officer or employee of Congress required to file a report under this section.

''(3) The President.

''(4) The Vice President.

''(5) Each employee appointed to a position in the executive branch, the appointment to which requires advice and consent of the Senate, except for—

''(A) an individual appointed to a position—

''(i) as a Foreign Service Officer below the rank of ambassador; or

''(ii) in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code is O–6 or below; or

''(B) a special government employee, as defined under section 202 of title 18, United States Code.

''(6) Any employee in a position in the executive branch who is a noncareer appointee in the Senior Executive Service (as defined under section 3132(a)(7) of title 5, United States Code) or a similar personnel system for senior employees in the executive branch, such as the Senior Foreign Service, except that the Director of the Office of Government Ethics may, by regulation, exclude from the application of this paragraph any individual, or group of individuals, who are in such positions, but only in cases in which the Director determines such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government.

''(7) The Director of the Office of Government Ethics.

''(8) Any civilian employee, not described in paragraph (5), employed in the Executive Office of the President (other than a special government employee) who holds a commission of appointment from the President.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to transactions occurring on or after the date that is 90 days after the date of enactment of this Act.

SEC. 7. REPORT ON POLITICAL INTELLIGENCE ACTIVITIES.

(a) REPORT.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Congressional Research Service, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform and the Committee on the Judiciary of the House of Representatives a report on the role of political intelligence in the financial markets.

(2) CONTENTS.—The report required by this section shall include a discussion of—

(A) what is known about the prevalence of the sale of political intelligence and the extent to which investors rely on such information;

(B) what is known about the effect that the sale of political intelligence may have on the financial markets;

(C) the extent to which information which is being sold would be considered non-public information;

(D) the legal and ethical issues that may be raised by the sale of political intelligence;

(E) any benefits from imposing disclosure requirements on those who engage in political intelligence activities; and

(F) any legal and practical issues that may be raised by the imposition of disclosure requirements on those who engage in political intelligence activities.

(b) DEFINITION.—For purposes of this section, the term ''political intelligence'' shall mean information that is—

(1) derived by a person from direct communications with an executive branch employee, a Member of Congress, or an employee of Congress; and

(2) provided in exchange for financial compensation to a client who intends, and who is known to intend, to use the information to inform investment decisions.

SEC. 8. PUBLIC FILING AND DISCLOSURE OF FINANCIAL DISCLOSURE FORMS OF MEMBERS OF CONGRESS AND CONGRESSIONAL STAFF.

(a) PUBLIC, ON-LINE DISCLOSURE OF FINANCIAL DISCLOSURE FORMS OF MEMBERS OF CONGRESS AND CONGRESSIONAL STAFF.—

(1) IN GENERAL.—Not later than August 31, 2012, or 90 days after the date of enactment of this Act, whichever is later, the Secretary of the Senate and the Sergeant at Arms of the Senate, and the Clerk of the House of Representatives, shall ensure that financial disclosure forms filed by Members of Congress, officers of the House and Senate, candidates for Congress, and employees of the Senate and the House of Representatives in calendar year 2012 and in subsequent years pursuant to title I of the Ethics in Government Act of 1978 are made available to the public on the respective official websites of the Senate and the House of Representatives not later than 30 days after such forms are filed.

(2) EXTENSIONS.—The existing protocol allowing for extension requests for financial disclosures shall be retained. Notices of extension for financial disclosure shall be made available electronically under this subsection along with its related disclosure.

(3) REPORTING TRANSACTIONS.—In the case of a transaction disclosure required by section 101(j) of the Ethics in Government Act of 1978, as added by this Act, such disclosures shall be filed not later than 30 days after the transaction. Notices of extension for transaction disclosure shall be made available electronically under this subsection along with its related disclosure.

(4) EXPIRATION.—The requirements of this subsection shall expire upon implementation of the public disclosure system established under subsection (b).

(b) ELECTRONIC FILING AND ON-LINE PUBLIC AVAILABILITY OF FINANCIAL DISCLOSURE FORMS OF MEMBERS OF CONGRESS, OFFICERS OF THE HOUSE AND SENATE, AND CONGRESSIONAL STAFF.—

(1) IN GENERAL.—Subject to paragraph (6) and not later than 18 months after the date of enactment of this Act, the Secretary of the Senate and the Sergeant at Arms of the Senate and the Clerk of the House of Representatives shall develop systems to enable—

(A) electronic filing of reports received by them pursuant to section 103(h)(1)(A) of title I of the Ethics in Government Act of 1978; and

(B) public access to financial disclosure reports filed by Members of Congress, Officers of the House and Senate, candidates for Congress, and employees of the Senate and House of Representatives, as well as reports of a transaction disclosure required by section 101(j) of the Ethics in Government Act of 1978, as added by this Act, notices of extensions, amendments and blind trusts, pursuant to title I of the Ethics in Government Act of 1978 through databases that—

(i) are maintained on the official websites of the House of Representatives and the Senate; and

(ii) allow the public to search, sort and download data contained in the reports.

(2) LOGIN.—No login shall be required to search or sort the data contained in the reports made available by this subsection. A login protocol with the name of the user shall be utilized by a person downloading data contained in the reports. For purposes of filings under this section, section 105(b)(2) of the Ethics in Government Act of 1978 does not apply.

(3) PUBLIC AVAILABILITY.—Pursuant to section 105(b)(1) of title I of the Ethics in Government Act of 1978, electronic availability on the official websites of the Senate and the House of Representatives under this subsection shall be deemed to have met the public availability requirement.

(4) FILERS COVERED.—Individuals required under the Ethics in Government Act of 1978 or the Senate Rules to file financial disclosure reports with the Secretary of the Senate or the Clerk of the House shall file reports electronically using the systems developed by the Secretary of the Senate, the Sergeant at Arms of the Senate, and the Clerk of the House.

(5) EXTENSIONS.—The existing protocol allowing for extension requests for financial disclosures shall be retained for purposes of this subsection. Notices of extension for financial disclosure shall be made available electronically under this subsection along with its related disclosure.

(6) ADDITIONAL TIME.—The requirements of this subsection may be implemented after the date provided in paragraph (1) if the Secretary of the Senate or the Clerk of the House identify in writing to relevant congressional committees an additional amount of time needed.

(c) RECORDKEEPING.—Section 105(d) of the Ethics in Government Act of 1978 is amended to read as follows:

''(d)(1) Any report filed with or transmitted to an agency or supervising ethics office or to the Clerk of the House of Representatives or the Secretary of the Senate pursuant to this title shall be retained by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be.

''(2) Such report shall be made available to the public—

''(A) in the case of a Member of Congress until a date that is 6 years from the date the individual ceases to be a Member of Congress; and

''(B) in the case of all other reports filed pursuant to this title, for a period of six years after receipt of the report.

''(3) After the relevant time period identified under paragraph (2), the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to section 101(b) and was not subsequently confirmed by the Senate, or who filed the report pursuant to section 101(c) and was not subsequently elected, such reports shall be destroyed 1 year after the individual either is no longer under consideration by the Senate or is no longer a candidate for nomination or election to the Office of President, Vice President, or as a Member of Congress, unless needed in an ongoing investigation or inquiry.''.

SEC. 9. OTHER FEDERAL OFFICIALS.

(a) PROHIBITION OF THE USE OF NONPUBLIC INFORMATION FOR PRIVATE PROFIT.—

(1) EXECUTIVE BRANCH EMPLOYEES.—The Office of Government Ethics shall issue such interpretive guidance of the relevant Federal ethics statutes and regulations, including the Standards of Ethical Conduct for executive branch employees, related to use of nonpublic information, as necessary to clarify that no executive branch employee may use non-public information derived from such person's position as an executive branch employee or gained from the performance of such person's official responsibilities as a means for making a private profit.

(2) JUDICIAL OFFICERS.—The Judicial Conference of the United States shall issue such interpretive guidance of the relevant ethics rules applicable to Federal judges, including the Code of Conduct for United States Judges, as necessary to clarify that no judicial officer may use non-public information derived from such person's position as a judicial officer or gained from the performance of such person's official responsibilities as a means for making a private profit.

(b) APPLICATION OF INSIDER TRADING LAWS.—

(1) AFFIRMATION OF NON-EXEMPTION.—Executive branch employees and judicial officers are not exempt from the insider trading prohibitions arising under the securities laws, including section 10(b) of the Securities Exchange Act of 1934 and Rule 10b–5 thereunder.

(2) DUTY.—

(A) PURPOSE.—The purpose of the amendment made by this paragraph is to affirm a duty arising from a relationship of trust and confidence owed by each executive branch employee and judicial officer.

(B) AMENDMENT.—Section 21A of the Securities Exchange Act of 1934 (15 U.S.C. 78u–1), as amended by this Act, is amended by adding at the end the following:

''(h) DUTY OF OTHER FEDERAL OFFICIALS.—

''(1) IN GENERAL.—For purposes of the insider trading prohibitions arising under the securities laws, including section 10(b), and Rule 10b–5 thereunder, each executive branch employee and each judicial officer owes a duty arising from a relationship of trust and confidence to the United States Government and the citizens of the United States with respect to material, nonpublic information derived from such person's position as an executive branch employee or judicial officer or gained from the performance of such person's official responsibilities.

''(2) DEFINITIONS.—In this subsection—

''(A) the term 'executive branch employee'—

''(i) has the meaning given the term 'employee' under section 2105 of title 5, United States Code;

''(ii) includes—

''(I) the President;

''(II) the Vice President; and

''(III) an employee of the United States Postal Service or the Postal Regulatory Commission; and

''(B) the term 'judicial officer' has the meaning given that term under section 109(10) of the Ethics in Government Act of 1978.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to impair or limit the construction of the existing antifraud provisions of the securities laws or the authority of the Commission under those provisions.''.

SEC. 10. RULE OF CONSTRUCTION.

Nothing in this Act, the amendments made by this Act, or the interpretive guidance to be issued pursuant to sections 3 and 9 of this Act, shall be construed to—

(1) impair or limit the construction of the antifraud provisions of the securities laws or the Commodities Exchange Act or the authority of the Securities and Exchange Commission or the Commodity Futures Trading Commission under those provisions;

(2) be in derogation of the obligations, duties and functions of a Member of Congress, an employee of Congress, an executive branch employee or a judicial officer, arising from such person's official position; or

(3) be in derogation of existing laws, regulations or ethical obligations governing Members of Congress, employees of Congress, executive branch employees or judicial officers.

SEC. 11. EXECUTIVE BRANCH REPORTING.

Not later than 2 years after the date of enactment of this Act, the President shall—

(1) ensure that financial disclosure forms filed by officers and employees referred to in section 101(j) of the Ethics in Government Act of 1978 (5 U.S.C. App.) are made available to the public as required by section 8(a) on appropriate official websites of agencies of the executive branch; and

(2) develop systems to enable electronic filing and public access, as required by section 8(b), to the financial disclosure forms of such individuals.

SEC. 12. PROMPT REPORTING AND PUBLIC FILING OF FINANCIAL TRANSACTIONS FOR EXECUTIVE BRANCH.

(a) TRANSACTION REPORTING.—Each agency or department of the Executive branch and each independent agency shall comply with the provisions of sections 6 with respect to any of such agency, department or independent agency's officers and employees that are subject to the disclosure provisions under the Ethics in Government Act of 1978.

(b) PUBLIC AVAILABILITY.—Not later than 2 years after the date of enactment of this Act, each agency or department of the Executive branch and each independent agency shall comply with the provisions of section 8, except that the provisions of section 8 shall not apply to a member of a uniformed service for which the pay grade prescribed by section 201 of title 37, United States Code is O–6 or below.

SEC. 13. REQUIRING MORTGAGE DISCLOSURE.

Section 102(a)(4)(A) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking ''spouse; and'' and inserting the following: ''spouse, except that this exception shall not apply to a reporting individual—

''(i) described in paragraph (1), (2), or (9) of section 101(f);

''(ii) described in section 101(b) who has been nominated for appointment as an officer or employee in the executive branch described in subsection (f) of such section, other than—

''(I) an individual appointed to a position—

''(aa) as a Foreign Service Officer below the rank of ambassador; or

''(bb) in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code is O–6 or below; or

''(II) a special government employee, as defined under section 202 of title 18, United States Code; or

''(iii) described in section 101(f) who is in a position in the executive branch the appointment to which is made by the President and requires advice and consent of the Senate, other than—

''(I) an individual appointed to a position—

''(aa) as a Foreign Service Officer below the rank of ambassador; or

''(bb) in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code is O–6 or below; or

''(II) a special government employee, as defined under section 202 of title 18, United States Code; and''.

SEC. 14. TRANSACTION REPORTING REQUIREMENTS.

The transaction reporting requirements established by section 101(j) of the Ethics in Government Act of 1978, as added by section 6 of this Act, shall not be construed to apply to a widely held investment fund (whether such fund is a mutual fund, regulated investment company, pension or deferred compensation plan, or other investment fund), if—

(1)(A) the fund is publicly traded; or

(B) the assets of the fund are widely diversified; and

(2) the reporting individual neither exercises control over nor has the ability to exercise control over the financial interests held by the fund.

SEC. 15. APPLICATION TO OTHER ELECTED OFFICIALS AND CRIMINAL OFFENSES.

(a) APPLICATION TO OTHER ELECTED OFFICIALS.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332(o)(2)(A) of title 5, United States Code, is amended—

(A) in clause (i), by inserting '', the President, the Vice President, or an elected official of a State or local government'' after ''Member''; and

(B) in clause (ii), by inserting '', the President, the Vice President, or an elected official of a State or local government'' after ''Member''.

(2) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8411(l)(2) of title 5, United States Code, is amended—

(A) in subparagraph (A), by inserting '', the President, the Vice President, or an elected official of a State or local government'' after ''Member''; and

(B) in subparagraph (B), by inserting '', the President, the Vice President, or an elected official of a State or local government'' after ''Member''.

(b) CRIMINAL OFFENSES.—Section 8332(o)(2) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking clause (iii) and inserting the following:

''(iii) The offense—

''(I) is committed after the date of enactment of this subsection and—

''(aa) is described under subparagraph (B)(i), (iv), (xvi), (xix), (xxiii), (xxiv), or (xxvi); or

''(bb) is described under subparagraph (B)(xxix), (xxx), or (xxxi), but only with respect to an offense described under subparagraph (B)(i), (iv), (xvi), (xix), (xxiii), (xxiv), or (xxvi); or

''(II) is committed after the date of enactment of the STOCK Act and—

''(aa) is described under subparagraph (B)(ii), (iii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvii), (xviii), (xx), (xxi), (xxii), (xxv), (xxvii), or (xxviii); or

''(bb) is described under subparagraph (B)(xxix), (xxx), or (xxxi), but only with respect to an offense described under subparagraph (B)(ii), (iii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvii), (xviii), (xx), (xxi), (xxii), (xxv), (xxvii), or (xxviii).''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) An offense described in this subparagraph is only the following, and only to the extent that the offense is a felony:

''(i) An offense under section 201 of title 18 (relating to bribery of public officials and witnesses).

''(ii) An offense under section 203 of title 18 (relating to compensation to Member of Congress, officers, and others in matters affecting the Government).

''(iii) An offense under section 204 of title 18 (relating to practice in the United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Member of Congress).

''(iv) An offense under section 219 of title 18 (relating to officers and employees acting as agents of foreign principals).

''(v) An offense under section 286 of title 18 (relating to conspiracy to defraud the Government with respect to claims).

''(vi) An offense under section 287 of title 18 (relating to false, fictitious or fraudulent claims).

''(vii) An offense under section 597 of title 18 (relating to expenditures to influence voting).

''(viii) An offense under section 599 of title 18 (relating to promise of appointment by candidate).

''(ix) An offense under section 602 of title 18 (relating to solicitation of political contributions).

''(x) An offense under section 606 of title 18 (relating to intimidation to secure political contributions).

''(xi) An offense under section 607 of title 18 (relating to place of solicitation).

''(xii) An offense under section 641 of title 18 (relating to public money, property or records).

''(xiii) An offense under section 666 of title 18 (relating to theft or bribery concerning programs receiving Federal funds).

''(xiv) An offense under section 1001 of title 18 (relating to statements or entries generally).

''(xv) An offense under section 1341 of title 18 (relating to frauds and swindles, including as part of a scheme to deprive citizens of honest services thereby).

''(xvi) An offense under section 1343 of title 18 (relating to fraud by wire, radio, or television, including as part of a scheme to deprive citizens of honest services thereby).

''(xvii) An offense under section 1503 of title 18 (relating to influencing or injuring officer or juror).

''(xviii) An offense under section 1505 of title 18 (relating to obstruction of proceedings before departments, agencies, and committees).

''(xix) An offense under section 1512 of title 18 (relating to tampering with a witness, victim, or an informant).

''(xx) An offense under section 1951 of title 18 (relating to interference with commerce by threats of violence).

''(xxi) An offense under section 1952 of title 18 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises).

''(xxii) An offense under section 1956 of title 18 (relating to laundering of monetary instruments).

''(xxiii) An offense under section 1957 of title 18 (relating to engaging in monetary transactions in property derived from specified unlawful activity).

''(xxiv) An offense under chapter 96 of title 18 (relating to racketeer influenced and corrupt organizations).

''(xxv) An offense under section 7201 of the Internal Revenue Code of 1986 (relating to attempt to evade or defeat tax).

''(xxvi) An offense under section 104(a) of the Foreign Corrupt Practices Act of 1977 (relating to prohibited foreign trade practices by domestic concerns).

''(xxvii) An offense under section 10(b) of the Securities Exchange Act of 1934 (relating to fraud, manipulation, or insider trading of securities).

''(xxviii) An offense under section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) (relating to fraud, manipulation, or insider trading of commodities).

''(xxix) An offense under section 371 of title 18 (relating to conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes—

''(I) an offense under clause (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx), (xxi), (xxii), (xxiii), (xxiv), (xxv), (xxvi), (xxvii), or (xxviii); or

''(II) an offense under section 207 of title 18 (relating to restrictions on former officers, employees, and elected officials of the executive and legislative branches).

''(xxx) Perjury committed under section 1621 of title 18 in falsely denying the commission of an act which constitutes—

''(I) an offense under clause (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx), (xxi), (xxii), (xxiii), (xxiv), (xxv), (xxvi), (xxvii), or (xxviii); or

''(II) an offense under clause (xxix), to the extent provided in such clause.

''(xxxi) Subornation of perjury committed under section 1622 of title 18 in connection with the false denial or false testimony of another individual as specified in clause (xxx).''.

SEC. 16. LIMITATION ON BONUSES TO EXECUTIVES OF FANNIE MAE AND FREDDIE MAC.

Notwithstanding any other provision in law, senior executives at the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation are prohibited from receiving bonuses during any period of conservatorship for those entities on or after the date of enactment of this Act.

SEC. 17. DISCLOSURE OF POLITICAL INTELLIGENCE ACTIVITIES UNDER LOBBYING DISCLOSURE ACT.

(a) DEFINITIONS.—Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended—

(1) in paragraph (2)—

(A) by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities''; and

(B) by inserting after ''lobbyists'' the following: ''or political intelligence consultants''; and

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

''(17) POLITICAL INTELLIGENCE ACTIVITIES.—The term 'political intelligence activities' means political intelligence contacts and efforts in support of such contacts, including preparation and planning activities, research, and other background work that is intended, at the time it is performed, for use in contacts, and coordination with such contacts and efforts of others.

''(18) POLITICAL INTELLIGENCE CONTACT.—

''(A) DEFINITION.—The term 'political intelligence contact' means any oral or written communication (including an electronic communication) to or from a covered executive branch official or a covered legislative branch official, the information derived from which is intended for use in analyzing securities or commodities markets, or in informing investment decisions, and which is made on behalf of a client with regard to—

''(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

''(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government; or

''(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license).

''(B) EXCEPTION.—The term 'political intelligence contact' does not include a communication that is made by or to a representative of the media if the purpose of the communication is gathering and disseminating news and information to the public.

''(19) POLITICAL INTELLIGENCE FIRM.—The term 'political intelligence firm' means a person or entity that has 1 or more employees who are political intelligence consultants to a client other than that person or entity.

''(20) POLITICAL INTELLIGENCE CONSULTANT.—The term 'political intelligence consultant' means any individual who is employed or retained by a client for financial or other compensation for services that include one or more political intelligence contacts.''.

(b) REGISTRATION REQUIREMENT.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting after ''whichever is earlier,'' the following: ''or a political intelligence consultant first makes a political intelligence contact,''; and

(ii) by inserting after ''such lobbyist'' each place that term appears the following: ''or consultant'';

(B) in paragraph (2), by inserting after ''lobbyists'' each place that term appears the following: ''or political intelligence consultants''; and

(C) in paragraph (3)(A)—

(i) by inserting after ''lobbying activities'' each place that term appears the following: ''and political intelligence activities''; and

(ii) in clause (i), by inserting after ''lobbying firm'' the following: ''or political intelligence firm'';

(2) in subsection (b)—

(A) in paragraph (3), by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities'';

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by inserting after ''lobbying activities'' the following: ''or political intelligence activities''; and

(ii) in subparagraph (C), by inserting after ''lobbying activity'' the following: ''or political intelligence activity'';

(C) in paragraph (5), by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities'';

(D) in paragraph (6), by inserting after ''lobbyist'' each place that term appears the following: ''or political intelligence consultant''; and

(E) in the matter following paragraph (6), by inserting ''or political intelligence activities'' after ''such lobbying activities'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting after ''lobbying contacts'' the following: ''or political intelligence contacts''; and

(B) in paragraph (2)—

(i) by inserting after ''lobbying contact'' the following: ''or political intelligence contact''; and

(ii) by inserting after ''lobbying contacts'' the following: ''and political intelligence contacts''; and

(4) in subsection (d), by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities''.

(c) REPORTS BY REGISTERED POLITICAL INTELLIGENCE CONSULTANTS.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—

(1) in subsection (a), by inserting after ''lobbying activities'' the following: ''and political intelligence activities'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting after ''lobbying activities'' the following: ''or political intelligence activities'';

(ii) in subparagraph (A)—

(I) by inserting after ''lobbyist'' the following: ''or political intelligence consultant''; and

(II) by inserting after ''lobbying activities'' the following: ''or political intelligence activities'';

(iii) in subparagraph (B), by inserting after ''lobbyists'' the following: ''and political intelligence consultants''; and

(iv) in subparagraph (C), by inserting after ''lobbyists'' the following: ''or political intelligence consultants'';

(B) in paragraph (3)—

(i) by inserting after ''lobbying firm'' the following: ''or political intelligence firm''; and

(ii) by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities''; and

(C) in paragraph (4), by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities''; and

(3) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting ''or a

political intelligence consultant'' after ''a lobbyist''.

(d) DISCLOSURE AND ENFORCEMENT.—Section 6(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended—

(1) in paragraph (3)(A), by inserting after ''lobbying firms'' the following: '', political intelligence consultants, political intelligence firms,'';

(2) in paragraph (7), by striking ''or lobbying firm'' and inserting ''lobbying firm, political intelligence consultant, or political intelligence firm''; and

(3) in paragraph (8), by striking ''or lobbying firm'' and inserting ''lobbying firm, political intelligence consultant, or political intelligence firm''.

(e) RULES OF CONSTRUCTION.—Section 8(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1607(b)) is amended by striking ''or lobbying contacts'' and inserting ''lobbying contacts, political intelligence activities, or political intelligence contacts''.

(f) IDENTIFICATION OF CLIENTS AND COVERED OFFICIALS.—Section 14 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1609) is amended—

(1) in subsection (a)—

(A) in the heading, by inserting ''OR POLITICAL INTELLIGENCE'' after ''LOBBYING'';

(B) by inserting ''or political intelligence contact'' after ''lobbying contact'' each place that term appears; and

(C) in paragraph (2), by inserting ''or political intelligence activity, as the case may be'' after ''lobbying activity'';

(2) in subsection (b)—

(A) in the heading, by inserting ''OR POLITICAL INTELLIGENCE'' after ''LOBBYING'';

(B) by inserting ''or political intelligence contact'' after ''lobbying contact'' each place that term appears; and

(C) in paragraph (2), by inserting ''or political intelligence activity, as the case may be'' after ''lobbying activity''; and

(3) in subsection (c), by inserting ''or political intelligence contact'' after ''lobbying contact''.

(g) ANNUAL AUDITS AND REPORTS BY COMPTROLLER GENERAL.—Section 26 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1614) is amended—

(1) in subsection (a)—

(A) by inserting ''political intelligence firms, political intelligence consultants,'' after ''lobbying firms''; and

(B) by striking ''lobbying registrations'' and inserting ''registrations'';

(2) in subsection (b)(1)(A), by inserting ''political intelligence firms, political intelligence consultants,'' after ''lobbying firms''; and

(3) in subsection (c), by inserting ''or political intelligence consultant'' after ''a lobbyist''.

TITLE II—PUBLIC CORRUPTION PROSECUTION IMPROVEMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Public Corruption Prosecution Improvements Act of 2012''.

SEC. 202. VENUE FOR FEDERAL OFFENSES.

(a) IN GENERAL.—The second undesignated paragraph of section 3237(a) of title 18, United States Code, is amended by adding before the period at the end the following: ''or in any district in which an act in furtherance of the offense is committed''.

(b) SECTION HEADING.—The heading for section 3237 of title 18, United States Code, is amended to read as follows:

''SEC. 3237. OFFENSE TAKING PLACE IN MORE THAN ONE DISTRICT.''.

(c) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 211 of title 18, United States Code, is amended so that the item relating to section 3237 reads as follows:

''Sec. 3237. Offense taking place in more than one district.''.

SEC. 203. THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE.

Section 666(a) of title 18, United States Code, is amended—

(1) by striking ''10 years'' and inserting ''20 years'';

(2) by striking ''$5,000'' the second place and the third place it appears and inserting ''$1,000'';

(3) by striking ''anything of value'' each place it appears and inserting ''any thing or things of value''; and

(4) in paragraph (1)(B), by inserting after ''anything'' the following: ''or things''.

SEC. 204. PENALTY FOR SECTION 641 VIOLATIONS.

Section 641 of title 18, United States Code, is amended by striking ''ten years'' and inserting ''15 years''.

SEC. 205. BRIBERY AND GRAFT; CLARIFICATION OF DEFINITION OF ''OFFICIAL ACT''; CLARIFICATION OF THE CRIME OF ILLEGAL GRATUITIES.

(a) DEFINITION.—Section 201(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) by amending paragraph (3) to read as follows:

''(3) the term 'official act'—

''(A) means any act within the range of official duty, and any decision or action on any question, matter, cause, suit, proceeding, or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official's official capacity or in such official's place of trust or profit; and

''(B) may be a single act, more than 1 act, or a course of conduct; and''; and

(3) by adding at the end the following:

''(4) the term 'rule or regulation' means a Federal regulation or a rule of the House of Representatives or the Senate, including those rules and regulations governing the acceptance of gifts and campaign contributions.''.

(b) CLARIFICATION.—Section 201(c)(1) of title 18, United States Code, is amended to read as follows:

''(1) otherwise than as provided by law for the proper discharge of official duty, or by rule or regulation—

''(A) directly or indirectly gives, offers, or promises any thing or things of value to any public official, former public official, or person selected to be a public official for or because of any official act performed or to be performed by such public official, former public official, or person selected to be a public official;

''(B) directly or indirectly, knowingly gives, offers, or promises any thing or things of value with an aggregate value of not less than $1000 to any public official, former public official, or person selected to be a public official for or because of the official's or person's official position;

''(C) being a public official, former public official, or person selected to be a public official, directly or indirectly, knowingly demands, seeks, receives, accepts, or agrees to receive or accept any thing or things of value with an aggregate value of not less than $1000 for or because of the official's or person's official position; or

''(D) being a public official, former public official, or person selected to be a public official, directly or indirectly demands, seeks, receives, accepts, or agrees to receive or accept any thing or things of value for or because of any official act performed or to be performed by such official or person;''.

SEC. 206. AMENDMENT OF THE SENTENCING GUIDELINES RELATING TO CERTAIN CRIMES.

(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission forthwith shall review and, if appropriate, amend its guidelines and its policy statements applicable to persons convicted of an offense under section 201, 641, 1346A, or 666 of title 18, United States Code, in order to reflect the intent of Congress that such penalties meet the requirements in subsection (b) of this section.

(b) REQUIREMENTS.—In carrying out this subsection, the Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect Congress's intent that the guidelines and policy statements reflect the serious nature of the offenses described in paragraph (1), the incidence of such offenses, and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider the extent to which the guidelines may or may not appropriately account for—

(A) the potential and actual harm to the public and the amount of any loss resulting from the offense;

(B) the level of sophistication and planning involved in the offense;

(C) whether the offense was committed for purposes of commercial advantage or private financial benefit;

(D) whether the defendant acted with intent to cause either physical or property harm in committing the offense;

(E) the extent to which the offense represented an abuse of trust by the offender and was committed in a manner that undermined public confidence in the Federal, State, or local government; and

(F) whether the violation was intended to or had the effect of creating a threat to public health or safety, injury to any person or even death;

(3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) make any necessary conforming changes to the sentencing guidelines; and

(6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

SEC. 207. EXTENSION OF STATUTE OF LIMITATIONS FOR SERIOUS PUBLIC CORRUPTION OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''§ 3302. Corruption offenses

''Unless an indictment is returned or the information is filed against a person within 6 years after the commission of the offense, a person may not be prosecuted, tried, or punished for a violation of, or a conspiracy or an attempt to violate the offense in—

''(1) section 201 or 666;

''(2) section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official;

''(3) section 1951, if the offense involves extortion under color of official right;

''(4) section 1952, to the extent that the unlawful activity involves bribery; or

''(5) section 1962, to the extent that the racketeering activity involves bribery

chargeable under State law, involves a violation of section 201 or 666, section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official, or section 1951, if the offense involves extortion under color of official right.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following new item:

''3302. Corruption offenses.''.

(c) APPLICATION OF AMENDMENT.—The amendments made by this section shall not apply to any offense committed before the date of enactment of this Act.

SEC. 208. INCREASE OF MAXIMUM PENALTIES FOR CERTAIN PUBLIC CORRUPTION RELATED OFFENSES.

(a) SOLICITATION OF POLITICAL CONTRIBUTIONS.—Section 602(a)(4) of title 18, United States Code, is amended by striking ''3 years'' and inserting ''5 years''.

(b) PROMISE OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 600 of title 18, United States Code, is amended by striking ''one year'' and inserting ''3 years''.

(c) DEPRIVATION OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 601(a) of title 18, United States Code, is amended by striking ''one year'' and inserting ''3 years''.

(d) INTIMIDATION TO SECURE POLITICAL CONTRIBUTIONS.—Section 606 of title 18, United States Code, is amended by striking ''three years'' and inserting ''5 years''.

(e) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title 18, United States Code, is amended by striking ''3 years'' and inserting ''5 years''.

(f) COERCION OF POLITICAL ACTIVITY BY FEDERAL EMPLOYEES.—Section 610 of title 18, United States Code, is amended by striking ''three years'' and inserting ''5 years''.

SEC. 209. ADDITIONAL WIRETAP PREDICATES.

Section 2516(1)(c) of title 18, United States Code, is amended—

(1) by inserting ''section 641 (relating to embezzlement or theft of public money, property, or records), section 666 (relating to theft or bribery concerning programs receiving Federal funds),'' after ''section 224 (bribery in sporting contests),''; and

(2) by inserting ''section 1031 (relating to major fraud against the United States)'' after ''section 1014 (relating to loans and credit applications generally; renewals and discounts),''.

SEC. 210. EXPANDING VENUE FOR PERJURY AND OBSTRUCTION OF JUSTICE PROCEEDINGS.

(a) IN GENERAL.—Section 1512(i) of title 18, United States Code, is amended to read as follows:

''(i) A prosecution under section 1503, 1504, 1505, 1508, 1509, 1510, or this section may be brought in the district in which the conduct constituting the alleged offense occurred or in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected.''.

(b) PERJURY.—

(1) IN GENERAL.—Chapter 79 of title 18, United States Code, is amended by adding at the end the following:

''§ 1624. Venue

''A prosecution under section 1621(1), 1622 (in regard to subornation of perjury under 1621(1)), or 1623 of this title may be brought in the district in which the oath, declaration, certificate, verification, or statement under penalty of perjury is made or in which a proceeding takes place in connection with the oath, declaration, certificate, verification, or statement.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of title 18, United States Code, is amended by adding at the end the following:

''1624. Venue.''.

SEC. 211. PROHIBITION ON UNDISCLOSED SELF-DEALING BY PUBLIC OFFICIALS.

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by inserting after section 1346 the following new section:

''§ 1346A. Undisclosed self-dealing by public officials

''(a) UNDISCLOSED SELF-DEALING BY PUBLIC OFFICIALS.—For purposes of this chapter, the term 'scheme or artifice to defraud' also includes a scheme or artifice by a public official to engage in undisclosed self-dealing.

''(b) DEFINITIONS.—As used in this section:

''(1) OFFICIAL ACT.—The term official act—

''(A) means any act within the range of official duty, and any decision or action on any question, matter, cause, suit, proceeding, or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official's official capacity or in such official's place of trust or profit; and

''(B) may be a single act, more than one act, or a course of conduct.

''(2) PUBLIC OFFICIAL.—The term 'public official' means an officer, employee, or elected or appointed representative, or person acting for or on be half of the United States, a State, or a subdivision of a State, or any department, agency or branch of government thereof, in any official function, under or by authority of any such department, agency, or branch of government.

''(3) STATE.—The term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(4) UNDISCLOSED SELF-DEALING.—The term 'undisclosed self-dealing' means that—

''(A) a public official performs an official act for the purpose, in whole or in material part, of furthering or benefitting a financial interest, of which the public official has knowledge, of—

''(i) the public official;

''(ii) the spouse or minor child of a public official;

''(iii) a general business partner of the public official;

''(iv) a business or organization in which the public official is serving as an employee, officer, director, trustee, or general partner;

''(v) an individual, business, or organization with whom the public official is negotiating for, or has any arrangement concerning, prospective employment or financial compensation; or

''(vi) an individual, business, or organization from whom the public official has received any thing or things of value, otherwise than as provided by law for the proper discharge of official duty, or by rule or regulation; and

''(B) the public official knowingly falsifies, conceals, or covers up material information that is required to be disclosed by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official, or the knowing failure of the public official to disclose material information in a manner that is required by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official.

''(5) MATERIAL INFORMATION.—The term 'material information' means information—

''(A) regarding a financial interest of a person described in clauses (i) through (iv) paragraph (4)(A); and

''(B) regarding the association, connection, or dealings by a public official with an individual, business, or organization as described in clauses (iii) through (vi) of paragraph (4)(A).''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 18, United States Code, is amended by inserting after the item relating to section 1346 the following new item:

''1346A. Undisclosed self-dealing by public officials.''.

(c) APPLICABILITY.—The amendments made by this section apply to acts engaged in on or after the date of the enactment of this Act.

SEC. 212. DISCLOSURE OF INFORMATION IN COMPLAINTS AGAINST JUDGES.

Section 360(a) of title 28, United States Code, is amended—

(1) in paragraph (2) by striking ''or'';

(2) in paragraph (3), by striking the period at the end, and inserting ''; or''; and

(3) by inserting after paragraph (3) the following:

''(4) such disclosure of information regarding a potential criminal offense is made to the Attorney General, a Federal, State, or local grand jury, or a Federal, State, or local law enforcement agency.''.

SEC. 213. CLARIFICATION OF EXEMPTION IN CERTAIN BRIBERY OFFENSES.

Section 666(c) of title 18, United States Code, is amended—

(1) by striking ''This section does not apply to''; and

(2) by inserting ''The term 'anything of value' that is corruptly solicited, demanded, accepted or agreed to be accepted in subsection (a)(1)(B) or corruptly given, offered, or agreed to be given in subsection (a)(2) shall not include,'' before ''bona fide salary''.

SEC. 214. CERTIFICATIONS REGARDING APPEALS BY UNITED STATES.

Section 3731 of title 18, United States Code, is amended by inserting after ''United States attorney'' the following: '', Deputy Attorney General, Assistant Attorney General, or the Attorney General''.

The PRESIDING OFFICER. The Senator from Utah.

MORNING BUSINESS

Mr. HATCH. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, I ask unanimous consent that I be permitted to deliver my full speech regardless of the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS APPOINTMENTS

Mr. HATCH. Madam President, our Nation faces grave challenges. We are looking at our fourth straight $1 trillion deficit, our credit rating has been downgraded, and public spending is out of control. The Nation demands leadership.

At some moments in our Nation's history—at moments of crisis—leaders have emerged, put partisanship aside, and worked to solve our greatest challenges. Although our current President has compared himself to both Franklin Roosevelt and Abraham Lincoln, his leadership is falling well short of their examples. Instead of taking the reins

and making tough choices when presented with our current fiscal crisis, he has decided to put politics first. He always puts politics first.

Just this morning, at the National Prayer Breakfast, the President took what has always been a nonpartisan opportunity for national unity and used it to promote his political agenda. He suggested to the attendees that Jesus would have supported his latest tax-the-rich scheme. With due respect to the President, he ought to stick to public policy. I think most Americans would agree the Gospels are concerned with weightier matters than effective tax rates.

As long as the President has decided to assume the role of theologian-in-chief, he would do well to put tax policy aside and consider the impact of one of his latest ObamaCare mandates. Secretary Sebelius's decision to force religious institutions—over the strong objections of churches and universities representing millions and millions of Americans—to provide insurance coverage for abortifacient drugs and contraceptives to their employees will require these groups to violate their deepest held religious beliefs.

The President's comments this morning share more of a political strategy than they do the religious beliefs of most Americans. In 2008, the President declared his nomination was the world historical moment when the rise of the oceans began to slow and our planet began to heal. Someone needs to remind the President there was only one person who walked on water, and he did not occupy the Oval Office.

This drive to politicize every aspect of our institutions and public discourse took a serious and dangerous turn last month with the President's appointments to the Consumer Financial Protection Bureau—the CFPB—and to the National Labor Relations Board—the NLRB. Last week, in his State of the Union Address, President Obama said Americans deserve a government that plays by the rules. Yet his appointments of January 4, just 1 day into a 3-day Senate recess, failed to meet his own standard.

Those unlawful appointments are the latest example of how he is willing even to undermine the Constitution and weaken our government institutions to get what he wants. They are a deeply cynical political ploy that puts his own ideological wants and electoral needs above our Constitution and rule of law.

The Constitution, not the President's political agenda or reelection strategy, sets the rules we must live by and play by. In the regular order of the appointment process, the President nominates, but the Senate must consent for him to appoint. The President may not get his way every time, but this is one of many checks and balances in our system to make sure one part of the government does not gather too much power.

The Constitution also allows the President temporarily to fill ''vacancies that may happen during the recess of the Senate.'' These so-called recess appointments do not require Senate consent. However, they are supposed to be an exception to the confirmation rule. The most obvious requirement for a recess appointment is that there actually be a real recess. Needless to say, if the President alone can define a recess, he can make recess appointments during every weekend or lunch break. The exception would swallow the rule and the President could issue the Senate out of the process all together.

Our Constitution refers to the recess of the Senate, not to a recess of the President's imagination or his lawyers' creation. Under the Constitution, the Senate has the authority to determine its own procedural rules, including the what, when, and how long of Senate recesses.

I will not go into all the twists and turns of recess appointment history. However, for decades, the standard has been that a recess must be longer than 3 days for the President to make a recess appointment. The Constitution, for example, requires the consent of the House or Senate for the other body to adjourn for more than 3 days. The Congressional Directory, which is the official directory of Congress, defines a recess as ''a break in House or Senate proceedings of three or more days, excluding Sundays.'' The Senate's own Web site has the same definition.

The Clinton administration argued in 1993 that a recess must be longer than 3 days. The Clinton administration took that position. In 2010, the Obama administration's own Deputy Solicitor General said this to Chief Justice John Roberts when arguing before the Supreme Court: ''Our office has opined the recess has to be longer than three days.''

Let me repeat that. The Obama administration told the Supreme Court a recess must be longer than 3 days for the President to make a recess appointment.

The Democratic majority in this body has endorsed this same standard. On November 16, 2007, the majority leader said: ''The Senate will be coming in for pro forma situations during the Thanksgiving holiday to prevent recess appointments.''

The four brief sessions he scheduled chopped the Thanksgiving break into recesses of—you guessed it—3 days or less and so did the five sessions he scheduled during the Christmas break. This new tactic worked, and President Bush did not make another recess appointment for the rest of his Presidency.

There is no record that then-Senator Barack Obama objected to this tactic in any way. He did not criticize it as a gimmick. He did not opine that the President could still make recess appointments despite these pro forma sessions. He did not even suggest that pro forma sessions did anything other than create new, shorter recesses. That is, after all, the only way the pro forma sessions can block recess appointments.

As far as I can tell, Senator Obama fully supported his party using pro forma sessions to block recess appointments.

Finally, consider this. Our rule XXXI requires that pending nominations be sent back to the President whenever the Senate ''shall adjourn or take a recess for more than 30 days.'' Pursuing his strategy to prevent appointments during the August 2008 recess, the Democratic majority leader scheduled no less than 10 pro forma sessions during that period. As a result, because each pro forma session began a new recess of less than 30 days, the Senate executive clerk did not return any pending nominations to the President.

The standard here is clear: Pro forma sessions create new recesses. Read the CONGRESSIONAL RECORD. Each pro forma session begins with the words ''The Senate met'' and ends with the statement that ''The Senate stands in recess'' until a specific date and time. I don't know how much clearer it could possibly be. The Senate must adjourn for more than 3 days for a President to make a recess appointment. The Senate has endorsed this standard. The Democratic majority has endorsed this standard, Senator Barack Obama endorsed this standard, and President Barack Obama's administration has endorsed this standard. A new recess begins when a Senate session, even a pro forma session, ends.

But that was then; this is now. The Senate met on January 3, 2012, as the Constitution requires, to convene the second session of the 112th Congress. The CONGRESSIONAL RECORD states that the Senate adjourned at 12:02 until January 6, at 11 a.m. I know we see some fuzzy math here in Washington from time to time, but this is pretty simple. That was a 3-day recess, which was not long enough to allow a recess appointment.

The very next day, however, President Obama installed Richard Cordray as head of the Consumer Financial Protection Bureau and he also installed three members of the National Labor Relations Board. These appointments were clearly unlawful because a sufficient recess did not exist. These appointments violated the standard President Obama himself endorsed when he served in this body, and they violated the standard his own administration endorsed before the Supreme Court.

Senate Democrats routinely attacked President George W. Bush for supposedly creating what they called an imperial Presidency. That criticism was bogus for a host of reasons, but I can only imagine how the majority would have howled had President Bush made recess appointments the day after those pro forma sessions in 2007 and 2008. They would have denounced him for defying the Senate, for an unprecedented power grab, and for destroying the checks and balances that

are so important in our form of government. They would have taken swift and firm measures in retaliation. Who knows, but they might even have gone to the Court over it. But President Bush respected the Senate and, whether he liked it or not, declined to make recess appointments when there was no legitimate recess.

President Obama apparently has no such regard for this body—one of which he was honored to be a Member. And to be clear, that means he has no such regard for the Constitution and its system of checks and balances. He only wants his way. His political mantra last fall, that he can't wait for Congress to enact his agenda, has now resulted in these politicized appointments that violate our deepest constitutional principles.

No doubt some on the other side of the aisle will respond that the Office of Legal Counsel at the Department of Justice has issued a memo justifying these recess appointments. Well, as Paul Harvey used to say, Here is the rest of the story. That memo was issued on January 6—2 days after President Obama made these unlawful recess appointments. I had understood OLC's rule as giving objective advice before decisions were made. Doing this after the fact looks as if it is a method of trying to justify, rather than inform, this controversial decision, especially when the memo admits that it addresses a novel issue with ''substantial arguments on each side.''

The most egregious flaw in the OLC memo is that it addresses the wrong question. The question OLC should have answered is why a pro forma session, like any other session, does not start a new recess. That is the real question here. OLC simply ignored that question entirely. And I am not at all surprised. The obvious answer is that a pro forma session does begin a new recess, and then OLC would have had to justify the President making a recess appointment during an unprecedented 3-day recess.

Rather than address that necessary question, the OLC memo instead addressed whether the President may make recess appointments during a longer recess that is ''punctuated by periodic pro forma sessions.'' I wish to know who made up this characterization of pro forma sessions as merely procedural punctuation marks, but a cliche like that is no substitute for a real legal argument.

If that is the most egregious flaw in the OLC memo, its most egregious omission might be failing even to mention, let alone explain away, the Obama administration's endorsement of the 3-day standard before the Supreme Court.

In 1996, the Clinton Office of Legal Counsel advised that making appointments during a 10-day recess would ''pose significant litigation risks.'' In this new memo, the Obama OLC admits that these appointments during only a 3-day recess ''creates some litigation risks.'' They admit that. The memo of course does not attempt to explain how appointments during an even shorter recess somehow pose less litigation risks. Either way, litigation may be where this controversy is headed. And I certainly hope so.

Just as our Democratic colleagues accused President Bush of creating an imperial Presidency, they accused his administration's Office of Legal Counsel of helping him to do it. They attacked OLC for being his advocate rather than an objective neutral adviser. Well, nothing OLC did for President Bush looked anything like what we see today. This memo reads like a brief by the President's personal lawyer. We all know Justice Department lawyers are not the President's personal lawyers.

When President Obama decided to make these appointments, the person who should have been the most outraged was the Senate majority leader. After all, as the highest ranking officer in the Chamber, he should have been particularly defensive of the rights and prerogatives of the Senate, and should have opposed any effort on the part of the Executive to undermine the Senate's role in the confirmation process.

Unfortunately, that is not what happened. Since the time the appointments were made, the Senate majority leader has, on multiple occasions, publicly endorsed the President's decision to ignore precedent and bypass the Senate. He did so on television in mid-January and again this week here on this floor. The majority leader's decision to support and, indeed, applaud the President in this case is troubling, given that, as I mentioned a few minutes ago, it was under his leadership that the Senate began to use pro forma sessions for the specific purpose of preventing President Bush from making recess appointments.

The majority leader has acknowledged this to some extent, but his explanation as to why he is taking these apparently contradictory positions is unclear and somewhat hard to follow. We need a better explanation from the majority leader, because from the vantage point of many here in the Chamber it appears that his position on the efficacy of pro forma sessions and the constitutionality of recess appointments varies depending upon who is occupying the White House. No leader in this body should ignore this question. And, frankly, our leaders should be standing for the Senate against the White House on this matter.

Well, I hope that it isn't true that the constitutionality of recess appointments varies depending on who is occupying the White House. I hope I have simply misinterpreted what appears to be plain statements, both past and present, on the part of the majority leader. That is why I, along with 33 of my colleagues, have submitted a letter to the majority leader asking him to clarify his position on these appointments. Specifically, the letter asks him to state whether he believes the pro forma sessions have any impact on the President's recess appointment power.

It also asks him to clarify whether he believes President Bush had the constitutional authority to make recess appointments like the ones recently made by President Obama and why, if he believes these recent appointments are constitutional, he instituted the practice of using pro forma sessions in the first place. Why did he do that?

Finally, the letter asks the majority leader to state specifically whether he agrees with the President's legal argument that the Senate was unavailable to perform its advice and consent functions during the recent adjournment period.

I ask unanimous consent to have printed in the RECORD a copy of the letter, signed by 33 Senators.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 2, 2012.

Hon. HARRY REID,
Senate Majority Leader,
U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER REID: In light of President Obama's recent decision to break with precedent regarding the use of recess appointments, we are writing to inquire about your views on the matter so as to clear up what appear to be serious inconsistencies on your part. We hope you will provide a complete and candid response.

On January 4, 2012, the President announced his intent to recess appoint Richard Griffin, Sharon Block, and Terence Flynn to serve on the National Labor Relations Board (NLRB) and Richard Cordray to serve as head of the Consumer Financial Protection Bureau (CFPB). Pursuant to a Unanimous Consent agreement, the Senate was to go into pro forma session every three days between December 17, 2011 and January 23, 2012. However, the President, in a controversial turn of events, determined that the Senate's use of periodic pro forma sessions was insufficient to prevent him from exercising his recess appointment power under Article II of the Constitution.

As you are surely aware, it was under your leadership that the Senate first began to use pro forma sessions in order to prevent President George W. Bush from making recess appointments beginning in November 2007. With very few exceptions, this became the standard practice for the Senate during the rest of President Bush's term in office, during which time no recess appointments were made. And, though you discontinued this practice when President Obama first took office, the procedure was reinstituted last year.

Furthermore, in deciding whether to make these appointments, the President reportedly relied on the opinion of the Office of Legal Counsel which argued that, because no business was to be conducted during the scheduled pro forma sessions, the President could consider the Senate unavailable to provide advice and consent and exercise his power to make recess appointments. Yet, on December 23, 2011, one of the days scheduled for a pro forma session, you, yourself, went to the floor and conducted business to provide for the Senate passage of the Temporary Payroll Tax Cut Continuation Act of 2011 (H.R. 3765), clearly undermining any claim that the Senate is unavailable to perform its duties during a pro forma session.

However, despite the fact that you were indisputably the author of what became the routine use pro forma sessions to prevent recess appointments and even though you are obviously well aware that the Senate is able to conduct significant business during a scheduled pro forma session, you have, on multiple occasions, publicly expressed your support for President Obama's efforts to bypass the Senate with regard to these nominations. For example, while appearing on the January 15, 2012 edition of ''Meet the Press,'' you stated unequivocally that the President ''did the right thing'' in making these appointments. And, while you did acknowledge in the interview that it was you who established the procedure of using pro forma sessions, you also stated that ''President Bush didn't have to worry about recess appointments because [you] were working with him,'' and that ''[you] believed then, [you] believe now, that a president has a right to make appointments.'' You made similar arguments this week on the Senate floor.

This purported explanation directly contradicts remarks you made on the Senate floor during the Bush Administration wherein you explicitly indicated that the purpose of the pro forma sessions was to prevent President Bush from making recess appointments. On November 16, 2007, you stated that ''the Senate would be coming in for pro forma sessions during the Thanksgiving Holiday to prevent recess appointments,'' and that you had made the decision to do so because ''the administration informed [you] that they would make several recess appointments.'' On December 19, 2007, you stated that ''we are going into pro forma sessions so the President cannot appoint people we think are objectionable. . .'' After reading these statements, it is clear that, under the Bush Administration, you believed that the use of pro forma sessions was sufficient to prevent the President from making recess appointments and that the practice was undertaken specifically because you were unable to reach an agreement with the President regarding specific nominees.

This apparent shift in your position raises a number of concerns. Most specifically, it appears that you believe the importance of preserving Senate's constitutional role in the nomination and appointment process varies depending on the political party of the President. Because we hope that this is not the case and because we hope that you, as the Senate Majority Leader, have taken seriously your responsibility to protect and defend the rights of this chamber, we hope you will answer the following clarifying questions:

1. In your view, what specific limitations does the Senate's use of pro forma sessions place on the President's power to make recess appointments under the Constitution?

2. Would it have been constitutional, in your view, for President Bush to have made recess appointments during the time the Senate, under your leadership, was using pro forma sessions? If so, for what purpose did you establish the practice of using pro forma sessions in the first place? If not, why do you now believe it is constitutional for President Obama to make recess appointments under similar circumstances?

3. In your view, did the Senate's passage of the Temporary Payroll Tax Cut Continuation Act of 2011 comply with the constitutional requirements for the passage of legislation?

If so, do you disagree with the President's argument that the Senate was ''unavailable'' to perform its advice and consent duties during the recent adjournment?

Needless to say, these are very serious matters. While there are many issues that divide the two parties in the Senate, including the very appointments at issue here, we hope that you share our view that neither party should undermine the constitutional authority of the Senate in order to serve a political objective.

Thank you for your attention regarding this matter.

Sincerely,

Orrin Hatch, Jim DeMint, Ron Johnson, Mike Johanns, John Cornyn, Marco Rubio, Rand Paul, Mike Lee, Michael B. Enzi, John Boozman, Pat Roberts, Chuck Grassley, John Hoeven, Roger Wicker, Pat Toomey, Dan Coats. Rob Portman, Mike Crapo, Scott Brown, Jeff Sessions, Dick Lugar, Lindsey Graham, Jerry Moran, Kelly Ayotte, James Risch, David Vitter, Saxby Chambliss, John Thune, John McCain, John Barrasso, Richard Burr, Thad Cochran, Roy Blunt, Johnny Isakson.

Mr. HATCH. These so-called recess appointments were unlawful because there was no legitimate recess in which they could be made.

There are many disagreements about policy and political issues. That is to be expected. But the integrity of our system of government requires that even the President must, as he said in the State of the Union Address, play by the rules. President Obama broke the rules in order to install the individuals he wanted. That action weakened the Constitution, our system of checks and balances, as well as both the Senate and the Presidency.

Madam President, 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. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EGYPT

Mr. LEAHY. Madam President, I would like to draw the Senate's attention to recent developments in Egypt, and I begin by referring to the outburst of violence yesterday by rival soccer fans after a match in that country in which 73 people were reportedly killed and hundreds injured.

This is a shocking tragedy, and I want to express my condolences to the Egyptian people and the families of the victims.

Last week tens of thousands of Egyptians gathered in Tahrir Square in Cairo to celebrate the 1 year anniversary of the popular revolution that overthrew former President Hosni Mubarak. That courageous and largely peaceful expression of popular will was inspirational to people everywhere, including millions of Americans.

The United States and Egypt share a long history of friendship and cooperation. Thousands of Americans travel and study in Egypt, and over the years we have provided tens of billions of dollars in economic and military aid to Egypt. Our countries share many interests, and it is critically important that we remain friends and allies in that strategically important part of the world during this period of political, economic, and social transition.

During the past 12 months, Egypt has been governed by a group of senior military officers, each of whom held positions of leadership and privilege in the repressive and corrupt Mubarak government. To their credit, for the most part they did not attempt to put down the revolution by force, and they pledged to support the people's demand for a democratically elected civilian government that protects fundamental freedoms.

The transition process is a work in progress. On the positive side, two democratic elections have been held and a new Parliament has been seated. On the negative side, civilian protesters have been arrested and prosecuted in military courts that do not protect due process, and in December Egyptian police raided the offices of seven nongovernmental organizations, including four U.S.-based groups whose work for democracy and human rights has for years been hindered by laws and practices that restrict freedom of expression and association. Files and computers were confiscated, and some of their employees have been interrogated.

There are also reports that as many as 400 Egyptian nongovernmental organizations are under investigation, allegedly for accepting foreign donations. Apparently, to the thinking of Egypt's military rulers, there is nothing wrong with the Egyptian Government receiving billions of dollars from U.S. taxpayers, but private Egyptian groups that work for a more democratic, free society on behalf of the Egyptian people and that cannot survive without outside help do so at their peril.

Despite repeated assurances from Egyptian authorities that the property seized from these organizations would be promptly returned, that has not happened. To the contrary, the situation has gotten worse as several of their American employees have been ordered to remain in Egypt. Some of them have obtained protection at the U.S. Embassy. With each passing day there are growing concerns that these groups could face criminal charges for operating in the country without permission.

This is a spurious charge, since registration applications were submitted and deemed complete by the government years ago, because the organizations regularly reported to officials on their activities, and since, while registration was pending, they were permitted to operate. Ironically, while the previous regime did not seek to expel them for their prodemocracy work, Egypt's current authorities, whose responsibility it is to defend and support the democratic tradition, are attempting to do just that.

There is abundant misinformation about the work of the American-based

organizations, with some Egyptian officials accusing them—without offering any evidence—of trying to subvert Egypt's political process. Without belaboring the point, their work was no secret as they had nothing to hide. They were helping to build the capacity of Egyptian organizations engaged in peaceful work for democracy and human rights, supporting the development of political parties, and working with Egyptian groups to provide nonpartisan voter education.

The military argues that since these groups were not registered, they were in violation of Egyptian law, but this is a transparently specious excuse for shutting them down. Their repeated applications for registration were neither granted nor denied. The government simply chose to ignore them.

Egyptian officials also insist that this is simply a matter of upholding the rule of law, but the complaint against these organizations was issued by a Minister with no direct authority over legal matters, and a negative propaganda campaign was unleashed in the state-controlled media. The conduct of the raids, seizure of the files and computers, interrogation of the employees, and the no-fly order have not been conducted consistent with legal standards but instead seem to be politically motivated. No warrants have been issued, no charging documents made public, and no inventory of seized property made available.

Many suspect that the force behind this crackdown is Minister of International Cooperation Faiza Aboul Naga, who was described in a Washington Post editorial this week as ''a civilian holdover from the Mubarak regime'' and ''an ambitious demagogue [who] is pursuing a well-worn path in Egyptian politics—whipping up nationalist sentiment against the United States as a way of attacking liberal opponents at home.'' Given Minister Aboul Naga's recent statements, I strongly believe that no future U.S. Government funds should be provided to or through that ministry as long as she is in charge. As the chair of the Appropriations Committee's Subcommittee on the State Department and Foreign Operations, I am confident there is strong support in Congress for this position.

A related issue is the Egyptian military's continued use of vaguely worded emergency laws to silence dissent. While it is encouraging that the head of the military, General Tantawi, announced plans to lift the 30-year state of emergency, that is only a first step.

As I have mentioned, for decades the United States and Egypt have been friends and allies. While we have differed over issues of democracy and human rights, our two countries have worked together in pursuit of common goals. Our partnership needs to be strengthened and broadened to respond to the interests and aspirations of the Egyptian people themselves. Our longstanding legacy of cooperation with the Egyptian Government is now in jeopardy, and it is in the interests of both countries that this crisis is promptly and satisfactorily resolved and that we focus instead on moving forward to build an even stronger and enduring relationship.

In December, President Obama signed into law the Consolidated Appropriations Act for 2012. Section 7041(a)(1) of division I of that act provides that prior to the obligation of $1.3 billion in fiscal year 2012 U.S. military aid for Egypt, the Secretary of State shall certify that ''the Government of Egypt is supporting the transition to civilian government including holding free and fair elections; implementing policies to protect freedom of expression, association, and religion, and due process of law.''

These unprecedented requirements, which I wrote, were included for two reasons. First, we want to send a clear message to the Egyptian people that we support their demand for democracy and fundamental freedoms. Second, we want to send a clear message to the Egyptian military that the days of blank checks are over. We value the relationship and will provide substantial amounts of aid, but not unconditionally. They must do their part to support the transition to civilian government. If the assault against international and Egyptian nongovernmental organizations continues, several of the requirements for certification could not be met.

Egypt has an extraordinary history dating back thousands of years. Anyone who has stood at the base of the pyramids cannot help but be in awe of what that society accomplished centuries before Columbus arrived in America. It is a destination for thousands of American tourists and students each year. It has the potential to be a strong force for democratic change and moderation in the Middle East and north Africa.

I hope the Egyptian authorities fully appreciate the seriousness of this situation and what is at stake. They need to permit these organizations to reopen their offices, return the confiscated property, end investigations of their activities and the activities of Egyptian groups, and register them without conditions so they can continue to support the democratic transition.

I ask unanimous consent that the Washington Post editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 31, 2012]

EGYPT'S WITCH HUNT THREATENS A RUPTURE WITH THE U.S.

(Editorial)

There is a grotesque incongruity in the tour around Washington this week of an Egyptian military delegation even as seven Americans who work for congressionally funded pro-democracy groups are prevented from leaving Cairo and threatened with criminal prosecution. What makes it worse is that the ruling military council refuses to recognize the seriousness of the crisis it has created in the U.S.-Egyptian alliance.

The persecution of the Americans, which has been escalating since their offices were raided Dec. 29, is an extraordinary provocation by the generals who succeeded Hosni Mubarak. Despite repeated appeals, including by President Obama, military council chief Field Marshal Mohammed Hussein Tantawi has failed to deliver on promises to call off the witch hunt and return confiscated funds and property. Over the weekend, three of the Americans, including the son of Transportation Secretary Ray LaHood, moved into the U.S. Embassy compound in Cairo out of fear for their safety.

Meanwhile the Egyptian military delegation, headed by Fouad Abdelhalim, defense minister for arms affairs, is here on a business-as-usual mission to discuss security cooperation—including the weapons purchases Egypt makes with the $1.3 billion in U.S. military aid it receives each year. The generals regard this funding as an entitlement, linked to the country's peace treaty with Israel. They appear to believe that Washington will not dare to cut them off, even if Americans seeking to promote democracy in Egypt are made the object of xenophobic slanders and threatened with imprisonment.

Preserving the alliance with Egypt, and maintaining good relations with its military, is an important U.S. interest. But the Obama administration must be prepared to take an uncompromising stand. If the campaign against U.S., European and Egyptian NGOs is not ended, military aid must be suspended.

Administration officials say Gen. Tantawi has been warned repeatedly that the aid money is at risk. But they tend to blame Congress, which attached conditions to the 2012 military funding over the administration's objections. Before aid is disbursed, the administration is required to certify to Congress that Egypt is holding free elections and protecting freedom of expression and association. Officials acknowledge that no certification will be possible while the prosecutions continue, and that funding could run out in March. But the legislation provides for the certification to be waived by the State Department on grounds of national security. That course must be ruled out.

The campaign against the International Republican Institute, National Democratic Institute and Freedom House, along with a half-dozen Egyptian and European groups, is being led by Minister of International Cooperation Faiza Aboul Naga, a civilian holdover from the Mubarak regime. Ms. Aboul Naga, an ambitious demagogue, is pursuing a well-worn path in Egyptian politics—whipping up nationalist sentiment against the United States as a way of attacking liberal opponents at home. The regime's calculation has always been that it can get away with such outrages because U.S. policymakers will conclude they can't afford a rupture in relations with Egypt. But if such a break is to be avoided, the generals must be disabused of the notion that U.S. military aid is inviolate.

PAYING A FAIR SHARE ACT OF 2012

Mr. SCHUMER. Madam President, I rise today in support of the Paying a Fair Share Act, also known as the Buffett rule. This legislation, introduced yesterday by my good friend from Rhode Island, highlights an important conversation about fairness and tax policy in this country.

Now, some of my friends across the aisle have some interesting ways of discussing the principle that millionaires

and billionaires should pay the same percent of their income taxes as middle-class families. They call it class warfare; they call it a political stunt. But in reality it is neither of those things. The Paying a Fair Share Act is common sense—the principle that everyone has a right to earn as much money as they can in America, as long as they are contributing their fair share.

We must have a sincere discussion about the distribution of tax burdens in this country. I am proud to be an original cosponsor of the Paying a Fair Share Act, because it addresses this issue head on.

New York is a large, diverse State full of very different people with very different views—a fact of which I am extremely proud. But all across the State people agree on the basic principle that a Tax Code which allows the most privileged of our society, people making tens and hundreds of millions of dollars a year, to pay less than 14 percent in taxes—significantly less than the average middle-class family—is broken.

With the introduction of the Paying a Fair Share Act, we now have before us legislation that can significantly reduce our debt and deficit without also breaking the backs of middle-class Americans. By ensuring that millionaires and billionaires pay at least 30 percent of their income in taxes—a rate similar to many average Americans—we can reinstitute tax fairness in this country, a principle that our Tax Code has sadly lacked since the Bush tax cuts ballooned our debt by cutting taxes for the ultra wealthy.

I invite my colleagues on both sides of the aisle to take part in this conversation. I consider the Paying a Fair Share Act as the beginning of a conversation, not the end of it. As the cochair of the Senate Philanthropy Caucus, I was pleased to see that my colleague from Rhode Island included language that ensures we continue to promote charitable giving and I would have liked to have seen a similar provision for State and local income taxes. Regardless, I know we will have the opportunity to build upon this proposal as it moves through consideration in the Senate and I look forward to working with my colleagues to improve it.

The issues of institutional unfairness in our Tax Code and our debt are not going away—not until we act. I hope my colleagues on both sides of the aisle can take the Paying a Fair Share Act as the beginning of a new chapter in the national debate, one that ends with a fairer Tax Code, deficit reduction, and a message to the American people that their government will not rest until we have created a stronger, more prosperous, and fairer American economy.

ADDITIONAL STATEMENTS

RECOGNIZING THE ARKANSAS LIGHTHOUSE FOR THE BLIND AND THE ABILITYONE PROGRAM

• Mr. BOOZMAN. Madam President, today I wish to recognize Arkansas Lighthouse for the Blind and the AbilityOne program, two important partners in our efforts to help blind Americans and those with other severe disabilities find meaningful employment.

The AbilityOne Program, formerly Javits-Wagner-O'Day, helps more than 47,000 people who are blind or have other severe disabilities put their skills and talents to work. It is the largest source of employment for people who are blind or have other severe disabilities in the country.

There are more than 600 nonprofit agencies throughout the United States, including Arkansas Lighthouse for the Blind, who participate in AbilityOne. These agencies produce over $2.3 billion in products and services purchased by the Federal Government.

Before entering public service, I practiced optometry in Rogers, AK. Assisting people with vision problems was more than a career for me, it was, and remains, a commitment. It led me to help establish a low vision program at the Arkansas School for the Blind in Little Rock and to offer my services as a volunteer optometrist at an area clinic that provides medical services to low-income families. I see a tremendous amount of passion and commitment in those who give their time and services to Arkansas Lighthouse to the Blind.

Having visited the Arkansas Lighthouse for the Blind, and seeing firsthand the folks who work there and the products they make, I could not be more proud of the work done by these men and women.

I applaud any organization that helps people who are blind or severely disabled find employment. The same job that a colleague or I might take for granted is a lifeline for those living with a disability. The products and services produced through Arkansas Lighthouse for the Blind and other organizations across the country also prove that someone with a disability can lead a productive life and make major contributions within their community. They provide a valuable service and I offer my continued support for their efforts.•

TRIBUTE TO JEAN PACE

• Mr. PRYOR. Madam President, it is my great pleasure today to recognize an Arkansan and a dedicated public servant on her approaching 75th birthday. Jean Pace, the longtime mayor of Mammoth Spring, AR, will celebrate her birthday on February 11, 2012. Family and friends will gather to celebrate not only Jean's birthday but also her tireless public service that has spanned 37 years.

Prior to her time in public office, Jean was drawn to Mammoth Spring for a teaching job. Needless to say, she fell in love with the town and its people and still lives there today. She spent 15 years teaching in the school district and played a significant role in developing the school's gifted and talented program as well as the music and band programs. Jean's love of music extended beyond the classroom as she also taught hundreds of children and adults piano lessons in her free time.

Though Jean loved inspiring her students each day in the classroom, she ultimately decided to pursue a greater role in the community and ran for mayor. Jean has now served 22 years in the mayor's office, and the city and surrounding area have seen substantial improvements with her at the helm. Mayor Pace has a reputation for being relentless in her pursuit of grant monies and in her efforts to improve the quality of life for the residents of Mammoth Spring. Her time and efforts have paved the way for such things as a new fire truck for the fire department, funding for the Aquatic Conservation and Education Center at Mammoth Spring National Fish Hatchery, and various improvements at the State Park. Her tenure as mayor also saw Ozarka College open a new location in Mammoth Spring, which has provided additional educational opportunities to Mammoth Spring residents.

While her work on behalf of the city is how most people know Mayor Pace, I would be remiss not to mention possibly the toughest and most rewarding job Jean has held. That is the job of mother and grandmother to her wonderful family. Jean's family includes her kids, Suzanne Pace Kimes and George Spencer Pace; their spouses, Curt Kimes and Ellen Pace; and two grandkids, George Sheffield Pace and Dalton Christine Pace. I know they will all enjoy being together to celebrate Jean's 75th birthday next week.

Mr. President, I ask all my colleagues to join me in wishing Jean a happy 75th birthday and thank her for her 37 years of public service to Mammoth Spring.•

REMEMBERING EVELYN LAUDER

• Mr. LAUTENBERG. Madam President, late last year we lost Evelyn H. Lauder, a business leader, women's health advocate, refugee of nazism—and a friend.

Evelyn was born in Vienna, Austria, in 1936, the only daughter of Ernest and Mimi Hausner. Two years later, after Nazi troops invaded Austria, the Hausners fled to England, where Evelyn's mother was sent to an internment camp on the Isle of Man.

In 1940, after Mrs. Hausner's release, the family sailed to the United States. They settled in New York, where Evelyn attended public schools and Hunter College. She then married Leonard Lauder; had two sons, William and Gary; and for a while worked as a schoolteacher in New York.

When Evelyn's mother-in-law Estée Lauder invited her to join the family's cosmetics company in 1959, it was a small business with a handful of employees. Evelyn helped build it into an empire. She created the Clinique brand and held a number of positions at the company, including senior corporate vice president. Today, the Estée Lauder Companies employ more than 32,000 people around the world.

Although Evelyn was a talented businesswoman, she arguably made her biggest impact outside the business world. In 1989, Evelyn was diagnosed with breast cancer. Instead of allowing her illness to be a setback, Evelyn made it a cause. She helped create the pink ribbon campaign to raise awareness of breast cancer and also founded the Breast Cancer Research Foundation, which has raised more than $350 million and supports more than 180 scientists based in 13 countries. The Breast Center at the Memorial Sloan-Kettering Cancer Center bears her name.

In a New York Times profile in 1995, Evelyn stated, ''I feel it's important to make a mark somewhere.''

Madam President, I believe Evelyn achieved this goal. Her leadership in business and philanthropy, along with her passionate advocacy for women's health issues, is virtually unmatched. We are thankful for her and the enduring legacy she left us.

I ask to have printed in the RECORD a copy of the obituary the New York Times published at the time of her passing.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The New York Times, Nov. 12, 2011]

EVELYN H. LAUDER, CHAMPION OF BREAST CANCER RESEARCH, DIES AT 75

(By Cathy Horyn)

Evelyn H. Lauder, a refugee of Nazi-occupied Europe who married into an illustrious family in the beauty business and became an ardent advocate for breast cancer awareness, raising millions for research, died on Saturday at her home in Manhattan. She was 75.

The cause was nongenetic ovarian cancer said Alexandra Trower, a spokeswoman for the Estée Lauder Companies.

As the wife of Leonard A. Lauder, the chairman emeritus of the Estée Lauder Companies, and as the daughter-in-law of the company's formidable matriarch, Estée Lauder, Evelyn Lauder had to establish her own place in a family as complex as it was competitive.

Mrs. Lauder frequently told the story of how, early in her marriage, she returned to the couple's apartment to find that Estée had rearranged the furniture more to her liking. When Evelyn and Leonard were dating—it was only their second date—Estée implored her to stay and be the hostess for a birthday party she was giving her son.

''So I stayed,'' Mrs. Lauder said in an interview in 2008. ''What could I do? She was like a steamroller.''

Yet it was clear that Estée was crazy about the young woman, and soon after Evelyn's marriage, in 1959, she joined the family cosmetics company, then a small enterprise, pitching in wherever she was needed.

''I was very strong,'' she said. ''Having had a childhood like the one I had, I was much more tough than a lot of people. I was one of the few people who spoke my mind to Estée.''

Mrs. Lauder learned she had breast cancer in 1989 and soon became a strong voice on behalf of women's health, though she was always reluctant to discuss her own condition. ''My situation doesn't really matter,'' she told a reporter in 1995.

She was a creator of the Pink Ribbon campaign, a worldwide symbol of breast health, and in 1993 she founded the Breast Cancer Research Foundation, which has raised more than $350 million.

In 2007 she received a diagnosis of ovarian cancer, which developed independently of her breast cancer, Ms. Trower said.

Evelyn Hausner was born on Aug. 12, 1936, in Vienna, the only child of Ernest and Mimi Hausner. Her father, a dapper man who lived in Poland and Berlin before marrying the daughter of a Viennese lumber supplier, owned a lingerie shop. In 1938, with Hitler's annexation of Austria, the family left Vienna, taking a few belongings, including household silver, which Ernest Hausner used to obtain visas to Belgium.

The family eventually reached England, where Evelyn's mother was immediately sent to an internment camp on the Isle of Man. ''The separation was very traumatic for me,'' Mrs. Lauder said. Her father placed her in a nursery until her mother could be released and he could raise money. In 1940, the family set sail for New York, where her father worked as a diamond cutter during the war.

In 1947, he and his wife bought a dress shop in Manhattan called Lamay. Over time they expanded it to a chain of five shops.

Mrs. Lauder grew up on West 86th Street and attended Public School 9. During her freshman year at Hunter College, she met Leonard Lauder on a blind date. Already graduated from college and training to be a naval officer, Mr. Lauder had grown up on West 76th Street, though in a sense it was a world apart. ''He was the first person who took me out to dinner in a restaurant,'' she recalled. They married four years later at the Plaza Hotel.

Though always at home by 4 p.m. when her two children were little, Mrs. Lauder said she never considered being a stay-at-home mom, in spite of the family's growing wealth. ''I couldn't bear it,'' she said. ''I grew up with a working mother.'' Mrs. Lauder was also a public school teacher for several years.

She held many roles at Estée Lauder, including creator of training programs and director of new products and marketing. In 1989, the year of her breast cancer diagnosis, she became the senior corporate vice president and head of fragrance development worldwide.

Mrs. Lauder is survived by her husband; her sons, William and Gary; and five grandchildren.

Though Mrs. Lauder, an avid photographer, had a home in Colorado and a penthouse on Fifth Avenue lined with modern art, she and her husband liked to retreat to a plain cabin in Putnam County, N.Y., where Mrs. Lauder might serve guests German food she had prepared.

Asked once how she felt about working with her husband in the early days, she replied, ''Working with Leonard was a riot.'' Indeed, she joked that he had such a sense of business, without family favoritism, that getting an appointment with him was sometimes tough. ''It would take me much longer to get a date with him,'' she said, ''than someone who didn't have his name.''●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.

MESSAGES FROM THE HOUSE

At 11:40 a.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. 1173. An act to repeal the CLASS program.

H.R. 3567. An act to amend title IV of the Social Security Act to require States to implement policies to prevent assistance under the Temporary Assistance for Needy Families (TANF) program from being used in strip clubs, casinos, and liquor stores.

H.R. 3835. An act to extend the pay limitation for Members of Congress and Federal employees.

The message also announced that the House agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 90. Concurrent resolution authorizing the printing of the 25th edition of the pocket version of the United States Constitution.

The message further announced that pursuant to 10 U.S.C. 4355(a), and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Military Academy: Mr. SHIMKUS of Illinois and Mr. WOMACK of Arkansas.

ENROLLED BILL SIGNED

At 6:45 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 588. An act to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3567. An act to amend title IV of the Social Security Act to require States to implement policies to prevent assistance under the Temporary Assistance for Needy Families (TANF) program from being used in strip clubs, casinos, and liquor stores; to the Committee on Finance.

H.R. 3835. An act to extend the pay limitation for Members of Congress and Federal

employees; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 90. Concurrent resolution authorizing the printing of the 25th edition of the pocket version of the United States Constitution; to the Committee on Rules and Administration.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2064. A bill to amend the Internal Revenue Code of 1986 to terminate certain energy tax subsidies and lower the corporate income tax rate.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4882. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments and Corrections to DEA Regulations'' (Docket No. DEA–356) received in the Office of the President of the Senate on January 31, 2012; to the Committee on the Judiciary.

EC–4883. A communication from the Assistant Attorney General, transmitting, pursuant to law, a report relative to grants made under the Paul Coverdell National Forensic Science Improvement Grants Program; to the Committee on the Judiciary.

EC–4884. A communication from the Chief Human Capital Officer, Small Business Administration, transmitting, pursuant to law, a report relative to a vacancy in the position of Chief Counsel for Advocacy, received in the Office of the President of the Senate on January 30, 2012; to the Committee on Small Business and Entrepreneurship.

EC–4885. A communication from the Director of the Regulation Policy and Management Office, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Dental Conditions'' (RIN2900–AN28) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Veterans' Affairs.

EC–4886. A communication from the Director of the Regulation Policy and Management Office, National Cemetery Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Tribal Veterans Cemetery Grants'' (RIN2900–AN90) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Veterans' Affairs.

EC–4887. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Colorado; Modification of the Handling Regulation for Area No. 3'' (Docket No. AMS–FV–11–0051; FV11–948–1 FR) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4888. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Electric Engineering, Architectural Services, Design Policies and Construction Standards'' (7 CFR Parts 1724 and 1726) received in the Office of the President of the Senate on January 31, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4889. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled, ''Fundamental Properties of Asphalts and Modified Asphalts—III''; to the Committee on Commerce, Science, and Transportation.

EC–4890. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs during fiscal year 2010; to the Committee on Commerce, Science, and Transportation.

EC–4891. A communication from the Chair of the Aerospace Safety Advisory Panel, National Aeronautics and Space Administration, transmitting, pursuant to law, the Panel's annual report for 2011; to the Committee on Commerce, Science, and Transportation.

EC–4892. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled ''Transportation for Individuals With Disabilities at Intercity, Commuter, and High Speed Passenger Railroad Station Platforms; Miscellaneous Amendments'' (RIN2105–AD54) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4893. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of VOR Federal Airways V-81, V-89, and V-169 in the Vicinity of Chadron, Nebraska'' ((RIN2120–AA66) (Docket No. FAA–2010–1016)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4894. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Restricted Areas R-210A, B, C, D and E; Huntsville, AL'' ((RIN2120–AA66) (Docket No. FAA–2010–0693)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4895. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation and Establishment of Compulsory Reporting Point; Alaska'' ((RIN2120–AA66) (Docket No. FAA–2011–1238)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4896. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of VOR Federal Airways V-320 and V-440; Alaska'' ((RIN2120–AA66) (Docket No. FAA–2011–1014)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4897. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to and Establishment of Restricted Areas; Warren Grove, NJ'' ((RIN2120–AA66) (Docket No. FAA–2011–0104)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4898. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Federal Airways; Alaska'' ((RIN2120–AA66) (Docket No. FAA–2011–0010)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4899. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; International Aero Engines Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0494)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4900. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE SYSTEMS (Operations) Limited Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0911)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4901. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Lycoming Engines, Fuel Injected Reciprocating Engines'' ((RIN2120–AA64) (Docket No. FAA–2007–0218)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4902. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0649)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4903. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and E Airspace; North Philadelphia, PA'' ((RIN2120–AA66) (Docket No. FAA–2011–0625)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4904. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada (Bell) Model 407 and 427 Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2011–1035)) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit.

Anuj Chang Desai, of Wisconsin, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 2011.

Anuj Chang Desai, of Wisconsin, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 2014.

Dennis J. Erby, of Mississippi, to be United States Marshal for the Northern District of Mississippi for the term of four years.

(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. PAUL (for himself, Mr. DEMINT, Mr. LEE, Mr. RISCH, and Mr. COBURN):

S. 2062. A bill to amend the Lacey Act Amendments of 1981 to repeal certain provisions relating to criminal penalties and violations of foreign laws, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WEBB:

S. 2063. A bill to prohibit the transfer of technology developed using funding provided by the United States Government to entities of certain countries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DEMINT (for himself and Mr. LEE):

S. 2064. A bill to amend the Internal Revenue Code of 1986 to terminate certain energy tax subsidies and lower the corporate income tax rate; read the first time.

By Mr. KYL (for himself, Mr. MCCAIN, Mr. CORNYN, Mr. GRAHAM, Mr. RUBIO, Ms. AYOTTE, and Mr. THUNE):

S. 2065. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to modify the discretionary spending limits to take into account savings resulting from the reduction in the number of Federal employees and extending the pay freeze for Federal employees; to the Committee on the Budget.

By Ms. MURKOWSKI (for herself and Mr. MANCHIN):

S. 2066. A bill to recognize the heritage of recreational fishing, hunting, and shooting on Federal public land and ensure continued opportunities for those activities; to the Committee on Energy and Natural Resources.

By Mr. CASEY (for himself and Mr. MCCAIN):

S. 2067. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to medical device regulation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself, Mr. ISAKSON, Mr. NELSON of Nebraska, and Ms. MURKOWSKI):

S. 2068. A bill to amend title XXVII of the Public Health Service Act to preserve consumer and employer access to licensed independent insurance producers; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI (for herself, Mr. KERRY, Ms. COLLINS, Mr. BLUMENTHAL, and Mr. WARNER):

S. 2069. A bill to amend the Public Health Service Act to speed American innovation in research and drug development for the leading causes of death that are the most costly chronic conditions for our Nation, to save American families and the Federal and State governments money, and to help family caregivers; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself, Mr. MCCAIN, and Mr. KERRY):

S. Res. 367. A resolution designating January 2012 as ''National Mentoring Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 33

At the request of Mr. LIEBERMAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 33, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 414

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1023

At the request of Mr. DURBIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1023, a bill to authorize the President to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1269

At the request of Ms. SNOWE, the names of the Senator from California (Mrs. BOXER) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1269, a bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Mississippi (Mr. COCHRAN) 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. 1925

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1982

At the request of Mr. CASEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1982, a bill to amend the Older Americans Act of 1965 to develop and test an expanded and advanced role for direct care workers who provide long-term services and supports to older individuals in efforts to coordinate care and improve the efficiency of service delivery.

AMENDMENT NO. 1471

At the request of Mr. HOEVEN, his name was added as a cosponsor of amendment No. 1471 proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

At the request of Mr. MCCAIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 1471 proposed to S. 2038, supra.

AMENDMENT NO. 1473

At the request of Mr. COBURN, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 1473 proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

AMENDMENT NO. 1474

At the request of Mr. COBURN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 1474 proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL (for himself, Mr. MCCAIN, Mr. CORNYN, Mr. GRAHAM, Mr. RUBIO, Ms. AYOTTE, and Mr. THUNE):

S. 2065. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to modify the discretionary spending limits to take into account savings resulting from the reduction in the number of Federal employees and extending the pay freeze for Federal employees; to the Committee on the Budget.

Mr. KYL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 2065

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 ''Down Payment to Protect National Security Act of 2012''.

SEC. 2. REDUCTION IN THE NUMBER OF FEDERAL EMPLOYEES.

(a) DEFINITION.—In this section, the term ''agency'' has the meaning given the term ''Executive agency'' under section 105 of title 5, United States Code.

(b) DETERMINATION OF NUMBER OF EMPLOYEES.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall determine the number of full-time employees employed in each agency. The head of each agency shall cooperate with the Director of the Office of Management and Budget in making the determinations.

(c) REPLACEMENT HIRE RATE.—

(1) IN GENERAL.—During the period described under paragraph (2), the head of each agency may hire no more than 2 employees in that agency for every 3 employees who leave employment in that agency.

(2) PERIOD OF REPLACEMENT HIRE RATE.—Paragraph (1) shall apply to each agency during the period beginning 60 days after the date of enactment of this Act through the date on which the Director of the Office of Management and Budget makes a determination that the number of full-time employees employed in that agency is 5 percent less than the number of full-time employees employed in that agency determined under subsection (a).

(d) WAIVERS.—This section may be waived upon a determination by the President that—

(1) the existence of a state of war or other national security concern so requires; or

(2) the existence of an extraordinary emergency threatening life, health, public safety, property, or the environment so requires.

SEC. 3. EXTENSION OF PAY FREEZE FOR FEDERAL EMPLOYEES.

(a) IN GENERAL.—Section 147 of the Continuing Appropriations Act, 2011 (Public Law 111–242; 5 U.S.C. 5303 note) is amended—

(1) in subsection (b)(1), by striking ''December 31, 2012'' and inserting ''June 30, 2014''; and

(2) in subsection (c), by striking ''December 31, 2012'' and inserting ''June 30, 2014''.

(b) CLARIFICATION THAT FREEZE APPLIES TO MEMBERS OF CONGRESS.—Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during the period beginning on the first day of the first pay period beginning on or after February 1, 2013 and ending on June 30, 2014.

SEC. 4. REDUCTION OF REVISED DISCRETIONARY SPENDING LIMITS TO ACHIEVE SAVINGS FROM FEDERAL EMPLOYEE PROVISIONS.

Paragraph (2) of section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) is amended to read as follows:

''(2) REVISED DISCRETIONARY SPENDING LIMITS.—The discretionary spending limits for fiscal years 2013 through 2021 under section 251(c) shall be replaced with the following:

''(A) For fiscal year 2013—

''(i) for the revised security category, $546,000,000,000 in budget authority; and

''(ii) for the revised nonsecurity category, $501,000,000,000 in budget authority.

''(B) For fiscal year 2014—

''(i) for the revised security category, $551,000,000,000 in budget authority; and

''(ii) for the revised nonsecurity category, $500,000,000,000 in budget authority.

''(C) For fiscal year 2015—

''(i) for the revised security category, $560,000,000,000 in budget authority; and

''(ii) for the revised nonsecurity category, $510,000,000,000 in budget authority.

''(D) For fiscal year 2016—

''(i) for the revised security category, $571,000,000,000 in budget authority; and

''(ii) for the revised nonsecurity category, $520,000,000,000 in budget authority.

''(E) For fiscal year 2017—

''(i) for the revised security category, $584,000,000,000 in budget authority; and

''(ii) for the revised nonsecurity category, $531,000,000,000 in budget authority.

''(F) For fiscal year 2018—

''(i) for the revised security category, $598,000,000,000 in budget authority; and

''(ii) for the revised nonsecurity category, $543,000,000,000 in budget authority.

''(G) For fiscal year 2019—

''(i) for the revised security category, $610,000,000,000 in budget authority; and

''(ii) for the revised nonsecurity category, $556,000,000,000 in budget authority.

''(H) For fiscal year 2020—

''(i) for the revised security category, $624,000,000,000 in budget authority; and

''(ii) for the revised nonsecurity category, $568,000,000,000 in budget authority.

''(I) For fiscal year 2021—

''(i) for the revised security category, $638,000,000,000 in budget authority; and

''(ii) for the revised nonsecurity category, $579,000,000,000 in budget authority.''.

SEC. 5. CALCULATION OF TOTAL DEFICIT REDUCTION.

Section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking ''$1,200,000,000,000'' and inserting ''$1,073,000,000,000''; and

(B) in subparagraph (D), by striking ''by 9'' and inserting ''by 8'';

(2) in paragraph (4), by striking ''On January 2, 2013, for fiscal year 2013, and in'' and inserting ''In'';

(3) in paragraphs (5) and (6), by striking ''2013'' each place it appears and inserting ''2014''; and

(4) in paragraph (7)—

(A) by striking ''REDUCTIONS.—'' and all that follows through ''FISCAL YEARS 2014–2021.—On the date'' and inserting ''REDUCTIONS.—On the date''; and

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and adjusting the margin accordingly.

By Ms. MIKULSKI (for herself, Mr. KERRY, Ms. COLLINS, Mr. BLUMENTHAL, and Mr. WARNER):

S. 2069. A bill to amend the Public Health Service Act to speed American innovation in research and drug development for the leading causes of death that are the most costly chronic conditions for our Nation, to save American families and the Federal and State governments money, and to help family caregivers; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, I am proud to introduce the Spending Reductions Through Innovations in Therapies Agenda Act with my good friends and colleagues, Senators COLLINS, KERRY, BLUMENTHAL, and WARNER. This is a bi-partisan and bi-cameral bill that I have worked on with Representatives MARKEY and SMITH and community organizations and leaders such as George and Trish Vradenburg's U.S. Against Alzheimer's. This legislation will help us sprint to the finish line by getting innovative therapies from bench to bedside more quickly for chronic diseases like Alzheimer's. It spurs innovation in advanced research and drug, device, and diagnostics development for chronic health conditions that are leading causes of death as well as the most costly to taxpayers and families.

The act puts the focus where it needs to be. It tackles the health problems we are challenged with today and will be faced with in the future if there is inaction. We must conquer these complex health conditions and plug the drain that draws money from our nation's economy and patients, families, and taxpayers checkbooks.

It is been over 10 years since a new Alzheimer's drug entered the U.S. market. Eleven industry sponsored clinical trials have failed in recent years. It takes 10 to 15 years to develop a drug and get the FDA gold seal of approval. Each drug that successfully enters the market, costs over $1 billion to develop. This is because of the high failure rates in the ''Valley of Death.''

Currently, 5 million Americans have Alzheimer's and 15 million Americans are caring for a loved one with Alzheimer's. There are no drugs on the market today to delay-onset, prevent, or cure Alzheimer's. Medicare spending for Alzheimer's patients is 3 times higher than Medicare patients without Alzheimer's. Medicaid spending for Alzheimer's patients age 65 and older is 9 times higher. This is unsustainable. Families are left bewildered, bereft, and broke.

I know what this is like. My own dear father was one of the 5 million Americans with Alzheimer's. I remember when I would go to visit him. It didn't matter that I was a United States Senator or the Senator who represents the National Institutes of Health. It didn't matter that I could get Nobel Prize winners on the phone. The information that would have made his life easier just wasn't there. My family and I knew about the long goodbye. We lived the 36-hour day. It was devastating for him, heart-breaking to my mother, and heart-wrenching for my sisters and me. What was difficult was not only the disease but that we also felt powerless. All we could do was make my father comfortable. There was no cure. There was no safety net for our family.

I vowed to do everything I could. Not just to support research and development in Alzheimer's but also to create a safety net for families. I know it is gut-wrenching to wonder how you'll be able to care for a parent. I have always believed Honor thy mother and father' is a good commandment to live by and a good policy to govern by. We need innovative strategies like the SPRINT program to make sure your brain span lasts your life span.

SPRINT speeds the development of drugs and therapies to combat the most deadly and costly chronic diseases. It compresses the product development timeline and increases the volume of drugs in the development pipeline so that priority is given to the most promising drugs. This bill expedites the Food and Drug Administration review process. It helps get more drugs out of the labs and into patient's hands more quickly.

This act establishes a new program—the SPRINT Program. SPRINT will develop new therapies to reduce federal health care spending on chronic health conditions like Alzheimer's, diabetes, heart disease and cancer that are the leading causes of death identified by the Centers for Disease Control and Prevention. In fact, some researchers are already working hard to see if diabetes or heart diseases are associated with Alzheimer's. I have seen firsthand that many Alzheimer's patients have multiple chronic conditions.

SPRINT directs the Secretary of Health and Human Services to work collaboratively with non-profit investors to identify public and private organizations with expertise in developing therapies for these conditions like a biotech company or an academic health center such as University of Maryland or Johns Hopkins. Prize payments, contracts, grants, or cooperative agreements will be awarded to accelerate development of therapies that have potential to prevent or diagnose, delay onset or cure, and aid recovery or improve health outcomes for Alzheimer's disease and other high-cost conditions.

This bill is built on a public-private partnership. We will make a $50 million Federal investment and leverage private capital by raising $2 in private investment for every Federal dollar to combat this problem together. For this small investment we will get huge returns in lives saved and new cures. By making a small investment today we will save billions in future health care spending and long-term care costs. Alzheimer's Association estimates that Alzheimer's alone costs our federal health programs, Medicare and Medicaid, over $183 billion annually.

SPRINT is a job creator. Manufacturers in Maryland and other states are on the frontier of discovering new drugs and biologics. By helping patients find new treatments we can also make targeted investments in our innovation economy. Biotech companies are an economic engine in Maryland's economy. SPRINT helps America remain number one in biomedical innovation and job creation.

I have a saying, ''each of us can make a difference and together we can make change''. I will keep fighting for a cure for Alzheimer's. I will keep fighting to support our innovative industries in their quest for new therapies and treatments that will help patients globally and create jobs domestically. And I will keep fighting to help families living with Alzheimer's. We are working together because a Congress that works together works the best. We will get this done. Some people want to go to Mars but I want to be in the United States of America when they say ''we found a cure for Alzheimer's.''

Ms. COLLINS. Mr. President, today I wish to, with my colleague from Maryland, introduce the Spending Reductions through Innovations in Therapies agenda, or SPRINT, Act, a bipartisan, bicameral bill to accelerate the development of treatments and therapies for high-cost diseases such as Alzheimer's, diabetes, cancer, and heart disease.

Alzheimer's and other chronic conditions take a tremendous personal and economic toll on millions of Americans and their families. Moreover, in addition to the human suffering they cause, they pose significant challenges to the fiscal health of our Nation.

Alzheimer's disease alone costs the United States $183 billion a year, a figure that will only increase exponentially as the baby-boom generation ages. If nothing is done to slow or stop the disease, Alzheimer's will cost the United States $20 trillion over the next 40 years.

At a time of mounting deficits, the increasing incidence of diseases such as diabetes and Alzheimer's also has dire implications for our Federal budget. For example, it is estimated that spending on diabetes accounts for one out of three Medicare dollars. The average annual Medicare payment for an individual with Alzheimer's is three times higher than for those without the condition. For Medicaid, average payments for someone with Alzheimer's are nine times higher.

The Federal Government is currently spending hundreds of billions of dollars a year caring for patients suffering from Alzheimer's disease, diabetes, cancer, heart disease, and other conditions. This pricetag will only increase as our population ages. Left unchecked, these devastating diseases threaten not only to destroy our Nation's health, but also to bankrupt our finances.

The SPRINT Act, which we are introducing today, is intended to speed the development of therapies to significantly modify, cure, or prevent these high-cost, chronic conditions. Among other provisions, the bill authorizes $50 million for a public-private SPRINT program and fund within the Department of Health and Human Services to support advanced research into promising therapies that are most likely to improve health outcomes and reduce health care costs.

Modeled after the successful Defense Advance Research Project Agency, DARPA, the SPRINT program and fund will complement the basic research done by the National Institutes of Health. It will work through public-private partnerships to provide modest resources to research institutions and other innovators conducting advanced research into therapies and treatments for Alzheimer's and other high-cost chronic conditions.

Funding provided under the bill will be targeted to chronic conditions designated by the Centers for Disease Control and Prevention as being among the top 10 causes of death and focused on those that account for high current and projected costs to Federal health programs; reduce a victim's ability to carry out activities of daily living; have a death rate that has increased and is projected to increase significantly in future years; and lack existing therapies to prevent, control, or cure the condition or delay cognitive decline.

Each Federal dollar awarded under the program must be matched by at least $2 in private funding, and the Secretary may modify or terminate funding for projects that fail to meet milestones. Finally, the legislation will expedite review by the Food and Drug Administration of the therapies developed through the program so they can be delivered to patients as quickly as possible.

Chronic diseases such as Alzheimer's, heart disease, diabetes, and cancer cause great suffering and financial hardship for millions of Americans and their families. Given their increasing prevalence as our population ages, they also threaten to bankrupt critically important programs like Medicare and Medicaid.

The SPRINT Act will leverage a relatively small Federal investment to speed the development of therapies that have the potential to prevent, delay, cure, and improve outcomes for these terrible diseases. It also offers us an opportunity to control the costs associated with these devastating conditions. I urge my colleagues to join us in cosponsoring this important legislation. I ask unanimous consent that a letter from the Alzheimer's Association endorsing our legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALZHEIMER'S ASSOCIATION,
PUBLIC POLICY OFFICE,
Washington, DC, January 31, 2012.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the Alzheimer's Association, thank you for your leadership on issues important to Americans with Alzheimer's disease and their caregivers. As the co-chair of the Congressional Alzheimer's Task Force you are well-aware of the national and global epidemic that is Alzheimer's disease. This devastating disease is the ultimate thief—a thief of memories, thief of independence, thief of control, thief of time and ultimately, a thief of life. The Alzheimer's Association is pleased to support your bill, the Spending Reductions through Innovations in Therapies Agenda Act of 2012 (SPRINT Act), which would create a novel mechanism to target research investments that development of new treatments and reduce overall spending by Federal health care programs for high-cost chronic conditions, including Alzheimer's disease.

The Alzheimer's Association is the world's leading voluntary health organization in

Alzheimer's care, support and research. Our mission is to eliminate Alzheimer's disease and other dementias through the advancement of research, to provide and enhance care and support for all affected; and to reduce the risk of dementia through the promotion of brain health. Our vision is a world without Alzheimer's.

In 2011, the cost of caring for those with Alzheimer's to American society will total an estimated $183 billion, according to Alzheimer's Association's 2011 Alzheimer's Disease Facts and Figures report. This is an $11 billion increase over last year—a rate of increase more than four times inflation. According to the Alzheimer's Association report, Changing the Trajectory of Alzheimer's Disease: A National Imperative, unless a treatment is found that can prevent cure, or even slow the progression, by 2050, as many as 16 million Americans will have Alzheimer's disease and the cost of care will surpass $1 trillion annually (in today's dollars). This will create an enormous strain on the health care system, families and the federal budget.

The SPRINT Act aims to speed American innovation in research and drug development for the leading causes of death that are the most costly chronic conditions for our Nation, which includes Alzheimer's disease. The legislation highlights the growing need for research and the importance of finding innovative ways to find a cure for Alzheimer's on behalf of the estimated 5.4 million Americans currently living with the disease.

The Alzheimer's Association appreciates your continued leadership on Alzheimer's disease. If you have any questions, please contact Rachel Conant, Director of Federal Affairs, at *Rachel.Conant@alz.org* or 202–638–7121.

Sincerely,

ROBERT EGGE,
Vice President, Public Policy.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 367—DESIGNATING JANUARY 2012 AS ''NATIONAL MENTORING MONTH''

Ms. LANDRIEU (for herself, Mr. MCCAIN, and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 367

Whereas mentoring is a longstanding tradition in which a dependable, caring adult provides guidance, support, and encouragement to facilitate the social, emotional, and cognitive development of a young person;

Whereas continued research on mentoring shows that formal, high-quality mentoring focused on developing the competence and character of the mentee promotes positive outcomes, such as improved academic achievement, self-esteem, social skills, and career development;

Whereas further research on mentoring provides strong evidence that mentoring successfully reduces substance use and abuse, academic failure, and delinquency;

Whereas mentoring, in addition to preparing young people for school, work, and life, is extremely rewarding for the people who serve as mentors;

Whereas more than 5,000 mentoring programs in communities of all sizes across the United States focus on building strong, effective relationships between mentors and mentees;

Whereas approximately 3,000,000 young people in the United States are in formal mentoring relationships due to the remarkable vigor, creativity, and resourcefulness of the thousands of mentoring programs in communities throughout the United States;

Whereas, in spite of the progress made in increasing mentoring, the United States has a serious ''mentoring gap'', with nearly 15,000,000 young people in need of mentors;

Whereas mentoring partnerships between the public and private sectors bring State and local leaders together to support mentoring programs by preventing duplication of efforts, offering training in industry best practices, and making the most of limited resources to benefit young people in the United States;

Whereas the designation of January 2012 as ''National Mentoring Month'' will help call attention to the critical role mentors play in helping young people realize their potential;

Whereas a month-long celebration of mentoring will encourage more individuals and organizations, including schools, businesses, nonprofit organizations, faith institutions, and foundations, to become engaged in mentoring across the United States; and

Whereas, most significantly, National Mentoring Month—

(1) will build awareness of mentoring; and

(2) will encourage more people to become mentors and help close the mentoring gap in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of January 2012 as ''National Mentoring Month'';

(2) recognizes with gratitude the contributions of the millions of caring adults and students who are already volunteering as mentors; and

(3) encourages more adults and students to volunteer as mentors.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1511. Mrs. GILLIBRAND (for Mr. LIEBERMAN) proposed an amendment to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

SA 1512. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1511. Mrs. GILLIBRAND (for Mr. LIEBERMAN) proposed an amendment to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

On page 7, strike lines 6 through 9, insert the following:

''(j) Not later than 30 days after any transaction required to be reported under section 102(a)(5)(B), the following persons, if required to file a report under any other subsection of this section subject to any waivers and exclusions, shall file a report of the transaction:

''(1) A Member of Congress.

''(2) An officer or employee of Congress required to file a report under this section.

''(3) The President.

''(4) The Vice President.

''(5) Each employee appointed to a position in the executive branch, the appointment to which requires advice and consent of the Senate, except for—

''(A) an individual appointed to a position—

''(i) as a Foreign Service Officer below the rank of ambassador; or

''(ii) in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code is O-6 or below; or

''(B) a special government employee, as defined under section 202 of title 18, United States Code.

''(6) Any employee in a position in the executive branch who is a noncareer appointee in the Senior Executive Service (as defined under section 3132(a)(7) of title 5, United States Code) or a similar personnel system for senior employees in the executive branch, such as the Senior Foreign Service, except that the Director of the Office of Government Ethics may, by regulation, exclude from the application of this paragraph any individual, or group of individuals, who are in such positions, but only in cases in which the Director determines such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government.

''(7) The Director of the Office of Government Ethics.

''(8) Any civilian employee, not described in paragraph (5), employed in the Executive Office of the President (other than a special government employee) who holds a commission of appointment from the President.''.

At the end insert the following:

SEC. ____. EXECUTIVE BRANCH REPORTING.

Not later than 2 years after the date of enactment of this Act, the President shall—

(1) ensure that financial disclosure forms filed by officers and employees referred to in section 101(j) of the Ethics in Government Act of 1978 (5 U.S.C. App.) are made available to the public as required by section 8(a) on appropriate official websites of agencies of the executive branch; and

(2) develop systems to enable electronic filing and public access, as required by section 8(b), to the financial disclosure forms of such individuals.

SA 1512. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

On page 113, line 11, strike ''service before'' and all that follows through line 20 and insert the following: ''service before October 1, 2014, voluntary separation incentive payments (including payments to employees who retire under section 8336(d)(2) or 8414(b)(1)(B) before October 1, 2014) that may not exceed the maximum amount provided under section 3523(b)(3)(B) for any employee.''.

On page 114, strike line 10 and all that follows through page 116, line 10.

On page 116, line 11, strike ''**103**'' and insert ''**102**''.

On page 117, line 16, strike ''104'' and insert ''103''.

On page 117, line 17, strike ''**104**'' and insert ''**103**''.

On page 121, line 4, strike ''**105**'' and insert ''**104**''.

On page 140, lines 19 and 20, strike ''sections 101, 102, 103, 205, and 209 of this Act'' and insert ''sections 101, 102, 205, and 209 of this Act''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, on February 2, 2012, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LIEBERMAN. 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 February 2, 2012, 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 HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LIEBERMAN. 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 ''Innovations in College Affordability'' on February 2, 2012, at 10:20 a.m., in room 430 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate, on February 2, 2012, 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. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 2, 2012, 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. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Intelligence be authorized to meet during the session of the Senate, on February 2, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORTING AUTHORITY

Mr. REID. I ask unanimous consent notwithstanding adjournment of the Senate, the Committee on Environment and Public Works be authorized to report legislation tomorrow, February 3, from 12 noon to 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 658

Mr. REID. Madam President, I now ask unanimous consent that at 3 p.m., Monday, February 6, the Chair lay before the body the conference report to accompany H.R. 658, the FAA Reauthorization Reform Act; that there be up to 2½ hours of debate on the conference report, equally divided between the conferees or their designees, prior to the vote on adoption of the conference report; that the vote on adoption be subject to a 60-vote threshold.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL MENTORING MONTH

Mr. REID. I ask unanimous consent we now proceed to S. Res. 367.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 367) designating January 2012 as ''National Mentoring Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 367) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 367

Whereas mentoring is a longstanding tradition in which a dependable, caring adult provides guidance, support, and encouragement to facilitate the social, emotional, and cognitive development of a young person;

Whereas continued research on mentoring shows that formal, high-quality mentoring focused on developing the competence and character of the mentee promotes positive outcomes, such as improved academic achievement, self-esteem, social skills, and career development;

Whereas further research on mentoring provides strong evidence that mentoring successfully reduces substance use and abuse, academic failure, and delinquency;

Whereas mentoring, in addition to preparing young people for school, work, and life, is extremely rewarding for the people who serve as mentors;

Whereas more than 5,000 mentoring programs in communities of all sizes across the United States focus on building strong, effective relationships between mentors and mentees;

Whereas approximately 3,000,000 young people in the United States are in formal mentoring relationships due to the remarkable vigor, creativity, and resourcefulness of the thousands of mentoring programs in communities throughout the United States;

Whereas, in spite of the progress made in increasing mentoring, the United States has a serious ''mentoring gap'', with nearly 15,000,000 young people in need of mentors;

Whereas mentoring partnerships between the public and private sectors bring State and local leaders together to support mentoring programs by preventing duplication of efforts, offering training in industry best practices, and making the most of limited resources to benefit young people in the United States;

Whereas the designation of January 2012 as ''National Mentoring Month'' will help call attention to the critical role mentors play in helping young people realize their potential;

Whereas a month-long celebration of mentoring will encourage more individuals and organizations, including schools, businesses, nonprofit organizations, faith institutions, and foundations, to become engaged in mentoring across the United States; and

Whereas, most significantly, National Mentoring Month—

(1) will build awareness of mentoring; and

(2) will encourage more people to become mentors and help close the mentoring gap in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of January 2012 as ''National Mentoring Month'';

(2) recognizes with gratitude the contributions of the millions of caring adults and students who are already volunteering as mentors; and

(3) encourages more adults and students to volunteer as mentors.

MEASURE READ THE FIRST TIME—S. 2064

Mr. REID. I now ask that we have the first reading of a bill which is at the desk.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2064) to amend the Internal Revenue Code of 1986 to terminate certain energy tax subsidies and lower the corporate income tax rate.

Mr. REID. I ask for a second reading in order to place this bill on the calendar, but I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR MONDAY, FEBRUARY 6, 2012

Mr. REID. Madam President, I ask unanimous consent that the Senate adjourn until 2 p.m., on Monday, February 6, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 3 p.m., with Senators permitted to speak up to 10 minutes each; and that following

morning business, the Senate proceed to consideration of the conference report to accompany H.R. 658, the FAA Reauthorization Act, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, I appreciate the cooperation of Senators this week. This important piece of legislation is something the American people believe is extremely important for the Congress to not put itself above the law. There was a dispute as to whether we were above the law. After this passage, there will be no dispute whatsoever.

I appreciate the fact that we will now move to the FAA bill, which is going to be completed in the form of a conference report. It is very hard to do. People worked extremely hard. Is it a perfect piece of legislation? No, it is not. But we have not had an FAA bill since 2003. We have had 23 temporary extensions. During this period of time the FAA basically shut down because we could not agree on what should move forward.

I repeat, this bill is not perfect, but it is something that is extremely important for job creation and for making our airports safer.

There will be a rollcall vote at 5:30 p.m. on the adoption of the FAA conference report.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 6, 2012 AT 2 P.M.

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:46 p.m., adjourned until Monday, February 6, 2012, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

MICHAEL P. SHEA, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT, VICE CHRISTOPHER DRONEY, ELEVATED.

STEPHANIE MARIE ROSE, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA, VICE ROBERT W. PRATT, RETIRING.

DEPARTMENT OF JUSTICE

LOUISE W. KELTON, OF TENNESSEE, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE DENNY WADE KING, TERM EXPIRED.

JAMIE A. HAINSWORTH, OF RHODE ISLAND, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF RHODE ISLAND FOR THE TERM OF FOUR YEARS, VICE STEVEN GERARD O'DONNELL, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

OLGA FORD, OF VIRGINIA
EDWARD W. KOENIG, OF FLORIDA
JOEL REYNOSO, OF NEW YORK
MARGARET SHU TEASDALE, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

WILLIAM M. ZARIT, OF THE DISTRICT OF COLUMBIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

JOHN D. BREIDENSTINE, OF PENNSYLVANIA
DALE N. TASHARSKI, OF VIRGINIA
GREGORY M. WONG, OF NEVADA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

NASIR ABBASI, OF MARYLAND
CYNTHIA GRIFFIN, OF CONNECTICUT
EDWIN KEITH KIRKHAM, OF MAINE
ELLEN D. LENNY-PESSAGNO, OF KANSAS
MICHAEL J. RICHARDSON, OF FLORIDA

THE FOLLOWING-NAMED PERSONS OF THE DEPARTMENT OF STATE FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

TERRY L. MURPHREE, OF TEXAS

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SOREN GRAHAM ANDERSEN, OF COLORADO
BETH M. ANDONOV, OF NEVADA
JONATHAN BAAS, OF ARIZONA
SARAH S. BANERJEE, OF WASHINGTON
TYLER BEEBOUT, OF COLORADO
TIMOTHY P. BLAKENEY, OF VIRGINIA
SARAH SHEA CARMACK, OF VIRGINIA
ALICE CARUSO, OF CALIFORNIA
JOYCE A. CATALANO, OF VIRGINIA
SCOTT MARTIN CEREMUGA, OF VIRGINIA
IAN CRAWFORD, OF OREGON
RYAN ELIZABETH CROWLEY, OF MARYLAND
CINDY MARIE DIOUF, OF IOWA
DANIEL B. DOLAN, OF PENNSYLVANIA
STEPHEN EKLUND DREIKORN, OF VIRGINIA
AMY ELIZABETH EICHENBERG, OF PENNSYLVANIA
MARTHA C. FARNSWORTH, OF CONNECTICUT
ADAM EDWIN FOX, OF IOWA
BROCK DAVID FOX, OF VIRGINIA
RICHARD SAMUEL GREENE IV, OF THE DISTRICT OF COLUMBIA
KATHERINE GROSSMAN, OF THE DISTRICT OF COLUMBIA
JOSE ANJEL GUTIERREZ, OF VIRGINIA
BARBARA HALL, OF THE DISTRICT OF COLUMBIA
JAMES NOEL HAMILTON, OF WASHINGTON
DENISE E. HARRELL, OF VIRGINIA
BRYAN J. HESS, OF VIRGINIA
KARI L. JAKSA, OF MICHIGAN
LESLIE L. JOHNSON, OF PENNSYLVANIA
MEGAN E. JOHNSON, OF TEXAS
RISHI KAPOOR, OF VIRGINIA
GEOFFREY L. KEOGH, OF THE DISTRICT OF COLUMBIA
VALERIE KNOBELSDORF, OF VIRGINIA
DARRIN J. KOWITZ, OF NEW MEXICO
ARIANA KROSHINSKY, OF NEW YORK
CHANANYA KUNVATANAGARN, OF PENNSYLVANIA
MICHAEL W. LACYK, OF THE DISTRICT OF COLUMBIA
THOMAS M. LARKIN, OF VIRGINIA
DALE HAN YOUNG LIM, OF CALIFORNIA
JOSHUA HOWARD LUSTIG, OF MARYLAND
MARK M. METTI, OF MICHIGAN
SETH ADAM MILLER, OF THE DISTRICT OF COLUMBIA
PATRICK M. MONIZ, OF HAWAII
CHRISTINE C. MOXLEY, OF THE DISTRICT OF COLUMBIA
KRISTIN J. MURRAY, OF THE DISTRICT OF COLUMBIA
ALI J. NADIR, OF NEW YORK
MARK GEORGE OSWALD, OF OREGON
BRENTON T. PARKER, OF TEXAS
MEGAN MCCRORY PEILER, OF VIRGINIA
LEONARD THOMAS PERRY, OF SOUTH CAROLINA
MICHELLE RAMIREZ, OF VIRGINIA
EMILY ANNE RUPPEL, OF MINNESOTA
DONALD SALVAGGIO, OF VIRGINIA
GEORGE A. SCHAAL, OF MARYLAND
CHRISTOPHER SCHIRM, OF COLORADO
MONICA M. SENDOR, OF MICHIGAN
SHEILA TAYLOR SHAMBER, OF FLORIDA
SANDY A. SWITZER, OF CALIFORNIA
TINA K. TAKAGI, OF CALIFORNIA
MATT THOMPSON, OF WASHINGTON
OLGA TUNGA, OF TEXAS
JAMES TURK, OF VIRGINIA
VICTORIA VALERGA, OF TEXAS
PERSIA WALKER, OF NEW YORK
ANDREW J. WYLIE, OF FLORIDA

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be rear admiral (lower half)

GERD F. GLANG

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be rear admiral

MICHAEL S. DEVANY

EXTENSIONS OF REMARKS

FISCAL RESPONSIBILITY AND RETIREMENT SECURITY ACT OF 2011

SPEECH OF

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 1173) to repeal the CLASS program:

Ms. WASSERMAN SCHULTZ. Madam Chair, I rise today in firm opposition to this legislation that would repeal the Community Living Assistance Services and Supports Act, the CLASS Act.

As part of the Affordable Care Act, the CLASS Act is our nation's first real attempt to provide voluntary, fiscally-responsible, long-term care for the more than 70 percent of Americans who will need such support at some point in their lifetimes.

As the Representative to thousands of seniors in Florida's 20th district, I know too well how hard our families strive to plan and pay for the long term care services that most of them so desperately need.

By repealing the CLASS Act, this Congress abandons millions of middle class seniors, Americans with disabilities, and all families struggling to provide long term care for loved ones.

Of course, we are willing to admit that this program isn't perfect. But that is no excuse for the Republicans' ''repeal and abandon'' approach to legislation—and our nation's seniors.

Rather than pull the rug out from under our seniors and loved ones—I urge my colleagues to work to fix this vital program.

HONORING THE CONTRIBUTIONS OF JOAN AND GEORGE KESSEL

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. DEUTCH. Mr. Speaker, I rise today in honor of Joan and George Kessel, two outstanding members of the South Florida community who have dedicated their lives to advancing the security of Israel, promoting Jewish values, and protecting the welfare of Jewish people across the globe.

Joan and George Kessel embody the spirit of adventure. They may spend a great deal of time in South Florida, but they truly are citizens of the world. While they have traveled the globe far and wide, it is their trips to Israel that have touched them most profoundly. During their many stays in Israel, Joan and George have learned firsthand the challenges faced by the Israeli people in a hostile, volatile region. These are the experiences they carry with them back to South Florida.

At home, the Kessels are known for their willingness to take on leadership roles in any endeavor that advances the security of Israel and strengthens the bond between our two nations. They generously support a wide range of Jewish organizations, yet their dedication to these causes extends far beyond philanthropy. By opening their home to visiting Israeli soldiers and dignitaries, they have fostered the kind of cultural exchange between Americans and Israelis that is the bedrock of the deep friendship between our two nations.

On January 8, 2012, Joan and George Kessel were honored by Friends of the Israel Defense Forces (FIDF) for their work on behalf of a safer and more secure Israel. I can think of no two individuals more deserving of this honor. I am humbled by their generosity and commitment, grateful for their friendship, and look forward to their continued leadership in the pro-Israel community for years to come.

HONORING MAYOR GERALD A. CALABRESE

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise today to honor my dear friend and mentor, Mayor Gerald A. Calabrese of Cliffside Park, in honor of his 87th birthday. Mayor Calabrese is the longest-serving mayor in the state of New Jersey, having begun his 49th year in office in January.

After first being elected to the Cliffside Park Borough Council in 1955, Gerry was elected mayor in 1959, and has served continuously as the Borough's chief executive since his reelection in 1965. During Gerry's time as mayor, Cliffside Park has enjoyed unprecedented growth, largely thanks to his leadership. He is well-known for gaining many federal, state, and county grants to help his community. Highlights from his tenure include the building of Cliffside Park's current Borough Hall, the public library, and a senior citizen housing development, which was one of the first of its kind in New Jersey to be built using federal grants.

Moreover, Gerry has proven his strong leadership by finding other innovative ways to improve his community while saving the taxpayers money. Under his guidance, Cliffside Park is about to embark on a major redevelopment program by building a joint DPW facility with neighboring Fairview. Cliffside Park and Fairview are the first communities in the state to combine their DPW facilities. Not only was a new facility desperately needed, but by vacating the property the DPW currently sits on, the town made valuable land available for development which will now go on the tax rolls.

In addition to his public service in Cliffside Park, Gerry served in the Navy and is a member of the American Legion Post 126 as well as the Veterans of Foreign Wars and the AmVets. He is also a former professional basketball player, having played for the Syracuse Nationals during the 1951 and 1952 seasons. Gerry was inducted into St. John's Athletic Hall of Fame for his years on the basketball team.

Mayor Gerald A. Calabrese is the pinnacle of integrity and effectiveness. It is no wonder that he received two standing ovations during his swearing-in ceremony in January of this year and has been called a ''second father'' and ''iconic public servant'' by so many respected public officials. Mayor Calabrese has been a role model for me, as he has been for so many others in New Jersey whom Gerry has helped during their careers.

Mr. Speaker, today I rise to celebrate the birthday of my constituent and dear friend, Mayor Gerald A. Calabrese. I join with the grateful residents of Cliffside Park in thanking him for his innumerable contributions to our community.

HONORING EVA MARIE BALDWIN WILBUR

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituent, Ms. Eva Marie Baldwin Wilbur on the occasion of her 95th birthday.

Eva Marie Baldwin was born February 19, 1917, the first of eight children to Earl and Frances Baldwin, in Middletown Township, Susquehanna County. Eva attended Rush Schools in Susquehanna County, where her father, Earl, drove the school wagon.

On August 10, 1935, Eva married Clayton Wilbur in Stevensville.

For forty-one years, Eva worked as a tax collector for Pike Township. She is an active parishioner of Rushville Church, and is a member of the Bradford County Republican Women. Even at the age of 95, Eva remains a part of her community, still hosting a Friday night card game for family and friends.

Eva is the proud mother of three children: Shirley, Edna, and Arlyn, grandmother of four, great-grandmother of six, and great-great-grandmother of three.

Mr. Speaker, I rise today to honor my constituent, Ms. Eva Marie Baldwin Wilbur, on the occasion of her 95th birthday, and ask my colleagues to join me in praising her commitment to country, community, and family.

RECOGNIZING MELANIE DRESSEL

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Melanie Dressel, President and

C.E.O. of the Tacoma, Washington-based Columbia Bank, for being named a Community Banker of the Year by American Banker magazine.

Melanie joined Columbia Bank in 1993 and ten years later was named its Chief Executive Officer. Under Melanie's leadership, Columbia Bank acquired five other banks, increasing the bank's assets by fifty percent. These actions have helped Dressel transform Columbia Bank into a regional power.

Despite the bank's growth, Melanie has remained close to traditional community banking practices. Columbia Bank is committed to giving individuals and businesses in the Pacific Northwest a safe, secure, and customer-focused banking option.

Throughout her tenure, Columbia Bank has consistently been honored as one of the region's best places to work. The bank is regularly featured on the Puget Sound Business Journal's "Washington's Best Workplaces" list and listed as "One of Washington's 100 Best Companies to Work For" by Seattle Magazine. Even during challenging economic times, it is encouraging to see Columbia Bank going the extra mile to ensure employee satisfaction.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join me in honoring Melanie Dressel. Her dedication to community banking has helped grow Columbia Bank to provide exemplary service its customers, employees, and our community.

RECOGNIZING SUSAN STECHNIJ

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. HASTINGS of Florida. Mr. Speaker, I would like to take this opportunity to honor the work of Susan Stechnij in the Palm Beach area of Florida. Susan is one of the landlords at the Everglades Inn, a member of the Homeless and Housing Alliance of Palm Beach County. She shares my passion for helping the homeless in the community and in the fight to prevent and end homelessness.

Recently, Susan was honored with an award to denote her special contribution to the homeless people of West Palm Beach. The Lord's Place, a nonprofit organization focused on ending the cycle of homelessness in the area, honored Susan with the Unsung Heroine Award. She was awarded this honor for helping a dying homeless man find relief in the last few weeks of his life. Due to her hard work, the man was able to live comfortably in an apartment rather than facing the difficult conditions that the homeless are faced with on a daily basis.

Mr. Speaker, Susan deserves to be recognized for her heroic efforts. People like Susan serve an important role in communities across the state of Florida and the country. Her compassion and selflessness in helping those less fortunate is commendable, and I am proud to recognize her as a Hastings' Hero.

IN RECOGNITION OF NICK AND TRACY BROWN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Mr. Nick Brown and Mrs. Tracy Brown for their immeasurable contributions to their community and the subsequent honor they have received during Prevention First's "Fly Me to the Moon" Gala on February 4, 2012. The Browns are valuable members of my district and assets to their communities and country. Their actions are truly worthy of this body's recognition.

Mrs. Tracy Brown has admirably served on numerous boards for various organizations throughout Monmouth County, New Jersey. She is a hardworking member of the Monmouth Medical Center Foundation Board and has dedicated countless hours to the Ranney School Annual Fund committee. Mrs. Brown has also co-chaired the Count Basie Gala, Prevention First Gala and the Visiting Nurses Association Show House Gala. Tracy is a member of the Prevention First Executive Committee and remains an integral part of its Board. Together, Tracy and Prevention First's continued efforts have had a resounding effect in preventing alcohol and other drug usage in young adults throughout the local community.

Nick Brown's generosity as a philanthropist and valued member of the community is evident through his service. Mr. Brown is the Managing Director and head of Financial Product Brokerage, North and South America, at GFI Group. He is a partner of Jersey Partners, serves as a director of the Financial Markets Association and was formerly a member of the Federal Reserve Bank of New York's Foreign Exchange Steering Committee. In addition to his professional endeavors, Nick currently serves on the boards of the Center to Prevent Youth Violence and the Count Basie Theatre in Red Bank, New Jersey. He also served as a high profile board member for the Brady Campaign to Prevent Gun Violence for 12 years. Nick remains an active board member of HELP USA, a charitable organization dedicated to providing quality housing and on-site supportive services to guide individuals towards independence and self-sufficiency. Together, the Browns have been blessed with five beautiful children, Kristina age 24, Kelli age 22, Peter age 12, Laney age 6, and Lexi age 5.

Mr. Speaker, once again, please join me in congratulating Nick and Tracy Brown for receiving the honors bestowed by Prevention First. Mr. & Mrs. Brown's unending generosity and charitable activities have undoubtedly touched many lives and have helped countless people throughout New Jersey.

IN SUPPORT OF FAIR TRIALS AND ACCESS TO COUNSEL FOR THOSE WITH MENTAL DISABILITIES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. STARK. Mr. Speaker, I rise to introduce the Ensuring Mental Competence in Immigration Proceedings Act. My legislation will make immigration proceedings more fair and humane for individuals with mental disabilities, and help prevent wrongful deportations and indefinite detentions. Specifically, this bill amends the Immigration and Nationality Act to ensure that immigration judges will have the authority to stop proceedings or appoint counsel when an individual is not competent enough to represent him or herself due to a mental disability.

The status quo isn't working. Judges who in good faith have terminated deportation cases because of a person's inability to participate based on mental disability have had their decisions overturned. Consequently, these cases end up in an ongoing loop that keeps these individuals in costly, inhumane detention or results in their unfair deportation.

Examples of immigrants and U.S. citizens with mental disabilities who have been unjustly detained or deported include:

An immigrant from Mexico with severe cognitive disabilities who was declared incompetent by an immigration judge in which he was unrepresented by counsel. His case was put on hold and the Department of Homeland Security allowed him to linger in detention for four and a half years, at a cost to taxpayers of about $300,000;

A 50-year old legal permanent resident with schizophrenia who had lived in New York more than 30 years was ordered by a New York court to serve 90 days in a mental institution for trespassing. Instead, he was transferred to a detention facility in Texas, where he received no medication for weeks. He then faced a proceeding without counsel, and was deported to the Dominican Republic so quickly that his family did not know what had happened to him until he was gone;

A citizen who had bipolar disorder and developmental disabilities was deported to Mexico, and subsequently to Honduras and Guatemala. It took four months to return him to the United States. ICE officials claim that he signed a statement indicating he was a Mexican national—he was not.

All of these events could have been avoided if immigration judges had the tools they need to properly adjudicate cases involving individuals with mental disabilities, and if these individuals had access to counsel. We cannot allow citizens and immigrants to be wrongly deported or remain in indefinite detention simply because they have a mental disability. By granting judges the ability to discontinue proceedings when an individual is mentally incompetent or to appoint counsel so that the individual receives a fair adjudication, this bill will reduce the costs of long detentions and delayed proceedings and make our immigration system more just.

The National Association of Immigration Judges has asked Congress for reform. Over fifty organizations including Human Rights Watch, the National Disability Rights Network, the American Civil Liberties Union and the American Immigration Lawyers Association endorse the Ensuring Mental Competence in Immigration Proceedings Act. This legislation is the right thing to do for mentally incompetent detainees, for our courts, and for taxpayers. I urge my colleagues to support this bill.

HONORING THE CONTRIBUTIONS OF PORT EVERGLADES DIRECTOR PHILLIP C. ALLEN

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. DEUTCH. Mr. Speaker, I rise today to honor the contributions and celebrate the seven years of service that Phillip C. Allen has given to the South Florida community as Director of the Port Everglades. Under his leadership and guidance, Port Everglades has become an economic powerhouse for South Florida.

Mr. Allen's commitment to creating jobs and fostering economic opportunity in our community is evident in his accomplishments. He helped craft a 20-year master plan for development of the port, and facilitated three critical expansions that are expected to create 7,000 new jobs in South Florida and 135,000 jobs statewide. Under his leadership, the port has grown substantially to accommodate our growing tourism industry, which has brought some of the world's largest cruise ships to Florida. Even more impressive is his plan to dredge the port in advance of the widening of the Panama Canal, which sets the stage for South Florida to serve as a bustling center for international commerce upon its completion in 2014.

Given his many contributions to our local economy, it should come as no surprise that on November 4, 2011, Mr. Allen was named South Florida Business Leader of the Year. I can think of no person more deserving of this honor than Mr. Allen, a leader who understands that building state-of-the-art infrastructure is imperative if we wish to give our businesses a competitive advance in the global marketplace. I commend Mr. Allen for his years of hard work and dedication, and pledge to him my continued support for the development and expansion of the Port Everglades in the years to come.

HONORING JACK DELEO

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituent, Mr. Jack DeLeo, as he is recognized by UNICO National, Scranton Chapter, as ''UNICAN of the Year.''

Upon receiving this award, Mr. DeLeo has served as president of the Scranton Chapter and is currently sitting Chairman of the Board for the organization. Mr. DeLeo has exemplified the motto of UNICO, 'Service Above Self,' and has long put the needs of his community first.

Mr. DeLeo served his country with courage and dignity during the Vietnam War as a soldier in the U.S. Army. Mr. DeLeo has, more recently, dedicated himself to worthy associations including the Red Cross and the Salvation Army.

At home, Mr. DeLeo is an active parishioner of St. Lucy's Church. He previously served as president of the Lackawanna County Columbus Day Association and currently sits on its Board of Directors.

Mr. Speaker, I rise today to honor my constituent, Mr. Jack DeLeo, and ask my colleagues to join me in praising his commitment to his community and our Nation.

COMMENDATION OF DR. CHAD AUDI

HON. HANSEN CLARKE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. CLARKE of Michigan. Mr. Speaker, I rise today to recognize Dr. Chad Audi, CEO and President of the Detroit Rescue Mission Ministries (DRMM) in Detroit, Michigan. February 2012 marks Dr. Audi's 15th year serving Wayne County through his work at the DRMM.

Dr. Audi began working in the DRMM's finance department in 1997 and rose to become the Vice President of Finance and Administration. Later, he was appointed to the position of Chief Operating Officer. In 2005, Dr. Audi was selected to serve as the CEO/President of the DRMM.

Dr. Audi is a well-respected member of the community who has formed strategic partnerships with outside organizations, agencies, and individuals and found creative and cost-effective ways to serve DRMM's clients in a friendly, spiritually supportive environment.

The DRMM is the country's largest rescue mission and is committed to sharing the gospel of the love of Jesus Christ. The DRMM provides hope to the disadvantaged, abused, and homeless people in Wayne County.

Under the leadership of Dr. Audi, the DRMM serves one million meals to the homeless and hungry annually. The DRMM provides over 1,600 community members a day with shelter, food, substance abuse treatment, case management, transitional jobs, and spiritual mentoring.

The DRMM has also opened the Cornerstone Bistro in Highland Park, Michigan. The Cornerstone Bistro is a sit-down restaurant and ''cornerstone'' of a culinary apprenticeship program run by the DRMM and Wayne County Community College. This program helps DRMM clients receive on-the-job training and a culinary arts associate degree.

I commend Dr. Audi's tireless work improving the quality and range of services available to those in need in our community.

It is with great honor that I recognize Dr. Audi and his work at the DRMM creating a brighter future for Wayne County residents.

HONORING BROOK HILL SCHOOL'S ATHLETIC ACHIEVEMENTS

HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. GOHMERT. Mr. Speaker, the Brook Hill School is a vibrant non-denominational Christian school which opened its doors in the fall of 1997. A three-fold mission permeates every aspect of Brook Hill's existence: (1) to provide excellence in college preparatory education, (2) to affirm the gifts and challenge the potential of each student, and (3) to encourage students to honor God through Christ-like character.

It is with enormous pride that I recognize and congratulate the Brook Hill School in Bullard, Texas, on its incredible athletic achievements during recent school years in which they achieved several state championship titles. This past fall of 2011, the Brook Hill Guard reached the pinnacle of success by winning the Division III State Football Championship, after being state finalists two years in a row in 2009 and 2010.

The Brook Hill Guard also captured the state championship title in Baseball during 2010–2011, as well as the state championship title in Boys' Golf that school year. As if that were not impressive enough, Kirby Vinson won the individual State Champion title in the Girls Track & Field discus. Also, Austin Langemeier won the individual State Champion title in both the Boys Track & Field 800 Meter Run and the 1600 Meter Run.

The superb 2010–2011 school year was preceded in 2009–2010 by the Brook Hill Boys achieving the incredible feat of advancing to the State final championship game in baseball, basketball, soccer, and football. That was topped off with the Girls' Golf team winning the State Championship outright that same year. It also must be noted that Courtney Thomas shown brightly by winning the State Champion title in the Shot Put event of Boys' Track & Field.

These achievements could not have been possible without the tireless preparation of each individual team member, and the commitment of the coaches to proper preparation themselves followed by the intense training, inspiring, and directing of the very talented players under their supervision. Such vast excellence in athletics in all of those sports at all levels requires the kind of community and school-wide support that Brook Hill students, parents, and community backers provided.

A key lesson that has obviously been instilled in the Brook Hill students is that uncompromising dedication and hard work ultimately yield great success.

Again, congratulations go out to the Brook Hill School students, coaching staff, faculty, and the entire community of support in and around Bullard, Texas, as their legacy is now recorded in the CONGRESSIONAL RECORD that will endure as long as there is a United States of America. Their excellence in so many areas and pursuits make it my great honor to be their servant in the United States House of Representatives.

HONEST BUDGET ACT OF 2012

HON. MARTHA ROBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mrs. ROBY. Mr. Speaker, Americans deserve a genuine and predictable government that shoots straight. As Thomas Jefferson wrote, ''The whole art of government consists in the art of being honest.'' How can the people hold their representative accountable when Congress and their President distort the basic facts?

Many of my colleagues and I are dismayed by the dysfunction in the process. We've seen firsthand the insider tricks and schemes used to distort the budget and hide new spending. We've learned that these loopholes are deeply

engrained in the rules of Congress, and that both Republicans and Democrats are guilty of exploiting them.

The American people have a right to expect accountability, honesty, and transparency from their government. But every year, Washington relies on a series of budget gimmicks and accounting tricks to conceal or enable deficit spending. With our nation's gross debt over $15 trillion—as large as our entire economy—Washington must drop the budget games and commit to honest budget practices.

We—as the freshman class—were sent to DC to do things differently and to assist on honest and transparent government.

That's why earlier this week, I, along with 28 of my colleagues, introduced the Honest Budget Act of 2012—an important step to change the way Washington works and instill integrity to the budget process.

This legislation is designed to root out the budget gimmicks most commonly used by politicians to hide the truth, confuse the public, and run up the national debt.

Last year, Senator JEFF SESSIONS from Alabama introduced in the Senate similar legislation to strengthen the Senate's rules against budget trickery. Numerous conservative groups have endorsed Sessions' bill, including the Heritage Foundation, Americans for Tax Reform, and Citizens Against Government Waste.

The House legislation expands this bill with similar rules in the House of Representatives to addresses nine specific budget gimmicks that, since 2005, have cost taxpayers more than $350 billion and have consistently added to the burgeoning national debt. For example, the legislation makes it more difficult to pass appropriation bills without first approving a budget. No longer will the Senate be allowed to operate without a budget as it has for more than 1000 days. It tightens rules about using "emergency designations" and "disaster designations" to justify off-budget spending. It reveals both the real cost and the real commitment on what the federal government is spending. The bill prevents Congress from relying on phony rescissions, or claiming savings unless the savings are real and genuine. Money that was never going to be spent cannot later be claimed as "savings". That's common sense.

A budget is a plan for the nation's future and an annual financial report to the stockholders of the company—in this case, the American people. We deserve the truth. Mr. Speaker, given what I have witnessed over the last year, the only way to guarantee the truth is to specifically root out and end the gimmicks that so often obscure it.

We are all keenly aware that the number one issue facing America today is jobs. We must continue to do all that we can here in Washington to create an environment that fosters job growth, and we will continue to do that. But we cannot overlook the fact that Washington spends money it does not have. Certainly, this reckless spending spree has contributed greatly towards our downward economy.

The American people deserve a budget system that is accountable, predictable, and real. Regardless of party, Congress and the Administration have not always been up-front with their numbers. It is important that we instill integrity back to our budget. The President is expected to present Congress with his budget for Fiscal Year 2013. We have a responsibility to our constituents to ensure that the final budget is accurate and any savings included are real savings.

In many respects, the Honest Budget Act of 2012 embodies the spirit of transparency and accountability that unites my freshman class. The bill is a rallying point for those who truly want to put an end to the tricks, gimmicks and empty promises, and for all who believe that the American people deserve a government that they can trust. I look forward to work with my colleagues to see this become reality.

RECOGNIZING WENDY FREITAG

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Wendy Freitag for being named a Champion of Change in recognition of her work to prepare Washington communities for unexpected events and developing innovative and creative approaches to emergency preparedness and response.

As the External Affairs Manager for the Washington State Military Department's Emergency Management Division, Wendy Freitag oversees statewide emergency management outreach programs. These programs focus on disaster preparedness public education, private-public partnerships and public information programs. She encourages all residents of Washington State to take preparedness steps in their households and communities before a disaster strikes.

Wendy and her team continue to work on designs for outreach campaigns and programs to empower individuals and organizations to proactively prepare for disasters. They know that in order to effectively respond and recover from disasters, work must be done at the community level. Her team uses a combination of reason and emotion to engage and inspire all community members to become more disaster resilient.

Wendy has tremendous experience in the public and private sectors developing innovative solutions for preparedness. Prior to joining the Emergency Management Division, Wendy worked for a decade on physical security, national crisis management and business continuity projects and teams at Microsoft and the former Washington Mutual Bank.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in recognizing the dedication of Wendy Freitag to helping all Washington residents be better prepared for disasters.

HONORING SURROGATE MICHAEL R. DRESSLER

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise today to honor my dear friend, County Surrogate Michael Raymond Dressler, for his dedicated leadership and service to our community as the recently re-elected Judge of the Surrogate's Court of Bergen County. Surrogate Dressler has committed himself to a life of public service and I am pleased to recognize him as he continues his distinguished career.

Surrogate Dressler was first elected to be the Bergen County Surrogate Court Judge in 1996. Since then, the public has demonstrated their resounding approval for his work, re-electing him in 2001, 2006, and yet again in 2011. While in office, Judge Dressler has demonstrated his talent for combining innovative community service with reasoned fiscal responsibility. Among many other first's, he created the first Guardianship Monitoring Program in Bergen County, which utilizes volunteers to monitor the work of Court appointed guardians, ensuring they care for the frail and elderly as promised.

Surrogate Dressler also organized the creation of the Surrogate Court's Satellite Office Program in which the services of the Surrogate Court are brought directly to municipalities such as Fort Lee, Ridgewood, Wallington, Norwood and Park Ridge. Surrogate Court employees offer services such as probating of wills and administering estates to those who cannot make the trip to the Surrogate Court in Hackensack. These innovative programs are operated and maintained at no additional taxpayer cost.

Also, as a lifetime advocate for education, Judge Dressler spends a great deal of time promoting awareness of the probate process, the necessity of a Will and other documents, through his speaking tours, addressing numerous civic groups and service organizations. His publication of a comprehensive booklet entitled "How to Probate a Will in Bergen County," is available to all Bergen County residents in English, Spanish, and Korean. These initiatives are just a few of many examples that reflect how his hard work extends well beyond the walls of his office.

As Surrogate, Michael Dressler was elected by his peers and served as President of the Constitutional Officers of New Jersey. He presently serves as a member of the New Jersey Highlands Council. He was honored as the YMCA of Greater Bergen County's Person of the Year in 2009.

Mike Dressler was first elected to public office as Councilman of Cresskill in 1974. In 1983, the people of Cresskill elected him to serve as their Mayor, a position he held until 1991. That same year he was the youngest person ever appointed to the position of Counsel to the County of Bergen—New Jersey's most populous county. His extraordinary dedication to public service serves as an inspiration to us all.

Mr. Speaker, today I rise to congratulate my dear friend, Surrogate Michael Raymond Dressler, on another re-election. I join with the grateful residents of Bergen County in thanking him for his innumerable contributions to our community. I am confident that his leadership and dedication to service will continue to improve the lives of countless New Jerseyans.

RECOGNIZING PROSTATE CANCER AWARENESS OBSERVANCE DAY

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Ms. CLARKE of New York. Mr. Speaker, I rise today to recognize Prostate Cancer Awareness Observance Day, as recognized by the Brown Byrd Prostate Cancer Foundation in my district and numerous organizations and municipalities.

Affecting 1 in 6 men, prostate cancer is the most commonly diagnosed non-skin cancer and the second cause of cancer-related deaths among males. A new case occurs every 2.7 minutes, and is the cause of death of an afflicted individual every 19 minutes. Though for reasons yet to be discovered, prostate cancer is especially prevalent within the African American community, which makes awareness of this disease especially important within communities like my Borough of Brooklyn, New York.

Despite these disparaging statistics, many forms of prostate cancer are readily treatable, and with increased early detection and treatment, current trends can be reversed. Education regarding prostate cancer and early detection strategies is crucial to saving lives and preserving our families; 200,000 men will be diagnosed and over 75,000 men will die from prostate cancer annually. At any age, deaths due to prostate cancer devastate families through loss of income, partnership, and support.

In recognition of this disease and the large number of families and communities it afflicts, I stand with those today that recognize February 2, 2012, as a day to remember those who lost the battle against prostate cancer, and to pray for the families and friends that have dealt with such a tragedy. As a community, we also remember those living with prostate cancer, celebrate the lives of survivors, and thank all the prostate cancer organizations and medical professionals throughout the entire country who aid in victories against this insidious disease.

One such organization I would like to recognize today is the Brown Byrd Prostate Cancer Foundation. Started by two young individuals in my own district, Kevin Byrd and Blossom Brown to honor their grandfathers who were both lost to prostate cancer, the foundation has done a good deal of work within New York and nationally to bring attention to Prostate Cancer and methods to combat its continued threat to the wellbeing of our communities. Thank you, Mr. Speaker, and may we all offer up our prayers today to every individual that has been affected by prostate cancer.

RECOGNIZING THE ACHIEVEMENTS OF THE UNIVERSITY OF SOUTH FLORIDA

HON. RICHARD B. NUGENT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. NUGENT. Mr. Speaker, I rise today to recognize the significant achievements that the University of South Florida (USF) has made in the fields of innovation and technology.

In 2010, USF furthered their dedication to these fields by founding the National Academy of Inventors (NAI). Today, the NAI works to recognize inventors, enhance the visibility of university innovation, educate and mentor innovative students, and translate research and inventions of its members that may benefit society.

With this type of commitment to innovation, it is no surprise that a recent report issued by the Intellectual Property Owners Association listed USF, along with 12 other American Universities, among the top 300 organizations to receive patents from the United States Patent and Trademark Office in 2010.

I am also proud that as USF continues to be a national leader in the field of innovation, the entire Tampa Bay area will significantly benefit. Researchers and inventors from USF will continue to work together with business and industry leaders in their respective fields to put their ideas and prototypes into action. These interactions will lead to a direct and positive impact on our local communities—communities desperately in need of high quality jobs and business opportunities.

I've always said that one of America's greatest strengths is the innovation of its citizens. Without innovation, this nation would not be what it is today. Unfortunately, many of these innovators in the past have not received the recognition for their achievements that they rightfully deserve.

That is why it is my honor to recognize and support the achievements of USF for their commitment to innovation and research.

With that, I ask my colleagues to join me in recognizing the achievements of the University of South Florida.

HONORING LARRY VEILLEUX OF LEWISTON, MAINE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to honor the life and accomplishments of Laurent ''Larry'' Veilleux, a man who devoted his life to his family and to his community.

A veteran of World War II, Larry's lifelong commitment to public service was only beginning when he returned home from the war. After completing his assignment in the U.S. Navy, Larry worked to obtain an Associate's Degree in Criminal Justice and to enroll himself in the FBI Academy. The Lewiston Police department was fortunate enough to draw on Larry's courage and dedication to his community. By the time he retired as a Deputy Police Chief, he was a local fixture and beloved within the community.

Larry never stopped giving back to his friends, colleagues and neighbors. He found time to be an active member of the Retired Police Chief Association, the Knights of Columbus, the American Legion, the Lion's Club, and the Augusta Calumet Club. He was a former member of St. Joseph's Church and was most recently a member of Immaculate Heart of Mary Parish in Auburn. Larry valued his roots in the community and was particularly proud of his induction into the Lewiston-Auburn Sports Hall of Fame as a member of the 1942 Lewiston High School State Champion Hockey team.

It is truly remarkable that one man could have such a positive impact on the lives of so many people. Larry is survived by his wife, three children, five grandchildren, and two great grandchildren. Larry was born November 21, 1923 and passed on January 30, 2012. He was 88 years old.

Mr. Speaker, please join me in honoring Larry for his public service and allow me to extend my deepest condolences to Larry's family.

HONORING THE BROWARD COUNTY SHERIFF'S OFFICE ANTI-BULLYING INITIATIVE

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. DEUTCH. Mr. Speaker, I rise today in honor of the Broward County Sheriff's Office Anti-Bullying Initiative, the efforts of which have undoubtedly helped make South Florida a safer and more tolerant community.

Bullying of young gay Americans has reached epidemic proportions in this country. In fact, more than 80 percent of LGBT students report suffering harassment, humiliation, and even violence at the hands of their peers in school. Even more tragic are the cases of children who take their own lives after being led to believe there is no hope for acceptance in their community. Despite these overwhelming statistics, many schools have shown an unwillingness or inability to openly address anti-gay bullying.

I commend the Broward County Sheriff's office and their many partners throughout South Florida for setting themselves apart by establishing an Anti-Bullying Initiative to address this issue head-on. Together, law enforcement officials and community leaders are acting on a shared belief that in America, no child should be afraid to go to school because he or she is different. On January 30, 2012, the Anti-Bullying initiative hosted an event at the Coral Springs Center for the Performing Arts, where they screened the film Bullied and discussed the impact of anti-gay bulling on our nation's youth. This event is one of many undertaken by the Broward County Sheriff's office to give students, teachers, and administrators the tools they need to effectively address bullying based on sexual orientation and gender identity.

The opportunity for every child to receive a quality public education is a cornerstone of our nation. To achieve their potential, our children need schools that provide safe, accepting, and abuse-free environments. I am honored to recognize the people of Broward County, whose efforts to stop bullying are helping ensure our schools are places where everyone, regardless of their sexual identity, has a safe place to learn and grow.

IN CELEBRATION OF EASTHAMPTON HIGH SCHOOL'S SUCCESS IN THE ''WE THE PEOPLE'' COMPETITION

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. NEAL. Mr. Speaker, I would like to acknowledge and celebrate the victory of the Easthampton High School's AP United States History class in the statewide ''We the People'' academic competition held recently at Harvard University. The team skillfully answered a series of eighteen difficult questions relating to American government on their way to prevailing over a number of highly qualified competitors across Massachusetts. The team has now earned the distinction of representing the Commonwealth in the National Finals in April of this year.

Easthampton High School's team was led by teacher Kelley Brown, who has gone above and beyond the call as an academic instructor to be a skillful coach for her class in this competition. The outstanding knowledge of United States History displayed by her class is a testament to the value of quality teachers in the Massachusetts public school system. The victorious students included Taylor Dadmun, Tristan Koopman, Brianna LaRose, Zachary Lewis, Bayleigh Murphy, Michael Palaschak, Thomas Palaschak, Willow Ross, Felicia Therrien and Olivia Tones.

I am tremendously proud of Easthampton High School's academic achievements. Strong civic education is the foundation of our representative democracy and these students have exemplified the finest qualities of informed citizenship. I wish them the best of luck in the 25th Annual National ''We the People'' competition here in Washington DC this April.

KEYSTONE XL PIPELINE

HON. MARTHA ROBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mrs. ROBY. Mr. Speaker, I rise today to express my disappointment over President Obama's decision to block the Keystone XL Pipeline by rejecting an application to build and operate the oil pipeline across the U.S. and Canada border.

This is a major decision, and I think every American should be aware of the consequences. The Keystone Pipeline represents an opportunity to both increase supply of much-needed natural resources in our country and create tens-of-thousands of American jobs. Because the project crosses the U.S. border, a permit is required from President Obama's State Department.

Without that permit, we will not see the potential benefits—in terms of stabilized energy supplies or new jobs—that would result from the Pipeline.

The Keystone Pipeline project would have the capacity to deliver up to 900,000 barrels of crude oil per day and would include more than 1,700 miles of pipeline. Estimates from TransCanada, the company that applied to construct the pipeline, projects more than 100,000 jobs could be created over the life of the project, including an estimated 20,000 immediate American jobs in construction and manufacturing.

Mr. Speaker, our energy policy is vitally important to our national security and our economic security. Oil accounts for 37 percent of U.S. energy demand, with 71 percent directed to fuels used in transportation. That is equally true of the mother who drives her children to school as it is of the business owner who operates a fleet of delivery vehicles. When the price of gasoline increases, Americans are hurt—and the price of gasoline increased 81 cents per gallon in 2011 alone.

That is why I support our ''all of the above'' approach to energy, which includes opening up new areas for American energy exploration, transitioning to renewable and alternative energy, and using more clean and reliable nuclear power.

In his State of the Union address, the President stated that ''this country needs an all-out, all of the above strategy that develops every available source of American energy—a strategy that's cleaner, cheaper, and full of new jobs.'' In my opinion, his decision on the Keystone Pipeline is inconsistent with that statement.

I believe the Keystone Pipeline project has the potential to strengthen America's economy, reduce our dependence on oil from potentially hostile regions of the world, and create jobs. I voted in favor of the North American-Made Energy Security Act (H.R. 1938), legislation directing the President to issue a final order granting or denying the Keystone Pipeline permit by November 1, 2011.

Additionally, Congress passed H.R. 3765, the Temporary Payroll Tax Cut Continuation Act of 2011 (P.L. 112–78) that was enacted into law on December 23, 2011. This Act, signed by the President, required the State Department to grant a permit within 60 days unless the President determined that the pipeline would not serve the national interest. I also voted in favor of this legislation.

Unfortunately, President Obama announced on January 17, 2011 that the administration will block the pipeline by denying the application permit. It has been more than three years since the application to build the Keystone XL pipeline was originally filed. The President had an opportunity to help create American jobs and reduce America's reliance on unstable foreign sources of oil, and he rejected it. The State Department announced that it did not have sufficient time to obtain the information necessary to determine if the project would serve the national interest. In truth, this project has been studied for many years. I ask, how does reducing reliance on Middle East oil while creating thousands of jobs not serve the national interest?

The door is now open for Canadian oil to go to China. Canada's Prime Minister, Stephen Harper, announced his ''profound disappointment with the news.'' The Prime Minister expressed that he had hoped the project would continue, given the significant contribution it would make to the United States and Canada. While the Chinese government has ensured its future supply of oil and other energy resources, the United States has rejected a new source of energy that was laid at our doorstep. Mr. Speaker, I ask, how does the fact that China will receive this energy supply not serve our national interest?

Mr. Speaker, I consider President Obama's decision a grave mistake and on behalf of the American people who want secure oil and new manufacturing jobs, I hope that Congress will continue to push him to reconsider this error in judgment.

IN RECOGNITION OF THE UNIVERSITY OF SOUTH FLORIDA

HON. DENNIS A. ROSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. ROSS of Florida. Mr. Speaker, I rise to recognize the University of South Florida (USF). USF has become an academic powerhouse not only in the State of Florida, but nationally as well. Boasting an enrollment of approximately thirty-seven thousand graduate and undergraduate students, USF has attracted top quality students from all over the world, making it a true model of diversity. And more students will be coming.

USF states that it offers more than two hundred programs for its students to choose from and has a library system with two and a half million volumes and six facilities. In 2010, according to the Intellectual Property Owners Association, USF ranked ninth world-wide among fourteen universities ranked among three-hundred organizations that earned the most patents in 2010. In addition to its top flight academic programs, USF has emerged as an athletic powerhouse. Its student-athletes compete at the highest levels of collegiate athletics, with some continuing their playing careers professionally. In fact, USF alum Jason Pierre-Paul, a Pro Bowl defensive end with the New York Giants, will be playing for a Super Bowl championship this Sunday.

Aside from the accomplishments I have just stated, the National Academy of Inventors notes that it was founded at USF in 2010. According to the Academy, it encourages intellectual property innovation and development, which contributes greatly to societal advancement. History has shown us that creative minds, such as the ones at USF, are often responsible for breakthroughs that change how we live. From Thomas Edison's light bulb to the Wright brothers' airplane, we need to continue cultivating today's young minds to be as bold as their predecessors. I am proud to say that USF's National Academy of Inventors is leading this charge.

The National Academy of Inventors will soon be holding a conference in Tampa in the USF Research Park from February 16–17th. I salute the achievements of the Academy to date, and look forward to what the future holds for these innovators. As a whole, USF continues to produce tremendous results. It can no longer be said that USF is emerging, rather it has arrived and it will continue to make Floridians proud. I ask my colleagues to join me in recognizing USF's exceptional achievements.

HONORING THE NATIONAL ACADEMY OF INVENTORS

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor the National Academy of Inventors, which was founded at the University of South Florida in Tampa in 2010. Working in collaboration with the university, the mission of the National Academy of Inventors is to recognize and encourage inventors, add to the visibility of innovation and technology stemming from the university, and to educate and encourage innovative students to create and patent inventions that are beneficial to all of society.

I am certainly proud of the research under way in my backyard at the University of South Florida. More importantly, their efforts are training our nation's future researchers and innovators to keep the United States on the cutting edge, particularly in the health field. In fact, USF was among 14 universities listed in the top 300 organizations worldwide to receive patents from the United States Patent and Trade Office in 2010.

Though USF houses the National Academy of Inventors, universities and nonprofit research institutions throughout the nation and world are also invited to form local chapters, and inventors affiliated with the academic community supporting the local chapter, who have had a patent issued by the United States Patent and Trademark Office, are eligible to join. Thus far, 29 local chapters have formed.

I truly applaud the work of the National Academy of Inventors for encouraging teachers, faculty, and students to push their research efforts and find new and better technology and solutions. I look forward to watching them continue to expand and set a national climate favorable to the research and entrepreneurship community.

ON REINTRODUCING THE WILDLIFE VETERINARIANS EMPLOYMENT AND TRAINING ACT (WILDLIFE VET ACT)

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to reintroduce the Wildlife Veterinarians Employment and Training Act (Wildlife VET Act). This legislation will develop affordable and well qualified opportunities for individuals who are seeking to become wildlife veterinarians, spur job growth, and promote robust public health policy.

Wildlife veterinarians are the primary source of essential health care for and management of wild animals in their natural habitat and in captivity. Not only do they preserve natural resources and animal lives, but they help protect human health by preventing, detecting, and responding to exotic and dangerous diseases.

With the intensification of globalization and climate change, along with a growing interface between humans, livestock, and wildlife, the threat posed by emerging infectious diseases to humans and wildlife keeps increasing. Controlling pandemic and large-scale outbreaks of disease has become more problematic.

Furthermore, wildlife veterinarians have the resources and expertise necessary to help respond to environmental disasters and address short-term and long-term impacts on wildlife and their habitats. Wildlife veterinarians have proven to be essential to the rescue and rehabilitation efforts in the Gulf of Mexico region following the Deepwater Horizon oil spill that began on April 20, 2010.

In spite of these threats to both wildlife and public health, the United States faces a shortage of positions for wildlife veterinarians. In addition, veterinarian graduates owe an average of $130,000 in student loans, and salaries for wildlife professionals are relatively low compared to companion animal medicine. Lower salaries, combined with high educational debt and the small number of positions available, discourage students from becoming wildlife veterinarians. The number of practical trainings and formal educational programs specializing in wildlife and zoological veterinary medicine are also insufficient.

My bill will directly address these issues which dissuade veterinarians from practicing wildlife medicine. It will contribute to the national job creation effort by funding new positions for wildlife veterinarians and will ensure that veterinary students find jobs upon graduation. The bill will also limit the amount of educational debt for students while providing incentives to study and practice wildlife veterinary medicine through the establishment of scholarships and loan repayment programs. Lastly, my legislation will advance education by helping schools develop pilot curricula specializing in wildlife veterinary medicine and by expanding the number of practical training programs available to students.

Mr. Speaker, we have reached a point in our history when we cannot ignore the importance of protecting America's wildlife. Wild animals are a very important part of our commonly held natural resources and contribute to maintaining a balanced ecosystem. With an increasing number of endangered species, the introduction of invasive non-native species, and more infectious disease threats, wildlife veterinarians must be placed at the core of our efforts and be given the resources and recognition necessary to protect both animal and human lives.

I urge my colleagues to extend a helping hand to America's veterinarians by supporting this important piece of legislation.

HONORING THE CONTRIBUTIONS OF ELLEN BERNSTEIN, NATIONAL PRESIDENT OF THE LADIES AUXILIARY AND JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. DEUTCH. Mr. Speaker, I rise today in honor of Elaine Bernstein, National President of the Ladies Auxiliary Department of the Jewish War Veterans of the United States of America (JWV), on the occasion of her official visit to the dedicated members of the Department of Florida Ladies Auxiliary. The gathering of these dedicated advocates for our nation's veterans is truly a cause for celebration.

Jewish Americans have a long, rich history of service in our armed forces. Over half a million Jewish Americans fought for the United States in World War II, and 11,000 of them perished while fighting for this country. Jewish Americans have served in Korea, Vietnam, Operation Desert Storm, and countless other missions around the globe. They are among the brave young men and women who served in the aftermath of the September 11th attacks, and who are serving in Afghanistan as we speak. For the past 83 years, JWV's mission has been to support for these heroes, strengthen the American values of liberty and equality, and to combat bigotry and anti-Semitism.

Elaine Bernstein has played a vital role in advancing JWV's mission across the country. She began her career of volunteerism at the tender age of four, when she became a mascot for her local Auxiliary junior division. After a lifetime of dedicated service, Elaine was elected President of JWV in August of 2011. I am humbled to welcome this accomplished leader to Florida's 19th district, which I am proud to say is home to one of our nation's largest chapters of the Jewish War Veterans of America.

It is a privilege to represent members of the Department of Florida Ladies Auxiliary, who share the belief that in America, no veteran should become a forgotten hero. Because of their work with the Jewish War Veterans of the United States of America, our people will continue to honor the contributions of the Jewish American men and women who for centuries have not only shaped our national culture, but defended our people in times of great challenge.

BIKERS AGAINST CHILD ABUSE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. POE of Texas. Mr. Speaker, over 3 million cases of child abuse are reported every year in the United States; some reports involve multiple children. These children are 11 times more likely to be arrested for criminal behavior as juveniles, and they are 2.7 times more likely to be arrested for violent and criminal charges as an adult. One-third-of these same children are likely to grow up to abuse or neglect their own children. Child abuse is an ugly reality in the fabric of our society, and abuse against children is among the most heinous crimes committed in our nation. I'd like to honor a group of individuals who are dedicated to establishing security for these children, while demonstrating a new standard of sacrificial giving.

Bikers Against Child Abuse, BACA was founded by John Paul Lily, a clinical sociologist. Mr. Lily wanted to bring an abused eight year old boy out of his shell and succeeded by bringing him into his circle of motorcycle friends. This group of unconventional child advocates allowed for this young boy to experience a second chance at an unhindered childhood. Soon, Mr. Lily was inspired to organize a ride to visit mistreated children and to welcome them into the biker "family." This inaugural ride had 27 riders, but word spread

quickly and the movement evolved. Today, this group is in full operation across the country and has chapters in 5 other countries.

Local chapters work largely through other child advocacy organizations to launch their ''missions,'' which help children break the chains of abuse by moving beyond the limits of fear from past mistreatment.

A typical ''mission'' for these children's rights advocates begins with a dispatch from an established organization, with the prescreened verification in the BACA system. The first meeting is similar to the inaugural model in which local chapter members will ride over to welcome the child into the ''family.'' These knights on shiny motorcycles become a much needed lifeline for these frightened children. There are two members of the group that are assigned to the child as consistent sources of stability. These pioneering bikers then become visible in any area that the child may need them ranging from day-to-day errands to court appearances. These children no longer have to live in fear of their abuser because they are empowered through the newly formed camaraderie with their family at BACA.

The organization's creed is a great testament to the outstanding make up of these individuals. In this creed, they denounce the need for popularity or position, they refuse the right to be right, praised, or recognized. Instead they, ''won't give up, shut up, let up, until they have stayed up, stored up, prayed up, paid up, and showed up for all wounded children. They must go until they drop, ride until they give out, and work till He stops me.'' These men and women are crusaders that provide attention to a much needed and too often forgotten cause. I commend the selfless action of this organization and celebrate the life changing difference that they've made in the lives of children.

And that's just the way it is.

TRIBUTE TO JUDGE VIRGIL PITTMAN

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. BONNER. Mr. Speaker, I rise to add my voice with many across South Alabama who are mourning the loss of a remarkable jurist who left an indelible mark on our community. Judge Virgil Pittman recently passed away at the age of 95.

Born in 1916 in Coffee County in Southeast Alabama where he picked cotton as a young man, the future state and federal judge spent his life devoted to fairness for all.

Before he began his legal journey, Judge Pittman graduated from Enterprise High School, the University of Alabama and the University of Alabama Law School. Upon completion of his studies, he served as a special agent with the Federal Bureau of Investigation. After three years with the Bureau, he answered his nation's call to service in World War II, donning the uniform of a United States Navy Lieutenant Junior Grade.

Returning stateside after the war, Judge Pittman practiced law in Gadsden, Alabama, for six years before assuming the post of Judge of Alabama's Seventeenth Judicial Circuit, a position he held for 16 years. In 1966, Judge Pittman exchanged his State Circuit judgeship robe for one on the federal bench after he was appointed by President Lyndon Johnson. His career as a federal judge encompassed service in the Middle and Southern Districts of Alabama, spanning 40 years.

In 1971, Judge Pittman became the chief judge of the federal court in Mobile. He was never one to shy away from taking tough positions that he believed were right. This made him unpopular with those who opposed his strong stance against Mobile's then citywide commission form of government. Judge Pittman believed the old system was unfair to non whites and those without political influence. He stood his ground and in the end prevailed.

There were times when Judge Pittman's rulings drew criticism from local politicians and the press, but his determination never wavered. The Mobile Press-Register recently editorialized that Pittman brought many changes to the city, noting he ''changed Mobile for the better and forever.''

If Judge Pittman was an outspoken advocate for civil rights and equal justice for our community he was also a man solely devoted to public service. In all, he sat on the bench for 55 years, taking great pride in his vocation and seeking little reward other than the knowledge that he did what was right.

On behalf of the people of South Alabama, I would like to extend my condolences to his wife, Lily Lea, their children, Karen, Lee, Joe, Walter, and Lea, and their many grandchildren and friends. You are all in our thoughts and prayers.

RECOGNIZING THE UNIVERSITY OF SOUTH FLORIDA FOR THEIR COMMITMENT TO INNOVATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. YOUNG of Florida. Mr. Speaker, I rise today to recognize the important contribution United States educational institutions have made to innovation and discovery and to congratulate the 13 American universities who were on the list of the top 300 organizations to receive patents from the U.S. Patent and Trademark Office in 2010.

I am honored to represent one of these universities, the University of South Florida, USF, whose researchers and students were awarded 83 patents that year. Founded in 1956, USF is currently comprised of four member institutions, located in Tampa, St. Petersburg, Sarasota-Manatee, and Lakeland, FL. One of Florida's leading academic institutions, USF is classified by the Carnegie Foundation for the Advancement of Teaching in the top tier of research universities, a distinction attained by only 2.2 percent of all universities.

The patents awarded to USF in 2010 cover a wide range of disciplines and could potentially lead to better health care, new fuel cell technologies, improved air purification systems and even future amusement park rides. USF also distinguishes itself as the second most efficient university in research expenditures per patent. This means that USF effectively uses their limited research funding in the development of new patentable products. The University's focus on quality research is a major component in the growth of new industries in the Tampa Bay area and I am glad that their important work is being recognized.

USF has shown a commitment to encouraging innovation not only on their campus, but also throughout the academic community and, in 2010, founded the National Academy of Inventors, NAI. Upon founding, 131 members joined as Charter Members and since then 24 affiliate chapters have been founded at higher learning institutions around the world, with over 500 individual members. The researchers at our colleges and universities often do not receive the attention they deserve and this non-profit organization works to recognize researchers at universities and their affiliated institutions who translate their findings into inventions that may benefit society.

Since the establishment of our Nation, the United States has recognized the important role that innovation plays in growth and development. Our Nation's Founders were wise enough to include protection for intellectual property rights in Article 1, Section 8 of the United States Constitution and every day new advances are being made throughout the country that may one day improve our quality of life, spur economic growth, and lead to new technologies. We must continue to support institutions like USF that promote and encourage advances in research, especially when it leads to the awarding of new patents.

I am privileged to represent the students, teachers, and faculty at USF and extend my congratulations to the University's current and future patent holders. I ask my colleagues to join with me today in recognizing their achievements and wish USF continued success in the future.

IN RECOGNITION OF JAMES BELL ON THE OCCASION OF HIS RETIREMENT

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to recognize one of my constituents from Chicago, James Bell, as he retires from The Boeing Company after 40 years of service to Boeing and its heritage companies. James is retiring as corporate president and chief financial officer of Chicago-based Boeing, the world's largest aerospace company and America's biggest manufacturing exporter. He is the highest-ranking African-American employee in the company's nearly 100 years of history. His legacy at Boeing transcends race and reflects a record of accomplishment, service, and leadership that came during a time of significant change. During Bell's career, Boeing expanded from being primarily a commercial airplane manufacturer to a company with a diverse portfolio of commercial, military, and civil products and businesses. Boeing's workforce, which includes over 170,000 employees, also has become more diverse, and James helped to make it so. James played a critical role in shaping this diverse workforce, sharing his life experiences, modeling outstanding leadership and mentoring others to become the leaders of tomorrow.

James Bell grew up in south central Los Angeles, the youngest of four children of Clyde

Bell, a postman, and Mamie, a county government clerk. During Bell's junior year at Jefferson High School in 1965, the Watts neighborhood erupted in rioting. Though sympathetic to the frustration and despair that sparked the rioting, James reacted to the sad destruction by committing himself to self improvement. He realized that education was the path to future success. In his senior year at Jefferson, Bell was elected student body president in part due to his interest in helping the school retain students and convincing them of the value of education. James studied hard and earned a partial scholarship to California State University at Los Angeles, where he majored in accounting.

James has come a long way since his childhood, but he has stayed close to his roots and to his extended, close-knit family. In his first management job, he learned that he would be supervising several women, all of whom were older than him, so he reached out to his mother for advice. ''Always respect them as you would me, and you'll be all right,'' she counseled him. Following that advice served him well. Bell began his career as a staff accountant with Rockwell in 1972, after earning his bachelor's degree in accounting. He rose steadily, serving in positions of increasing responsibility including manager of accounting and, later, director of business management of the Space Station Electric Power System before becoming vice president in 1996, when Boeing acquired Rockwell's aerospace business. As vice president of contracts and pricing for Boeing Space and Communications, Bell oversaw policy direction, acquisition reform, new business opportunities and program performance, and he also served in business management roles for the International Space Station program.

James was named chief financial officer of Boeing in 2003, a position he held until his retirement. In addition to his CFO duties, he served as chief executive officer of the company for several months in 2005 following the resignation of Boeing's top leader. As the chief financial officer, James was responsible for overall financial management of the company, including oversight of business performance, financial reporting and transparency, and multiple corporate functions including for example Controller, Treasury, Investor Relations, Planning and Contracts and Pricing. Under James' watchful eye and steady hand, Boeing's annual revenues have grown to nearly $70 billion. While his leadership will be missed, James will remain active in Chicago, serving on the board of directors of J. P. Morgan, Dow Chemical Company, and The Chicago Urban League.

I am honored to celebrate the achievements of Mr. Bell and am hopeful for a prosperous and active retirement.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

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 $15,330,778,119,850.60. We've added $10,529,372,944,556.32 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.

PERSONAL EXPLANATION

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Ms. MOORE. Mr. Speaker, on Wednesday, February 1, I inadvertently missed the vote on rollcall 20 (H.R. 3567, the Welfare Integrity Now for Children and Families Act). If I had been present I would have voted ''no.''

PERSONAL EXPLANATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mrs. McMORRIS RODGERS. Mr. Speaker, on rollcall No. 20, had I been present, I would have voted ''yea.''

CONGRATULATING THE HUMANE SOCIETY OF SOUTHERN ARIZONA

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. GRIJALVA. Mr. Speaker, I rise today to recognize The Humane Society of Southern Arizona, which provides services in my district, and the American Society for the Prevention of Cruelty to Animals (ASPCA) for their efforts to help save the lives of shelter animals in the Tucson area. The ASPCA has awarded a $10,000 grant to The Humane Society of Southern Arizona to support their hard work and innovation in finding homes for animals.

The Humane Society of Southern Arizona is one of 56 animal rescue organizations nationwide that are receiving grant funding for the ASPCA's ''Mega Match-a-thon'' event, which will take place this spring. The ASPCA is granting nearly half a million dollars to support a host of large-scale adoption events nationwide in an effort to save more lives of shelter animals.

Over its 145 year history, it has been a priority of the ASPCA to help create a nation of humane communities; places where homeless animals are not killed simply because of the lack of space or resources. The Humane Society of Southern Arizona shares this commitment to the humane treatment of animals and stands as an example for communities and shelters nationwide.

On behalf of the citizens and animals of Arizona, I am proud to congratulate both The Humane Society of Southern Arizona and the ASPCA for their continued commitment to protecting animals.

FISCAL RESPONSIBILITY AND RETIREMENT SECURITY ACT OF 2011

SPEECH OF

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 1173) to repeal the CLASS program:

Mr. PAYNE. Madam Chair, I rise today in opposition to H.R. 1173. While my Republican colleagues see H.R. 1173 as a solution to the Department of Health and Human Services' letter to Congress about the CLASS Act, I strongly contend that repeal is not the answer. According to the Department's announcement, there is no viable way forward to implement the CLASS Act at this time but families impacted by accidents and illnesses are also without a viable way forward to meet long-term care needs. The cost of long-term care can be extremely taxing. In 2010, the private-pay rate for a semiprivate room in a nursing home averaged $205 per day, or about $75,000 per year. In comparison, the median total household income for elderly Social Security beneficiaries in 2008 was $20,000 per year. The CLASS Act was established as part of the Affordable Care Act in response to the growing number of citizens with long-term health care needs and the repeal of this act would only impose enormous financial, emotional and physical burdens on these citizens. This is an issue that affects every American family. No one regardless of class, race or creed is exempt from a potential accident or illness requiring long-term care. It is estimated that 15 million Americans will need some kind of long-term care by 2020, but fewer than three percent have a long-term care policy. We should not abandon this effort, rather Congress should come together to find a sustainable solution to address this challenge.

CASE KEENUM—QUARTERBACK

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. POE of Texas. Mr. Speaker, there are entire professions devoted to analyzing football statistics. Yards after catch, passer rating, and value over replacement are just a few of the endless minutia studied at a scholar-like level. But at the end of the day, the only statistic that matters is winning. Today I am proud to pay tribute to one of the greatest winners in college football history, record-breaking quarterback Case Keenum from the University of Houston Cougars.

Case was born in Abilene, TX, with football in his blood. His father played for and would later go on to coach McMurry University in Abilene. Abilene is in the heart of west Texas—where football—especially high school football—is regarded by some as almost a religion. I attended Abilene Christian University and witnessed the local high school teams play hard on the gridiron during ''Friday Night Lights.''

Case Keenum won 31 games starting for Wylie High School, including the 2004 Class 3A Division 1 State Championship, Wylie's first and only time to win it all. He also earned varsity letters in baseball and track. After listening to other schools, he chose to attend the University of Houston.

Case was entangled in a competition for the starting position in 2007 after redshirting his freshman year. Keenum shared time and played in all 13 games that year, starting in 7. He won the starting position by the end of the season. It was his team now and he took the opportunity and ran. The 2008 season, Case's first full year as a starter, was a monumental one. He became the second quarterback in school history to pass for over 5,000 yards. The team beat two nationally ranked opponents and won its first bowl game in over 25 years. Case's star was on the rise and the University of Houston was back in the national conversation.

After all the success in 2008, the lights would be brighter on Case and the Cougars in 2009 than ever before, and they rose to the occasion. They defeated the then-#5 ranked Oklahoma State Cowboys, which propelled the team in the AP rankings for the first time in over 20 years, and also upset Texas Tech and Mississippi State. They finished 10–4 and as Conference USA Western Division Co-Champions. Case had another impressive year, finishing with over 5,800 yards of total offense and 48 touchdowns.

2010 was to be the year that Case broke numerous NCAA Division 1 passing records and put the Houston Cougars into the Bowl Championship Series picture. The team was nationally ranked in several preseason polls and Case was awarded the Conference USA Preseason Player of the Year. However, just three games into the season, Keenum tore his ACL. His season was done, and the team finished at 5–7. This was not the end that Case or Coach Kevin Sumlin and the Cougars envisioned.

Case was awarded a rare 6th year of eligibility for the 2011 season, allowing him to return to Houston and complete his college journey on his terms. No one could have predicted how successful Case and the team would be. The team once again started the season nationally ranked and would go on to finish 12–0 in the regular season. This was the first time in the 66-year history of the program that the team finished the regular season undefeated and untied. They closed out the year with a victory over the Penn State Nittany Lions in the TicketCity Bowl and a ranking of 18th in the AP Poll. The Houston Cougars led the nation with 8,387 yards of total offense while Case also led the nation with an impressive 5,631 yards of total passing.

Case's career numbers are staggering. He holds nearly every NCAA career passing record, including passing yardage, total offense, touchdown passes, total touchdowns, and completions. He won 41 of the 57 games that he participated. He won the Conference USA Most Valuable Player award twice, as he also did the Sammy Baugh Trophy, awarded to the nation's top college passer. This weekend he will be one of twelve players chosen to highlight their skills at the Super Bowl Sunday All Star Challenge in front of a worldwide audience.

Case's success was not limited to the gridiron. He was named to the Conference USA Academic All-Conference selection twice, thanks to his 3.8 GPA earned while working towards his graduate degree in Sports Administration. He was a five time Conference USA Commissioner's Honor Roll member.

Every so often, a player comes around that redefines what it means to be a leader. Thanks to his internal fortitude, Case Keenum played an important role in the rebirth of the University of Houston Cougar football team. He has shown that hard work and perseverance can turn a pretender into a contender. I proudly congratulate Case on all of his accomplishments and wish him the best of luck in the future.

And that's just the way it is.

TRIBUTE TO LIONEL WINSTON ''RED'' NOONAN

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 2, 2012

Mr. BONNER. Mr. Speaker, I rise to pay tribute to former Mobile County Probate Judge and former State Senator Lionel ''Red'' Noonan, a much beloved citizen of South Alabama, who recently passed away at the age of 86.

When we think of a public servant, we often have a mental image of someone who dutifully performs their job over many years for the good of the people. While there are many public servants in our land, few can match the level of selfless dedication of Judge Red Noonan. He possessed an indomitable enthusiasm for life and for helping others. Always wearing a smile and always looking to make things better for our community, that is how he will be remembered.

A native of New Orleans, Judge Noonan soon made his way to Mobile where he attended Murphy High School. He distinguished himself early on as a gifted athlete, participating in an AAU tumbling competition at the 1934 Chicago World's Fair, and later stood out as a star player on the Murphy High football team. He was named to the All-City Team and Murphy's Hall of Fame.

Upon graduation in 1942, he joined the Navy, serving his country during World War II. After returning home from the war, he attended the University of Alabama where once again he put his athletic talents to good use. He was selected as starting fullback for the Crimson Tide for four seasons, and played in both the 1946 Rose Bowl and the 1948 Sugar Bowl.

After earning his bachelor's degree in 1950, Judge Noonan also pursued and received a law degree from the University of Alabama. He accomplished this goal while also serving as the University's freshman football coach. He later earned a Masters in Economics at Alabama.

After completing his education, he worked from 1953 to 1980 at Merchant's National Bank in Mobile where he served as a Vice President and Trust Officer. He ran successfully for Alabama State Senate District 24, holding office from 1971 to 1978. In 1983, he was elected Probate Judge of Mobile County, serving until his retirement in 2001.

During his public service, Judge Noonan was instrumental in the creation of the University of South Alabama College of Medicine and the construction of the Theodore Industrial Canal and the Alabama State Docks Bulk Material Handling Plant.

He didn't stop there, however. He served on numerous local and state organizations, including as President of the Alabama Probate Judge's Association, President of the Trust Division of the Alabama Bankers Association, President of the Estate Planning Council of Mobile, Member of the Board of Directors of the Alabama Sports Hall of Fame, member of the Mobile Racing Commission and President of the University of Alabama ''A'' Club, to name but a few. He was named to the Mobile Sports Hall of Fame in 2001.

To say Mobile will miss Judge Noonan's tireless leadership and exuberance for community service is an understatement. On behalf of the people of South Alabama I wish to extend condolences to his beloved wife of 61 years, Ruby Noonan of Fairhope, their children, Ruth, Rusty, Kelly, and grandchildren and many friends. You are all in our prayers.

Daily Digest

HIGHLIGHTS

Senate passed S. 2038, Stop Trading on Congressional Knowledge (STOCK) Act, as amended.

Senate

Chamber Action

Routine Proceedings, pages S283–S328

Measures Introduced: Eight bills and one resolution were introduced, as follows: S. 2062–2069, and S. Res. 367. **Page S323**

Measures Passed:

Stop Trading on Congressional Knowledge (STOCK) Act: By 96 yeas to 3 nays (Vote No. 14), Senate passed S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, after taking action on the following amendments proposed thereto: **Pages S290–S315**

Adopted:

Reid (for Lieberman) Amendment No. 1482 (to Amendment No. 1470), to make a technical amendment to a reporting requirement. **Pages S290, S299**

By 81 yeas to 18 nays (Vote No. 6), Gillibrand (for Lieberman) Amendment No. 1511 (to Amendment No. 1470), to extend the STOCK Act to ensure that the reporting requirements set forth in the STOCK Act apply to the executive branch and independent agencies. **Pages S298–99, S300–01**

By 58 yeas to 41 nays (Vote No. 7), Shelby Modified Amendment No. 1491 (to Amendment No. 1470), to extend the STOCK Act to ensure that the reporting requirements set forth in the STOCK Act apply to the executive branch and independent agencies. **Pages S291, S297, S301**

Boxer/Isakson Modified Amendment No. 1489 (to Amendment No. 1470), to require full and complete public disclosure of the terms of home mortgages held by Members of Congress, the President, the Vice President, and executive branch officers nominated or appointed to a position by the President, by and with the advice and consent of the Senate. (A unanimous-consent agreement was reached providing that the requirement of a 60 affirmative vote threshold, be vitiated.) **Pages S291, S297–98, S302**

Gillibrand (for Portman) Amendment No. 1505 (to Amendment No. 1470), to clarify that political intelligence includes information gathered from executive branch employees, Congressional employees, and Members of Congress. (A unanimous-consent agreement was reached providing that the requirement of a 60 affirmative vote threshold, be vitiated.) **Pages S297–99, S302**

Collins (for Enzi) Amendment No. 1510 (to Amendment No. 1470), to clarify that the transaction reporting requirement is not intended to apply to widely held investment funds. **Page S302**

Blumenthal/Kirk Amendment No. 1498 (to Amendment No. 1470), to amend title 5, United States Code, to deny retirement benefits accrued by an individual as a Member of Congress if such individual is convicted of certain offenses. (A unanimous-consent agreement was reached providing that the requirement of a 60 affirmative vote threshold, be vitiated.) **Pages S291, S302**

McCain Amendment No. 1471 (to Amendment No. 1470), to protect the American taxpayer by prohibiting bonuses for Senior Executives at Fannie Mae and Freddie Mac while they are in conservatorship. (A unanimous-consent agreement was reached providing that the requirement of a 60 affirmative vote threshold, be vitiated.) **Pages S290, S304**

Leahy/Cornyn Amendment No. 1483 (to Amendment No. 1470), to deter public corruption. (A unanimous-consent agreement was reached providing that the requirement of a 60 affirmative vote threshold, be vitiated.) **Pages S290, S304–07**

By 60 yeas to 39 nays (Vote No. 12), Grassley Amendment No. 1493 (to Amendment No. 1470), to require disclosure of political intelligence activities under Lobbying Disclosure Act of 1995. (A unanimous-consent agreement was reached providing that the amendment, having achieved 60 affirmative votes, be agreed to.) **Pages S295–97, S308–09**

Reid Amendment No. 1470, in the nature of a substitute. **Page S290**

Rejected:

By 37 yeas to 61 nays (Vote No. 4), Paul Amendment No. 1484 (to Amendment No. 1470), to require Members of Congress to certify that they are not trading using material, non-public information. **Pages S290, S299–S300**

By 48 yeas to 51 nays (Vote No. 5), Paul Amendment No. 1487 (to Amendment No. 1470), to prohibit executive branch appointees or staff holding positions that give them oversight, rule-making, loan or grant-making abilities over industries or companies in which they or their spouse have a significant financial interest. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, the amendment was not agreed to.) **Pages S290, S300**

By 40 yeas to 59 nays (Vote No. 8), Toomey Amendment No. 1472 (to Amendment No. 1470), to prohibit earmarks. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, the amendment was not agreed to.) **Pages S290, S291–92, S302–04**

By 26 yeas to 73 nays (Vote No. 9), Inhofe/Hutchison Amendment No. 1500 (to Amendment No. 1470), to prohibit unauthorized earmarks. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, the amendment was not agreed to.) **Pages S291, S292–95, S304**

By 60 yeas to 39 nays (Vote No. 10), two-thirds of the Senators voting not having voted in the affirmative, Coburn Amendment No. 1473 (to Amendment No. 1470), to prevent the creation of duplicative and overlapping Federal programs, was not agreed to. **Pages S290, S307–08**

By 24 yeas to 75 nays (Vote No. 11), DeMint Amendment No. 1488 (to Amendment No. 1470), to express the sense of the Senate that the Senate should pass a joint resolution proposing an amendment to the Constitution that limits the numbers of terms a Member of Congress may serve. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, the amendment was not agreed to.) **Pages S291, S308**

By 26 yeas to 73 nays (Vote No. 13), Brown (OH)/Merkley Modified Amendment No. 1481 (to Amendment No. 1470), to prohibit financial conflicts of interest by Senators and staff. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, the amendment was not agreed to.) **Pages S290, S295, S309**

Withdrawn:

Brown (OH) Amendment No. 1478 (to Amendment No. 1470), to change the reporting requirement to 10 days. **Pages S290, S299**

Thune Amendment No. 1477 (to Amendment No. 1470), to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D. **Pages S290, S299**

Coburn/McCain Amendment No. 1474 (to Amendment No. 1470), to require that all legislation be placed online for 72 hours before it is voted on by the Senate or the House. **Pages S290, S299**

Coburn Amendment No. 1476, in the nature of a substitute. **Pages S290, S299**

Paul Amendment No. 1490 (to Amendment No. 1470), to require former Members of Congress to forfeit Federal retirement benefits if they work as a lobbyist or engage in lobbying activities. **Pages S291, S299**

Tester/Toomey Amendment No. 1492 (to Amendment No. 1470), to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act. **Pages S291, S299**

Tester/Cochran Amendment No. 1503 (to Amendment No. 1470), to require Senate candidates to file designations, statements, and reports in electronic form. **Pages S291, S299**

Paul Modified Amendment No. 1485 (to Amendment No. 1470), to extend the transaction reporting requirement to judicial officers and senior executive branch employees. **Pages S290, S297–98, S301**

National Mentoring Month: Senate agreed to S. Res. 367, designating January 2012 as ''National Mentoring Month''. **Page S327**

Reporting Authorization—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, the Committee on Environment and Public Works be authorized to report legislation on Friday, February 3, 2012 from 12 p.m. to 2 p.m. **Page S327**

FAA Reauthorization and Reform Act Conference Report—Agreement: A unanimous-consent-time agreement was reached providing that at 3 p.m., on Monday, February 6, 2012, Senate begin consideration of the conference report to accompany H.R. 658, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to

provide stable funding for the national aviation system; that there be up to two and a half hours of debate on the conference report, equally divided between the two Leaders, or their designees, prior to a vote on adoption of the conference report; and that the vote on adoption be subject to a 60 affirmative vote threshold. **Page S327**

Nominations Received: Senate received the following nominations:

Michael P. Shea, of Connecticut, to be United States District Judge for the District of Connecticut.

Stephanie Marie Rose, of Iowa, to be United States District Judge for the Southern District of Iowa.

Louise W. Kelton, of Tennessee, to be United States Marshal for the Middle District of Tennessee for the term of four years.

Jamie A. Hainsworth, of Rhode Island, to be United States Marshal for the District of Rhode Island for the term of four years.

2 National Oceanic and Atmospheric Administration nominations in the rank of admiral.

Routine lists in the Foreign Service. **Page S328**

Messages from the House: **Page S321**

Measures Referred: **Pages S321–22**

Measures Read the First Time: **Page S322**

Executive Communications: **Page S322**

Executive Reports of Committees: **Pages S322–23**

Additional Cosponsors: **Page S323**

Statements on Introduced Bills/Resolutions: **Pages S323–26**

Additional Statements: **Pages S320–21**

Amendments Submitted: **Pages S326–27**

Authorities for Committees to Meet: **Page S327**

Record Votes: Eleven record votes were taken today. (Total—14) **Pages S300, S301, S304, S308, S309, S310**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 6:46 p.m., until 2 p.m. on Monday, February 6, 2012. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S328.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported an original bill entitled, ''The Iran Sanctions, Accountability and Human Rights Act of 2012'', and an original bill entitled, ''Federal Public Transportation Act of 2012''.

BUDGET AND ECONOMIC OUTLOOK

Committee on the Budget: Committee concluded a hearing to examine the budget and economic outlook, focusing on fiscal years 2012–2022, after receiving testimony from Douglas W. Elmendorf, Director, Congressional Budget Office.

BLUE RIBBON COMMISSION ON AMERICA'S NUCLEAR FUTURE

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the final report of the Blue Ribbon Commission on America's Nuclear Future, after receiving testimony from former Senator Pete Domenici, Member, and former Representative Lee Hamilton, and General Brent Scowcroft, USAF (Ret.), both a Co-Chairman, all of the Blue Ribbon Commission on America's Nuclear Future.

INNOVATIONS IN COLLEGE AFFORDABILITY

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine innovations in college affordability, after receiving testimony from Martha Kanter, Under Secretary of Education; Kevin Carey, Education Sector, Washington, D.C.; Charlie Earl, Washington State Board for Community and Technical Colleges, Olympia; Robert W. Mendenhall, Western Governors University, Salt Lake City, Utah; and Carol E. Quillen, Davidson College, Davidson, North Carolina, on behalf of the National Association of Independent Colleges and Universities.

INDIAN AFFAIRS BILLS

Committee on Indian Affairs: Committee concluded a hearing to examine S. 1739, to provide for the use and distribution of judgment funds awarded to the Minnesota Chippewa Tribe by the United States Court of Federal Claims in Docket Numbers 19 and 188, S. 356, to amend the Grand Ronde Reservation Act to make technical corrections, and S. 908, to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon, after receiving testimony from Senator Merkley; Mike S. Black, Director, Bureau of Indian Affairs, Department of the Interior; Norman W. Deschampe, Minnesota Chippewa Tribe, and Arthur LaRose, Leech Lake Band of Ojibwe, both of Cass Lake, Minnesota; Cheryle Kennedy, Confederated Tribes of Grand Ronde, Grand Ronde, Oregon; Delores Pigsley, Confederated Tribes of Siletz Indians of Oregon, Siletz; and Robert Garcia, Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, Coos Bay, Oregon.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1925, to reauthorize the Violence Against Women Act of 1994, with amendments; and

The nominations of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit, and Dennis J. Erby, to be United States Marshal for the Northern District of Mississippi, and Anuj Chang Desai, of Wisconsin, to be a Member of the Foreign Claims Settlement Commission of the United States, both of the Department of Justice.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 14 public bills, H.R. 3880–3893; and 1 resolution, H. Res. 536, were introduced. **Pages H439–40**

Additional Cosponsors: **Pages H440–41**

Report Filed: A report was filed today as follows:

H.R. 3521, to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for a legislative line-item veto to expedite consideration of rescissions, and for other purposes, with an amendment (H. Rept. 112–364 Pt. 2). **Page H439**

Speaker: Read a letter from the Speaker wherein he appointed Representative Poe to act as Speaker pro tempore for today. **Page H377**

Recess: The House recessed at 11:07 a.m. and reconvened at 12 noon. **Page H384**

Motion to Instruct Conferees: The House rejected the Michaud motion to instruct conferees on H.R. 3630 by a yea-and-nay vote of 184 yeas to 236 nays, Roll No. 23. The motion was debated yesterday, February 1st. **Pages H395–96**

Pro-Growth Budgeting Act of 2012: The House passed H.R. 3582, to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation, by a recorded vote of 242 ayes to 179 noes, Roll No. 30. **Pages H396–H419**

Rejected the Boswell motion to recommit the bill to the Committee on the Budget with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 183 ayes to 237 noes, Roll No. 29. **Pages H417–18**

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of the Rules Committee Print 112–10 dated January 25, 2012 shall be considered as an original bill for the purpose of amendment under the five-minute rule, in lieu of the amendment in the nature of a substitute recommended by the Committee on the Budget now printed in the bill. **Page H404**

Agreed to:

Walz amendment (No. 3 printed in part B of H. Rept. 112–383) that includes interest rates among the major economic variables to be estimated in the macroeconomic economic impact analysis. **Pages H406–07**

Rejected:

Peters amendment (No. 1 printed in part B of H. Rept. 112–383) that sought to add a findings section addressing the macroeconomic impact of the tax cuts of 2001 and 2003 (by a recorded vote of 174 ayes to 244 noes, Roll No. 24); **Pages H405–06, H413–14**

Connolly (VA) amendment (No. 2 printed in part B of H. Rept. 112–383) that sought to extend the requirement for the Congressional Budget Office to prepare macroeconomic analysis of major legislation to bills or resolutions reported by the Appropriations Committees of each Chamber (by a recorded vote of 177 ayes to 237 noes, Roll No. 25); **Pages H406, H414**

Fudge amendment (No. 4 printed in part B of H. Rept. 112–383) that sought to add income equality among the variables used to determine the economic impact of the bill (by a recorded vote of 171 ayes to 243 noes, Roll No. 26); **Pages H407–08, H415**

Jackson Lee (TX) amendment (No. 5 printed in part B of H. Rept. 112–383) that sought to require CBO to include as part of their macroeconomic analysis estimates of the potential impact, if any, on HUB ZONE areas as defined by the Small Business Act (by a recorded vote of 173 ayes to 243 noes, Roll No. 27); and **Pages H408–10, H415–16**

Cicilline amendment (No. 8 printed in part B of H. Rept. 112–383) that sought to amend the Congressional Budget Act of 1974 to require that, in addition to preparing cost estimates for each bill or resolution reported by any committee of the House, the Congressional Budget Office also prepare an estimate of the number of jobs which would be created,

sustained, or lost in carrying out the measure—including regional and State level estimates (by a recorded vote of 174 ayes to 245 noes, Roll No. 28). **Pages H412–13, H416**

Withdrawn:

Quigley amendment (No. 6 printed in part B of H. Rept. 112–383) that was offered and subsequently withdrawn that would have required the CBO to establish a website where taxpayers could enter their annual income and receive an estimate of the amount of their projected contribution to or receipt from any applicable major bill or resolution over the next 10 years, assuming the taxpayer has constant annual income and **Pages H410–11**

Flake amendment (No. 7 printed in part B of H. Rept. 112–383) that was offered and subsequently withdrawn that would have lowered the threshold for requiring a dynamic score from .25% of the current GDP to $5 billion. **Pages H411–12**

H. Res. 534, the rule that is providing for consideration of the bills (H.R. 3578) and (H.R. 3582), was agreed to by a recorded vote of 238 ayes to 179 noes, Roll No. 22, after the previous question was ordered by a yea-and-nay vote of 238 yeas to 177 nays, Roll No. 21. **Pages H387–95**

Baseline Reform Act of 2012: The House began consideration of H.R. 3578, to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to reform the budget baseline. Further proceedings were postponed. **Pages H419–26**

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of the Rules Committee Print 112–9 dated January 25, 2012 shall be considered as adopted, in lieu of the amendment in the nature of a substitute recommended by the Committee on the Budget now printed in the bill. **Page H419**

H. Res. 534, the rule that is providing for consideration of the bills (H.R. 3578) and (H.R. 3582), was agreed to by a recorded vote of 238 ayes to 179 noes, Roll No. 22, after the previous question was ordered by a yea-and-nay vote of 238 yeas to 177 nays, Roll No. 21. **Pages H387–95**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H387.

Senate Referral: S. 1296 was held at the desk.

Quorum Calls—Votes: Two yea-and-nay votes and eight recorded votes developed during the proceedings of today and appear on pages H394–95, H395, H395–96, H413–14, H414, H415, H415–16, H416, H418, and H418–19. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:40 p.m.

Committee Meetings

STATE OF THE U.S. ECONOMY

Committee on the Budget: Full Committee held a hearing entitled ''The State of the U.S. Economy''. Testimony was heard from Ben S. Bernanke, Chairman, Board of Governors of the Federal Reserve System.

CHALLENGES FACING PBGC AND DEFINED BENEFIT PENSION PLANS

Committee on Education and the Workforce: Subcommittee on Health, Labor and Pensions held a hearing entitled ''Examining the Challenges Facing PBGC and Defined Benefit Pension Plans''. Testimony was heard from Joshua Gotbaum, Director, Pension Benefit Guaranty Corporation; and public witnesses.

COLLAPSE OF MF GLOBAL

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled ''The Collapse of MF Global: Part 2''. Testimony was heard from public witnesses.

IRAN'S AGENDA IN THE WESTERN HEMISPHERE

Committee on Foreign Affairs: Full Committee held a hearing entitled ''Ahmadinejad's Tour of Tyrants and Iran's Agenda in the Western Hemisphere''. Testimony was heard from public witnesses.

POST-ELECTION DEMOCRATIC REPUBLIC OF CONGO

Committee on Foreign Affairs: Subcommittee on Africa, Global Health, and Human Rights held a hearing entitled ''U.S. Policy Toward Post-Election Democratic Republic of Congo''. Testimony was heard from Donald Y. Yamamoto, Principal Deputy Assistant Secretary, Bureau of African Affairs, Department of State; Daniel B. Baer, Deputy Assistant Secretary, Bureau of Democracy, Human Rights, and Labor, Department of State; and Sarah E. Mendelson, Deputy Assistant Administrator, Bureau for Democracy, Conflict, and Humanitarian Assistance, U.S. Agency for International Development.

CONTINGENT FEES AND CONFLICTS OF INTEREST IN STATE AG ENFORCEMENT OF FEDERAL LAW

Committee on the Judiciary: Subcommittee on the Constitution held a hearing entitled ''Contingent Fees and Conflicts of Interest in State AG Enforcement of Federal Law''. Testimony was heard from public witnesses.

FAST AND FURIOUS

Committee on Oversight and Government Reform: Full Committee held a hearing entitled ''Fast and Furious: Management Failures at the Department of Justice''. Testimony was heard from Eric Holder, Attorney General, Department of Justice.

FUTURE OF THE FAMILY FARM

Committee on Small Business: Subcommittee on Agriculture, Energy and Trade held a hearing entitled ''The Future of the Family Farm: The Effect of Proposed DOL Regulations on Small Business Producers''. Testimony was heard from Nancy J. Leppink, Deputy Administrator, Wage and Hour Division, Department of Labor; Bob Tabb, Deputy Commissioner, West Virginia State Department of Agriculture; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Full Committee held a markup of H.R. 7, the ''American Energy and Infrastructure Jobs Act''. The bill was ordered reported, as amended.

LOWERING UNEMPLOYMENT FOR THE NATIONAL GUARD

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity held a hearing entitled ''Lowering the Rate of Unemployment for the National Guard''. Testimony was heard from MG Terry M. Haston, Adjutant General, Tennessee National Guard; MG Timothy E. Orr, Adjutant General, Iowa National Guard; BG Margaret Washburn, Assistant Adjutant General, Indiana National Guard; BG Marianne Watson, Director, Manpower and Personnel, National Guard Bureau; Ronald G. Young, Director, Family and Employer Program and Policy, Department of Defense; Ismael ''Junior'' Ortiz, Acting Assistant Secretary, Veterans' Employment and Training Service, Department of Labor; and public witnesses.

SOCIAL SECURITY ADMINISTRATION'S DEATH MASTER FILE

Committee on Ways and Means: Subcommittee on Social Security held a hearing on the accuracy and uses of the Social Security Administration's Death Master File. Testimony was heard from Michael J. Astrue, Commissioner, Social Security Administration; Patrick P. O'Carroll, Jr., Inspector General, Social Security Administration; and public witnesses.

WORLD THREATS

House Permanent Select Committee on Intelligence: Full Committee held a hearing entitled ''World Threats''. This hearing began as an open hearing and moved to a closed hearing. Testimony was heard from James R. Clapper, Director of National Intelligence; David Petraeus, Director of the Central Intelligence Agency; Lieutenant General Ronald L. Burgess, Director of the Defense Intelligence Agency, Department of Defense; and Robert S. Mueller, Director of the Federal Bureau of Investigation.

Joint Meetings

TEMPORARY PAYROLL TAX CUT CONTINUATION ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 3630, to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, 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. D65)*

H.R. 3237, to amend the SOAR Act by clarifying the scope of coverage of the Act. Signed on February 1, 2012. (Public Law 112–92)

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 3, 2012

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Armed Services, Subcommittee on Military Personnel and Oversight and Investigations, hearing on accountability at Arlington National Cemetery, 11:30 a.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Environment and the Economy, hearing entitled ''Evaluating Internal Operation and Implementation of the Chemical Facility Anti-Terrorism Standards program (CFATS) by the Department of Homeland Security'', 9:30 a.m., 2123 Rayburn.

Subcommittee on Energy and Power, continue hearing entitled ''American Jobs Now: A Legislative Hearing on H.R. 3548, the North American Energy Access Act'', 10 a.m., 2322 Rayburn.

Committee on Homeland Security, Subcommittee on Oversight, Investigations, and Management, hearing entitled ''Is DHS Effectively Implementing a Strategy to Counter Emerging Threats?'', 10 a.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Courts, Commercial and Administrative Law, hearing on the following: H.R. 3041, the ''Federal Consent Decree Fairness Act'' and H.R. 3862, the ''Sunshine for Regulatory Decrees and Settlements Act'', 9:30 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on National Parks, Forests and Public Lands, hearing on the following: H.R. 491, to modify the boundaries of Cibola National Forest in the State of New Mexico, to transfer certain Bureau of Land Management land for inclusion in the National Forest, and for other purposes; H.R. 3685, to amend the Herger-Feinstein Quincy Library Group Forest Recovery Act to extend and expand the scope of the pilot forest management project required by that Act; and S. 271, the ''Wallowa Forest Service Compound Conveyance Act'', 9:30 a.m., 1324 Longworth.

Committee on Rules, Full Committee, hearing on H.R. 1734, the ''Civilian Property Realignment Act'', 9:30 a.m., H–313 Capitol.

Committee on Science, Space, and Technology, Subcommittee on Energy and Environment, hearing entitled ''Fostering Quality Science at EPA: Perspectives on Common Sense Reform—Day II'', 10 a.m., 2318 Rayburn.

Committee on Ways and Means, Full Committee, markup of the ''Energy and Infrastructure Jobs Financing Act of 2012'', 9 a.m., 1100 Longworth.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the employment situation for January 2012, 9:30 a.m., 210, Cannon Building.

Next Meeting of the SENATE

2 p.m., Monday, February 6

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 3 p.m.), Senate will begin consideration of the conference report to accompany H.R. 658, FAA Reauthorization and Reform Act, with a vote on adoption of the conference report at approximately 5:30 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, February 3

House Chamber

Program for Friday: Complete consideration of H.R. 3578—Baseline Reform Act of 2012. Consideration of the conference report to accompany H.R. 658—FAA Reauthorization and Reform Act (Subject to a Rule).

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