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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. YODER).

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
March 2, 2011.

I hereby appoint the Honorable KEVIN YODER to act as Speaker pro tempore on this day.

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

### MORNING-HOUR DEBATE

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

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

### THE "MORAL THREAT" IN AFGHANISTAN

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

Ms. WOOLSEY. In a speech this past weekend to our religious broadcasters, the Speaker of the House called the Federal debt "a moral threat" to our Nation. It's an interesting choice of words from the leader of the House majority, who has been a cheerleader for the Nation's most morally objectionable policy of all—the disastrous, despicable war in Afghanistan.

For some reason, their moral sensibilities are not offended by a military conflict that has cost us hundreds of billions of dollars and 1,500 of our bravest, bravest people without advancing national security objectives or truly diminishing the terrorist threat at the same time.

So how are my colleagues on the other side of the aisle resolving their moral dilemma? By asking corporate special interests to give up handouts and tax breaks? By asking the wealthiest Americans to give back more to the Nation that has given them so much opportunity?

Nope. By their moral calculations, the answer is to demand sacrifice from the very Americans who are bearing the brunt of this recession—from the people and communities who depend upon public investment. Their moral compass tells them to cut vital programs to the bone or eliminate them altogether: food safety, family planning, health research, public housing, transportation infrastructure, college aid, and on and on.

There was an article in my home newspaper over the weekend about how local health clinics could be devastated by these cuts. California alone stands to lose nearly \$13 million in homeland security grants needed to train and equip first responders. The Republican budget cuts also, according to one study, would destroy 700,000 jobs—but that's not keeping the Speaker up at night. He sees Americans out of work, and instead of saying this is a moral threat, he says, "So be it."

In what moral universe, I ask you, Mr. Speaker, does it make sense to destroy jobs at home but send more Americans to die in a senseless war abroad?

Programs like COPS and Head Start, which the majority wants slashed, save lives. The war in Afghanistan, which isn't even on the table in this budget debate, has ended nearly 1,500 Amer-

ican lives. Our surviving servicemen and -women are coming home with devastating physical and psychological wounds. Yet the majority party, so enthusiastic in its support for Afghanistan spending, wants to eliminate a homeless veterans initiative.

That's their version of morality: Send young Americans halfway around the world to be chewed up and traumatized. Then pull the plug on the support they need when they get home. That's what they call supporting the troops.

The majority could kill the proverbial two birds with one stone if they wanted. They could just about solve their debt crisis by bringing our troops home and ending the moral stain on our Nation—that is the Afghanistan war.

Somehow, I'm not holding my breath. Until the Speaker and my Republican colleagues are prepared to show moral courage on Afghanistan, I refuse to take their moral outrage about the deficit seriously.

### DAUGHTERS OF THE AMERICAN REVOLUTION

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

Mr. WESTMORELAND. Mr. Speaker, in October of 1890, four women, linked by their common lineage to heroes in the American Revolution, joined 18 others to organize the Daughters of the American Revolution. These founders began a campaign to serve the country through the preservation of American history. Since its founding, the Daughters of the American Revolution has expanded to nearly 3,000 chapters and over 850,000 members around the world.

In the middle of an era ripe with inequality for women, this organization flourished on a strong foundation of pride for the men and women who

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

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



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fought to gain American independence. Theirs is a rich history, filled with patriotism, self-sacrifice, and a dedication to education. For decades, the Daughters of the American Revolution has sponsored scholarships and supported schools for the underprivileged. Their support has aided construction and the preservation of dozens of now historic locations around the country. Their scholarships have provided thousands with the opportunity to attend institutes of higher education. Their outreach programs recognize and encourage service to their country and to their communities; and on March 15, the John Houstoun chapter of the National Society of Daughters of the American Revolution will observe its 100th anniversary in the city of Thomaston, Georgia.

Mr. Speaker, I come to the House floor today to celebrate, with the Houstoun chapter, 100 years of service to the great State of Georgia.

For a group devoted to the promotion of American history, it is with great pleasure that I am able to honor the years of education, historic preservation, patriotism, and service that the Daughters of the American Revolution has selflessly given to this great country.

They trace their heritage back to the very men and women who fought for American independence from British tyranny. Each member must prove blood relation to a Revolution Patriot, and throughout the years, a vast collection of family histories has been compiled and preserved for our children and our grandchildren to appreciate. With the motto “God, home, and country,” this nonprofit and nonpolitically aligned organization has positively impacted hundreds of thousands of lives.

I am very proud to represent several National Society of Daughters of the American Revolution chapters in the Third Congressional District of Georgia. I know Thomaston, Georgia, is especially grateful for the Houstoun chapter’s presence in their community, and so am I.

#### HUMAN RIGHTS CRISIS IN PUERTO RICO: FIRST AMENDMENT UNDER SIEGE

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

Mr. GUTIERREZ. Mr. Speaker, 2 weeks ago, I spoke about a serious problem in Puerto Rico. The problem is the systematic effort by the ruling party to deny the right of the people to speak freely, to criticize their government openly, and to make their voices heard.

I talked about student protests that have been met with resistance by the Puerto Rico police. I talked about closed meetings of the legislature and about the efforts to silence and destroy the local bar association.

I was not the first to speak about it, and I could have said much more. This

report, entitled “Human Rights Crisis in Puerto Rico: First Amendment Under Siege” is searing.

□ 1010

It details the complaints of students, legislators, the press and the general public who were beaten, and pepper-sprayed by police; female students who were treated with gross disrespect; and the government’s overreaction to demonstrations at the university and at the capitol over budget cuts and layoffs.

This next picture, this is the capitol in San Juan, Puerto Rico, surrounded by riot police as people attempted to gain entrance to the same assembly as this one here today, and this is how they were met by the police. This is how the police dealt with protesters.

The images of police tactics and behavior in these photos explain why our Department of Justice is investigating the Puerto Rican police for excessive force and unconstitutional searches as we speak today. How could you see these images and not speak out? I was hardly the first to speak out about these matters, and I probably won’t be the last. Here it is, the Daily Sun in Puerto Rico, “Sticks versus speech.”

As a Member of Congress, it is more than my right, it is my obligation to speak out when fundamental freedoms are attacked. And what was the response to my free speech defending the right of the Puerto Rican people to be heard? It was to challenge my right to be heard here in the halls of Congress. The Resident Commissioner of Puerto Rico said in this very body that he is the only one authorized to speak about Puerto Rico at any time.

This week, the Puerto Rican Legislature debated a resolution of censure—yes, censure—condemning me for speaking out against these very abuses. A leading member of the ruling party even said, GUTIERREZ wasn’t born in Puerto Rico, his kids weren’t born in Puerto Rico. GUTIERREZ doesn’t plan to die and be buried in Puerto Rico, so GUTIERREZ doesn’t have the right to speak about Puerto Rico.

Well, let me tell you something, if you see injustice anywhere, it is not only your right but your duty to speak about it. We don’t speak about injustice or apartheid or human rights abuses or the denial of rights of women in places around the world because we ourselves were born there. That would be silly. Where we see injustice we speak out because it is the right thing to do.

Ironically, by questioning my right to speak out on behalf of free speech, they have made my point crystal clear. By challenging my free speech, they have amplified the words of my 5-minute speech more than if I had spoken for 5 hours.

And it is their right, my critics have the right of free speech even as they deny the same right to others, but I want them to understand this: Your efforts to silence me—just as your efforts

to silence so many in Puerto Rico who disagree with your government—will fail, just as every effort to blockade progress only makes the march toward justice more powerful and swift.

I may not be Puerto Rican enough for some people, but I know this: Nowhere on Earth will you find a people harder to silence than Puerto Ricans. You won’t locate my love for Puerto Rico on my birth certificate or on my driver’s license or on my children’s birth certificate or any other piece of paper. My love for Puerto Rico is right here in my heart, a heart that beats with our history and our language and our heroes, a place where, when I moved there as a teenager, people talked and argued and debated because we care deeply about our island and its future. That is still true today. That freedom is still beating in the hearts of university students, working men and women, labor leaders, lawyers and environmentalists, and every person who believes in free speech. You will not silence them, and you will not silence me.

Abraham Lincoln, a leader who valued freedom above all else, said, “Those who deny freedom to others deserve it not for themselves.” It’s good advice, and I hope the leaders of Puerto Rico take it.

Mr. Speaker, I would like to enter the ACLU report titled “Human Rights Crisis in Puerto Rico: First Amendment Under Siege” into the RECORD, as well as a statement by the president of the Service Employees International Union and the essay, “Exposing the Shadows of Civil Rights in Puerto Rico” by the National Puerto Rican Coalition.

#### HUMAN RIGHTS CRISIS IN PUERTO RICO: FIRST AMENDMENT UNDER SIEGE

(By the American Civil Liberties Union of Puerto Rico National Chapter)

While the world celebrates the democratic revolution in Egypt, major violations of basic human rights are occurring in our own backyard. Since Governor of Puerto Rico Luis Fortuño came into power two years ago, free speech has been under all out assault. The following events have taken place recently:

Thousands of public workers have been laid off and had their union contracts terminated, leading to tens of thousands of people peacefully protesting over the past year. One event turned out over 100,000 peaceful protestors and while in NYC hundreds marched on May Day, in Puerto Rico May Day turned out an estimated 30,000 citizens.

At a protest at the steps of the Capital Building over the closing of access to legislative sessions, access that is constitutionally mandated, protestors were beaten mercilessly, pepper sprayed and shot at by Puerto Rico Police. The same has occurred at other locations.

At most events young women are the first to be targeted for police violence. At the University of Puerto Rico, female students, many of whom were beaten, were also sexually harassed, groped and assaulted (touched) by police. Students have been mercilessly beaten, maced and shot at with rubber bullets. Citizens have accused, which images captured confirm, police of applying torture techniques on immobilized student protestors. In the past two years, there have

been several riots at protests in and around the University of Puerto Rico. Many protesters have accused the police of causing the riots, which some videos also seem to confirm.

Since taking the oath of office, the current administration, which owns all three branches of government, has set out to quash Freedom of Expression. In Puerto Rico, Expression has been in the form of protests against government policies, such as the firing of approximately 26,000 workers in total, privatizing government, closing off access to public information and legislative sessions, attempting to close down the university FM radio station during periods of civil unrest and going after the Puerto Rico Bar Association, which was a mandatory integrated Bar and is Puerto Rico's oldest institution. The 171 year old Puerto Rico Bar Association (Colegio de Abogados de Puerto Rico) has historically been a known focal point for liberal dissent against government policies.

Puerto Rico Governor Fortuño, who is considered a rising star in the Republic Party, has publicly committed to not allowing what he calls "extreme left" protests and expression. On Friday, February 11, 2011, Governor Fortuño spoke about his administration's policies while speaking at a Conservative Political Action Conference of the American Conservative Union (ACU) in Washington, DC, an activity attended by members of the National Rifle Association, the Tea Party and the John Birch Society.

At the University of Puerto Rico all forms of expression have been prohibited, through a Resolution issued by UPR Chancellor Ana Guadalupe; a resolution which Governor Luis Fortuño ordered armed police officers to enforce. On Wednesday, February 9, 2011, a group of students participated in civil disobedience on campus, consisting of a paint-in. During the paint-in, students peacefully and without interrupting the educational process painted messages of protest in a limited area of the street at the front of the main library, in defiance of the Chancellor's absolute prohibition on any form of protest. Students immediately came under extreme physical and violent attack by members of the police force's elite and heavily armed SWAT and Riot Squad teams.

While the ACLU is looking to file charges on Human Rights violations and evaluating other legal options, the Puerto Rico Daily Sun, a conservative English language newspaper, published a damning editorial in which it called for the resignation of the university's president, chancellors and the Board of Trustees. On Friday, February 11, 2011, President Ramon De la Torres' resignation was unanimously accepted by the Board of Trustees. However, the Board Chairperson, Ygrí Rivera, immediately stated that she will not be removing armed Puerto Rico Police officers from the University of Puerto Rico campus.

In its editorial, the Puerto Rico Daily Sun, stated that "[t]he indiscriminate aggression of police riot squads against students, who are exercising their constitutional rights in public areas without interfering with any academic or administrative activity, is a gross violation of their rights and an act comparable only to the acts of the dictatorships we all denounce and reject". The Daily Sun added that "[w]e do not want this new order, neither for our university, the Capitol, La Fortaleza or our neighborhoods. We reject it with all our might. Exercising our freedom of speech, or freedom of association, is not a crime".

As we say in Puerto Rico, "mas claro no canta un gallo" (it could not have been more clearly stated).

On Sunday, February 12, 2011, just four days after students were mercilessly beaten

by Puerto Rico Police agents, over 10,000 alumnus, parents, grandparents, family members and other citizens took to the streets and marched over to reclaim the UPR campus, demanding that the PRPD be immediately ordered off campus.

See news video: <http://www.primerahora.com/milesseuncontralaucotayla/invasionpoliciacaenlaupr-474118.html>.

In addition to the debacle and related violence at the University of Puerto Rico, in the past two years legislation has been passed that would prohibit protests at construction sites and most recently at any government building that renders educational services and other locations rendering government services, under penalty of criminal prosecution.

The Puerto Rico Bar Association was recently de-certified through legislation which the governor signed into law, which all but shut down operations. Several lawyers aligned with the views of the current administration pushed for de-certification and had previously sued the Bar Association in federal court alleging that the Bar was forcing them to purchase an unwanted insurance policy; its \$78.00 per year cost was paid from Bar Association dues. Bar members were never informed of the particulars of the lawsuit and Federal Judge José Antonio Fusté issued a GAG order prohibiting the disclosure of important aspects of the case to Bar class members.

The Puerto Rico Bar Association is not being allowed to inform and counsel Bar members about their right to opt out of the lawsuit. Thousands of lawyers are not even sure why they are a part of this lawsuit. It is believed that an English language notice on the right to opt out of the lawsuit may not be sufficient guarantee that Bar members will fully understand the ramifications of their actions. Many members of the Bar have limited English skills, particularly lawyers in the smaller and rural towns.

The newly elected President of the now voluntary Puerto Rico Bar Association (Colegio de Abogados de Puerto Rico), Osvaldo Toledo, was jailed on Friday, February 11, 2011, at a federal detention center in Puerto Rico, where he remains on contempt of a court charges for refusing to pay a \$10,000 fine imposed on him for having counseled Bar members who insist that they have a right to know the particulars of the suit and procedure for opting out.

Federal Judge José Antonio Fusté's GAG order extends not only to the President of the Puerto Rico Bar Association, but also board members, administrators, agents and servants. The Executive Director of the American Civil Liberties Union in Puerto Rico, William Ramirez, had previously been warned by the Bar that he may not be able to speak out against what is held to be an injustice and First Amendment infringement. Speaking out in defiance of the federal court order may result in the arrest of anyone covered by the court's GAG order and further fines imposed against the Puerto Rico Bar Association.

After studying the court's order, we at the ACLU do not, at this time, believe that the federal court order reaches class members or other members of the Bar, including the staff and cooperating attorneys of the ACLU in Puerto Rico. However, we do believe the order to be unjust and believe it should be set aside.

The ACLU will continue to fight for the right to free speech and peaceful assembly in Puerto Rico and fully intends to take on any challenges that it may face.

#### SEIU CALLS FOR CONGRESSIONAL INVESTIGATION OF PUERTO RICO RIOT POLICE ACTION

WASHINGTON, DC.—Mary Kay Henry, President of the Service Employees International

Union (SEIU), issued this statement today concerning the actions of the Puerto Rico Riot Squad in response to a non-violent protest led by university students at Puerto Rico's Capitol in San Juan on Wednesday, June 30.

"The right of individuals to openly and freely voice their dissent forms the foundation of a responsive, vibrant democracy. As working men and women throughout the island of Puerto Rico have shared their first-hand reports of the events that took place at the Capitol this week, we are deeply concerned that the actions of the police, and of the Puerto Rican government, were driven to stifle and repress the voices of these university students and citizens.

"What is even more troubling—the government's questionable use of force and the intimidation of citizens appear to be escalating on the island and no one is immune: journalists, gay men and women, our union brothers and sisters, and activists from every field who seek to make their voices heard and improve their lives and their communities.

"I am certain that many members of the U.S. media and many leaders in Washington are completely unaware of the disturbing events that took place Wednesday. I pledge that the more than 2.2 million members of SEIU, many of whom live in or were born in Puerto Rico, will change this by speaking out on behalf of the rights of the citizens of this island and calling upon their elected representative in Congress to fully investigate the events of June 30.

"When the lives and livelihoods of the people of Vieques were threatened by U.S. Naval bombing, SEIU members throughout Puerto Rico, the U.S. and Canada helped share their struggle to the international community. Today, we stand ready to do this once again and join our hearts and voices in service to the people of Puerto Rico.

"To the university students and their families, and to all who are fighting for democracy and equality for all the citizens of Puerto Rico, know that we stand with you, and you are not alone."

[From Capital Wire PR, Mar. 1, 2011]

OP ED: EXPOSING THE SHADOWS OF CIVIL RIGHTS IN PUERTO RICO

(By Rafael A. Fantauzzi)

WASHINGTON, DC.—I find it peculiar how we Puerto Ricans continuously complain about our lack of voice and power in Congress, but when any Island issue is discussed on the floor someone always jumps at the opportunity to cry foul. As a collective, we all should praise the efforts by any Member of Congress to elevate our issues in the halls of democracy. Freedom of speech is paramount to our democracy, but the approach that if you are not one hundred percent with me then you are against me has destroyed our ability to collaborate and improve the economic and social stability of our people.

I assume that in a moment of frustration and courage on February 16th Congressman Luis Gutierrez (D-Illinois) answered the call to leadership by denouncing the most recent civil rights violations that occurred at the University of Puerto Rico and the abuse of power by federal Judge Fusté in helping dismantle the Puerto Rican Bar Association. I have not spoken with Congressman Gutierrez about his action or intentions, but anytime a Member of Congress brings to the floor the issues of my people, I see a glimmer of hope. Unfortunately, his delivery generated an overreaction by supporters of the local government which in response spun his decry by

engaging in cultural divisiveness and the always dynamic political rhetoric. I believe that Congressman Gutierrez had the right to denounce the violations for the following three reasons: (a) anyone of Puerto Rican descent or with family alive or deceased on the Island should care about their people; (b) given the fact that around 46 percent of the population depends on federal assistance, any American that pays federal taxes is a shareholder for the well-being of the people of the territories; (c) lastly, any member of the human race has the right to denounce negligent human treatment, as we are doing for Libya.

It is disappointing when politically biased commentaries like the ones made by Mr. Rafael Rodriguez on his recent op-ed calling Congressman Gutierrez “a paradoxical obstructionist” are made. I believe Congressman Gutierrez was trying to shed some light on the dark shadows of social deterioration that our people are facing. This social deterioration is the result of desperation and fear that plagues our people. It is said that in Puerto Rico you cannot live, you can only survive (unless you are part of an elite that controls the political and economic channels). It is this elite that believe they have the right to dictate what the people want or need. It is this elite that hide behind the face of congressional processes to manipulate the political outlook of the Island. It is this elite that engage in manipulating the information instead of exposing the truth and generating trust. It is this elite that continues to enlarge the gap between Puerto Ricans on the mainland and those that remain on the Island. It is this elite that call those who are trying to defend the true elements of democracy and human respect obstructionist.

The issues of the Americans in Puerto Rico and the territories are continuously overlooked by the congressional collective. Even Presidents neglect to mention the people of the territories in their State of the Union speeches. So we are very hypersensitive about our place in the world, which in turn fuels the political philosophy frenzy that has become our white whale, the status of the Island. Although I have my own personal philosophy for the Island, I’m bound to protect the neutral integrity of the organization that represents the voice of the entire community inside the beltway. It is our mission to enhance the social and economic well-being of our 8 million plus constituents and nothing is more divisive than the status issues. We are in favor of a fair and executable process for self determination, and we also believe that for that process to be legitimate we have a principled responsibility to act civilized and respect all views. Change can only be accomplished when trust is at the core.

As the future of our Island we call on all students, educators, and administrators to hold each other to a higher standard. Respect those that want to express their frustrations and protect those that want to exercise their right to an education. To all local government institutions, we encourage dialogue, tolerance, professionalism, and personal restraint; for it is your duty to protect a functioning society. To our elected officials, engage in integrative processes for the benefit of your constituents and not for personal political gain. Only then will we be able to call ourselves both American citizens and responsible citizens of the world.

#### HONORING KARMA GAETANO HADJIMICHALAKIS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Washington (Mrs. McMORRIS RODGERS) for 5 minutes.

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise this morning to recognize Karma Hadjimichalakis.

Up until recently, Karma was the principal lecturer in business economics and finance at the University of Washington Foster School of Business. She was the faculty director of the Pacific Rim Bankers Program, and she was the Evert McCabe Faculty Fellow. She was also my professor while I was earning my Executive MBA.

Last Monday, February 21, Karma passed away after a long illness, and as her student, I wanted to acknowledge her incredible accomplishments, both professional and personal, over the course of an extraordinary life.

Born on January 21, 1944 in Utica, New York, Karma was educated at nearby Elmira College and earned master's and doctorate degrees at the University of Rochester. She joined the faculty at the University of Washington in 1970, initially in the department of economics, and then at the Foster School of Business.

The turning point in her career was a 2-year stint as Visiting Economist at the Federal Reserve Board from 1980 to 1982. In her work with the banking section of the Fed's Division of Research and Statistics, Karma developed the ability to provide penetrating analysis that paints an accurate assessment of the current economic situation. In other words, she learned to find meaning in the disparate data.

Karma's time at the Fed also led her to realize that teaching was her true calling. She returned to the University of Washington with a new insider's expertise in the inner workings of the Federal Reserve System and monetary policy, and she spent the next 3 years applying her economic knowledge with wonderful results.

Karma won more than 45 major teaching awards at the Foster School, including the first PACCAR Award for Excellence in Teaching, the school's highest faculty honor. Her twice-annual economic forecast lectures became a standing-room-only tradition. And her 1995 textbook, “Contemporary Money, Banking and Financial Markets: Theory and Practice,” co-authored with her husband, Michael Hadjimichalakis, became an influential classic.

Former students universally spoke of themselves as “privileged” and “blessed” to have had the opportunity to study under Karma. They told of her ability to decipher data with real-life examples to make macroeconomics fascinating, even fun. They spoke of her profound impact on their lives. As one of Karma's students, class of 2002, I wanted to add my own testimony to her impact.

When I was a student, learning under an experienced and dedicated professor such as Karma was one of the best parts of the University of Washington's eMBA program. In all of her classes, Karma went above and beyond the call of duty, not just to present the course

material, but to make herself available to us outside of the classroom, to answer our questions and ensure our understanding and application of the course work. She challenged my study of economics and how to craft successful public policies in a free market economy. Quite simply, they don't come any better.

I ask my colleagues to join me today in recognizing Karma Hadjimichalakis for her four decades of excellent teaching, communicating knowledge with absolute generosity, boundless energy, and endearing warmth. Karma's impact on thousands of students will endure for decades and in ways we will never completely know. And she will always have a special place in my heart.

#### ATTACK ON MIDDLE CLASS AMERICANS

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

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to highlight a very serious and dangerous attack on middle class Americans being waged by the Republicans in the Congress and in Statehouses across the country.

The Wisconsin Governor's assault on public employees is getting most of the media attention, but it is just one of the fronts of the extreme right wing and anti-worker agenda trying to be carried out in this country. In fact, there is a well-financed and coordinated national attack against working families and the unions that they may belong to, the goal of which is to take away power from the middle class and give it to the wealthy special interests that have backed Republicans in their elections.

Here is how it is playing out: The Republicans are taking a real problem, a serious problem—budget deficits and long-term debt in this country—and they are assigning to it a fake cause. Under the guise of cutting deficits they say that working people's union rights and workplace protections must be eliminated. In fact, this attack against working people is designed to remove the vital check on special interest corporate power from overrunning our democracy.

This is an extreme agenda that they have always pursued, but they are now using their newfound political power to relaunch the attacks, to attack the guarantee to a decent wage, to attack the rights to ensure a safe workplace so when the workers leave home in the morning they know they will return safely at night.

□ 1020

They attack the rights to have access to affordable health care and secure retirement. And yes, they're even attacking the rights of working people to join together to bargain for a better life and better conditions in the workplace.

So at the same time that the Governors of Wisconsin, Ohio, Indiana, and

New Jersey are demanding more public and private union employee sacrifices. Republicans in Washington are using the budget fight to roll back the rights and protections of American workers.

Their spending priorities in their so-called continuing resolution of last week show their hand. They voted to take away workers' ability to repeal unjust and unfair and illegal actions in the workplace by getting rid of the National Labor Relations Board. They voted to undermine the wages of construction workers on Federal projects. They voted to roll back workplace health and safety protections guaranteed by Federal law.

While protecting subsidies for corporate interests, they have sought to cut education funding and critical support for workers in need of job training, and yes, even kids in Head Start.

These rights and services helped to build and sustain our Nation's middle class in the last century making the United States the greatest economic power in the history of the world. We have the greatest workers in the world because of these rights. But now the rights and economic strength of America's middle class are at risk. It's under a systematic assault in the statehouses controlled by Republican legislatures and Republican Governors and in this House of Representatives controlled by the Republicans—a systematic assault that goes beyond after the unions, after the workers have agreed to givebacks, to furlough days, to give back health care benefits, pension benefits. They want more. They want their union. They want their rights in the workplace to be terminated. It's un-American.

There's a reason that we have collective bargaining in this country, because we know that workers should have a right to bond together to improve the workplace, to improve their working conditions. And when they do, those rights flow to the rest of middle class working families in this country. In even the non-union workplaces, those rights are there. That's how we achieved an 8-hour day, that's how we achieved vacation time, that's how we achieved health care, that's how we achieved overtime whether you're in the union or not.

But now they want to take away the rights of unions to organize in the workplace, the rights of workers to organize.

But the Republicans have asked for no sacrifices. In all these cuts, they have asked for no sacrifices of the well-off and the well-connected. In fact, these cuts are being made in the name of the well-off and the well-connected so that they will be able to push for lower wages, for lower benefits, for lower health care for our workers, for lower take-home pay. And what does that do to the economy? It makes America poor.

How do you build a strong middle class community on the back of low-wage earners? You can't do it. It's never been done.

But the fact is, many years ago America decided we wanted a strong and a vibrant middle class, and we did that by forming a union and by giving people the right to have a say at work. We know study after study where workers have a say in the workplace, they work harder, they're more productive, they're more innovative, they're more open to new ideas.

But what do we say to workers with the Governors of Wisconsin and Ohio and Indiana? Do what we tell you to do, do it for less pay, do it for less benefits, and do it because we told you so. That doesn't sound like America to me. It doesn't sound like a powerful country that has the best and most productive workers in the history in the world. That sounds like something that we're not familiar with in this country. That sounds like an autocratic system that just demands and takes but never gives.

#### EPA "DUST" POLICE

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

Mr. POE of Texas. Mr. Speaker, "Houses were shut tight, and cloth wedged around doors and windows, but the dust came in so thinly that it could not be seen in the air, and it settled like pollen on the chairs and tables, on the dishes."

Ma and Pa Joad did everything they could to save their farm from slipping away into the dust bowl, but ultimately they lost to a force far greater than any effort they could muster.

Mr. Speaker, though this is just one line ripped from the pages of "The Grapes of Wrath," farmers and ranchers today are facing a modern day dust storm—the wrath of the EPA. Just when you think you've heard it all, bureaucrats in Washington, D.C. come up with some hair-brained idea that leaves you scratching your head in wonderment.

The Environmental Protection Agency has apparently run out of things to regulate and tax so they are considering new guidelines for regulating "particulate matter emissions"—more commonly known to you and me as "dust."

Now, I know what you are thinking, this just cannot be true. What kind of crazy scheme is this?

Well, the EPA "Dust Police" would specifically regulate farm dust. Farmers would be required to have dust collectors on their harvesters, planters, combines, and haying equipment.

But my personal favorite is the crackdown on dust created from driving a pickup truck down a dirt or gravel road. I am not making this up. The Federal Government is considering farm dust regulations that are caused from driving on a dirt road.

So I thought, well, maybe this is just some backdoor attempt to rid America of our majestic four-wheel-drive pickups that liberals loathe so much

and find some way to force these battery-operated toy cars on the rest of us.

But the new proposals don't just apply to dust created from driving. No, they are fair and they are balanced in their overreaching authority. Farmers and ranchers are going to have to somehow limit the dust created by livestock on their property as well.

So, say Bessie the cow kicks up too much dust running over to your pickup truck at feeding time. The EPA is going to fine you for Bessie's misconduct. You need to move your cattle to another pasture during the daytime? Well, don't do it on a dry day because they may kick up too much dust.

The Dust Police solution is to manage dusty dirt roads with water, or—get this—pave them with asphalt. Now, this is another can of worms.

Every farmer and rancher will have the "Water Police" raining down on them by the time the first drop hits the dirt. I would think EPA would be aware of the fact that we already have a shortage of water on ranches and farms in our country. But make no matter to them, they still want you to control it.

And what about this paving the asphalt over these roads? Really, they can't be serious. Aside from the sheer magnitude of this undertaking, the idea is completely unfeasible and it's cost prohibitive.

The absurdity of these types of Federal regulations is what makes normal Americans all across our country frustrated with Washington, D.C.

I will say there is a little good news on the horizon. We're not all out of touch here in Congress. My colleague, Representative KRISTI NOEM from South Dakota, filed an amendment to the continuing resolution last week to eliminate funding to the EPA to enforce the dust regulations. I'm proud to say that this passed the House of Representatives, and it's now down the hallway with the Senate. Let's see what they do.

This type of Federal meddling is exactly what causes businesses to go out of business, lay off workers, and in many cases fail. These types of expensive regulations will finally shut the barn door on the American rancher and farmer for good.

I understand that dust may seem like a serious threat to someone who has never been outside the EPA's marble Potomac palaces or elite castles of academia. But let's use some common sense here. Farmers and ranchers are the best environmentalists in our country. No one respects the land or animals more than those who actually live on it and depend on it for a living.

Instead of burying us in ridiculous regulations that do nothing to improve the quality of life or the environment, the government should look for incentives to encourage farmers and ranchers to produce more, not less. We don't need the EPA-inflicted dust bowl to devastate the American heartland.

The EPA should just head on down the road and leave this regulation in the dust.

And that's just the way it is.

#### TEXAS INDEPENDENCE DAY

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

Mr. GENE GREEN of Texas. Thank you, Mr. Speaker.

Today, March 2, 2011, marks Texas Independence Day. A hundred and seventy-five years ago, the Texas Declaration of Independence was ratified by the Convention of 1836 on Washington-on-the-Brazos in Texas. This is an important day for Texas, and patriotic Texans observe this occasion with great pride.

In 1824, a military dictatorship took over in Mexico abolishing the Mexican constitution. The new military dictatorship refused to provide trial by jury, freedom of religion, public education for their citizens, and allowed for the confiscation of firearms—this last one particularly intolerable, particularly for Texans.

The Texas Declaration of Independence states that Texas' government had been “forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated central military despotism.” It stated that because of the injustice of Santa Anna’s tyrannical government, Texans were severing their connection with the Mexican nation and declaring themselves “a free, sovereign, and independent republic fully invested with all the rights and attributes” that belong to independent nations; and a declaration that they “fiercely and confidently” committed their decision to “the Supreme Arbiter of the destinies of Nations.”

□ 1030

The Texas Declaration of Independence was needed because this military dictatorship had ceased to protect the lives, liberty, and property of the people of Texas. Failure to provide these basic rights violated the sacred contract between a government and the people, and Texans at that time, and want to still today, stand up for their rights. In response, the Mexican army marched to Texas, waging a war on the land and the people, enforcing the decrees of the military dictatorship with brute force and without any democratic legitimacy.

Today, 175 years later, Texas President and Governor of Texas, Sam Houston, and other delegates signed the Texas Declaration of Independence. General Santa Anna’s army besieged the independence forces at the Alamo in San Antonio. Four days after the signing of this Declaration of Independence, the Alamo fell with her commander, Lieutenant Colonel William Barret Travis, and former Tennessee Congressman Davy Crockett and approximately 200 other Texas defenders.

All these men were killed in action in a heroic sacrifice for Texas freedom.

If this tragedy were not enough, weeks later Santa Anna’s Army massacred 300 unarmed Texans at Goliad on March 27 of 1836. In a dramatic turnaround, Texans achieved their independence several weeks later on April 21, 1836. Roughly 900 members of the Texan army overpowered a much larger Mexican army in a surprise attack at the Battle of San Jacinto in Harris County, Texas. This battle is memorialized along the San Jacinto River with the San Jacinto Monument in our congressional district. The monument’s larger than the monument here in Washington, the Washington Monument. Sam Houston High School, which we have a lot of schools in our district named for Sam Houston, actually received a Texas historical marker about 3 weeks ago.

Today we give thanks to the many Texans that sacrificed for the freedom we enjoy today. God bless Texas and God bless America.

#### RECESS

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

Accordingly (at 10 o’clock and 32 minutes a.m.), the House stood in recess until noon.

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at noon.

#### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of the Universe, Our Hope in times of testing, Our Consolation and Strength always, while this Chamber goes about its work to establish security and good order for the Nation, breathe forth a new Spirit of creativity and learning in the hearts of Your people and guide the course of world events.

By drawing closer to Your Holy Will and revealed Word, may the hidden treasures of lasting freedom empower Your people to seek the truth and do what is right in conscience so we may witness to Your presence in our midst both now and forever.

Amen.

#### THE JOURNAL

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

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

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri (Mr.

CARNAHAN) come forward and lead the House in the Pledge of Allegiance.

Mr. CARNAHAN 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.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a Joint Resolution of the House of the following title:

H.J. Res. 44. Joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 388. An act to prohibit Members of Congress and the President from receiving pay during Government shutdowns.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

#### GAO REPORT ON WASTEFUL SPENDING

(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, yesterday the Government Accountability Office released a report detailing billions of dollars of waste in the Federal Government. Redundant and ineffective programs infect the government like a plague. For too long, Congress has punted on its responsibility to rein in wasteful spending. And when I read this report, I had the same feeling as my constituents did. I hated it.

According to the report, there are 15 agencies implementing Federal laws on food safety. There are 80 different programs and numerous agencies that work on economic development, 24 Federal agencies for information technology, and 82 programs dealing with teacher quality across multiple agencies. What is this costing us? Billions. Who’s paying for it? You guessed it, the American taxpayer.

The American taxpayers’ dollars are being wasted by keeping these redundant programs on the books. We should immediately begin looking at ways to eliminate redundancy, stop wasting billions of tax dollars, and allow hard-working Americans to keep more of what they earn.

#### SPENDING CUTS

(Ms. SCHWARTZ asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. I rise today to offer some truth on the Republican spending bill. Over 300 economists believe the Republican bill to cut \$61 billion in midyear would eliminate 700,000 American jobs and shrink economic growth by 2 percent just this year. These are shortsighted cuts that could threaten our economy and our economic competitiveness. Our goal should be job creation, not job destruction.

Our Republican colleagues only care about cutting, without regard to where the cuts come from, how they negatively affect American families, or how detrimental they could be for our economy. This is not governing. Spending cuts should not be politically motivated or economically harmful.

We do need to cut spending to reduce our deficit, but these cuts must be targeted, and they must be responsible. They shouldn't cut into our core obligations to our seniors, to our safety, or to our future. Our Nation's economy and our economic growth depends on investing in education, infrastructure, and innovation, all critical to private sector competitiveness. Balancing spending cuts with sound investments is the only way to ensure job growth and new jobs. It's time for the Republicans to move beyond political rhetoric to actions that really work to grow our economy.

#### MEDICAID COSTS

(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, in the coming years the Commonwealth of Pennsylvania will have to find \$2 billion additional to pay for ObamaCare's mandated Medicaid increases. There is little flexibility in State budgets this year, and Pennsylvania, like many States, will have to make up a significant budget gap this year. The entire State budget is only \$29 billion. Adding \$2 billion more means significant cuts in services or significant tax increases.

Pennsylvania is not alone. According to a new report released yesterday, this expansion will cost States \$118 billion additional. That is twice what was just recently estimated by CBO. We want to provide good health care, but we also want to educate our children, keep citizens safe, and maintain our rails and roads. Our State governments must be more than just health care providers. We must provide governors with the flexibility to determine the needs of their States.

Under ObamaCare, Medicaid is more rigid and more expensive, and an even greater burden on States struggling to balance their budgets.

#### NO GOVERNMENT SHUTDOWN

(Mr. CARNAHAN asked and was given permission to address the House

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

Mr. CARNAHAN. Mr. Speaker, yesterday I voted for a 2-week compromise to keep our government's most vital programs running while we negotiate an agreement to cut the deficit without hurting our fragile economic recovery. Why? Because a government shutdown would profoundly hurt all Americans, and we need time to work together to avoid that.

Fifteen years ago, a hyperpartisan Congress shut down our national government for ideological reasons and furloughed over 8,500 jobs in my hometown of St. Louis. And just this morning, the St. Louis Post Dispatch reported that a shutdown could put as many as 38,000 people out of work in our region.

Let's have a serious and spirited debate about cutting redtape and duplication and finding common sense solutions. Let's focus on the priorities of the American people: creating jobs and cutting the deficit. We should do so by looking at three principles. Will it create jobs? Will it help the middle class and working Americans and our retirees? And finally, will it lower the deficit?

I hope my colleagues will join me in passing a funding resolution that meets these essential goals. Our constituents deserve no less.

#### REPEAL THE 1099 REPORTING REQUIREMENT

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

Mr. GIBSON. Mr. Speaker, I rise today to fight for the job creators in my district. Small businesses and family farms in upstate New York are already struggling to survive in these tough economic times. We in the Congress can help by attacking the impediments to their profitability: high taxes, onerous regulations, and spiraling health care and energy costs.

Today I rise in support of the repeal of the 1099 reporting requirement that was included in the government-centric health care bill passed last year. This new government mandate is set to require our small businesses to issue detailed tax information for each vendor with whom they do business beyond \$600. Some of our small business owners have hundreds of these vendors, and this new onerous requirement is absolutely unnecessary and would add more burden to an already stressed bottom line.

I look forward to standing with the small businesses and farms in my district tomorrow by casting a vote to repeal the 1099 provision.

□ 1210

#### SUPPORT PUBLIC WORKERS

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

Ms. JACKSON LEE of Texas. Mr. Speaker, this 1-minute is from the heart, and it disturbs me and baffles me for a country that I love. I don't believe there is anything more precious than for Members to stand up and pledge allegiance to this great Nation and to be taught as children about the American Dream.

That's why Democrats have focused their life journey on creating jobs for Americans. That's why we don't want to engage in frivolous budgeting that causes us to lose jobs.

But why are Governor Walker of Wisconsin, Governor Kasich of Ohio and Governor Daniels of Indiana demonizing the American Dream, demonizing workers, teachers, transit workers, police and firefighters? Does anyone know that Wisconsin public workers offered \$100 million last year to be able to help the State and have already committed to helping them this year? But, no, union busting is not union busting. It is quashing the American Dream, making it a crime to organize workers.

What is America? I beg of them to stand against this kind of dastardly act. Democrats are fighting for jobs. Where is the American Dream?

#### NATIONAL FRAGILE X FOUNDATION ADVOCACY DAY

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

Mr. HARPER. Mr. Speaker, I am thrilled today to welcome over 125 advocates from 40 States with the National Fragile X Foundation to Capitol Hill.

Today the fragile X community will visit their Members to promote awareness, improved research and more efficient treatments for fragile X-associated disorders. This disorder is linked to a mutation on the X chromosome and is the most commonly inherited form of intellectual disabilities.

Mr. Speaker, as you may know, this is a very personal and emotional issue for my family, as my 21-year-old son, Livingston, has fragile X syndrome. I am honored to have Livingston with me today in Washington to help me share our family's story about this condition.

While we understand the challenges facing Congress, we ask you to continue to support Federal investments in fragile X-specific research, discovery and public health priorities.

#### CONTINUING RESOLUTION AND JOB LOSS

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

Mr. Sires. Mr. Speaker, Republicans have been in charge for 8 weeks, and this Chamber has taken 154 votes, yet we still see no signs of job creation or a jobs plan.

With 14 million Americans still looking for work, I ask my colleagues on the other side, Where are the jobs? Where is the plan? In this House we have talked about repealing health care reform and instructing committees, but nothing about a jobs plan.

And, now, as we approach the deadline for government funding and the looming threat of a crippling government shutdown, House Republicans are focusing on irresponsible budget plans than actually threaten job creation. In fact, the Republicans' proposed long-term CR not only fails to create jobs or spur the economy, it would actually cause more job losses and depress economic growth.

Economists have discovered that their plan would destroy around 700,000 jobs through 2012. Mr. Speaker, as the impending funding deadline approaches, my Republican colleagues should negotiate in good faith and fund the government in ways to support job creation and economic growth, not cause greater job loss or economic damage.

#### RED TAPE

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

Mr. BILIRAKIS. Mr. Speaker, I am here to talk today about red tape, specifically the 1099 form.

It's a relatively short, seemingly harmless form. Yet when we require every business in this country to file a 1099 form for every business transaction over \$600, it is far from harmless. In reality, this requirement is an enormous burden that takes time, energy, resources away from growing their businesses.

The 1099 provision is one of the many backbreaking regulations included in the Democrat's health care overhaul that I opposed when it passed the House in 2010. Repealing this requirement would be a victory for America's small businesses, families, and individuals.

Florida's businesses deserve economic solutions that will let them keep more of what they earn so that they can innovate and grow. I urge my colleagues to support H.R. 4 and repeal this 1099 provision.

#### BREATHE CLEAN AIR

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

Mr. INSLEE. Mr. Speaker, one thing we share on a bipartisan basis is Republicans and Democrats like to breathe clean air. We don't want to see our kids exposed to aggravated asthma problems.

That's why it's very disappointing that the Republicans are trying to threaten a government shutdown if they don't get to pass their dirty air act. Now, their dirty air act is a bill

that they want to pass, and I am not making this up. They want to pass a bill that would make it illegal for the Environmental Protection Agency to enforce the provisions of the Clean Air Act that will reduce air pollution.

This is amazing to me. You want to shut down government, if you don't shut down government in enforcing pollution. Now, I always thought that the American people thought that that was a really bad idea.

I want to share my colleagues' proof of this. In polls done in 19 congressional districts recently, including the Speaker's own district in Ohio, 68 percent of Americans said that we should move forward with the EPA in this; 6 out of 10 said the Republicans' dirty air act is a really bad idea.

We need to keep the government to keep this clean air. Reject the Republicans' threat of a government shutdown.

#### HONORING THE MEADOWS OF NORTH SMITHFIELD, RHODE ISLAND

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

Mr. CICILLINE. Mr. Speaker, I rise today to honor The Meadows, an affordable senior housing community in my congressional district located in North Smithfield, Rhode Island.

The Meadows excels as an elderly community by providing individual living with enhanced social services and high-quality care to approximately 100 Rhode Island seniors. The Meadows was built using a smart combination of Federal, State, local, and private funding. It has a green design which includes geothermal heating, Energy Star appliances, and energy-efficient lighting.

For the commitment to providing our seniors a quality standard of living, I congratulate the Meadows. I proudly join the National Affordable Housing Management Association in honoring The Meadows as a "community of quality" for exemplary development for our seniors.

Thank you for your work. Congratulations on your achievements, and thank you for your commitment to Rhode Island's seniors.

#### TAX HIKES FOR WORKING MIDDLE CLASS AMERICANS

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

Mr. CROWLEY. Mr. Speaker, in 2010 the Republicans promised smaller government and fewer taxes. They even signed a pledge, a pledge not to raise taxes. Yet here we are, 56 days after assuming control of the Congress, and Republicans are proposing to do exactly that, tax hikes for working middle class Americans.

Their bill, H.R. 4, would repeal the onerous reporting provisions on small

businesses, but on the backs of hard-working middle class American families. Those watching the debate are probably thinking "say it ain't so, Joe," but despite Republicans' claims that it isn't a tax increase, it is a tax increase.

If it isn't, why did the Joint Committee on Taxation say it is? If it isn't, why do Republicans block a vote on my amendment that would prohibit any section of H.R. 4 from kicking in if it did, indeed, raise taxes on middle-class families?

It took only 56 days to break their pledge. Republicans are raising taxes on working people. Say it ain't so, GOP. Say it ain't so.

#### BLAME FOR OUR NATION'S FISCAL PROBLEMS

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, it's hard not to get angry when watching the news or reading the newspaper about Wisconsin.

We are trying to recover from the biggest financial crisis since the Depression, and who is getting the blame for our Nation's fiscal problems? Teachers. Teachers certainly aren't the people who caused the Great Recession. It was a group of Wall Street executives who brought about the financial crisis which led to the budget shortfalls in the States.

Blaming teachers or cutting their pay is wrong. Working to strip them of the basic American right to collectively bargain because some greedy Wall Street executives made huge mistakes and went too far, well, that's absolutely also wrong. Of course, Wall Street executives have gone back to collecting big bonuses while teachers and public workers are collecting the ridicule.

It's time to quit blaming hard-working and dedicated teachers and let them get back to focusing on their students.

□ 1220

#### OUR NATIONAL DEBT

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

Mr. COSTA. Mr. Speaker, our national debt, as we all know, is approaching \$14 trillion, with a capital "T." It's clear that we can no longer afford to continue the partisan bickering and short-term thinking that too long has consumed our Nation's capital. While kicking this can down the road may have been in vogue at one time, it can no longer be afforded by our Nation.

The staggering debt was not created in a day, and we can't dig ourselves out of this hole overnight, but we must stop digging. In order to tackle our

debt, we must cut spending, agree to a stable source of revenue, and hold these commitments over the long term on a bipartisan basis. Partisan rhetoric will not get the job done. The Congress now has to deal with the reality of this budget mess.

The longer-term continuing resolution the House passed 2 weeks ago, though, won't grow our economy and it won't create jobs in the San Joaquin Valley. And, in fact, two reports by respected economists have indicated that it will provide careless cuts and mean hundreds of thousands of jobs lost throughout the Nation.

We can cut spending and we can grow our economy, but it will require shared sacrifice across the Nation by Democrats and Republicans coming together. Our Nation's fiscal health depends on it.

#### COMPREHENSIVE IMMIGRATION REFORM

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

Mr. POLIS. One of the most critical issues to my constituents and Americans across the country, there is crying out for Congress to take action with regard to illegal immigration.

This Nation has over 15 million people who are here illegally, and yet I don't hear one word about comprehensive immigration reform. Comprehensive immigration reform has strong majority support in polls from Republican voters, from Independent voters, and from Democratic voters. Comprehensive immigration reform would finally establish real border security, real employment verification, and require that people that are here illegally register, pay a fine and get right with the law. It is common sense for America, and it's time for Congress to take action on this critical issue.

Lately I've heard that we might be discussing mandatory E-Verify. That would make the problem worse. E-Verify encourages a black market in Social Security numbers. We need real employment verification with fingerprints or eye IDs so we can identify who's there and don't simply contribute to a black market in Social Security numbers which can be bought and sold, only increasing crime in this country.

My constituents are calling on Congress to take action on comprehensive immigration reform. I urge my colleagues to bring this important issue forward.

#### PROVIDING FOR CONSIDERATION OF H.R. 4, SMALL BUSINESS PAPERWORK MANDATE ELIMINATION ACT OF 2011

Mr. SCOTT of South Carolina. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 129 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 129

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4) to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of the amendment recommended by the Committee on Ways and Means now printed in H.R. 705 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, to final passage without intervening motion except: (1) two hours and 30 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

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

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

#### GENERAL LEAVE

Mr. SCOTT of South Carolina. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. SCOTT of South Carolina. Mr. Speaker, House Resolution 129 provides for consideration of H.R. 4, the Small Business Paperwork Mandate Elimination Act of 2011.

If you are looking for a prime example of government regulation which, first, is an unnecessary intrusion on small businesses, second, enlarges government bureaucracy at the expense of taxpayers and entrepreneurs, and, finally, creates a mountain of mind-numbing paperwork which has the net effect of killing jobs, then look no further.

Section 9006 of the health reform bill does all of that by requiring businesses to report every expense that they incur over \$600; not just wages to their employees, but even for payments to other businesses and for merchandise.

Imagine, if you will, a small business that picks up a couple of dozen doughnuts from Krispy Kreme on a weekly basis. At the end of the year, they must send a 1099 to Krispy Kreme. Think about a small business owner, as I have been for the last 14 years, who buys stamps from the post office, and now you have to send a 1099 to the U.S. Post Office. What about if you buy a printer for your office or blinds for your office? Here comes more, another mountain of

new paperwork. So now you're spending tax time preparing 1099s for Krispy Kreme, Office Depot, Walmart, Costco, Starbucks, and the list goes on and on.

It's one thing for a large corporation with an in-house tax department. It's another thing completely for a small business which spends an average of \$74 an hour—that's \$74 an hour—on tax compliance, the most expensive paperwork burden that the Federal Government imposes on all small businesses.

Then, to make matters worse, last year the President signed the Small Business Jobs Act, which expanded this onerous 1099 requirement to anyone who rents out property. How did this happen? Well, after the bill has been passed, we are learning more about it. We had a Congress that passed a bill through backroom deals shielded from the public view without reading them.

The American people have seen what's in this bill, and they don't like it. They don't like it one bit. That's why they sent all of us to Congress, to repeal, to defund, and to dismantle the health care reform. My Republican colleagues voted to repeal this bill 245–189, with a 49-vote greater margin than the original vote to pass it. That is also why two Federal judges have already ruled that national health care reform is unconstitutional.

And I am proud to be handling this rule on the House floor. H.R. 4 will remove an unnecessary burden from small businesses, so that instead of creating 1099s for their expenditures, they can create W-4s when they hire new employees.

I reserve the balance of my time.

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

Mr. Speaker, today the Republicans are breaking a promise that they made to the American people, a promise not to raise taxes. The new majority came in promising a growth agenda. Instead, under the guise of giving administrative relief to small businesses—relief that we all agree is necessary and the majority of this body last session voted to provide with a different way of paying for it—the Republicans are now increasing taxes on middle class Americans and punishing workers.

Mr. Speaker, my colleagues have also broken their promise to this body. The people's House was promised an open legislative process. Over and over, the leadership has told the American people they want to create an open process, create jobs, and lower taxes. Yet here we are debating the second closed rule of the week on a bill that calls out for new and better ideas, a bill that in its current form will increase taxes and punish employees.

We all agree that the 1099 reporting provision of the Affordable Care Act needs to be fixed. Just last Congress, we brought a bill to the floor to do that. H.R. 5982 would have repealed the 1099 requirements. But the measure failed because our Republican friends did not believe that ending incentives

for companies to outsource jobs overseas, which is the way we paid for fixing this administrative burden at the time, would protect American jobs and wouldn't raise taxes on individuals. They didn't believe that that was the correct way to offset the legislation. Instead, in this Congress, they are seeking a tax increase on middle class families as somehow preferable as a way of paying for something we all agree is important rather than ending incentives to shift American jobs overseas.

Now, we won't get into an argument about semantics. There will be those who somehow argue that this is not a tax increase. Well, if it looks and smells like a tax increase, it is a tax increase. A tax increase by any other name would smell as bitter.

Indeed, under this bill, hundreds of thousands of American families will receive an extra bill from the IRS to the tune of \$3,000, \$5,000, particularly middle class families, families earning \$80,000 a year and \$90,000 a year. The heart of what makes up the American middle class face the largest tax increases under this bill.

□ 1230

This bill would raise taxes, harming workers that should be protected. As the Joint Committee on Taxation points out, the Republican proposal would increase taxes for a family of four by an average of \$3,000 a year. And, yes, that is a bill from the IRS. That is taxes. T-A-X-E-S is what the Republicans are seeking to increase under this bill.

Let me give another real-life example. One of the issues we want to correct with regard to the 1099 bill and work with our colleagues on the other side of the aisle to find a good way to pay for, is that currently people who have rental property are going to be classified as being in the business of renting property, and being subject to additional paperwork under the 1099 provision. So this could be a family of four earning maybe \$60,000 a year in salary; they earn another \$20,000, \$25,000 from a rental property. They work hard. They keep up that property. Maybe it was formerly a family home, or maybe they saved up over 10 or 15 years to buy it.

With the 1099 paperwork problem, we are saying hey, you put a new refrigerator for \$600 in that rental home, you have to fill out additional government paperwork that makes you responsible for taxes on that, okay? That's what we want to save people from, Republicans and Democrats. We're saying: You know what, we don't want to burden that family. You make \$60,000 a year, you're getting \$20,000 from a rental property, we don't want you to jump through hoops to put a new refrigerator in your rental property.

But you know what? To that family, they say we don't want to do that extra paperwork, but if it's between that paperwork and paying a \$5,000 bill to the

IRS, I'll do the darn paperwork. I'll do the darn paperwork.

Who are we trying to help here? Who are we talking about helping? If they don't want the help, if this is actually harmful, who are we talking about helping?

According to Families USA, House Republicans wish to decimate what remains of the safe harbor that protects individuals and families from substantial tax penalties. The Affordable Care Act provides built-in flexibility to consumers and protects them by capping the tax penalty if the monthly premium credit received during the year exceeds the amount of credit due based on unexpected income or family status.

So again, how can unexpected or unplanned for income or family status change? It could be a bonus, it could be a raise at work, it could be a divorce, or it could be a marriage. There are a number of ways these things change and put people in a higher category where the IRS will be sending them, because of this bill, \$3,000 to pay, \$5,000 to pay. That's what American families are going to be on the line for.

These provisions of the Affordable Care Act recognize that forcing middle income individuals to repay the entire amount would dampen their willingness to sign up for insurance in the first place. It would penalize them if they found a new job, or penalize them if they received a raise. This process of reconciling the actual income versus tax credits is often called a true up.

Now, last December, as part of our bill to prevent the SGR payment cuts from going into effect, we changed the true-up policy for the better. We converted it to a graduated income approach to protect those with middle income levels and enable us to ease away from the cliff that people face when they reach the 400 percent level.

Now, let's talk briefly about health care reform. I know there is a lot in health care reform that my colleagues on the other side of the aisle don't agree with, but I like to think there is some they do agree with as well.

One of the most important provisions of health care reform from a market perspective is the incentive it gave middle class families to work and get off of government health care. Let me explain.

Before this House and the country took up health care reform, there were many families that were right at the cutoff point for Medicaid, okay. Let's say they are earning \$10 an hour. If they got a raise to \$10.50 an hour, they might lose thousands of dollars in government benefits. And I've met constituents who've said this. They've said: Look, I'm earning \$9.50 an hour. I can't even take a raise at my job. I can't work another 20 hours a week at a side job because I actually lose money. So the government was telling them they couldn't work harder. The government was telling them we're going to trap you into a cycle of dependency. The government was telling

them if you earn any more money, we're cutting off your health care.

We replace that in the Affordable Care Act with something that I like to think has support from both sides of the aisles, and that is a sliding scale of reductions. So there is an actual incentive to get off of government health care, to get off of Medicaid, to better yourself and take that 50 cent raise, realizing you may not keep all 50 cents, you might lose a little bit. But, you know what, we're going to let you keep 30 cents of that, and 20 cents will go to decreasing your government benefits. And eventually you've weaned yourself off of government aid entirely and you're able to support health care. That is another misconception. It's not that people want to receive Medicaid or government health care; what they want is to be able to afford, to earn enough money to afford to have private insurance. That's the goal here. The Affordable Care Act helps them get there.

This would strip that provision back and provide a disincentive for families making \$75,000, \$80,000 a year, depending on the size of the family, to work harder.

America was built on a strong work ethic. We all, on both sides of the aisle, have a strong awareness of the market-based system we live in and the power of incentives. We should provide an incentive for middle class families to earn more, not earn less. Why do we penalize those who succeed? Why are the Republicans seeking to raise taxes on middle class families who are seeking to do a little bit better? We should encourage them to get that second home and make some rental income, to work another 10- or 20-hour-a-week job so they can send their kids to a good college. That's what this body should be discussing. Yet instead, we're about to present to the middle class in this country an enormous tax hike. Now to fund something we all agree, and that is why if this was an open process, as Republican leadership has repeatedly promised, we could come together around better ways to pay for it. Okay, you didn't like the way the Democrats proposed paying for it last year. And you know what, by the way, a lot of those pay-fors wound up in statute anyway paying for other bills, but let's work together to do that. Consistent with the cut-go proposal, let's make cuts in government expenditures somewhere to pay for closing this 1099 loophole. Let's not put it on the backs of middle class families earning \$80,000, \$90,000 a year, those who are least able to pay for a tax increase.

You know, I was proud to support the continuation for 2 years of the Bush tax cuts at the end of last year, and let me tell you why. I think it would be unthinkable to raise taxes on families making under \$250,000 a year. Now, I supported letting them expire for families making over \$250,000 a year. You don't take pleasure in that, but it was because I felt we needed to do that to

close the deficit. We couldn't leave that revenue on the table. But I felt it was so important to make sure that families making \$80,000, \$90,000, \$100,000 a year didn't get a tax increase that I was willing to support no tax increase for millionaires as well as part of the package.

And yet here we are in the third month of the Republican Congress with an enormous tax increase on those Americans who can least afford it, the very families who are making \$80,000, \$90,000 a year who form the backbone of the American middle class, facing a \$3,000, \$4,000, \$5,000 tax increase because of the way the Republican majority has chosen to pay for what we all agree is a worthy cause: reducing paperwork for small businesses and home renters.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. NUGENT).

Mr. NUGENT. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H. Res. 129 and the underlying legislation, H.R. 4.

Last year's health care law was rammed through without the opportunity for the American public to let their voices be heard. At the time, then-Speaker PELOSI said Congress had to pass the bill to know what is in it. Now we know. Even Democrats are realizing how many problems there are in this bill.

One such example is the 1099 reporting requirement. This requirement forces businesses to report nearly all expenses exceeding \$600 to the IRS. This results in a new, onerous burden on small businesses. The requirement means 10 to 20 times more paperwork for small businesses. The U.S. Small Business Administration estimates the 1099 tax compliance will cost small businesses \$800 per employee annually.

Small businesses are the economic backbone, and the 1099 requirement is breaking their back. My colleagues on the other side of the aisle will tell you H.R. 4 is a Republican tax increase on middle America. That couldn't be further from the truth.

The offset we are using here today prevents individuals from receiving health care subsidies that they aren't entitled to. We are preventing people from defrauding the Federal Government. We aren't taking money away from people; we are protecting taxpayer dollars by ensuring they're being used the way they're meant to be used.

Moreover, the subsidies we're talking about today don't even take place until 2014, which gives taxpayers ample time to know the facts. The 1099 requirement is affecting small businesses today. Anybody who calls this rule an attack on the middle class isn't telling you the truth, Mr. Speaker.

We are here today because the Republican majority is committed to jobs and protecting and creating jobs for the American people.

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

Mr. SCOTT of South Carolina. I yield the gentleman an additional 30 seconds.

Mr. NUGENT. The Democrat-passed 1099 reporting requirement is a job killer. We want to make sure that small businesses can use their hard-earned profits to expand their businesses, open new storefronts, and bring on new employees, not spend their time reporting to the IRS.

If we're going to create jobs, we need to create an environment where small businesses can succeed. H.R. 4 is an important step in fostering that environment. With that, Mr. Speaker, I encourage my colleagues to support this rule and support H.R. 4.

□ 1240

Mr. POLIS. Mr. Speaker, I yield myself 30 seconds.

This is not, as my colleague from Florida indicated, about fraud. The law has strong penalties for fraud already.

Now, there's agreement to close this extra paperwork on the 1099. What we are supporting is an open process that would allow the majority to work with the minority to find a way to pay for solving this increased administrative overhead without raising taxes on American families.

With that, I would like to yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, my colleague from Florida who just spoke said that the Democrats were going to attack this proposal or the pay-for for this proposal by saying that it's an assault on the middle class, and that's exactly what I intend to say.

Unless I misunderstood my colleague from Florida, he seemed to suggest that the health care subsidies, that people who are in this \$80,000 or \$90,000 income bracket was something that they were not entitled to; I suppose because he thinks that somehow they're too rich. Well, let me tell you, if you have a family of four and you're making \$80,000 to \$90,000 a year or something like that, certainly in my State of New Jersey but in a lot of parts of the country, it's very difficult for you with a family of four to be able to buy health insurance, to pay your premium, without some help. And that's exactly what we're talking about when we talk about people who are middle class.

People who are middle class could be making \$25,000 a year, \$40,000, \$50,000, \$80,000, \$90,000, \$100,000 a year. It's not easy to be able to afford your health premiums if you have a family of four and you're in that income bracket.

I regret what's happening here today, because the bottom line is there was bipartisan agreement on the main goal of repealing this 1099 reporting. Doing away with it is something that the Democrats actually put on the House floor and voted on last session. But what we had during the 111th Congress is a repeal bill that basically was paid for by closing tax loopholes for compa-

nies that ship jobs overseas, and we weren't able to get that passed because it was on suspension and only two Republicans joined with us. It was actually endorsed, the pay-for and the bill, by the National Federation of Independent Business, but the Republicans wouldn't support it. There's no question here that we want to repeal the 1099 reporting requirement, but we don't want to pay for it on the backs of the middle class. We should pay for it by closing these loopholes for taxes for companies that take jobs overseas so that we can create more jobs here at home.

I just can't believe what the Republicans are saying. They have this offset that would essentially eliminate protections for middle class families and cost them about \$6,000 or more in payments to the IRS. So the average middle class family is either going to have to pay more to the IRS in order to get some kind of benefit on their premium or just decide to go uninsured. The whole point of the Affordable Care Act was to try to deal with those middle class families that can't afford health insurance. If you're very poor now, you get Medicaid. If you're over 65, you get Medicare. But if you're a working person, you can't afford your health insurance a lot of times because what happens is you have to go and buy it on the individual market because your employer simply doesn't provide it. That's these middle class people that we're trying to help with the Affordable Care Act, those that need a little help so that they can afford their premium. And these are the very ones that you're saying, "No, it's too bad now. We're not going to help you."

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LUNGMREN).

Mr. DANIEL E. LUNGMREN of California. I appreciate the time.

Mr. Speaker, I am pleased that we are bringing H.R. 4 to the floor. This is a bill that I introduced in its original form last April 26 when we looked at the health care bill that had passed and saw that this, which has absolutely nothing to do with health care, this new burden on businesses, this double-edged sword against small business, was put in that bill supposedly to pay for part of the health care bill.

Now, we have our Democratic friends talking about the pay-for here. I happen to think that we don't even need a pay-for because I think there is a game that is played in this place, which is we will put something in the health care bill that virtually nobody knows is in there. I bet you 99 percent of the Members of the House and the Senate who voted on that bill didn't even know this provision was in there. We then have it scored as somehow gaining \$19 billion for the Federal Government over the next 10 years, which I happen to think is made out of whole cloth because you have to assume that virtually everybody cheats in order for you to come to that conclusion. And

then if we say we now want to get rid of this unnecessary burden, which, by the way, when I introduced this last April, I couldn't get a single Democrat to join me on. I was told by Democrats that the leadership had said, Don't get on that bill; don't dare do anything like that because that will be the first repeal of the health care bill. After a while I finally got some to join me and now there are 38 Members, I believe, on the other side that have joined so that we now have a total of 278 Members, I believe, that have cosponsored my bill, H.R. 4.

But the point is, we bring this new obligation in, this new paperwork obligation, we claim it's going to gain us \$19 billion, and then what's the joke on the American people? If we dare repeal it, we're responsible for somehow coming up with \$19 billion in additional taxes.

Now I know what the Ways and Means Committee has done. They've added this to the bill, a pay-for, and I understand the justification for it. But frankly the rules are such that they're gamed against the average American citizen. You come up out of whole cloth to create this new obligation in your bill, and then once you do and see what the actual implication is and small business said this is a job killer, you say, "Okay, we'll allow you to bring it to the floor but only if you pay for it with new taxes in some way."

Well, our side has looked at it and said, instead of that, why not say those things that are not to be given to folks under this bill ought not to be given to folks under this bill? That is, overpayments ought not to be allowed. As Secretary Sebelius said when your side brought up a very similar provision last year, she said, basically, this is a way to recapture funds.

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

Mr. SCOTT of South Carolina. I yield the gentleman an additional 1 minute.

Mr. DANIEL E. LUNGREN of California. And so I would just like to get away from the confusion that is being displayed on the floor today and just get back to the essence of this bill. It is to repeal a provision that was put in the health care bill that virtually no one knew about, that is a job killer, that is recognized as being a job killer, that the other side with the majority could have at any time last year gotten rid of, which finally the President recognized in his State of the Union address is an excess in this health care bill, and let's not make it a political football now and say, well, now it's a tax, or now it's this, or now it's that. Frankly it is an attempt to try and repeal a section of the health care bill that never should have been there in the first place, that has erroneous premises on which it was developed, a suggestion that somehow most Americans involved in business cheat. That's the only way you can justify \$19 billion coming back to the Federal Treasury. If you believe that the average Amer-

ican businessman and businesswoman, particularly small businessmen and small businesswomen, are cheaters, I never have accepted that. I won't accept that today. And, frankly, we ought not to allow this kind of debate to stop the repeal of this provision of the health care bill.

Mr. POLIS. I yield myself a minute to respond to my good friend, the gentleman from California.

I agree with much of what you said, particularly when you said we don't need a pay-for. I agree with you that to a certain extent the gains are illusory. Yes, they're used as a pay-for; yes, there's a shell game; yes, on paper it looks like so much money. There's times that you and I might both disagree with the CBO, for instance, and this might very well be one of those. But the answer, and I hope my friend from California agrees, is not instead of doing no pay-for or perhaps allowing an amendment under this rule that would allow us to eliminate the pay-for, the answer is not to raise taxes on the middle class.

With that, I yield 5 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank the gentleman from Colorado (Mr. POLIS) for yielding me this time.

Mr. Speaker, I rise in strong opposition to this rule, because hidden deep in this bill is language that indeed will increase income taxes on middle class American families by thousands of dollars a year.

#### □ 1250

My Republican colleagues claim the bill is not a tax increase on the middle class. They argue that Grover Norquist says it's not a tax increase. They say Democrats have, and I quote, "decided to dance the Washington two-step," claiming this bill contains a new income tax on working families.

In hearing all that, I have one simple question:

If the Republican plan is not that of a massive, new income tax increase, then why did the Republican majority refuse to allow a vote on the amendment which I offered?

My amendment simply said that no section of this bill would take effect if it raised taxes on any American family of four earning less than \$110,250 a year. That's all it said. It just makes it clear you can't raise taxes on the middle class. That's all it said. It is a straightforward and simple amendment. If the Republicans actually believed their own rhetoric of cutting taxes, they would have accepted my amendment and allowed a vote on that amendment on the floor.

We took JOE CROWLEY's amendment and accepted it because we believe this bill will not raise taxes on the middle class.

That's what my colleagues could have said.

The Republicans refuse to allow a vote on my amendment. They refuse to

debate it. They refuse to even discuss it. Why? Because they know their bill raises taxes on the middle class by thousands of dollars. It's not just me saying it. The Committee on Joint Tax states that this bill will raise \$25 billion in new revenue, which is shorthand for taxes. It doesn't come out of the sky. You just can't take that \$25 billion out of the air. Somebody has to pay that, and that entity is the middle class of our country.

Even Grover Norquist at Americans for Tax Reform has written, and I quote, "Americans for Tax Reform has always followed the Committee on Joint Tax's methodology."

He follows the Joint Tax methodology. So, if Joint Tax says it's a tax, Grover Norquist has to agree it is a tax. The best example, though, is a real-life example on how this bill will raise taxes on middle class families. By the "middle class," I mean families with children, earning no more than \$110,250 a year, not the millionaires the Republicans were trying to protect when they held these same taxpayers hostage in December while demanding tax cuts for the richest 1 percent of Americans, those earning over \$1 million a year.

Here is how this bill will raise taxes on middle class families:

If you're a family of four, earning \$88,000 a year, which is approximately 398 percent of the Federal poverty line, the Democratic health care law caps the amount of health care premiums you will be forced to pay annually at no more than 9.5 percent of one's income. In this example, that is \$8,360 a year on a typical family policy valued at \$13,000.

So the family receiving private health care insurance would pay \$8,360 in annual premiums, and the Federal Government would provide a tax credit valued at \$4,640, with these funds going directly to the insurance carrier, from Treasury to the insurance carrier. The money does not go to the family. The family doesn't touch it. The husband and wife, they don't touch that money. It goes right to the Treasury.

If this family were to get a \$250 bonus at the end of the year, say in December, and if the boss asks the husband or the wife or whoever the bread earner in the family is—maybe it's both—to come in and he says, "You know what? You're doing such a great job that we think you have management potential, and we want to give you a bonus"—and you're like thinking "a bonus"—"We're going to give you a \$250 bonus. Go out and buy the family a little dinner for the holidays," that \$250 bonus will bounce up that family to 401 percent of the Federal poverty level.

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

Mr. POLIS. I yield 1 additional minute to the gentleman from New York.

Mr. CROWLEY. Under the Republican bill being debated now, this family would be required to refund the government the entire \$4,640. Talk about

making work pay. Talk about getting a bonus for doing hard work and making work pay: Oh, here's 250 bucks. Please give us 4,640 bucks back.

Let's remember that the \$4,640 in tax credits never actually goes to the family. The Treasury cuts a check to the insurance companies, so the insurance companies are fine. They keep the money. It's the poor schlep—the middle class man or woman—who has to pay that money back.

So in essence, this bill, H.R. 4, is charging families, families who play by the rules—not tax cheats, not people who are trying to scam the system but those who play by the rules—thousands of dollars in new taxes. These are not families getting so-called new taxes. These are not families getting so-called “overpayment checks” or cash from the government. These are honest, hardworking families who are just trying to get ahead.

The adoption of my amendment would have stopped the Republican tax increase on middle class families. It would still allow for the repeal of the onerous 1099 reporting requirements on owners of small businesses.

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

Mr. POLIS. I yield an additional 30 seconds to the gentleman from New York.

Mr. CROWLEY. Democrats want to enact the repeal of the 1099 reporting requirements. We passed a bill in July of 2010 that didn't raise taxes on anyone. Instead, it closed loopholes that allowed for the exporting of U.S. jobs overseas.

Guess what happened to that bill? Your side blocked it. The Republicans blocked it.

That wasn't the only time Democrats did this responsibly. Recently, the Senate passed a bipartisan, deficit-neutral repeal of the onerous 1099 business reporting requirements. Let me make it clear: Democrats are ready to repeal 1099 reporting requirements, but we will not do it on the backs of hard-working middle class Americans.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. GUINTA).

Mr. GUINTA. I thank the gentleman from South Carolina for yielding this time.

I rise to add my voice to those calling for the repeal of the 1099 provision.

H.R. 4, very simply put, Mr. Speaker, is about protecting small business owners, job creators in New Hampshire and across our Nation, from onerous paperwork burdens. Simple as that. Nothing more. Nothing less.

Currently, this piece of legislation, a component of the health care legislation, requires those small business owners to comply with the Federal Government every time they spend \$600 with an individual vendor over the course of a calendar year. I've talked to many small business owners in my

home State of New Hampshire, who have told me specifically how this would hurt their small businesses.

We should be here to encourage small business owners to innovate, to expand. We should make sure that we give them the predictability of this House through public policy that will allow them to create jobs. The heart of New Hampshire's economy is the small business owner as 80 percent of our economy is reliant on them.

I ask that my colleagues join me in repealing the 1099 provision.

Mr. POLIS. I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I have always looked for opportunities and ways to support our Nation's small businesses. We all know that they are the real job creators in our country.

Today, I strongly support repealing the enhanced 1099 tax reporting requirement established under the Affordable Care Act. Businesses across my home State of Rhode Island and the country have made it crystal clear that this is a highly problematic requirement that will result in serious logistical and financial burdens if it is not addressed before next year's implementation.

We passed the Affordable Care Act, in part, to ease the burdens of health care costs on small businesses, not to replace them with onerous tax provisions. This is an opportunity for lawmakers, regardless of party affiliation, to come together and fix a problem in the health care reform act that will protect businesses of all sizes.

Now, I was proud to vote for the repeal of this provision last year, and was equally disappointed that it did not garner enough votes to pass in either the House or the Senate. It is my sincere hope that Democrats and Republicans will take this opportunity to set aside their differences and agree to repeal this provision in both a fiscally and socially responsible way.

As currently drafted, this repeal would be paid for by raising taxes on middle class families, making it harder for them to afford private health insurance when the Affordable Care Act goes into effect in 2014. This is unacceptable. Surely, we can find a better way to pay for a bill that lessens the tax burden on businesses than by increasing the tax burden on middle class and low-income families.

□ 1300

To that end, I ask my colleagues to support this measure, but to consider an alternative way to pay for this bill when the House resolves its differences with the Senate. Businesses everywhere are counting on us to come through for them, as is the middle class; and we can't afford to let them down.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia, my cousin, Mr. SCOTT.

Mr. AUSTIN SCOTT of Georgia. I would like to thank the gentleman from South Carolina. I'm looking forward to visiting the family at Christmas.

Mr. Speaker, ladies and gentlemen of this House and this great country, as I traveled to cities like Covington, Warner Robins and Tifton, Georgia this past week, the main issue I heard from constituents was their growing fear of the size of government's regulatory burden on their business and their way of life.

Now, I find it laughable that today Democrats say that they didn't know this 1099 provision was in this bill. The fact is this 1099 provision was part of a continuous assault by the Democratic Party on small businesses across this country. Now, eliminating this provision will further reduce the government's burden placed on these businesses.

As a small business owner myself, I know from personal experience that passing this resolution will allow employers the time necessary to focus on creating jobs rather than dealing with the burden of government paperwork.

Mr. Speaker, I urge my fellow colleagues to vote in favor of repealing this overbearing, burdensome, job-killing 1099 provision that the Democrats put into that bill. And as Thomas Jefferson once said: “When the people fear their government, there is tyranny; when the government fears the people there is liberty.”

Mr. Speaker, it is time to liberate our people, our small businesses from the burdens of this 1099 provision.

#### PARLIAMENTARY INQUIRY

Mr. POLIS. Mr. Speaker, I have a parliamentary inquiry.

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

Mr. POLIS. Does section 4 of H.R. 4 violate the rules of the House by proposing a tax increase?

The SPEAKER pro tempore. Is the gentleman asking about the underlying bill or the pending resolution?

Mr. POLIS. The inquiry is regarding the underlying bill.

The SPEAKER pro tempore. The bill is not yet pending. In any case, the gentleman is asking for an advisory opinion. The Chair will not issue such an opinion.

Mr. POLIS. I thank the gentleman.

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

Mr. Speaker, I think this is a question of how cleverly—or perhaps deviously—the majority party constructed the rules of the House with regard to a test as to whether presenting a family earning \$80,000 a year with a bill for \$3,000 from the IRS is a tax increase or not. It would take some pretty fancy tap dancing to say that a \$3,000 or \$4,000 bill from the IRS to a middle class family is not a tax increase. If it

looks like a tax increase, if it smells like a tax increase, it is a tax increase. And it is contrary to the rules of the House to allow a tax increase in this kind of bill.

Now, I understand there's some fancy dancing and semantics around it, but I think the American people and the voters of this country have a great deal of common sense with regard to this matter. When you get a \$3,000 bill from the IRS that you have to pay—and if you don't pay, as my colleagues on the other side of the aisle liked to point out during the debate on the health care bill, you could face going to prison—that's a tax increase. That's a tax increase.

What this bill does is tell hundreds of thousands of middle class families, particularly right on that cusp—we talk about this 400 percent of poverty rate, again, that's an arbitrary level, but it's a real level for families; it's X dollars. Now it depends on the size of the family and it depends on the State, but we're talking \$80,000, \$90,000 a year, right in that range. You earn, as my friend from New York pointed out, 250 bucks more, the IRS sends you a bill, \$3,000, \$4,000, \$5,000; and if you don't pay it, you face going to prison.

I yield to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank the gentleman.

I was attempting to ask the gentleman from Georgia to yield so I could ask him a question: What part of what I said about the family of four earning \$88,000 and getting a bonus of \$250, and their exposure then to \$4,460 in taxes was untrue? He was on a diatribe of his talking points about small businesses.

We understand small businesses, the burden that was placed there. We are trying to remove that from them, but not to place it on the backs of the middle class. I understand he wanted to remove the burden from small business, but to place it on the backs of the middle class, that was the question I've asked.

And by the way, I haven't heard one colleague from the other side of the aisle refute what I said about that family of four. Not one person has stood up and said, you're wrong, Mr. CROWLEY. That will not take place; that potential will not take place if this bill passes. The silence is deafening from the other side. They know it's a tax increase on the middle class, Mr. POLIS.

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

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KINZINGER).

Mr. KINZINGER of Illinois. I thank my colleague from South Carolina for yielding.

This is great. You know, it's very interesting to listen to this concern. When I was actually out on the campaign trail, I talked to a lot of small business owners. These small business owners were fired up. This is exactly what they're saying is wrong with

Washington—more and more government regulation, more and more paperwork—and this is exactly what we have to clean up now after 4 years of what we've been dealing with.

Mr. Speaker, as a new Member I was not in the body when the previous Democrat majority passed this job-destroying regulation, taxes on every sector of our economy. But as I did go around, I heard from businesses like Mussman's Back Acres in Kankakee County in my district, and I heard about the illogical burden that this would place on them, the people they would have to hire just to take care of this requirement—one of the most illogical requirements I can say of the health care bill. It doesn't make a heck of a lot of sense.

The 1099 requirement impacts small businesses disproportionately by requiring them to file and collect 1099 tax forms for any business transaction—any one—over \$600 or more per year, these new requirements at a time when businesses can't afford it.

Mr. CROWLEY. Will the gentleman yield?

Mr. KINZINGER of Illinois. Actually, if you would allow me to keep speaking, I would appreciate that.

I am proud to be a cosponsor of this legislation to strip the 1099 requirement on business. This body will continue to remove the undue burden on small businesses, the undue burden on society in general that was placed out of this body for the last 4 years.

It is high time that the Republican majority, and, frankly, with many colleagues on the other side that have said it's time to make small business work again—it's time to give them the freedom to hire people back. It's time to take our country back, get people back to work, rein in government spending, and put government where it should be: limited, effective and efficient.

Mr. POLIS. Mr. Speaker, I yield 20 seconds to my friend from New York (Mr. CROWLEY).

Mr. CROWLEY. Once again I asked the gentleman to yield. He refused to yield because he has no answer. But I'm correct. The example that I gave of a family of four making \$88,000 would have a huge tax increase because of this bill of \$4,460.

You refused to yield because you know you cannot refute what I'm stating here on the floor.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. HULTGREN).

Mr. HULTGREN. I thank the gentleman.

Today, I rise in support of H.R. 4. This bill will repeal one of the most egregious and anti-jobs, anti-growth provisions contained in last year's health care law. This 1099 provision threatens our small business owners with an avalanche of paperwork and bureaucracy when Congress should instead be doing everything in our power to help employers create jobs.

My constituents have told me loud and clear what this means to them. One small business owner in my district told me that just last year alone she had more than 500 transactions that she would have had to report under this provision, the expense and enormous regulatory burden on her and her employees. She called it ridiculous, and I think she is understating things.

I hope Congress will overwhelmingly pass this bill. Let's liberate our small business owners from the mountain of paperwork and instead let them get back to work, creating jobs and moving our economy forward.

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

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Nevada, Dr. HECK.

□ 1310

Mr. HECK. I thank the gentleman.

Mr. Speaker, today I also rise in support of H.R. 4, the Small Business Paperwork Mandate Elimination Act of 2011. There is no doubt this job-killing 1099 hidden tax deserves repeal.

Nevada's unemployment rate is a Nation-high 14.5 percent. We need to create jobs. Eighty percent of Nevada's employees work for small businesses. So I asked small business owners what the government should do to create jobs.

Paul Beehler, a small business owner, operates Midas shops throughout southern Nevada, buys multiple auto parts from multiple vendors, said regulations and hidden taxes, like the 1099 hidden tax, keep him from hiring new workers.

You know what? More than 170 small business organizations Nationwide agree with Paul and have called for the 1099 hidden tax's repeal.

Mr. CROWLEY. Mr. Speaker, will the gentleman yield?

Mr. HECK. No, Mr. Speaker, I shall not yield.

Washington said it wants to hear job-creating ideas from the business community. Here is one that they are screaming about.

Nevada's families are hurting. American families are hurting. It's time to end the job-killing 1099 hidden tax and get Nevadans back to work.

Mr. POLIS. Since the gentleman from New York has been unable to enter into a colloquy with the several gentlemen he has sought to, I yield 45 seconds to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I appreciate the time from the gentleman from Colorado.

I've attempted so far again to ask two more gentlemen from the other side of the aisle to yield for the purposes of answering a question. I've noticed that not a single one as of yet has refuted the example that I gave of a family of four earning \$88,000 a year getting a \$250 bonus being pumped up over the 401 percentile of the Federal poverty level and being exposed to a \$4,460 tax.

I wonder when the gentlemen were out campaigning last year and talking to small businesses, did you talk to the middle class about the increase in the tax that you would propose when you came to the floor of the House? One of the first bills, number four, the fourth bill to increase taxes on the middle class. Did you talk to those folks? Did you let them know what you were doing to them? I suspect not. You have two more speakers to refute what I've said. I'm waiting.

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

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. RIGELL).

Mr. RIGELL. I thank my friend and the gentleman from South Carolina for yielding.

Mr. Speaker, as a business owner for more than 20 years, I know firsthand that excessive tax paperwork and compliance matters are already major expenses to our small businesses. And the new reporting requirements included in the health care law will substantially increase those costs. These new requirements impose yet another burden on small businesses forcing them to devote more resources to filing taxes instead of going out and doing what they do best, which is to create jobs.

You know, in Virginia alone, small businesses make up nearly 98 percent of all business establishments and account for—

Mr. CROWLEY. Will the gentleman yield?

Mr. RIGELL. No, I will not. The gentleman's question that he is persistent with is not germane.

And account for more than 75 percent of new job growth. And according to a study by the Small Business Administration, the cost of complying with the Tax Code is 66 percent higher for small businesses as compared to large businesses.

Mr. CROWLEY. Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Virginia controls his time. The gentleman apparently refuses to yield.

Mr. RIGELL. You know, these reporting requirements are a classic example of laws that are passed by people who have no clue what it means to go out and create a job and that put precious capital at risk. They're created, these laws, by people who have never met with a banker and have been told by a banker, "No, I can't help you."

So this bill, H.R. 4, is a step in the right direction to help our small business owners. I strongly urge my colleagues to stand with me in voting in favor of it.

Mr. POLIS. After continuing to be amazed that the gentleman from Virginia somehow said that a tax increase is not a tax increase and is not germane, I am happy to yield 15 seconds to the gentleman from New York.

Mr. CROWLEY. Not germane. That's the answer. A \$4,460 tax increase is not germane to this debate we're having

right now. What is? The \$25 billion doesn't fall out of the sky, out of the air. It has to come from somewhere. It is a tax increase on the middle class.

You know it. We all know it.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland, Dr. ANDY HARRIS.

Mr. HARRIS. Mr. Speaker, as if businesses weren't struggling enough with the worst recession since the Great Depression, some Washington bureaucrat decided it was a good idea to distract the real job creators of our country from doing what they do best—create jobs.

To the gentleman from New York, that's what this debate is about, whether that hypothetical family actually has a job. But whether they should be distracted from creating jobs by requiring them to fill out mountains of 1099 paperwork. Obviously, the individual who came up with this brilliant idea has never had to meet a payroll or deal with the day-to-day operations of a small business.

Mr. CROWLEY. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. The gentleman from Maryland controls the time. The gentleman, by his silence, is not willing to yield.

Mr. HARRIS. Small business owners all over my district have told me that the 1099 provision would hurt their business. Trish Date, who co-owns Rittenhouse Fuel Services with her husband and Perry Hall, said it would be "an administrative nightmare that would cost me thousands of dollars to implement."

Last year, she used over 250 individual vendors that will now require 1099 forms to be printed, copied, mailed, completed, and sent to the vendors and the IRS. Her small family-owned business simply does not have the resources or capacity to handle this onerous regulation.

Another business owner, Karen Oertel, whose family owns and operates the Harris Crab House on the eastern shore, said this 1099 mandate would be "overwhelmingly burdensome on my family business."

Mr. Speaker, the 1099 provision is simply a job-destroying regulation that wastes precious time, labor, and money. If we want to create jobs tomorrow, I urge my colleagues to join me in repealing this awful provision now by supporting H.R. 4.

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

Mr. SCOTT of South Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from California, the chairman of the Rules Committee, Mr. DREIER.

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

Mr. DREIER. Mr. Speaker, let me first say that we all know why we're here. There is a bipartisan consensus that the 1099 provision in this bill is flawed. It's a mistake. And what it

says to me is that the health care bill is badly flawed.

And we all recall the very famous statement that was made, "We have to pass this bill before we can understand what's in it." I'm trying to remember who said that. Somebody said that. Somebody very prominent said that.

So here we have a measure that is badly flawed. There is bipartisan consensus—278 cosponsors of Mr. LUNGREN's bill. And as Mr. LUNGREN said at the outset, Democrats were discouraged from cosponsoring it because by cosponsoring the measure they admitted that this outrageous health care bill was flawed.

Well, it got to the point where the President of the United States in his news conference right after the election said the bill needs to be fixed, the 1099 provision needs to be fixed. So he was acknowledging right there that it was flawed. Now, we have this big debate on CutGo and how we're paying for this.

And I would be happy to yield to my friend who has been requesting time to ask the question that I know he's going to ask me because I've heard it a million times over the last few minutes.

I yield to my friend from New York (Mr. CROWLEY).

Mr. CROWLEY. No. The last time, Mr. Speaker, was for the purpose of a parliamentary inquiry.

Mr. DREIER. I'm yielding to my friend. The Speaker doesn't need to yield.

Mr. CROWLEY. Thank you.

Mr. Speaker, the reason for my asking for my colleagues to yield was to inquire as to the procedures of the House.

Mr. DREIER. Reclaiming my time, Mr. Speaker, I yielded to the gentleman to ask me a question.

Mr. CROWLEY. I will ask that as well.

What of the example I gave you of a family of four earning \$88,000 a year who gets a bonus—how many here have heard of a bonus of \$250? They get a bonus because they worked hard. They get that bonus and they are in the 401 percentile of the Federal poverty level. They get a bill from the IRS for \$4,460. What part of that is not a tax increase?

Mr. DREIER. Reclaiming my time, Mr. Speaker, I will answer my friend by saying the following: It is a subsidy that has provided that opportunity for that taxpayer. It is a subsidy.

This is scored by the Congressional Budget Office.

Mr. CROWLEY. Will the gentleman yield?

Mr. DREIER. Could I finish the answer to the question? Because I know the gentleman has been interrupting, repeatedly, Members, and I, usually, as I ask people to yield, try not to do it more than three times. And the gentleman has asked three, four, five times. Some of our Members yield when they're doing 1-minute speeches.

So let me just say that this is scored by the Congressional Budget Office, Mr. Speaker.

□ 1320

It is scored not as a tax increase; it is scored as a spending cut. And I know what the Joint Committee on Taxation has said, but they rely on the Congressional Budget Office as they look to this. And so the fact is what this comes down to is returning an improper government subsidy. And that is not a tax increase.

So if I could complete my statement, Mr. Speaker, now that I have answered the question posed by the gentleman, this bill itself is in fact a badly flawed measure, the Obama health care bill. And for that reason, it is absolutely essential that we provide the kind of relief that every small business in this country deserves. And so we are in a position where we have done this in, I believe, the most proper way.

The gentleman's amendment doesn't comply with the CutGo provision that we have. So for that reason, Mr. Speaker, I am going to encourage my colleagues to support this rule.

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

Look, in a climate of a fragile economic recovery, the last thing we want do is punish people for getting a raise or earning a few extra dollars by working an extra job.

Now, Mr. Speaker, this bill is intended to help small businesses, and that's something we all agree with. I ran a small business before I was elected to Congress, and there is great support from both sides of the aisle to making sure that we reduce the 1099 reporting requirements for small businesses and people who happen to have a rental home.

But this is a situation of thanks, but no thanks. Thanks for saying I don't have to fill out an extra form because I bought a \$600 refrigerator for my rental property, but no thanks because you are giving me a \$5,000 bill from the IRS.

This Republican proposal undoes a bipartisan agreement that passed overwhelmingly last Congress. Under this Republican pay-for, an average middle class family could find out in January that they have to come up with \$12,000 by April to send to the IRS with their tax return, or they could face going to prison. An extra \$100 in overtime here and a \$500 holiday bonus there could send a working family towards tax court.

During the last Congress, the Republican Party complained of being left out of the process; and while we didn't always have an open rule, every major piece of legislation came to the floor under a structured rule. Members of both parties come to the Rules Committee and have their amendments vetted. Now, why aren't we through this rule offering the good idea that the gentleman from California (Mr. DANIEL E. LUNGREN) offered? He said why don't we remove the pay-for from this bill and simply disagree with CBO and see if we can pass it on that ground? Why are we not allowing the amendment

from my friend from New York, who offered an amendment that would repeal the middle class tax increase proposed in this Republican bill? The Crowley amendment would protect the middle class and maintain the bipartisan agreement that we had last year.

Mr. Speaker, we all agree that the 1099 provisions in the Affordable Care Act need to be addressed. There has been excellent points made in that regard from Members from both sides of the aisle, but this is not the way to do it, not on the backs of the middle class, not with a tax hike during a recession.

Republicans are proposing a substantial tax hike for the middle class. Not only is that bad policy, but it's also a violation of the pledge that many of them signed committing to oppose all tax increases. A tax increase is a tax increase. When you get a \$3,000, or \$4,000, or \$5,000 bill from the IRS that you have to pay the IRS, it's called a tax increase. A tax increase. There is nothing else to call it.

No fancy dancing, no fancy words can change the fact that a bill from the IRS is a tax increase. And families making \$80,000, \$90,000 a year will receive substantial tax increases under the Republican version of paying for this bill.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to make in order Mr. CROWLEY's amendment to the bill. That amendment simply says that nothing in the bill will apply if it would result in a tax increase on anyone whose income is less than 500 percent of the Federal poverty line.

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

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

There was no objection.

Mr. POLIS. I urge a "no" vote on the rule.

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

Mr. SCOTT of South Carolina. Mr. Speaker, we have heard a lot today about the cost and about taxes, about tax increases. We must be working from very different mathematical systems. They keep saying that we are raising taxes, and there is nothing further from the truth than the statements I have heard from the left.

You have consistently posed a question that all of America needs an answer to: Is this in fact a tax increase? Well, according to the Joint Committee on Taxation, this is in fact a net tax cut of over \$20 billion over the next 10 years, and it will reduce the deficit by \$166 million over the same period of time. Let's also keep in mind that these cost savings come from the government recouping money that the recipients should not have gotten in the first place.

That is not a tax increase. Let me say it one more time: that is not a tax

increase. If we were looking for the way to actually get rid of this problem, there is a simple way to do that: let's repeal the entire health care law. Because the problem that we see today comes in the package of the health care law itself. So consistent with reality is the fact that the Democrats have put us in this position. So we are working in a bipartisan fashion through the 1099 repeal to eliminate this problem.

Finally, we should all bear in mind that while this resolution is a closed rule, the opposition was offered an opportunity to submit a substitute bill. They declined. We have also expanded debate to 2½ hours.

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

**AN AMENDMENT TO H. RES. 129 OFFERED BY  
MR. POLIS OF COLORADO**

(1) Strike "the previous question" and all that follows and insert the following:

The previous question shall be considered as ordered on the bill, as amended, and on any amendment thereto to final passage without intervening motion except: (1) two hours and 30 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; (2) the amendment printed in section 2, if offered by Representative Crowley of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(2) At the end of the resolution, add the following:

SEC. 2. The amendment referred to in the first section of this resolution is as follows:

At the end of the bill, insert the following:

**SEC. \_\_\_\_ PROHIBITION OF TAX INCREASE ON  
AMERICA'S MIDDLE CLASS.**

Any amendment made by this Act shall not apply to any taxable year beginning during any calendar year if such application of such amendment would result in an increase in the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for any taxpayer whose household income is less than 500 percent of the poverty line for the size of the family involved for a taxable year of the taxpayer beginning in such calendar year (compared to the tax which would be imposed under such chapter for such taxable year determined without regard to such amendment).

(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. SCOTT** of South Carolina. I yield back the balance of my time, and I move the previous question on the resolution.

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

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

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

The yeas and nays were ordered.

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

#### PROVIDING FOR CONSIDERATION OF H.R. 662, SURFACE TRANSPORTATION EXTENSION ACT OF 2011

**Mr. SESSIONS.** Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 128 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 128

*Resolved,* That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 662) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and any 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 Transportation and Infrastructure; (2) the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Mica of Florida or his 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 a division of the question; and (3) one motion to recommit with or without instructions.

#### □ 1330

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

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

#### GENERAL LEAVE

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

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

There was no objection.

**Mr. SESSIONS.** Mr. Speaker, House Resolution 128 provides for a structured rule for consideration of H.R. 662. This rule provides for ample debate and opportunities for Members on both sides of the aisle, the majority and minority, to make sure that they have ample time to participate, come to the floor, and express their ideas, which is what this new Republican majority is enabling Members to do.

I rise today in support of this rule and the underlying bill. The underlying legislation is a simple extension of service transportation programs through September 30 of this year.

This legislation was introduced by the distinguished chairman of the Transportation and Infrastructure Committee, Chairman MICA, on February 11, 2011, with Ranking Member RAHALL as an original cosponsor. It was reported out of the Committee on Transportation and Infrastructure by a voice vote on February 28, 2011. This legislation went through regular order with bipartisan support.

This is a clean, straight extension of current law, providing a hard freeze at 2009 spending levels through the end of this fiscal year. Without this legislation, the spending levels would expire on Friday, March 4, 2011.

In an effort to provide more transparency and accountability of how this body has been run, which is different than how this body has been run for the past 4 years, the Republican Conference adopted a policy that would no longer permit extensions of programs on a continuing resolution or any other appropriations bills. This allows Members a straight up or down vote on an issue at hand and, in this case, it is surface transportation.

The Surface Transportation Extension Act of 2011 continues the authorization of Federal highway, transit, and highway safety programs through the end of this fiscal year at the same program funding levels established for fiscal year 2009. This authorization is essential to allow funds that had been included in transportation appropriations legislation to flow to States and local transit agencies. We are not trying to get in the way of decisions that need to be made locally; we are simply trying to make sure that they are legally executed.

Should this straight extension of transportation funding not be signed into law before the March 4 deadline, the impact would be severe and immediate. A shutdown would result in immediate furloughs and suspension of payments to States, which would hamper the Federal Highway Administration's ability to pay contractors. This would jeopardize the States' transportation funding to a tune of \$154 million a day, killing ongoing projects, things which had been agreed on and are being done locally.

This level of funding was extended by the previous Congress six times starting in October of 2009. Continuing this funding at 2009 levels allows for the appropriate funding for States to complete and manage their transportation projects. With an extension through the fiscal year, it will allow the new chairman of the Transportation Committee, my dear friend, the favorite son and gentleman from Florida (Mr. MICA) the appropriate time to hold necessary hearings to review and re-estimate the funding essential for States to carry on their transportation projects.

The Congressional Budget Office, which is also known as the CBO, has concluded that the underlying bill today does not affect direct spending or revenues. Further, the CBO determined

that, “the nontax provisions of H.R. 662 contain no intergovernmental or private sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.”

Additionally, according to the Department of Transportation, surface transportation allows for international trade, which helps sustain and create jobs that support our national economy.

The data reported in the past 10 years says that U.S. surface transportation trade between the United States, Canada, and Mexico, has increased 48.6 percent, a 13.8 percent increase in the past year alone. In December 2010, imports were up 41.9 percent compared to December 2000, while exports were up 57.7 percent.

Currently, this trade is valued at \$66.5 billion annually. In an ever increasing global market, the United States needs to ensure that our surface infrastructure can sustain the tremendous growth rate of trade so that we can maintain international competitiveness, create jobs and encourage economic growth in the United States of America.

Once again, Mr. Speaker, I rise in support of this rule and the underlying legislation. I applaud the Republican leadership for following regular order for the bipartisan nature of this bill, for Republicans and Democrats working together through the entire process, and up to and including the gentleman, Mr. DREIER, the chairman of the Rules Committee, extending an unusual amount of time so that every single Member has an opportunity to come to this body and not only voice what they believe is important to them

but also the time where they can come down and speak to important matters of this Congress.

The chairman and ranking member continue to work together to provide a necessary extension that will get us through the rest of the year, and I look forward to an open and transparent process for the reauthorization for next year's funding also. I have confidence in not only Chairman MICA, but also JOHN BOEHNER and ERIC CANTOR, as they lead this House of Representatives on transportation issues, to do what's right for a beautiful country that expects Congress to have an open and transparent process that is good for all Members.

I encourage my colleagues to vote “yes” on the rule and “yes” on the underlying bill.

**DECEMBER 2010 SURFACE TRADE WITH CANADA AND MEXICO ROSE 13.8 PERCENT FROM DECEMBER 2009 (STATE RANKINGS IN TABLES 5 AND 7)**

Trade using surface transportation between the United States and its North American Free Trade Agreement (NAFTA) partners Canada and Mexico was 13.8 percent higher in December 2010 than in December 2009, reaching \$66.5 billion, according to the Bureau of Transportation Statistics (BTS) of the U.S. Department of Transportation (Table 1).

BTS, a part of the Research and Innovative Technology Administration, reported that the value of U.S. surface transportation trade with Canada and Mexico fell 2.2 percent in December 2010 from November 2010 (Table 2). Month-to-month changes can be affected by seasonal variations and other factors.

Surface transportation consists largely of freight movements by truck, rail and pipeline. In December, 84.8 percent of U.S. trade by value with Canada and Mexico moved on land.

The value of U.S. surface transportation trade with Canada and Mexico in December was up 12.6 percent compared to December 2005, and up 48.6 percent compared to December 2000, a period of 10 years. Imports in December were up 41.9 percent compared to December 2000, while exports were up 57.7 percent (Table 3).

**U.S. SURFACE TRANSPORTATION TRADE WITH CANADA**

U.S.-Canada surface transportation trade totaled \$39.8 billion in December, up 12.2 percent compared to December 2009. The value of imports carried by truck was 17.7 percent higher in December 2010 compared to December 2009, while the value of exports carried by truck was 10.4 percent higher during this period (Table 4).

Michigan led all states in surface trade with Canada in December with \$4.7 billion (Table 5).

**U.S. SURFACE TRANSPORTATION TRADE WITH MEXICO**

U.S.-Mexico surface transportation trade totaled \$26.8 billion in December, up 16.3 percent compared to December 2009. The value of imports carried by truck was 16.3 percent higher in December 2010 than December 2009 while the value of exports carried by truck was 18.7 percent higher (Table 6).

Texas led all states in surface trade with Mexico in December with \$9.5 billion (Table 7).

The TransBorder Freight Data are a unique subset of official U.S. foreign trade statistics released by the U.S. Census Bureau. New data are tabulated monthly and historical data are not adjusted for inflation. December TransBorder numbers include data received by BTS as of Feb. 16.

The news release and summary tables can be found at <http://www.bts.gov>. More information on TransBorder Freight Data and data from previous months are posted on the BTS website at <http://www.bts.gov/programs/international/transborder/>. BTS will release January TransBorder numbers on March 29.

**TABLE 1—VALUE OF MONTHLY U.S. SURFACE TRANSPORTATION TRADE WITH CANADA AND MEXICO**  
[In millions of dollars]

Month	2008	2009	2010	Percent change 2008–2009	Percent change 2009–2010
January .....	65,160	47,459	56,697	−27.2	19.5
February .....	69,406	47,938	59,492	−30.9	24.1
March .....	70,787	51,055	69,943	−27.9	37.0
April .....	74,317	49,729	65,831	−33.1	32.4
May .....	74,128	47,881	66,805	−35.4	39.5
June .....	74,139	50,753	69,859	−31.5	37.6
July .....	71,628	51,545	61,260	−28.0	18.8
August .....	72,254	54,254	67,964	−24.9	25.3
September .....	71,801	57,294	68,324	−20.2	19.3
October .....	72,683	61,400	70,565	−15.5	14.9
November .....	60,661	58,922	68,060	−2.9	15.5
December .....	52,910	58,465	66,530	10.5	13.8
Annual .....	829,875	636,695	791,329	−23.3	24.3

Note: Numbers may not add to totals due to rounding. Percent changes based on numbers prior to rounding.

Source: BTS TransBorder Freight Data, <http://www.bts.gov/programs/international/transborder/>.

**TABLE 2—U.S. SURFACE TRADE WITH CANADA AND MEXICO BY MODE OF TRANSPORTATION**  
[In millions of dollars]

Mode	December 2009	November 2010	December 2010	Percent change November December 2010	Percent change December 2009–2010
All Surface Modes:					
Imports .....	32,030	36,544	36,345	−0.5	13.5
Exports .....	26,435	31,516	30,185	−4.2	14.2
Total .....	58,465	68,060	66,530	−2.2	13.8
Truck:					
Imports .....	19,223	23,761	22,480	−5.4	16.9
Exports .....	20,600	24,660	23,390	−5.1	13.5
Rail:					
Imports .....	6,451	7,222	7,106	−1.6	10.2
Exports .....	3,317	3,912	3,785	−3.2	14.1
Pipeline:					
Imports .....	5,125	4,413	5,157	16.9	0.6

TABLE 2.—U.S. SURFACE TRADE WITH CANADA AND MEXICO BY MODE OF TRANSPORTATION—Continued  
[In millions of dollars]

Mode	December 2009	November 2010	December 2010	Percent change November December 2010	Percent change December 2009–2010
Exports .....	373 .....		482	549	13.9

Notes: Numbers may not add to totals due to rounding. Percent changes based on numbers prior to rounding. The value of trade for all surface modes is not equal to the sum of truck, rail and pipeline modes, it also includes shipments made by mail, foreign trade zones, and other transportation. For additional detail refer to the "Data Fields" Section of the TransBorder web page: [http://www.bts.gov/programs/international/transborder/TBDR\\_DataFields.html](http://www.bts.gov/programs/international/transborder/TBDR_DataFields.html).

Source: BTS TransBorder Freight Data, <http://www.bts.gov/programs/international/transborder/>.

TABLE 3.—DECEMBER 2010 SURFACE TRADE WITH CANADA AND MEXICO COMPARED WITH DECEMBER OF PRIOR YEARS

Compared to December in . . .		Percent change		
		Imports	Exports	Total surface trade
2009 .....			13.5	14.2
2008 .....			25.7	25.8
2007 .....			5.4	14.3
2006 .....			7.2	20.1
2005 .....			5.3	22.8
2004 .....			22.5	34.8
2003 .....			40.1	54.9
2002 .....			54.0	75.6
2001 .....			66.7	83.5
2000 .....			41.9	57.7

Source: BTS TransBorder Freight Data, <http://www.bts.gov/programs/international/transborder/>.

TABLE 4.—U.S. MERCHANDISE TRADE WITH CANADA BY SURFACE MODES OF TRANSPORTATION  
[In millions of dollars]

Mode	December 2009	November 2010	December 2010	Percent change November–December 2010	Percent change December 2009–2010
All Surface Modes .....					
Imports .....	18,926	20,461	21,432	4.7	13.2
Exports .....	16,521	19,012	18,330	−3.6	10.9
Total .....	35,447	39,472	39,762	0.7	12.2
Truck .....					
Imports .....	8,836	10,373	10,399	0.3	17.7
Exports .....	12,776	14,667	14,106	−3.8	10.4
Rail .....					
Imports .....	4,121	4,893	4,707	−3.8	14.2
Pipeline .....					
Imports .....	1,825	2,133	2,095	−1.8	14.8
Exports .....	5,107	4,398	5,142	16.9	0.7
	251	306	227	−26.0	−9.8

Notes: Numbers may not add to totals due to rounding. Percent changes based on numbers prior to rounding. The value of trade for all surface modes is not equal to the sum of truck, rail and pipeline modes, it also includes shipments made by mail, foreign trade zones, and other transportation. For additional detail refer to the "Data Fields" Section of the TransBorder web page: [http://www.bts.gov/programs/international/transborder/TBDR\\_DataFields.html](http://www.bts.gov/programs/international/transborder/TBDR_DataFields.html).

Source: BTS TransBorder Freight Data, <http://www.bts.gov/programs/international/transborder/>.

TABLE 5.—TOP 10 STATES TRADING WITH CANADA BY SURFACE MODES OF TRANSPORTATION, RANKED BY DECEMBER 2010 SURFACE TRADE VALUE  
[In millions of dollars]

Rank	State	December 2010
1 .....	Michigan .....	4,672
2 .....	Illinois .....	3,824
3 .....	New York .....	3,276
4 .....	California .....	2,462
5 .....	Ohio .....	2,394
6 .....	Texas .....	2,300
7 .....	Washington .....	1,551
8 .....	Pennsylvania .....	1,486
9 .....	Minnesota .....	1,288
10 .....	Indiana .....	1,202

Source: BTS TransBorder Freight Data, <http://www.bts.gov/programs/international/transborder/>.

TABLE 6.—U.S. MERCHANDISE TRADE WITH MEXICO BY SURFACE MODES OF TRANSPORTATION  
[In millions of dollars]

Mode	December 2009	November 2010	December 2010	Percent change November–December 2010	Percent change December 2009–2010
All Surface Modes .....					
Imports .....	13,104	16,083	14,913	−7.3	13.8
Exports .....	9,914	12,504	11,855	19.6	19.6
Total .....	23,018	28,587	26,768	−6.4	16.3
Truck .....					
Imports .....	10,387	13,389	12,081	−9.8	16.3
Exports .....	7,824	9,993	9,284	−7.1	18.7
Rail .....					
Imports .....	2,330	2,328	2,399	3.0	2.9
Pipeline .....					
Imports .....	1,491	1,780	1,690	−5.0	13.3
Exports .....	18	15	15	4.0	−13.1
	122	175	322	83.8	165.0

Notes: Numbers may not add to totals due to rounding. Percent changes based on numbers prior to rounding. The value of trade for all surface modes is not equal to the sum of truck, rail and pipeline modes, it also includes shipments made by mail, foreign trade zones, and other transportation. For additional detail refer to the "Data Fields" Section of the TransBorder web page: [http://www.bts.gov/programs/international/transborder/TBDR\\_DataFields.html](http://www.bts.gov/programs/international/transborder/TBDR_DataFields.html).

Source: BTS TransBorder Freight Data, <http://www.bts.gov/programs/international/transborder/>.

TABLE 7.—TOP 10 STATES TRADING WITH MEXICO BY SURFACE MODES OF TRANSPORTATION RANKED BY DECEMBER 2010 SURFACE TRADE VALUE

[In millions of dollars]

Rank	State	December 2010
1 .....	Texas .....	9,459
2 .....	California .....	4,073

TABLE 7.—TOP 10 STATES TRADING WITH MEXICO BY SURFACE MODES OF TRANSPORTATION RANKED BY DECEMBER 2010 SURFACE TRADE VALUE—Continued  
[In millions of dollars]

Rank	State	December 2010
3	Michigan	2,922
4	Arizona	979
5	Illinois	915
6	Ohio	686
7	Tennessee	497
8	Indiana	445
9	Georgia	414
10	North Carolina	399

Source: BTS TransBorder Freight Data, <http://www.bts.gov/programs/international/transborder/>.

I reserve the balance of my time.

Mr. HASTINGS of Florida. I thank my good friend from Texas for yielding the time.

Mr. Speaker, H.R. 662, the Surface Transportation Extension Act of 2011, prevents our Nation's highway, transit, and safety programs from expiring ahead of the upcoming construction season by extending them at fiscal year 2010 funding levels through September 30 of this year.

My friend from Texas referenced the fact that it would be bad if we did not do this before March 4, and I agree with him thoroughly. I am hopeful that he has the same attitude with reference to the overall aspect of any kind of shutdown of the government. A shutdown would be bad in any of its particulars, and not just as he referenced it, that I agree with, in the area of transportation and infrastructure.

This extension allows States to continue signing contracts, managing planning and construction, and paying for vital transportation and infrastructure projects while we finalize a multiyear authorization to update our network. As all of us know, our interstate highways, roads, and bridges are in desperate need of repairs and improvements. All you have to do is drive around Washington to prove that.

According to the American Society of Civil Engineers in their 2009 report card, which rates the operational condition and future capacity of dams, levees, railways, roads, bridges, and transit by letter grade, our Nation's surface infrastructure is rated at a "D."

□ 1340

This is deplorable and, frankly, it's embarrassing—embarrassing for several reasons. I came here in 1992. We were advocating on both sides of the aisle that we should be about the business of repairing bridges in this country, and the multiples are enormous from that time. We were talking 14,000 bridges.

More than 26 percent of our Nation's bridges today are either "structurally deficient or functionally obsolete," with the number of such bridges in urban areas on the rise. And we have seen what disasters can occur when a bridge collapses.

Existing rail capacity is inadequate to handle future freight and passenger rail growth without significant investment. Last year, I took the Amtrak to New York, and when returning to Washington, I looked at the rail

underbed. I grew up near a railroad in Altamonte Springs, Florida. And the railbed in that time where I grew up in the 40s was 100 percent better than the railbed just outside of this city on the Amtrak line. That's ridiculous.

Our interstate highway program has changed little since it was created in the 1950s by the distinguished President, Dwight Eisenhower's vision. With ever-increasing congestion—and we see it right around here—and improvement costs, our Nation's roads were even poorer at a D-minus in 2009. One-third of America's roads are in poor or mediocre condition, and 45 percent of major urban highways are congested.

Just last January, the main road in and out of one of the cities that I'm privileged to represent, the city of Pahokee, was closed for 17 days because of sunken asphalt. Now, that may not sound like much, a little old town like Pahokee being cut off. But a collapsed culvert had created a 2-inch dip measuring 252 square feet in size on the northbound lane of State Road 715. This resulted in hours-long detours for commuters and trucks, stymied local and regional business, and regrettably reduced access to Glades General Hospital and Pahokee Airport.

Similar stories can be found throughout my home State of Florida and indeed in communities across this Nation. We can, and we must, do better.

Just as routine and preventive health care costs much less than a trip to the emergency room, regular maintenance and improvements cost less than major overhauls and replacement. According to Transportation for America, for every dollar that we spend today on maintenance, we avoid \$14 in future costs.

H.R. 662 obligates up to \$42.5 billion for Federal-aid highway programs and \$639 million for the equity bonus programs to ensure that States receive in Federal highway funds a certain portion of the gasoline taxes that they contribute.

Investing in our Nation's roads is about more than getting from point A to point B faster, which would be, in many respects, reason enough for many commuters. It's about having more time, about having more money, and about having more opportunities to work, play, live, and enjoy life. Americans spend 4.2 billion hours a year stuck in traffic at a cost to the economy of \$78.2 billion. That averages to \$710 per motorist. Furthermore, poor conditions cost motorists \$67 billion a year in repairs and operating costs.

One way to ease congestion is getting more people to use public transit. In fact, transit use increased 25 percent between 1995 and 2005, faster than any other mode of transportation. However, nearly half of American households do not have access to bus or rail transit, and only 25 percent have what they consider to be a good alternative.

On that note, increasing the capacity of our transportation and infrastructure network means nothing if our roads are not safe. Each year, thousands of people die in road crashes in the United States, and millions more are injured or disabled. As cochair of the Congressional Caucus on Global Road Safety, I recognize that road crash fatalities and disabilities represent a serious public health concern. This extension authorizes \$742 billion in highway-safety programs administered by the National Highway Traffic Safety Administration, as well as \$597 million for truck-safety activities of the Federal Motor Carrier Safety Administration, in order to help save lives and minimize crash-related injuries.

Safe, dependable, and efficient transportation is essential to our economic recovery and our Nation's competitiveness. At a time when unemployment in the construction industry is double the national rate, this extension provides much-needed market stability to create and sustain thousands of jobs.

The transportation sector has played a crucial role in rebuilding the U.S. economy, most recently through the Recovery Act, which provided \$27.5 billion in new funding for surface transportation programs through the existing Federal-aid highway program and \$8.4 billion for transit. In addition, \$1.5 billion and \$600 million were made available in two rounds, respectively, by the discretionary grant program known as TIGER, the Transportation Investments Generating Economic Recovery.

Extending these highway, transit, and other surface transportation programs is not only essential to our Nation's continued economic recovery, but also to our long-term prosperity and future. Today, we find ourselves on the cusp of a great opportunity, the opportunity to make meaningful investments in the future of this country, improve our quality of life and cut future debt. We need a truly interconnected, multi-modal system that effectively utilizes high-speed rail, light rail, streetcars, van pools, motor carriers by water, efficient buses, cars and

bikes. We need a system that helps ensure that lower-income workers can also get to and hold down jobs, a system that gets people where they need to go, increases our energy independence through new sources and innovative technologies, improves air quality, reduces traffic deaths and injuries, and creates jobs by supporting America's hard-hit construction and manufacturing sectors.

It is imperative that we not only extend the surface transportation programs through the end of the current fiscal year, but also pass a multi-year—yes, multi-year, as many as a 6-year—reauthorization as soon as possible. A new multi-year surface transportation authorization will create even more jobs and ensure that we can meet our growing transportation needs in the 21st century in a way that is affordable, efficient, innovative, resilient, sustainable, and accountable.

In this country, highways, roads, bridges and transit are neither Democratic nor Republican. They serve all Americans and help bring us closer together, literally.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I would like to yield 5 minutes to the gentleman from Carlsbad, California (Mr. BILBRAY), a member of the Energy and Commerce Committee.

□ 1350

Mr. BILBRAY. Mr. Speaker, I rise in support of the rule, and I would just like to say, Mr. Speaker, I think this is an opportunity for all of us, both Democrats and Republicans, to talk openly and frankly about the fact that we are at a point in our history where we need to not only spend money, but we have to be smarter, too. I think too often in Washington we are thinking that our degree of efficiency or compassion is based on how much we spend and not how well we accomplish our goals.

I would only ask my colleague who just addressed us to join with some of us who say that we need to be smarter. As a former member of the Air Resources Board in California, I can show you studies that have been done by very noted research people that point out—one study alone that says we could reduce fuel and emission problems by 22.6 percent. But to do that, we not only have to address what is the private sector doing in Detroit in building cars, but what is the government sector doing in controlling those cars when they are on the road.

One of the biggest problems we have is Washington sends money out for projects, but we do not hold those projects to a standard that has been upgraded to 21st century standards. An example: There are studies that have shown that 97 percent of all stop signs that you and I stop for every day, Mr. Speaker, don't have to be stop signs. Those could be yield signs. Now granted, there are those sites with sight-distance problems where you have to have

stops. But when you and I go drive down out of our home tomorrow morning, think about when you stop, why are you stopping? It's not for safety. Lord forbid, it's not for fuel consumption or for environmental conservation; it is because the law says you have to stop, even though there is a cost in environmental and economic impact. The safety factor is not the factor being determined. It is easier for a local government to give you a ticket on a stop sign, or at least that perception is there, when a yield sign is just as enforceable.

A good example is why is a four-way stop always the easiest and the cheapest way for a government to be able to control an intersection when everybody knows that a roundabout has been proven to be a major source of safety and environmental and economic benefit.

The fact is that communities that have been brave enough to try new traffic control, like the new computer-engineered roundabouts and traffic circles, have not only proven that it reduces congestion by a huge amount because it stops the queuing approach; it also eliminates that pollution that stop signs cause by five times more polluting than allowing somebody to drive through an intersection at low speed, that roundabouts do. But it also eliminates, as the gentleman who just spoke brought up, the safety factor. A roundabout eliminates the T-boning where fatalities occur. Actually, by going to the next generation of traffic control, we can not only address fuel consumption and pollution, but we can make our roads safer.

So I really call on my colleagues on both sides of the aisle, let's look at making sure that when we send this money over to the States and the cities and the counties—and I was a mayor. I ran a transit system, the San Diego trolley system. We helped build that system. We need to make sure that we are doing the right thing in government. And one of the things that we are not doing in government that we can do and lead through example, if we truly care about public safety, environmental protection and fuel efficiency, if we really want to lead, let's not mandate on the private sector that they have to do something if we're not willing to look at our colleagues here in government and say: We have to reform ourselves.

I call on my colleagues on the other side of the aisle, let's work together. Let's start saying, look, local governments, counties and cities; the environmental, economic, and safety impacts of you not upgrading your traffic control to an efficient system is costing our economy 22.6 percent more than it should. It is costing our environment 22.6 percent that it shouldn't. And the fact is, we don't know how many lives we can save until we are willing to do that.

I call on both sides, let's get together and work on this and set an example for the rest of the world.

Mr. HASTINGS of Florida. I say to my colleague and my friend from California, sign me up.

Mr. Speaker, at this time I am very pleased to yield 4 minutes to the distinguished gentlewoman from Florida (Ms. BROWN), the ranking member of the Railroad Subcommittee and my classmate. We came here together.

Ms. BROWN of Florida. I thank my classmate for giving me this time.

Mr. Speaker, I rise to speak on the rule. I would like to begin by discussing the importance of reauthorizing the surface transportation bill. It has been a long time since we had a bill; since 2005, in fact. I cannot over-emphasize the importance of completing this bill as soon as possible, not only to rebuild our Nation's infrastructure but for the desperately needed jobs it will create.

Transportation projects are a natural economic development tool. The Department of Transportation has indicated for every \$1 billion invested in transportation, it creates 42,000 permanent jobs and \$2.1 billion in economic activity. It also saves the lives of 1,400 people. You can't argue with those numbers.

Transportation funding is a win/win for everyone involved. States get to improve their transportation infrastructure, which creates economic development, puts people back to work, enhances safety, and improves local communities.

Yet in delaying the passage of this much-needed legislation any further, we are doing a disservice to the driving population, and the Nation as a whole. The States who are battling red ink want to see this bill passed. The construction companies who are laying off employees want to see this bill passed. And the citizens waiting in traffic jams, like my constituents on the I-4 corridor in central Florida, want to see this bill passed. If this Congress fails to pass a real transportation funding bill, our Nation's transportation infrastructure, and the citizens who use it, will suffer for years to come.

There are numerous studies that have come out in the last few months documenting the current state of affairs. The American Society of Civil Engineers has found that this country's infrastructure ranked "D"—barely passing, certainly not acceptable for a superpower like the United States.

So we need to really pass this bill and really pass a full 6-year reauthorization bill so the States can plan and the communities can plan for their transportation needs.

I have to take a moment to talk about high-speed rail because come Friday—it is a very sad state of affairs for the people of Florida. The Governor of Florida, Rick Scott, has indicated that he is going to turn down \$2.5 billion for Federal high-speed rail funding. That is very sad for the people of Florida because we have worked for a number of years across the aisle. Mr. MICA and I have worked. And, in fact,

when I was first elected, for every dollar we sent to Washington, we were receiving 77 cents in Florida transportation dollars. I worked to change that formula, and now we get 92 cents, and that is \$5 billion.

Well, for once Florida has an opportunity to get some of their gasoline tax dollars back and to put Floridians to work. We have 12 percent unemployment. With the 90 percent funding from the Federal Government and the 10 percent private, that would generate over 60,000 jobs. But it is so sad, and it is really a no-brainer for the Governor. He indicated he spent over \$100 million to be the Governor of the State of Florida, and he indicated that he wanted to put Floridians to work.

Well, Mr. Governor, how are you going to put them to work? What are you going to work them on besides talk? What really puts people to work is transportation and infrastructure, and it is a no-brainer, the high-speed rail project. The communities have worked on it. In fact, in 1980 Bob Graham, being the Governor, appointed me to a committee to work on high-speed rail. Let me just say, when there is no vision, the people perish.

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

Mr. HASTINGS of Florida. I yield the gentlelady 1 additional minute.

And I would also take this opportunity, if she would yield to me, to ask her a question.

Ms. BROWN of Florida. I yield to the gentleman.

Mr. HASTINGS of Florida. The previous SAFETEA-LU measure provided some funding for a high-speed rail corridor. This particular provision does not. Am I correct that if we were to do the high-speed rail project, that the lowest estimate is it would provide 30,000 jobs?

Ms. BROWN of Florida. Sir, that is the lowest; but it would provide 60,000 jobs because you're not just looking at the construction, but everywhere you build a station is economic development, and it is jobs.

Let me say, this is public-private. In other words, we would be contracting the jobs out. Companies, private companies, would be building these stations. In fact, over eight different companies have indicated that they want to be partners with this. It is sort of the way we build airports. The Federal Government goes in and puts the major infrastructure down, and then there are private operators.

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

Mr. HASTINGS of Florida. I yield the gentlewoman an additional 30 seconds.

□ 1400

Ms. BROWN of Florida. All I've got to say is that I have been elected for 30 years and this is in my opinion the worst politics I have ever seen. The Bible says, "Without vision, the people perish." The people of Florida are

going to suffer. We have a roughly 12 percent unemployment rate. That's over 2 million people that's unemployed. This is an opportunity to put 60,000 people to work. That translates not just in jobs, but if you have a job, you can pay your mortgage until the foreclosure goes down. It goes on and on. I want to thank the President, the Vice President, the mayors and all of the communities who have worked together for this project.

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

Madam Speaker, I enjoy my colleagues coming to the floor and talking about us being without a vision and that the people will perish. People are perishing all across our country because of the excessive spending that this administration and the previous two Congresses have placed upon the people. Excessive debt. This year, the President has estimated we will have a \$1.650 trillion debt. And as best I can tell you, some sense of reality and dose of discipline must be invoked upon this Congress. That's what we're attempting to do not only by this bill today but by also following regular order, by allowing Members of Congress to come and speak very clearly on the floor, by allowing an open process, things which were never allowed in the previous two Congresses.

I appreciate Members coming to the floor and talking about what's in the best interests of the country. Madam Speaker, the bottom line is that the Republican majority is going to do something about jobs. We're going to do something about spending. We will bring discipline, authority, responsibility and actions directly to the floor of the House of Representatives as opposed to spending which was out of control, ideas which ran amok, and a lack of vision and clarity for our future. I'm very proud of what we're doing here today.

I reserve the balance of my time.

Mr. HASTINGS of Florida. I yield myself the balance of my time.

Madam Speaker, when the gentlewoman from Florida was speaking about the light rail program that may expire on Friday, and I am hopeful that our Governor will understand that, a retort came from my friend from Texas about her saying about a lack of vision is what causes these kinds of matters. The gentlewoman from Florida was talking about light rail. I don't recall my friend from Texas being upset when we did light rail in Houston, and I was for that. I might add all of us know that we need to move people as best we can in other methodologies, as I have described earlier.

Madam Speaker, Democrats and Republicans must work together to invest more in our Nation's aging transportation infrastructure network; invest more, not less. We have a vision for America's future transportation infrastructure. Now we need the leadership to make it a reality. I shudder to think what would have happened to this Na-

tion's overall national security had Dwight Eisenhower not had the vision and those Congresspersons who were here and the American people did not agree that we would have an interstate highway system. I understand that it takes money to do these things.

Let's look at Minnesota as an example. When the bridge collapsed in Minneapolis, tragically, lives were lost and a system that was a city's lifeblood had to be repaired. It has been repaired. But wouldn't it have been so much better, not just to avoid the tragedy, that's obvious, but could we not have as we do see in some of these situations, that these bridges need repair, these levees need repair. The Congresspersons from Louisiana were talking about the levees that were blown away during Katrina 10 years before that happened. I stand here today and talk about a levee in the Everglades that unless it's repaired, it is going to cause a disaster. You either pay me now on these things or you pay a whole lot later. We're not talking about not spending, not investing. We're talking about doing it wisely and with accountability.

While I support the underlying bill, I would like to express my disappointment at the closed process. My colleague comes down here and talks about all the Members are going to get a chance to come down here and they're going to get a chance to express their ideas. Well, there may be some Members that may have had an amendment that might innovate something or might improve our transportation system. My friend from Texas will claim that this is technically not a closed rule, and it's true that the rule did allow one—one—amendment by Chairman MICA, who wrote the underlying bill that I support. You heard that correctly. The only Member who is allowed to offer an amendment is the same Member who wrote the bill.

On January 5, the distinguished Speaker of this House for whom I have great respect, and he is a friend of mine, stated the following:

"Above all else, we will welcome the battle of ideas, encourage it, and engage in it—openly, honestly, and respectfully. As the Chamber closest to the people, the House works best when it is allowed to work its will."

My colleague from Massachusetts (Mr. McGOVERN) offered a motion for an open rule, so these important matters could be debated openly on the House floor. But this amendment was defeated last night, or yesterday, in a party-line vote. In addition, I also made a motion to amend the rule and make in order an amendment by Delegate HOLMES NORTON of Washington, D.C. and cosponsored by Mr. MORAN of Virginia which would simply have permitted the District of Columbia to spend its own money after March 4—in other words, this coming Friday—in the event of a government shutdown. That was defeated on a party-line vote.

I ask you, Madam Speaker, does this sound like an open process to you? I

urge my colleagues to vote “no” on this rule and instead pass this much-needed extension through a truly open process that allows all Members to offer amendments.

I yield back the balance of my time.

Mr. SESSIONS. Madam Speaker, I will say that this process that we have had as opposed to having it just mixed in a resolution allows for a motion to recommit for the gentleman and his party, and it is my hope that they will take up that open process that we talked about where we'll see what their ideas are. In a few minutes we'll find out when they make that choice.

Madam Speaker, we've heard a lot of things during this debate, up to and including about thoughts and ideas about shutting down the government, that that looms ahead of us. Not one Republican, not one Republican, is talking about shutting down the government. It is an issue that Republican leadership, including the gentleman Mr. BOEHNER, the Speaker of this House, has openly talked about that we will do every single thing that we can do to avoid a government shutdown.

So it's my hope that this body would recognize, we're not offering that as a threat to the American people. We're open for doing business. We're trying to make sure we not only address this issue weeks ahead of time but that we're forthright about how we would go about giving options, opportunities, how we would work with the President and the Senate to make sure that we avoid this from happening.

Secondly, we heard about a vision statement, a vision statement that evidently is lacking now from Republicans. Well, the facts of the case are very simple and, that is, the vision that our country sees ahead right now is diminishment of jobs, of a free enterprise system that is overburdened by rules and regulations, a policy that comes from this administration that is about destroying jobs, whether it be from the Environmental Protection Agency, the Securities and Exchange Commission or, government-wide, an assault on the free enterprise system and upon employers.

□ 1410

So what we are trying to do is to offer some reassurance today that we will go ahead and reauthorize the Surface Transportation bill and that there will be the understanding that the gentleman—the fabulous chairman of the committee, JOHN MICA from Florida—will, in fact, lead in a bipartisan effort with Ranking Member RAHALL to provide the opportunity to make sure that there is public involvement, that open hearings are held, that we in committee talk about this, and that every Member is given a chance to participate.

That is what Republicans are now willing to do: regular order, open processes, and a chance to make sure, as they find their way here to the floor, that every single bill we want, where

possible, allows for a Democrat motion to recommit.

Madam Speaker, you heard me say earlier today that my Republican colleagues and I are committed to an open process and to far, far more accountability, transparency, and an open process than what our friends have ever allowed us for the last 4 years.

Today's legislation is a step in the right direction. The underlying bill has bipartisan support, even up at the Rules Committee, where Republicans and Democrats support this underlying legislation. It went through regular order, which is a structure which worked, and open debate on the floor. This is just the first step in the necessary transportation funding—an open dialogue with the American people, cities, States, counties—and it is essential that the Transportation and Infrastructure Committee takes the time to review where it is and to come up with the recommendations in allowing for a future that will be even brighter and better.

Allowing this funding gives the States the tools that they need. We are working, as Chairman MICA is, with counties, cities, States, and with elected officials all across the country. The hard work that he is doing pays off again today. I will predict that we will pass this rule and this bill on a bipartisan basis because of the way our Speaker, JOHN BOEHNER, our majority leader, ERIC CANTOR, and also the great chairman, JOHN MICA, insist on making sure that the floor is run with openness for the body. I look forward to working with Chairman MICA and the rest of the committee on that endeavor.

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

The previous question was ordered.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting House Resolution 128 will be followed by 5-minute votes on ordering the previous question on House Resolution 129; and adopting House Resolution 129, if ordered.

The vote was taken by electronic device, and there were—yeas 256, nays 169, not voting 7, as follows:

[Roll No. 155]

YEAS—256

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

Buerkle	Heller
Burgess	Hensarling
Burton (IN)	Herger
Calvert	Herrera Beutler
Camp	Huelskamp
Campbell	Huizenga (MI)
Canseco	Hultgren
Cantor	Hunter
Capito	Hurt
Carter	Issa
Cassidy	Jenkins
Chabot	Johnson (IL)
Chaffetz	Johnson (OH)
Chandler	Johnson, Sam
Coble	Jones
Coffman (CO)	Jordan
Cole	Kelly
Conaway	King (IA)
Cravaack	King (NY)
Crawford	Kingston
Crenshaw	Kinzinger (IL)
Cuellar	Kissell
Culberson	Kline
Davis (KY)	Labrador
DeFazio	Lamborn
Denham	Lance
DesJarlais	Landry
Diaz-Balart	Lankford
Dold	Latham
Donnelly (IN)	Dold
Dreier	LaTourette
Duffy	Latta
Duncan (SC)	Lewis (CA)
Duncan (TN)	LoBiondo
Ellison	Long
Ellmers	Lucas
Emerson	Luetkemeyer
Farenthold	Lummis
Fincher	Lungren, Daniel E.
Fitzpatrick	Mack
Flake	Manzullo
Fleischmann	Marchant
Fleming	Marino
Flores	Matheson
Forbes	McCarthy (CA)
Fortenberry	McCauley
Franks (AZ)	McClintock
Frelinghuysen	McCotter
Galllegly	McHenry
Gardner	McIntyre
Garrett	McKeon
Gerlach	McKinley
Gibbs	McMorris
Gibson	Rodgers
Gingrey (GA)	Meehan
Gohmert	Mica
Goodlatte	Miller (FL)
Gosar	Miller (MI)
Gowdy	Miller, Gary
Granger	Mulvaney
Graves (GA)	Murphy (CT)
Graves (MO)	Murphy (PA)
Griffin (AR)	Myrick
Griffith (VA)	Neugebauer
Grimm	Noem
Guinta	Nugent
Guthrie	Nunes
Hall	Nunnelee
Harper	Olson
Harris	Palazzo
Hartzler	Paul
Hastings (WA)	Paulsen
Hayworth	Pearce
Heck	Pence
	Peters
	Peterson

#### NAYS—169

Ackerman	Carson (IN)
Andrews	Castor (FL)
Baca	Chu
Baldwin	Cicilline
Barrow	Clarke (MI)
Bass (CA)	Clarke (NY)
Becerra	Dingell
Berkley	Doggett
Berman	Doyle
Bishop (GA)	Edwards
Bishop (NY)	Engel
Blumenauer	Eshoo
Boswell	Farr
Brady (PA)	Fattah
Braley (IA)	Filner
Brown (FL)	Frank (MA)
Butterfield	Fudge
Capps	Garamendi
Capuano	Gonzalez
Carnahan	Green, Al
Davis (CA)	Green, Gene
Davis (IL)	Grijalva
	Gutierrez

Hanabusa	McCarthy (NY)	Sarbanes	[Roll No. 156]	Costa	Kaptur	Rahall
Hastings (FL)	McCullum	Schakowsky	YEAS—243	Costello	Keating	Rangel
Heinrich	McDermott	Schiff		Courtney	Kildee	Reyes
Higgins	McGovern	Scott (VA)	Adams	Gohmert	Critz	Kind
Himes	McNerney	Scott, David	Aderholt	Goodlatte	Crowley	Kucinich
Hinchey	Meeks	Serrano	Akin	Nunnelee	Olson	Cuellar
Hirono	Michaud	Sewell	Alexander	Gowdy	Palazzo	Cummings
Holden	Miller (NC)	Sherman	Altmine	Granger	Paul	Davis (CA)
Holt	Miller, George	Sires	Amash	Graves (GA)	Paulsen	Davis (IL)
Hoyer	Moore	Slaughter	Austria	Graves (MO)	Pearce	DeFazio
Inslee	Moran	Smith (WA)	Bachmann	Griffin (AR)	Pence	DeGette
Israel	Nadler	Speier	Bachus	Griffith (VA)	Petri	DeLauro
Jackson (IL)	Napolitano		Bartlett	Grimm	Pitts	Deutch
Jackson Lee	Neal		Bartlett	Guinta	Platts	Dicks
(TX)	Olver		Barton (TX)	Guthrie	Poe (TX)	Dingell
Johnson (GA)	Owens	Thompson (CA)	Bass (NH)	Hall	Pompeo	Doggett
Johnson, E. B.	Pallone	Thompson (MS)	Benishek	Harper	Posey	Donnelly (IN)
Kaptur	Pascarello	Tierney	Berg	Harris	Price (GA)	Doyle
Keating	Pastor (AZ)	Tonko	Biggert	Hartzler	Quayle	Edwards
Kildee	Payne	Towns	Bilbray	Hastings (WA)	Reed	Ellison
Kind	Perlmutter	Tsongas	Bilirakis	Hayworth	Engel	Matsui
Kucinich	Pingree (ME)	Van Hollen	Bishop (UT)	Heck	Eshoo	McCarthy (NY)
Langevin	Polis	Velázquez	Black	Heller	Farr	McCullum
Larsen (WA)	Price (NC)	Visclosky	Blackburn	Hensarling	Renacci	Fattah
Larson (CT)	Quigley	Walz (MN)	Bonner	Ribble	Filner	McDermott
Lee (CA)	Rahall	Wasserman	Bono Mack	Bonner	McGovern	Shuler
Levin	Rangel	Schultz	Herrera Beutler	Brown (GA)	Frank (MA)	McIntyre
Lewis (GA)	Reyes	Waters	Boren	Buelskamp	Fudge	McNerney
Lipinski	Richmond	Watt	Boustany	Huizinga (MI)	Garamendi	Meeks
Loebssack	Rothman (NJ)	Waxman	Brady (TX)	Roe (TN)	Gonzalez	Michaud
Lofgren, Zoe	Royal-Allard		Buchanan	Hultgren	Rogers (AL)	Miller (NC)
Lowey	Ruppersberger	Weiner	Buchanon	Brooks	Rogers (KY)	Miller, George
Luján	Rush	Welch	Bucshon	Hunter	Rogers (MA)	Sires
Lynch	Ryan (OH)	Wilson (FL)	Buerkle	Johnson (IL)	Rivera	Slaughter
Maloney	Sánchez, Linda	Woolsey	Burgess	Johnson (OH)	Roby	Smith (WA)
Markey	T.	Wu	Burton (IN)	Johnson, Sam	Rohrabacher	Thompson (CA)
Matsui	Sanchez, Loretta	Yarmuth	Calvert	Jones	Roe (TN)	Thompson (MS)
NOT VOTING—7						
Carney	Hinojosa	Simpson	Campbell	Kelly	Gutierrez	Tierney
Giffords	Honda		Canseco	King (IA)	Hanabusa	Tonko
Hanna	Pelosi		Cantor	King (NY)	Hastings (FL)	Towns

## □ 1437

Messrs. OWENS, FRANK of Massachusetts, and GUTIERREZ changed their vote from “yea” to “nay.”

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

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. CARNEY. Madam Speaker, on rollcall No. 155, had I been present, I would have voted “yea.”

Stated against:

Mr. ELLISON. Madam Speaker, on March 2, 2011, I inadvertently voted “yea” on rollcall No. 155. I intended to vote “no.”

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PROVIDING FOR CONSIDERATION OF H.R. 4, SMALL BUSINESS PARTNERSHIP MANDATE ELIMINATION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 129) providing for consideration of the bill (H.R. 4) to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 243, nays 185, not voting 4, as follows:

Ackerman	Boswell	Chandler	Adams	Barton (TX)	Bono Mack	
Andrews	Brady (PA)	Chu	Aderholt	Bass (NH)	Boren	
Baca	Braley (IA)	Cicilline	Akin	Benishek	Boustany	
Baldwin	Brown (FL)	Clarke (MI)	Alexander	Berg	Brady (TX)	
Barrow	Butterfield	Clarke (NY)	Altmine	Biggert	Brooks	
Bass (CA)	Capps	Clay	Amash	Bilbray	Broun (GA)	
Becerra	Capuano	Cleaver	Austria	Bilirakis	Buchanan	
Berkley	Cardoza	Clyburn	Bachmann	Bishop (UT)	Bucshon	
Berman	Carnahan	Cohen	Bachus	Black	Buerkle	
Bishop (GA)	Carney	Connolly (VA)	Bartlett	Blackburn	Burgess	
Bishop (NY)	Carson (IN)	Conyers	Bartlett	Bonner	Burton (IN)	
Blumenauer	Castor (FL)	Cooper				
NAYS—185						

## NOT VOTING—4

Giffords	Hinojosa
Hanna	Wilson (FL)

## □ 1445

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Ms. WILSON of Florida. Madam Speaker, on rollcall No. 156, had I been present, I would have voted “nay.”

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 252, nays 175, not voting 5, as follows:

## [Roll No. 157]

## YEAS—252

Ackerman	Boswell	Chandler	Adams	Barton (TX)	Bono Mack
Andrews	Brady (PA)	Chu	Aderholt	Bass (NH)	Boren
Baca	Braley (IA)	Cicilline	Akin	Benishek	Boustany
Baldwin	Brown (FL)	Clarke (MI)	Alexander	Berg	Brady (TX)
Barrow	Butterfield	Clarke (NY)	Altmine	Biggert	Brooks
Bass (CA)	Capps	Clay	Amash	Bilbray	Broun (GA)
Becerra	Capuano	Cleaver	Austria	Bilirakis	Buchanan
Berkley	Cardoza	Clyburn	Bachmann	Bishop (UT)	Bucshon
Berman	Carnahan	Cohen	Bachus	Black	Buerkle
Bishop (GA)	Carney	Connolly (VA)	Bartlett	Blackburn	Burgess
Bishop (NY)	Carson (IN)	Conyers	Bartlett	Bonner	Burton (IN)
Blumenauer	Castor (FL)	Cooper			

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

**NAYS—175**

Ackerman	Chu	Deutch
Andrews	Cicilline	Dicks
Baca	Clarke (MI)	Dingell
Baldwin	Clarke (NY)	Dogggett
Barrow	Clay	Donnelly (IN)
Bass (CA)	Cleaver	Doyle
Becerra	Clyburn	Edwards
Berkley	Cohen	Ellison
Berman	Connolly (VA)	Engel
Bishop (GA)	Conyers	Eshoo
Bishop (NY)	Cooper	Farr
Blumenauer	Costa	Fattah
Boswell	Costello	Finer
Brady (PA)	Courtney	Frank (MA)
Braley (IA)	Critz	Fudge
Brown (FL)	Crowley	Garamendi
Butterfield	Cuellar	Gonzalez
Capps	Cummings	Green, Al
Capuano	Davis (CA)	Green, Gene
Cardoza	Davis (IL)	Grijalva
Carnahan	DeFazio	Gutierrez
Carson (IN)	DeGette	Hanabusa
Castor (FL)	DeLauro	Hastings (FL)

## CONGRESSIONAL RECORD — HOUSE

Heinrich	McDermott	Schakowsky
Higgins	McGovern	Schiff
Himes	McNerny	Schwartz
Hinchey	Meeks	Scott (VA)
Hirono	Michaud	Scott, David
Holt	Miller (NC)	Serrano
Honda	Miller, George	Sewell
Hoyer	Moore	Sherman
Inslie	Moran	Sires
Israel	Murphy (CT)	Slaughter
Jackson (IL)	Nadler	Smith (WA)
Jackson Lee	Napolitano	Speier
(TX)	Kind	Neal
Johnson (GA)	Olver	Stark
Johnson, E. B.	Pallone	Sutton
Kaptur	Pascarella	Thompson (CA)
Keating	Kildee	Thompson (MS)
Larsen (WA)	Price (NC)	Tierney
Larson (CT)	Lee (CA)	Tonko
Loebssack	Quigley	Towns
Lofgren, Zoe	Rothman (NJ)	Tsongas (MN)
Lowe	Royal-Allard	Van Hollen
Luján	Ruppertsberger	Velázquez
Lynch	Reyes	Waxman
Lipinski	Richardson	Weiner
Loebssack	Richmond	Welch
Lofgren, Zoe	Rothman (NJ)	Watts
Luján	Royal-Allard	Watt
Matsui	Sanchez, Linda	Wilson (FL)
McCarthy (NY)	T.	Woolsey
McCollum	Sanchez, Loretta	Wu
	Barbanes	Yarmuth

**NOT VOTING—5**

Giffords	Hanna	Pastor (AZ)
Hall	Hinojosa	

**□ 1451**

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.

**HOUR OF MEETING ON TOMORROW**

Mr. WESTMORELAND. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

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

There was no objection.

**COMMUNICATION FROM CHAIR OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.**

The SPEAKER pro tempore laid before the House the following communication from the Chair of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, March 2, 2011.

Hon. JOHN BOEHNER,  
*Speaker of the House, House of Representatives,*  
*The Capitol, Washington, DC.*

DEAR MR. SPEAKER: On February 16, 2011, pursuant to the provisions of 40 U.S.C. 3307, the Committee on Transportation and Infrastructure met in open session to consider a resolution related to the General Services Administration's (GSA) FY2011 Capital Investment and Leasing Program. The resolution authorizes the consolidation of the operations of the National Gallery of Art and the Federal Trade Commission that will result in

savings to the federal government. The Committee adopted the resolution by voice vote with a quorum present.

Enclosed is a copy of the resolution adopted by the Committee on February 16, 2011.

Sincerely,

JOHN L. MICA,  
*Chairman.*

Enclosure.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC.

COMMITTEE RESOLUTION

FEDERAL TRADE COMMISSION/NATIONAL GALLERY OF ART CONSOLIDATION

Whereas, the General Services Administration proposed in Lease Prospectus PDC-14-WA11 to the U.S. House Committee on Transportation and Infrastructure a request to lease up to 427,000 square feet for the Federal Trade Commission in addition to the 306,000 square feet of space in the Apex building currently housing part of the Federal Trade Commission operations;

Whereas, a proposed alternate plan to consolidate space currently leased or occupied by the Federal Trade Commission and National Gallery of Art can save taxpayers nearly 1/3 billion dollars and meet both agencies' current and future space requirements;

Whereas, the National Gallery of Art currently leases 60,000 square feet of space and will require an additional 150,000 square feet of space for future use;

Whereas, the Federal Trade Commission currently uses only 160,000 square feet of the 306,000 gross square foot building located at 600 Pennsylvania Avenue, NW, to house approximately 450 federal employees, resulting in an inefficient use of the building, creating waste and costing the taxpayer;

Whereas, only 3% of the space in the building located at 600 Pennsylvania Avenue, NW is designated as actual hearing space for Federal Trade Commission operations;

Whereas, the Federal Trade Commission also leases two additional locations in the District of Columbia totaling 220,000 square feet and 56,000 square feet, respectively;

Whereas, on May 13, 2010, the General Services Administration submitted a prospectus number PDC-14-WA11 to the Committee on Transportation and Infrastructure for an additional 150,000 square feet of leased space for the Federal Trade Commission;

Whereas, President Franklin D. Roosevelt, in laying the cornerstone for the building at 600 Pennsylvania Avenue, NW, did so to consolidate government operations out of scattered space into consolidated space "to save the taxpayers' money";

Whereas, President Barack Obama's Presidential Memorandum of June 10, 2010, in accordance with Executive Order 13327 issued by President George W. Bush, requires federal agencies to maximize the utilization and efficiency of space;

Whereas, the management of federal real property was placed on the Government Accountability Office's "High Risk" list in 2003 where it remains today;

Whereas, the Government Accountability Office concluded, regarding the use of aging buildings that "[m]any of these assets and organizational structures are no longer needed; others are not effectively aligned with, or responsive to, agencies' changing missions. At the same time, technological advances have changed workplace needs, and many of the older buildings are not configured to accommodate new technologies";

Whereas, it is in the national interest to maximize use of federal space and save taxpayer dollars through the more efficient use of space consistent with federal policies;

Whereas, the National Gallery of Art was created in 1937 for the people of the United States by Congress as an independent “bureau” of the Smithsonian Institution as codified in 20 United States Code §72;

Whereas, the National Gallery of Art is a federal government-owned organization;

Whereas, Congress provides funds to maintain the National Gallery of Art to ensure it remains open to the general public free of charge as codified in 20 United States Code §74;

Whereas, the National Gallery of Art receives 80% of its funding through Federal appropriations;

Whereas, 75% of National Gallery of Art employees are federal employees;

Whereas, the 30-year net present value of the savings to the taxpayer realized from consolidating the National Gallery of Art's leased space into government owned space is \$145 million;

Whereas, the building located at 600 Pennsylvania Avenue, NW would require more than \$137 million in taxpayer funded renovations for continued use by the Federal Trade Commission as office space;

Whereas, the National Gallery of Art has authority to and shall raise and use private funds to renovate the building at 600 Pennsylvania Avenue, NW for the benefit of the American people;

Whereas, renovating the building at 600 Pennsylvania Avenue, NW will preserve a historic building and maximize its use by the American people;

Whereas, the space in the building located at 600 Pennsylvania Avenue, NW would be optimally located and adjacent to the National Gallery of Art West and East wings providing additional space consistent with the mission of the National Gallery of Art as codified in law;

Whereas, such use of the 600 Pennsylvania Avenue, NW building would complete the cultural triangle in the District of Columbia;

Whereas, relocating the Federal Trade Commission into lower maintenance and more energy efficient space will further save taxpayer dollars;

Whereas, there are significant savings in consolidations of operations—employee shuttle, child care, communications and operational efficiencies.

*Therefore, be it resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307(a), the Administrator of General Services shall transfer administrative jurisdiction and custody and control of the building located at 600 Pennsylvania Avenue, NW, Washington, D.C. to the National Gallery of Art and relocate the Federal Trade Commission, currently located at 600 Pennsylvania Avenue, NW, Washington, D.C. to (1) up to 200,000 usable square feet of space located in Federal Office Building Number 8, Southwest, District of Columbia; (2) 1800 F Street, NW, District of Columbia; or (3) such other building in the District of Columbia owned by the Government that the Administrator of General Services considers appropriate.*

*It is further resolved, that the Administrator of General Services is authorized to consolidate Federal Trade Commission operations in the District of Columbia into efficient, modern government-owned space.*

*Provided, that no appropriated funds shall be used for the initial renovation, remodeling, or reconstruction of the building at 600 Pennsylvania Avenue, NW, Washington, D.C.*

*Provided further, that terms and conditions, including rental rate, applied to the Federal Trade Commission by the Administrator of General Services, for use of the building located at 600 Pennsylvania Avenue, NW, Washington, D.C. shall apply to replacement*

space provided by the Administrator of General Services pursuant to this resolution for no more than ten (10) years after the relocation of the Federal Trade Commission.

*Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.*

Adopted: February 16, 2011.

JOHN L. MICA, M.C.,  
Chairman.

There was no objection.

### SURFACE TRANSPORTATION EXTENSION ACT OF 2011

Mr. MICA. Madam Speaker, pursuant to House Resolution 128, I call up the bill (H.R. 662) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 128, the bill is considered read.

The text of the bill is as follows:

H.R. 662

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

#### SECTION 1. SHORT TITLE; RECONCILIATION OF FUNDS.

(a) SHORT TITLE.—This Act may be cited as the “Surface Transportation Extension Act of 2011”.

(b) RECONCILIATION OF FUNDS.—The Secretary of Transportation shall reduce the amount apportioned or allocated for a program, project, or activity under this Act in fiscal year 2011 by amounts apportioned or allocated pursuant to the Surface Transportation Extension Act of 2010 and the Surface Transportation Extension Act of 2010, Part II for the period beginning on October 1, 2010, and ending on March 4, 2011.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; reconciliation of funds.

#### TITLE I—FEDERAL-AID HIGHWAYS

Sec. 101. Extension of Federal-aid highway programs.

#### TITLE II—EXTENSION OF HIGHWAY SAFETY PROGRAMS

Sec. 201. Extension of National Highway Traffic Safety Administration highway safety programs.

Sec. 202. Extension of Federal Motor Carrier Safety Administration programs.

Sec. 203. Additional programs.

#### TITLE III—PUBLIC TRANSPORTATION PROGRAMS

Sec. 301. Allocation of funds for planning programs.

Sec. 302. Special rule for urbanized area formula grants.

Sec. 303. Allocating amounts for capital investment grants.

Sec. 304. Apportionment of formula grants for other than urbanized areas.

Sec. 305. Apportionment based on fixed guideway factors.

Sec. 306. Authorizations for public transportation.

Sec. 307. Amendments to SAFETEA-LU.

Sec. 308. Level of obligation limitations.

#### TITLE IV—EXTENSION OF EXPENDITURE AUTHORITY

Sec. 401. Extension of expenditure authority.

#### TITLE I—FEDERAL-AID HIGHWAYS

##### SEC. 101. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) IN GENERAL.—Section 411 of the Surface Transportation Extension Act of 2010 (Public Law 111–147; 124 Stat. 78) is amended—

(1) by striking “the period beginning on October 1, 2010, and ending on March 4, 2011” each place it appears (except in subsection (c)(2)) and inserting “fiscal year 2011”; and

(2) in subsection (a) by striking “March 4, 2011” and inserting “September 30, 2011”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 411(b)(2) of the Surface Transportation Extension Act of 2010 (124 Stat. 79) is amended by striking “ $\frac{155}{365}$  of”.

(c) USE OF FUNDS.—Section 411(c) of the Surface Transportation Extension Act of 2010 (124 Stat. 79) is amended—

(1) in paragraph (2)—

(A) by striking “ $\frac{155}{365}$  of”; and

(B) by striking “the period beginning on October 1, 2010, and ending on March 4, 2011,” and inserting “fiscal year 2011”;

(2) in paragraph (4)—

(A) in subparagraph (A)(ii) by striking “, except that during such period obligations subject to such limitation shall not exceed  $\frac{155}{365}$  of the limitation on obligations included in an Act making appropriations for fiscal year 2011”; and

(B) in subparagraph (B)(II) by striking “\$271,356,164” and inserting “\$639,000,000”; and

(3) by striking paragraph (5);

(d) EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED PROGRAMS.—Section 411(d) of the Surface Transportation Extension Act of 2010 (124 Stat. 80) is amended—

(1) by striking “ $\frac{155}{365}$  of” each place it appears; and

(2) in paragraph (4)(A) by striking “2009” and inserting “2010”.

(e) EXTENSION OF AUTHORIZATIONS UNDER TITLE V OF SAFETEA-LU.—Section 411(e) of the Surface Transportation Extension Act of 2010 (124 Stat. 82) is amended—

(1) in paragraph (1)(B) by striking “ $\frac{155}{365}$ ”; and

(2) in paragraph (3)(A) by striking “2009” and inserting “2010”.

(f) ADMINISTRATIVE EXPENSES.—Section 412(a)(2) of the Surface Transportation Extension Act of 2010 (Public Law 111–147; 124 Stat. 83) is amended to read as follows:

“(2) \$422,425,000 for fiscal year 2011.”

#### TITLE II—EXTENSION OF HIGHWAY SAFETY PROGRAMS

##### SEC. 201. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2001(a)(1) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$99,795,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.” and inserting “and \$235,000,000 for fiscal year 2011.”

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2001(a)(2) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$45,967,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.” and inserting “and \$108,244,000 for fiscal year 2011.”

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2001(a)(3) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$10,616,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.” and inserting “and \$25,000,000 for fiscal year 2011.”

(d) SAFETY BELT PERFORMANCE GRANTS.—Section 2001(a)(4) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$52,870,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.” and inserting “and \$124,500,000 for fiscal year 2011.”

(e) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—Section 2001(a)(5) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$14,651,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.” and inserting “and \$34,500,000 for fiscal year 2011.”.

(f) ALCOHOL-IMPAIRED DRIVING COUNTER-MEASURES INCENTIVE GRANT PROGRAM.—Section 2001(a)(6) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$59,027,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.” and inserting “and \$139,000,000 for fiscal year 2011.”.

(g) NATIONAL DRIVER REGISTER.—Section 2001(a)(7) of SAFETEA-LU (119 Stat. 1520) is amended by striking “and \$1,748,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.” and inserting “and \$4,116,000 for fiscal year 2011.”.

(h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—Section 2001(a)(8) of SAFETEA-LU (119 Stat. 1520) is amended by striking “and \$12,315,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.” and inserting “and \$29,000,000 for fiscal year 2011.”.

(i) MOTORCYCLIST SAFETY.—Section 2001(a)(9) of SAFETEA-LU (119 Stat. 1520) is amended by striking “and \$2,973,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.” and inserting “and \$7,000,000 for fiscal year 2011.”.

(j) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.—Section 2001(a)(10) of SAFETEA-LU (119 Stat. 1520) is amended by striking “and \$2,973,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.” and inserting “and \$7,000,000 for fiscal year 2011.”.

(k) ADMINISTRATIVE EXPENSES.—Section 2001(a)(11) of SAFETEA-LU (119 Stat. 1520) is amended by striking “and \$10,756,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.” and inserting “and \$25,328,000 for fiscal year 2011.”.

#### SEC. 202. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a)(7) of title 49, United States Code, is amended to read as follows:

“(7) \$209,000,000 for fiscal year 2011.”.

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1)(G) of title 49, United States Code, is amended to read as follows:

“(G) \$244,144,000 for fiscal year 2011.”.

(c) GRANT PROGRAMS.—Section 4101(c) of SAFETEA-LU (119 Stat. 1715) is amended—

(1) in paragraph (1) by striking “2009” and all that follows before the period and inserting “2011”;

(2) in paragraph (2) by striking “, 2007” and all that follows before the period and inserting “through 2011”;

(3) in paragraph (3) by striking “, 2007” and all that follows before the period and inserting “through 2011”;

(4) in paragraph (4) by striking “2009” and all that follows before the period and inserting “2011”; and

(5) in paragraph (5) by striking “2009” and all that follows before the period and inserting “2011”.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k)(2) of title 49, United States Code, is amended by striking “through 2010 and \$6,370,000 for the period beginning October 1, 2010, and ending on March 4, 2011” and inserting “through 2011”.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by striking “(and up to \$12,315,000 for the period beginning October 1, 2010, and ending on March 4, 2011)”.

(f) COMMERCIAL DRIVER’S LICENSE INFORMATION SYSTEM MODERNIZATION.—Section 4123(d)(6) of SAFETEA-LU (119 Stat. 1736) is amended to read as follows:

“(6) \$8,000,000 for fiscal year 2011.”.

(g) OUTREACH AND EDUCATION.—Section 4127(e) of SAFETEA-LU (119 Stat. 1741) is amended by striking “2010,” and all that follows before “to carry out” and inserting “2010, and 2011”.

(h) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA-LU (119 Stat. 1744) is amended by striking “2009” and all that follows before “to carry out” and inserting “2011”.

(i) MOTOR CARRIER SAFETY ADVISORY COMMITTEE.—Section 4144(d) of SAFETEA-LU (119 Stat. 1748) is amended by striking “March 4, 2011” and inserting “September 30, 2011”.

(j) WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.—Section 4213(d) of SAFETEA-LU (49 U.S.C. 14710 note; 119 Stat. 1759) is amended by striking “March 4, 2011” and inserting “September 30, 2011”.

#### SEC. 203. ADDITIONAL PROGRAMS.

(a) HAZARDOUS MATERIALS RESEARCH PROJECTS.—Section 7131(c) of SAFETEA-LU (119 Stat. 1910) is amended by striking “through 2010 and \$531,000 for the period beginning on October 1, 2010, and ending on March 4, 2011” and inserting “through 2011”.

(b) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a) by striking “through 2010, and for the period beginning on October 1, 2010, and ending on March 4, 2011,” and inserting “through 2011”; and

(2) in subsection (b)(1)(A) by striking “through 2010, and for the period beginning on October 1, 2010, and ending on March 4, 2011,” and inserting “through 2011”.

#### TITLE III—PUBLIC TRANSPORTATION PROGRAMS

##### SEC. 301. ALLOCATION OF FUNDS FOR PLANNING PROGRAMS.

Section 5305(g) of title 49, United States Code, is amended by striking “2010, and for the period beginning October 1, 2010, and ending March 4, 2011,” and inserting “2011”.

##### SEC. 302. SPECIAL RULE FOR URBANIZED AREA FORMULA GRANTS.

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) by striking the paragraph heading and inserting “SPECIAL RULE FOR FISCAL YEARS 2005 THROUGH 2011.”;

(2) in subparagraph (A) by striking “2010, and the period beginning October 1, 2010, and ending March 4, 2011,” and inserting “2011.”;

(3) in subparagraph (E)—

(A) by striking the subparagraph heading and inserting “MAXIMUM AMOUNTS IN FISCAL YEARS 2008 THROUGH 2011.”;

(B) in the matter preceding clause (i) by striking “In fiscal years 2008 through 2010, and during the period beginning October 1, 2010, and ending March 4, 2011,” and inserting “In each of fiscal years 2008 through 2011.”;

##### SEC. 303. ALLOCATING AMOUNTS FOR CAPITAL INVESTMENT GRANTS.

Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking the paragraph heading and inserting “FISCAL YEARS 2006 THROUGH 2011.”;

(B) in the matter preceding subparagraph (A) by striking “2010, and during the period beginning October 1, 2010, and ending March 4, 2011,” and inserting “2011.”;

(C) in subparagraph (A)(i) by striking “2010, and \$84,931,000 for the period beginning October 1, 2010 and ending March 4, 2011,” and inserting “2011.”;

(2) in paragraph (6)—

(A) in subparagraph (B) by striking “2010, and \$6,369,000 shall be available for the period

beginning October 1, 2010 and ending March 4, 2011.” and inserting “2011.”;

(B) in subparagraph (C) by striking “2010, and \$2,123,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011.” and inserting “2011.”;

(3) in paragraph (7)—

(A) in subparagraph (A)—

(i) by striking “(A) FERRY BOAT SYSTEMS.” and all that follows through “(i) FISCAL YEARS 2006 THROUGH 2010.—\$10,000,000 shall be available in each of fiscal years 2006 through 2010” and inserting the following:

“(A) FERRY BOAT SYSTEMS.—\$10,000,000 shall be available in each of fiscal years 2006 through 2011”;

(ii) by striking clause (ii);

(iii) by redesignating subclauses (I) through (VIII) as clauses (i) through (viii), respectively, and moving the text of such clauses 2 ems to the left; and

(iv) by inserting a period at the end of clause (iv) (as so redesignated);

(B) in subparagraph (B)—

(i) by striking “for the period beginning October 1, 2010 and ending March 4, 2011.”;

(ii) by adding after clause (v) the following:

“(vi) \$13,500,000 for fiscal year 2011.”;

(C) in subparagraph (C) by striking “, and during the period beginning October 1, 2010 and ending March 4, 2011.”;

(D) in subparagraph (D) by striking “, and not less than \$14,863,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011.”;

(E) in subparagraph (E) by striking “, and \$1,273,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011.”;

##### SEC. 304. APPORTIONMENT OF FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

Section 5311(c)(1)(F) of title 49, United States Code, is amended to read as follows:

“(F) \$15,000,000 for fiscal year 2011.”.

##### SEC. 305. APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.

Section 5337 of title 49, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “2010” and inserting “2011”; and

(2) by striking subsection (g).

##### SEC. 306. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) FORMULA AND BUS GRANTS.—Section 5338(b) of title 49, United States Code, is amended—

(1) by striking paragraph (1)(F) and inserting the following:

“(F) \$8,360,565,000 for fiscal year 2011.”;

(2) in paragraph (2)—

(A) in subparagraph (A) by striking “\$48,198,000 for the period beginning October 1, 2010 and ending March 4, 2011.” and inserting “\$113,500,000 for fiscal year 2011”;

(B) in subparagraph (B) by striking “\$1,766,730,000 for the period beginning October 1, 2010 and ending March 4, 2011.” and inserting “\$4,160,365,000 for fiscal year 2011”;

(C) in subparagraph (C) by striking “\$21,869,000 for the period beginning October 1, 2010 and ending March 4, 2011.” and inserting “\$51,500,000 for fiscal year 2011”;

(D) in subparagraph (D) by striking “\$707,691,000 for the period beginning October 1, 2010 and ending March 4, 2011.” and inserting “\$1,666,500,000 for fiscal year 2011”;

(E) in subparagraph (E) by striking “\$417,863,000 for the period beginning October 1, 2010 and ending March 4, 2011.” and inserting “\$984,000,000 for fiscal year 2011”;

(F) in subparagraph (F) by striking “\$56,691,000 for the period beginning October 1, 2010 and ending March 4, 2011.” and inserting “\$133,500,000 for fiscal year 2011”;

(G) in subparagraph (G) by striking “\$197,465,000 for the period beginning October 1, 2010 and ending March 4, 2011,” and inserting “\$465,000,000 for fiscal year 2011”;

(H) in subparagraph (H) by striking “\$69,856,000 for the period beginning October 1, 2010 and ending March 4, 2011,” and inserting “\$164,500,000 for fiscal year 2011”;

(I) in subparagraph (I) by striking “\$39,280,000 for the period beginning October 1, 2010 and ending March 4, 2011,” and inserting “\$92,500,000 for fiscal year 2011”;

(J) in subparagraph (J) by striking “\$11,423,000 for the period beginning October 1, 2010 and ending March 4, 2011,” and inserting “\$26,900,000 for fiscal year 2011”;

(K) in subparagraph (K) by striking “\$1,486,000 for the period beginning October 1, 2010 and ending March 4, 2011,” and inserting “\$3,500,000 for fiscal year 2011”;

(L) in subparagraph (L) by striking “\$10,616,000 for the period beginning October 1, 2010 and ending March 4, 2011,” and inserting “\$25,000,000 for fiscal year 2011”;

(M) in subparagraph (M) by striking “\$197,465,000 for the period beginning October 1, 2010 and ending March 4, 2011,” and inserting “\$465,000,000 for fiscal year 2011”; and

(N) in subparagraph (N) by striking “\$3,736,000 for the period beginning October 1, 2010 and ending March 4, 2011,” and inserting “\$8,800,000 for fiscal year 2011”.

(b) CAPITAL INVESTMENT GRANTS.—Section 5338(c)(6) of title 49, United States Code, is amended to read as follows:

“(6) \$2,000,000,000 for fiscal year 2011.”.

(c) RESEARCH AND UNIVERSITY RESEARCH CENTERS.—Section 5338(d) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking “\$29,619,000 for the period beginning October 1, 2010 and ending March 4, 2011,” and inserting “\$69,750,000 for fiscal year 2011”; and

(B) in subparagraph (A) by striking “fiscal year 2009” and inserting “each of fiscal years 2009, 2010, and 2011”;

(2) in paragraph (2)(A)—

(A) in clauses (i), (ii), and (iii) by striking “2009” and inserting “2011”; and

(B) in clauses (v), (vi), (vii), and (viii) by striking “and 2009” and inserting “through 2011”; and

(3) by striking paragraph (3) and inserting the following:

“(3) FUNDING.—If the Secretary determines that a project or activity described in paragraph (2) received sufficient funds in fiscal year 2010, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under paragraph (2) for the project or activity for fiscal year 2011, or any subsequent fiscal year.”.

(d) ADMINISTRATION.—Section 5338(e)(6) of title 49, United States Code, is amended to read as follows:

“(6) \$98,911,000 for fiscal year 2011.”.

#### SEC. 307. AMENDMENTS TO SAFETEA-LU.

(a) CONTRACTED PARATRANSIT PILOT.—Section 3009(i)(1) of SAFETEA-LU (119 Stat. 1572) is amended by striking “2010, and for the period beginning October 1, 2010, and ending March 4, 2011” and inserting “2011”.

(b) PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.—Section 3011 of SAFETEA-LU (49 U.S.C. 5309 note; 119 Stat. 1588) is amended—

(1) in subsection (c)(5) by striking “2010 and the period beginning October 1, 2010, and ending March 4, 2011” and inserting “2011”; and

(2) in subsection (d) by striking “2010, and for the period beginning October 1, 2010, and ending March 4, 2011” and inserting “2011”.

(c) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM.—Section

3012(b)(8) of SAFETEA-LU (49 U.S.C. 5310 note; 119 Stat. 1593) is amended by striking “March 4, 2011” and inserting “September 30, 2011”.

(d) OBLIGATION CEILING.—Section 3040(7) of SAFETEA-LU (119 Stat. 1639) is amended to read as follows:

“(7) \$10,507,752,000 for fiscal year 2011, of which not more than \$8,360,565,000 shall be from the Mass Transit Account.”.

(e) PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS.—Section 3043 of SAFETEA-LU (119 Stat. 1640) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking “2010, and for the period beginning October 1, 2010, and ending March 4, 2011,” and inserting “2011”; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking “2010, and for the period beginning October 1, 2010, and ending March 4, 2011,” and inserting “2011”.

(f) ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.—Section 3046 of SAFETEA-LU (49 U.S.C. 5338 note; 119 Stat. 1706) is amended—

(1) in subsection (b) by striking “or period”; and

(2) by striking subsection (c) and inserting the following:

“(c) ADDITIONAL APPROPRIATIONS.—The Secretary shall allocate amounts appropriated pursuant to section 5338(d) of title 49, United States Code, for national research and technology programs under sections 5312, 5314, and 5322 of such title for fiscal years 2010 and 2011, in amounts equal to the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), and (8) through (25) of subsection (a).”.

#### SEC. 308. LEVEL OF OBLIGATION LIMITATIONS.

(a) HIGHWAY CATEGORY.—Section 8003(a) of SAFETEA-LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) by striking “and” at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting “; and”; and

(3) by striking paragraph (7) and inserting the following:

“(7) for fiscal year 2011, \$42,469,970,178.”.

(b) MASS TRANSIT CATEGORY.—Section 8003(b) of SAFETEA-LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) by striking “and” at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting “; and”; and

(3) by striking paragraph (7) and inserting the following:

“(7) for fiscal year 2011, \$10,338,065,000.”.

#### TITLE IV—EXTENSION OF EXPENDITURE AUTHORITY

##### SEC. 401. EXTENSION OF EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking “March 5, 2011” in subsections (b)(6)(B) and (c)(1) and inserting “October 1, 2011”;

(2) by striking “the Surface Transportation Extension Act of 2010, Part II” in subsections (c)(1) and (e)(3) and inserting “the Surface Transportation Extension Act of 2011”, and

(3) by striking “March 5, 2011” in subsection (e)(3) and inserting “October 1, 2011”.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of the Internal Revenue Code of 1986 is amended—

(1) by striking “Surface Transportation Extension Act of 2010, Part II” each place it appears in subsection (b)(2) and inserting “Surface Transportation Extension Act of 2011”, and

(2) by striking “March 5, 2011” in subsection (d)(2) and inserting “October 1, 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 4, 2011.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment printed in House Report 112-20, if offered by the gentleman from Florida (Mr. MICA) or his designee, which shall be considered read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from Florida (Mr. MICA) and the gentleman from West Virginia (Mr. RAHALL) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

#### GENERAL LEAVE

Mr. MICA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 662.

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

There was no objection.

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

I come to the floor today to pass the extension of our major surface transportation legislation, that's H.R. 662.

I would like to first lead off by informing Members and the Speaker that this extension is a spending freeze at 2010 levels through September 30.

We find ourselves in a situation where the major transportation legislation that authorizes all of the policies, the various projects, all the funding levels and all of the activities that are so important to job creation, to building the Nation's infrastructure, that legislation expired September 30, 2009.

In the past Congress, since that time, we have passed a number of short-term extensions. We are now on the sixth extension of that legislation.

What happens when the Congress does this is we end up sending the worst message and the worst policy possible across the Nation, across the land, to our States and our localities that are trying to build the Nation's infrastructure and trying to determine what Federal policy, what their partnership and funding relationship will be with the Federal Government.

Right now, in a time in which across this Nation we are experiencing some of the worst unemployment, in my district I have some areas with 17 percent unemployment. And where is that unemployment? That's in the construction industry.

So it's critical that we pass an extension of the current legislation and extension that we are on, the sixth extension that we are on, and we do that before Friday. Friday is when the current extension expires.

Again, this is important for jobs. Why? Our State transportation departments have only been able to do small

projects. Now, they have done some sidewalks, and they have done some repaving, and they have done some minor construction projects. But because they don't have a dependable Federal partner and the hiccup manner in which we have provided policy judgment funding direction as far as our Federal law for major transportation projects, because it's been done in such a helter-skelter fashion, people are not employed. Projects do not move forward. This is the worst time that this could happen. I am determined that that won't happen again.

Now, I might like to do a short-term extension, and some people have said we should do that. But the responsible thing for us to do now is to pass through the fiscal year—and this extension takes us to September 30—so States can plan, so people can get back to work, so we have some semblance of policy regarding building the Nation's infrastructure in place now. People are crying out for jobs across this country, and we may not pass any other piece of legislation this year but our transportation and infrastructure legislation.

This, and the FAA reauthorization, in addition to highway and surface and all the other modes, our FAA extensions have become almost the saddest commentary you could have on building, again, the Nation's important infrastructure. We have done 17 extensions of the FAA legislation, so our airports and others can't plan. Now, we are not going to let that happen under our watch. We are going to set policy today and extend until the end of this fiscal year in a responsible manner.

Some people on the conservative side of the aisle, and I will match my credentials with any of them, want to know about the money that's being spent.

□ 1500

This is not money that's general revenue. This is entirely within the trust fund, the Federal Highway and Transit Trust Fund.

When we came here, we also said we were going to force the Congress to spend more money in general revenue than we had in that fund, and this extension adheres to the policy that we won't be reckless in spending and we won't spend beyond what we have in the fund. This extension only expends funds from within that trust fund. So I want my conservative friends—and I consider myself in the conservative fiscal corner, the responsible corner in spending—to know that that is the way this is crafted. So, again, I think we have an obligation to move forward. We are doing it on a sound basis. We are freezing at the 2010 levels. And we will be able, at least until September, to get people to work.

Now, I know sometimes I can move legislation along in this body, and I work hard sometimes to do that. But I can tell you I cannot pass a full authorization bill by this Friday. We just took over, again, some of these respon-

sibilities a few weeks ago. We've had six extensions. I don't want to get to, again, into a situation where we are doing these short-term, job-killing extensions.

So that's the reason that we're here. That's the responsibility that we have as a Congress in moving forward and again setting that policy and setting a timeframe in which our States and others who actually do these projects can operate. And again, it's being done within the responsible parameters that this new Congress and the House of Representatives has set forward.

I do want to say, finally, that I thank my colleague, Mr. RAHALL, who is the ranking member, for his interest in moving forward with a long-term bill. In reaching out, we held the first of our hearings, and we're doing these around the country. We've done more than a dozen from the Atlantic to the Pacific. We started in Beckley, West Virginia, a little over a week ago, in the hometown of the ranking member because we want our permanent legislation to be long term, a 6-year bill, to have in place sound policy. We want it done on a bipartisan basis. And to ensure also that it was done on a bicameral basis, we did almost an unprecedented hearing with Senator BOXER, the gentlelady from California, who chairs the Environment and Public Works Committee of the United States Senate. We did a joint bicameral, bipartisan hearing in Los Angeles last week to kick off our larger effort to, again, have in place the very best policy regarding our infrastructure for the Nation.

So with those comments, again, I want to thank folks that we have an agreement here to move forward. We need to do that. We need to get people working in this country and do it in a responsible fashion. And I believe that H.R. 662 will do that.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, February 28, 2011.

Hon. JOHN MICA,  
*Chairman, Committee on Transportation and Infrastructure, Washington, DC.*

DEAR CHAIRMAN MICA: I am writing concerning H.R. 662, the "Surface Transportation Extension Act of 2011," which is scheduled for floor consideration this week.

As you know, the Committee on Ways and Means has jurisdiction over the Internal Revenue Code. Title IV of this bill amends the Internal Revenue Code of 1986, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 662, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

DAVE CAMP,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, March 1, 2011.

Hon. DAVE CAMP,  
*Chairman, Committee on Ways and Means, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 662, the "Surface Transportation Extension Act of 2011." The Committee on Transportation and Infrastructure recognizes that the Committee on Ways and Means has a jurisdictional interest in H.R. 662, and I appreciate your effort to facilitate consideration of this bill.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 662 in the Congressional Record during floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on Ways and Means as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,  
*Chairman.*

I reserve the balance of my time.

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

Madam Speaker, I rise in support of H.R. 662, the Surface Transportation Extension Act of 2011. As my chairman has said, this legislation extends the Federal-aid highway, public transit, and highway and motor carrier safety programs through the end of the fiscal year September 30, 2011.

I commend the chairman of the committee, Mr. MICA, for his bringing this bill before us today. I also associate myself with the remarks that he has just said in support thereof. I commend him for the listening tour that he has embarked around the country, as well as a few formal hearings thrown in his listening tour. This gives the country and new Members of this body an opportunity to learn a great deal about what reauthorization of our surface transportation programs really means when it comes to jobs and when it comes to infrastructure, particularly within each Member of Congress' congressional district.

Extending these programs is absolutely critical to keep our economy on the road to recovery, and I strongly support this bill—as did my colleagues on both sides of the aisle—when we passed it out of the Transportation and Infrastructure Committee 2 weeks ago by unanimous consent. I also want to support and commend our ranking member on the Highways and Transit Subcommittee, Mr. DEFAZIO, for his tremendous work in previous years and on bringing the current bill before us as well, and we will hear from him in a moment.

While I do strongly support this bill, Madam Speaker, what I cannot support are Republican attempts to gut investments that grow our economy. The Republican spending bill that passed 2

weeks ago will destroy over 300,000 good-paying transportation jobs—jobs lost in every State of this great country. What I cannot support is dangerous and draconian cuts across the board to investments in America's future. And these cuts are coming just at a time that our economy is turning the corner. And what I cannot support is cutting the job-creating muscle of our budget, which investment in our infrastructure is, when we should be focusing on trimming the fat. In order to keep pace with India, China, and other international competitors, we need to invest more, not less, in America's infrastructure. If we stop investing in the future, there's simply no way we can retire the debt of the past.

The bill before us today is identical to legislation that the House passed last fall. Regrettably, at that time, Republicans objected to it, and the Senate Republican leadership insisted that the surface transportation programs expire on March 4, 2011. I'm glad that my Republican colleagues have now come around and recognized the need to extend these vital programs through the fiscal year. I hope all Members will vote for this bipartisan extension to keep America's economy moving.

If Congress does not extend the surface transportation programs, the U.S. Department of Transportation will stop reimbursing States for expenditures on approved projects, and thousands of construction projects across the Nation could come to a screeching halt. According to DOT, a delay in enactment of this bill will shut down more than \$800 million next week in highway reimbursements and transit grants to States and urban areas, endangering more than 28,000 jobs and multimillion dollar construction projects across the country.

This bill provides a certainty that the construction industry needs to continue the slow climb back from the greatest recession since World War II. It also enables Congress the necessary time to work toward passage of a long-term surface transportation authorization bill later this year. Enactment of this extension act will enable us to redirect our focus to developing a long-term bill that begins to address the Nation's enormous infrastructure needs and will create millions of family-wage jobs.

I also today call upon the administration to join us in this effort to get behind this reauthorization bill and give it the necessary support from the executive branch that it needs. I urge my colleagues to join me in supporting H.R. 662.

I reserve the balance of my time.

Mr. MICA. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Tennessee, who is one of the primary leaders in the Transportation and Infrastructure Committee, the chair of the Highways and Transit Subcommittee, Mr. DUNCAN.

Mr. DUNCAN of Tennessee. I thank the gentleman for yielding me this time.

Madam Speaker, H.R. 662, the Surface Transportation Extension Act of 2011, extends the highway, transit, and highway safety programs through the end of the fiscal year at the 2010 funding levels. It does not make any programmatic or policy changes but instead only continues what is currently in law.

I'm proud to be an original cosponsor of this bill with the chairman, my subcommittee vice chair, Mr. HANNA, Ranking Member RAHALL, and Subcommittee Ranking Member DEFAZIO. I want to commend Chairman MICA for his hearings and listening sessions that he's done all over this country. I had the privilege of attending several of those, and we heard from local and State officials all over this Nation about their needs.

Without this extension, these programs are set to expire on Friday. This extension will allow the highway and transit programs to continue to operate as the spring construction season kicks off. With unemployment in the construction industry at an all-time high, it is imperative that we extend the surface transportation programs through the end of the fiscal year.

A front page story in USA Today last week said that gas would soon go to \$5 a gallon or higher. We need more domestic oil production in this country. We simply cannot allow or let environmental radicals drive the price of gas to \$5 or higher. This will hurt many poor and lower income and working people and stop our recovery in its tracks.

#### □ 1510

This bill is important to our economy. Additionally, this extension will provide a level of predictability for State DOTs and local transit agencies to embark on major construction projects that will create jobs; and as I said, it will certainly stimulate the economy.

I support the passage of this legislation, and I urge my colleagues to do the same.

Mr. RAHALL. Madam Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO), the ranking member of the Highways and Transit Subcommittee.

Mr. DEFAZIO. I thank the ranking member and the chairman of the full committee and subcommittee and others who support this essential legislation.

It is kind of sad that we are actually in this position. We are looking at the seventh extension of the surface transportation reauthorization. Because of events in the last Congress, lack of support from the administration, opposition from others, and basically no action to the Senate side, we ground to a halt in reauthorizing this vital legislation. That is too bad.

Had we taken a fraction of the money spent on the so-called stimulus and instead invested it in fully funding a 6-year surface transportation authoriza-

tion, we could have created millions of jobs, and not just construction jobs—engineering jobs, manufacturing jobs, high-tech jobs—because we have the most effective buy America requirements on our transportation acquisitions in this country.

So, for instance, Oregon Iron Works is building the first made in America streetcar in 70 years. All of the components that go into that are being made here in the United States of America. They are very skilled workers, a very sophisticated product. You buy a bus made in America, the tires, everything has to be made in America. You build a bridge, the steel has to come from America except for a few loopholes in the law that we have to plug.

If we begin to deal honestly with our backlog, 150,000 bridges on the national highway system are substandard and in need of either significant repair or replacement. That is a lot of steel. That is a lot of work. That is also a lot of detours for trucks and others trying to use the national highway system.

Then you can look at the surface of our national highway system itself, not just the bridges; 40 percent of the pavement is in fair to poor condition. You've all experienced that—potholes blowing out tires, breaking axles, causing higher fuel consumption, accidents, all sorts of problems. That needs to be taken care of.

And then we have our transit systems. Actually right here in Washington, D.C., they are killing people on Metro because they haven't the money to make the capital investments they need to have a modern light rail system in this country, and they are running cars that shouldn't be on the tracks any more.

So we are really at a crisis point. I had taken to giving speeches when I chaired the committee about how we were falling to Third World status for infrastructure. And my colleague, the gentleman from Oregon (Mr. BLUMENAUER), came up to me after a speech once and said that is insulting and it's wrong.

I said, not really, EARL. You know the problems.

He said, no, to say that we're Third World. Most Third World countries are investing a much greater percentage in their gross domestic product in transportation and infrastructure than we are in the United States of America.

So I have taken to calling us fourth world; formerly First World, vaulting over to the back of the line to have the worst infrastructure of any modern nation on Earth. It's not right. It doesn't serve our businesses or our communities well.

The Obama administration did not take up this campaign adequately in the last Congress. I tried valiantly. They got hung up on the idea that we need to invest more money. We do need to invest more money. We had two commissions that were constituted when the Republicans controlled the House, the Senate and the White

House. Both commissions came to the same conclusion: we are spending somewhere around 30–40 percent of what we need on an annual basis to have a 21st-century transportation system. We are spending about 30 percent less than we need to maintain the current deteriorated rate of infrastructure in this country. We're not even maintaining the Eisenhower legacy. Come on, let's get real.

Now, unfortunately, on the Republican side of the aisle, they have adopted an arbitrary rule: no new revenues for anything. Now, they ought to rethink that. Let's think about capital budgets. If you build a bridge, it lasts 100 years. We could justify borrowing money for that. Maybe we could justify raising some revenues to pay for that—perhaps from the oil companies, who knows, and put a lot of people to work and improve our infrastructure; but that is a nonstarter so far. I hope that changes.

If we look at this as a way to put America back to work to make us more competitive in the international economy, we should be talking about rebuilding our infrastructure. It is the last place we should cut. And, unfortunately, some cuts have already been proposed and made in transportation. That's not where we should be cutting, and those who would advocate further cuts are wrong. This is a trust funded program. The program itself, 96 percent of the funding in this extension comes from the gas taxes every American has paid, the diesel taxes every trucker has paid, and the money paid in other miscellaneous taxes.

We need this bill today. It is a starting point for a robust reauthorization later this year. I look forward to working with the chairman and the new chairman of the subcommittee on that robust reauthorization.

**Mr. MICA.** Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. SHUSTER), another leader of the Transportation and Infrastructure Committee, the chair of the Rail Subcommittee.

**Mr. SHUSTER.** I thank my friend for yielding.

Here we are again, a seventh time for an extension. I agree with my friend from Oregon who pointed out that this administration stopped us from passing a transportation bill under Chairman Oberstar. Mr. MICA was the ranking member. So here we are again, a seventh extension on the highway bill.

As the chairman pointed out, this freezes the authorizing funds at FY 2010 levels, and it will go until September 30 to give us the time necessary to craft a new transportation bill.

I want to point out that this is a clean extension. It is what is in current law. There are no policy or program changes, and this does not continue any stimulus funding. This extension, coupled with the CR, is going to reduce spending by about a billion dollars. We are going to make a reduction in transit new starts by over \$400 million, dis-

continue highway appropriation earmarks by \$900 million, eliminate unauthorized transit programs by over \$200 million, and unauthorized TIGER grants by \$600 million. So there are some significant reductions; and, again, this current extension has to be passed by Friday.

If we don't move this forward, we will feel this throughout the economy, throughout this Nation. Today, this week, in the past couple of weeks, State DOTs have been letting contracts, putting bids out to get contractors in place to be able to start the spring, summer, and fall contracting season. If we shut down this program, there will be immediate furloughs and suspension of payments to States.

Again, I would like to remind my colleagues, especially on my side of the aisle, this is money that is being reimbursed to the States for work that has already been completed to the tune of about \$150 million a day, is going out to States to be able to pay those contractors to keep them working and building bridges and roads around this country.

So we are in an extremely difficult time to put these payments in jeopardy. Again, this gives us the time to craft a transportation bill by September 30, to put out there.

When we do that, we are going to go through this transportation bill and cut and reform and change. Some of you may have seen the GAO report. I haven't looked at it completely, but I know there are many, many programs in the Department of Transportation across the government that duplicate effort that, quite frankly, we don't know where the money is going. And some of these programs, we are not even sure who is watching the spending of it. They can't account for it.

So this transportation bill we'll move in September is going to do all of those types of things to improve what we do here in Washington and be a good partner to the States when it comes to building and maintaining a national transportation system.

So I urge all of my colleagues to support this extension.

**Mr. RAHALL.** Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

**Mr. BLUMENAUER.** Madam Speaker, I come to the floor to support this extension. I appreciated the comments from Chair MICA talking about the involvement with the Senate and the House working together and the listening sessions that are taking place around the country. I am absolutely convinced that my friend, Mr. MICA, is sincere in his interest in infrastructure. I have had the pleasure of working with Mr. RAHALL, Mr. DUNCAN, Mr. DEFAZIO. There is a team in place, people who are interested in moving this forward.

□ 1520

It's absolutely imperative that we extend the reauthorization through this

construction cycle. And making the decision now, setting it to work, so people can plan and act. It's not as good as a reauthorization by any stretch of the imagination, but it gets us through this construction cycle and it avoids another unfortunate situation.

We are 7½ years into a 6-year reauthorization. No one is happy about that. It's sort of the tenor of the times, however, because I was on the committee when we were struggling with 12 extensions in the last reauthorization. We need to do better. I am all for looking at squeezing out any inefficiency, examining programs to focus them, make them work better. But the simple fact is we need to spend more on infrastructure, not less.

Those commissions, the nonpartisan independent commissions that my friend from Oregon (Mr. DEFAZIO) referenced with business leaders, environmentalists, government leaders at other levels, organized labor, are very focused on this. They documented the need to do more.

The fact is that the American public is already paying a huge cost in addition to their road fees by wasting their time in damage to their vehicles and interrupting the flow of commerce. We're already paying the price. My personal goal as a member of the Budget and Ways and Means Committees is to work with the authorizing committee so they have the resources. We have people from the Chamber of Commerce, organized labor, local governments, AAA, truckers, bicyclists, the Women's Federated Garden Club of America, all coming together to provide support for the resources. We need to work this dance out between the House, the Senate and the administration to be able to have the resources so that the committee can put forth a robust bill for our future.

It's true we're not going to reauthorize this bill in this week. We're not going to reauthorize it this spring. It will be a stretch to reauthorize it before this extension expires. But the time to get busy is now. I appreciate the approach that's being taken by the committee, bringing people together.

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

**Mr. RAHALL.** I yield the gentleman 1 additional minute.

**Mr. BLUMENAUER.** Thank you.

I am hopeful that instead of cutting transportation, which is envisioned in the CR, that would cost us 200,000 or 300,000 jobs at precisely the time that we need economic activity, that we can have a truce on the budget wars. Let's acknowledge that we will have a tight and focused reauthorization meeting the wide range of transportation needs, deal with how we build and renew America, get the economy started again, strengthen the quality of life in our communities, and make our families safer, healthier and more economically secure. It starts by approving this extension today.

**Mr. MICA.** Madam Speaker, I am pleased to yield 2½ minutes to another

outstanding member and a new member of our committee who has great local government experience as a former mayor, the gentleman from Pennsylvania (Mr. BARLETTA).

Mr. BARLETTA. I thank the chairman for yielding.

Madam Speaker, I rise today to urge the passage of H.R. 662, the Surface Transportation Extension Act of 2011.

As I heard from my friends and neighbors back home, job creation and rebuilding our economy is the most important issue facing us. Transportation funding means not only construction jobs but also for surveyors, heavy machinists, asphalt companies, grocers, hotels and restaurants.

Historically, studies have shown that for every dollar spent on investments in transportation and infrastructure, the gross domestic product grows by \$1.59, and for every \$1 million spent on highways, 47 jobs are created.

Poor roads and congestion are costing my constituents. The American Association of State Highway and Transportation Officials estimates that poor road conditions cost this country \$355 billion annually. H.R. 662 is a clean extension that would fund ongoing operations through September 30, 2011.

Failing to extend this bill would hurt my district in terms of jobs, safety and costs to my constituents in wasted fuel and lost productivity.

The 2011 construction season is just getting under way. Any disruption in funding will delay the construction industry's ability to create jobs and complete much-needed improvement projects. With unemployment in the construction sector at a staggering 22.5 percent, we must pass the extension and put more hardworking Americans back to work.

As a member of the Committee on Transportation and Infrastructure, I look forward to working with my colleagues to pass long-term legislation that will meet our future transportation needs. This extension gives Congress the time and ability to produce a smart, fiscally responsible bill.

I urge support of H.R. 662.

Mr. RAHALL. Madam Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I want to thank Ranking Member RAHALL for the time.

Madam Speaker, I rise in support of H.R. 662, the Surface Transportation Authorization Act of 2011. Last Friday, I was in Millington, Tennessee and I joined with Chairman MICA and Mr. FINCHER on a transportation bill listening session. Chairman MICA went all across the country listening to folks on the needs of transportation. We heard from all kinds of folks saying how important this is for the future of our country, getting goods to market, and improving our infrastructure. The listening session focused on those needs of a new surface transportation authorization. And while this legislation is just another extension of SAFETEA-LU, it is important that we act quickly

and extend the surface transportation authorization before it expires on Friday.

My hope is that H.R. 662 will be the final short-term extension Congress uses to extend SAFETEA-LU because this country needs a comprehensive, long-term surface transportation authorization. Chairman MICA has promised everybody on the tour that we're not going to have more extensions, that we're going to pass a bill just like we did with the FAA reauthorization. Seven extensions was enough. We need to move this country forward and get those programs started.

By continuing to extend SAFETEA-LU and not passing a new authorization, Congress has created uncertainty in the transportation sector which has limited the ability to invest in a crumbling infrastructure network. The importance of immediate passage cannot be emphasized enough. Not only will reauthorization create millions of quality jobs—jobs that are needed by Americans now and that have been neglected thus far in Congress—and provide States and MPOs a known, dedicated funding stream, but it will also address the dire need for investment in the Nation's transportation system.

In the 2012 Department of Transportation budget proposal, President Obama lays out a bold vision for a surface transportation authorization. The President understands the United States will not maintain its mantle as the greatest Nation in the world without an intermodal transportation system that enables America to compete in the 21st century global economy.

To that end, the President has called for a \$556 billion, 6-year surface transportation authorization that includes a \$50 billion “up front” economic boost to jump-start job creation. Jobs.

As the President said in his State of the Union, now is not the time to stand pat. This is why I believe we need to pass a surface transportation bill that increases revenue, makes a significant investment in maintaining existing infrastructure, and spurs development of innovative infrastructure networks such as high-speed rail and aerotropolis transportation systems.

I appreciate Chairman MICA including aerotropolis language in the FAA reauthorization bill and look forward to seeing that same language included in the surface transportation reauthorization act which was discussed in Memphis.

As New York Times columnist Paul Krugman said, “We must win the future, not eat it.” I look forward to working with Chairman MICA, Subcommittee Chairman DUNCAN, and Ranking Members RAHALL and DEFAZIO in seeing that we pass a comprehensive surface transportation authorization that strengthens our infrastructure, spurs innovation, creates jobs, ensures safety and wins the future. We are winners.

□ 1530

Mr. MICA. I would like to inquire as to the balance of time on each side.

The SPEAKER pro tempore. The gentleman from Florida has 15 minutes remaining, and the gentleman from West Virginia has 14 minutes remaining.

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

Mr. RAHALL. Madam Speaker, I yield 5 minutes to a valued member of our committee, the distinguished gentlelady from California (Ms. RICHARDSON).

Ms. RICHARDSON. Madam Speaker, I rise today in support of H.R. 662, the Surface Transportation Extension Act. I am hopeful that passing this extension will give us the adequate time we all need on the committee to pass a full 6-year reauthorization.

Last year, the committee initiated a very good start. In fact, we suggested spending a minimum of \$500 billion of investment, and the administration recently released budget calls for approximately that same amount, of \$556 billion, over the next 6 years. This includes an extra \$50 billion boost next year to provide for an immediate economic stimulus, which we all know we need.

I heard one of my colleagues on the other side reference unemployment in construction. In my district, it's over 40 percent, so this has got to be done, and it has got to be done now.

While the President's budget calls for a significant increase in our spending, we should all remember that it still falls well short of the \$225 billion per year investment that is really required from all sources, recommended by the Transportation Policy and Revenue Study Commission, a bipartisan commission that was created by Congress to study this very issue.

Our infrastructure is in a state of disrepair, and congestion costs us more than \$78 billion per year. The quality of our transportation system is deteriorating. Almost 61,000 miles—37 percent—of our roads are in poor or fair condition. More than 152,000 bridges—25 percent—are structurally deficient. So, when we talk about cutting, we are all mindful of the need to make adjustments and to be good stewards of these dollars, but we shouldn't cut just for the sake of cutting. That is the wrong approach and the wrong thing to do.

In my district—home to four major highways, a transit system, three airports, and more than 40 percent of our entire Nation's cargo going through it—these congested roads and crumbling bridges are in dire need, and we need help now. A robust surface transportation bill will help the people in my district and across this country get where they need to go; it will improve safety; and it will help put people back to work.

I was talking to some of my colleagues, and they were telling me that Mr. SHUSTER, when he was the chair of this committee, worked on both sides of the aisle. I was told, when we had that very difficult vote, he worked with this side, and we moved forward a very successful bill. In that spirit,

when Mr. MICA mentioned that he was going to have his listening tours, I took him at his word. I've attended two, and I intend upon attending one more.

Out of those listening tours, we've heard a lot of things from people. One of the things I'd like to suggest we continue is really that of open discussion—an open discussion about HMT, an open discussion about TIFIA, an open discussion about really implementing a true national goods movement strategy—all of which my staff and I have worked on in order to bring forward very thoughtful legislation that I hope will be sincerely considered. The gas tax alone will not work, so I urge Mr. MICA to please work with us as we are working with you today.

Many people asked me today, You're going to vote for this rule? I said, Yes, because I'm willing to work across the aisle with Mr. MICA to get this done and with Mr. SHUSTER as well. We are going to have to consider new ideas to be able to help institute this public-private partnership that we all know needs to be a part of this discussion.

I urge my colleagues to support H.R. 662, which should really be the building block of our 6-year reauthorization. It deserves the bipartisan support of this Congress and of the American people.

Mr. RAHALL, I appreciate all of the efforts that you have made so far. I know you are very committed to getting this done. There is hard work ahead, and I look forward to working with your new leadership as well as with our ranking member, Mr. DEFAZIO.

Mr. MICA. I have no further requests for time, and I continue to reserve the balance of my time.

Mr. RAHALL. I yield myself the balance of my time to close.

Madam Speaker, once again, I do appreciate the work of Chairman MICA in his bringing this extension to the floor of the House—as he has already noted, the sixth extension of SAFETEA-LU. This will take us to the end of the fiscal year. It will give us the spring and the summer to continue to work together in the bipartisan spirit with which Chairman MICA has started his tenure as chairman of our committee, and I do look forward to continuing to work with him.

I, once again, call upon the administration to work with us as well under the very capable leadership of Secretary LaHood. I am sure that the administration will work with us if it will just give us some proposals and will put some concrete ideas upon the table with which we can work in a bipartisan and bicameral measure.

This is a job-saving piece of legislation. Although a permanent reauthorization would provide a much greater degree of certainty, it helps provide some degree of certainty to our construction industry so that it can plan and invest in what are not short-term jobs but, rather, good, long paying, family wage jobs for our people. That's

what we're talking about when we talk about investments in infrastructure. That's what we're talking about in this legislation; so I urge my colleagues, as I conclude, to support this in a bipartisan fashion.

I yield back the balance of my time.

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

Each of us who is sent to Congress, Madam Speaker, has certain responsibilities. First, we have responsibilities to our constituents in our districts. Then we are sent here, and by the grace of the good Lord, on our side the steering committee, the approval of leadership and our colleagues, we get to do certain tasks.

Mine is now to try to shepherd forward transportation policy for our country. That's an important responsibility, again, because we have millions of Americans who don't have jobs. Probably the hardest thing that I face when I go home or when I talk to folks across the country and in my district are the people who have lost their homes, who can't make their mortgage payments or who are struggling. They want to go to work, most of them I've talked to, and they don't have the opportunity.

Now, I know a new Congress has come, and that new Congress has been sent a very clear message about spending, about conserving assets and resources here. I think that Congress gets it and that the American people have mandated that approach. We can also many times be here, doing things that might prove a political point; but from time to time, we have to step back, and we have to do something for the very good of the country. I think this is one of those times that we have an important obligation.

What will happen on Friday, if we don't act accordingly today and pass H.R. 662, is literally a disaster because we will shut down all of the transportation projects across the land, those projects that have any connection to the Federal Government.

Now, we have also said that we can't pass in continuing resolutions the authorization for legislation, so that's the situation we find ourselves in today. We have a bipartisan agreement to move forward. We have an opportunity to actually expand and define the time in which we can accomplish the important work of government.

Some people say, oh, these are just transportation projects. Yet, if you go back to the very beginning of the Nation, they came together first for national security; but then the Founding Fathers—Washington, Jefferson—were pretty smart. They also wanted to be able to do infrastructure projects that transcended arbitrary political boundaries. I love to read about Washington and his vision to open the canals and the post roads. Some of the first work of the Congress was to authorize transportation and infrastructure projects for the Nation, through the vision of people like Lincoln, to connect the

continent. So that kind of leadership has come from people in the past, and we have that responsibility today to move forward.

So I think that people can go home after they vote for this and say, I did something positive. We acted in a fiscally responsible way. We're dealing with the trust fund money that people have paid in. When they put gallons of gasoline in their cars, they paid 18.4 cents, which went into the trust fund.

□ 1640

We didn't spend recklessly, but we did act responsibly and we're getting people working again. And we did it in a period of time, not the hiccup and the sporadic six passed extensions, in a timeframe in which we can actually get major infrastructure projects, people working again. So I think we can all take heart in a bipartisan effort that we've had here that Congress can work and the people's work can get done by people coming together.

I know we still have disagreements on policy, and I've pledged to work on both sides. I even offered to buy the beer and pizza when we finish the listening tours. And with Senator BOXER, she wanted, I think, fruit drinks, and I'll even throw those in, too, if we can come together and establish sound policy for the Nation so infrastructure can move forward. And we can do it. I really think we can do it.

So we have 6 months of definition. We have 6 months to get the rest of the job done. But I'm confident that everybody here today can join and we can make a difference, a difference for those people wanting us to be responsible and do what they sent us here for.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in support of H.R. 662 the Surface Transportation Extension Act. This legislation would provide a necessary short term extension of surface transportation programs through September 20, 2011. I strongly prefer more comprehensive, multi-year appropriations legislation that more adequately funds the transportation and infrastructure projects that we as Members have identified in our districts as crucial to our economic recovery. The bridges, highways, rail systems necessary to our economic recovery and sustained economic growth and global competitiveness are not built in a year.

However, I cannot support letting the sun set on necessary funding of critical surface transportation and infrastructure projects while we pursue longer term solutions in the face of a misplaced focus on spending cuts. I will not allow this on my watch. My colleagues here in Congress must not allow this to occur either. We must work together to forge a bipartisan long-term solution to our nation's transportation and infrastructure needs.

Economic experts universally agree that funding the critical and necessary infrastructure projects nationwide creates jobs for America and increases our level of global competitiveness. There is an intense competition between fiscal responsibility and investment in job growth and infrastructure. We must make investments in job creating infrastructure projects in order to grow the U.S. economy.

We must be winners in contest for economic change now and for our children's future. We cannot be the losers. We must catch the wave of economic growth or be crushed by it. China, India and Europe understand this because they have committed to greater investments in their infrastructure.

As I think of my home District, the 18th Congressional District in Houston, Texas and its busy port, much like the other ports around this great nation, I am compelled to urge my colleagues to consider the pressing national necessity of decongesting the surface transportation, both rail and highway, that moves the goods in and out of those ports. We must improve this surface transportation system in order to accommodate national economic health, global competitiveness, and to avoid harm to agriculture industry, maritime jobs and manufacturing jobs. Maritime jobs and construction jobs for infrastructure provide a good middle class wage, allow workers to get educations at night, and lower crime rates in our cities.

We must invest in High Speed Rail. We have about 500 miles of high speed rail in process, but China has about 10,000 miles being built. We need to have a domestic talent pool with the required knowledge, skills and trained workers to do projects like high speed rail or we will be paying for skilled Chinese companies to do it for us.

Infrastructure Investment is a Non-Partisan Issue: If the AFL-CIO and U.S. Chamber of Commerce have teamed up to promote infrastructure investment, then surely the Democrats and Republicans in this Congress can do the same. Moreover, now is the time for us to consider the creation of a long overdue National Infrastructure Bank and Public-Private partnerships to shift our infrastructure improvement into full gear. We should not shy away from this issue when a nation is waiting for us to do our part to restore our economy through fortification of our infrastructure. It is time for another large, bold, national forward thinking infrastructure project like interstate highway system.

Governors and Mayors at ground level around this nation will quickly confirm that Infrastructure investments create jobs, help balance budgets, and grow both state and national economies. We must listen to our local elected officials who must fix the potholes, repair the crumbling bridges and tunnels or be held directly accountable by their constituents on every street corner. Our local elected officials will quickly tell us that infrastructure investment creates jobs, because it attracts business.

The American Association of Civil Engineers (ASCE) gives U.S. Infrastructure the Grade of "D" in its 2009 Report Card. Infrastructure Investment equals Jobs. But, the U.S. is falling behind its competitors in infrastructure development (especially China, India and Europe). The bottom line is that Transportation and Infrastructure Investment is needed for a Strong Economy.

So, I say to my colleagues that we must pass H.R. 662. A delay in enactment of this extension will shut down more than \$800 million next week in highway reimbursements and transit grants to States and urban areas, endangering more than 28,000 jobs and multi-million dollar construction projects across the country.

I must say that I am very disturbed that we cannot get our colleagues to cooperate in a bi-

partisan manner to pass essential appropriations bills and must instead resort to short-term measures. However, for the good people of the 18th Congressional District of Texas, the State of Texas, and our national well being, I cannot let time expire on critical transportation and infrastructure funding. It is imperative that we pass H.R. 662 to continue to fund transportation and infrastructure programs without interruption. We must keep this nation moving forward toward progress.

I would also urge my colleagues in the House and the Senate chambers to reconsider the local transportation and infrastructure expenditures that Members have identified in the 111th Congress and in the 112th Congress for inclusion in appropriations measures. Members of Congress are in a front line position to identify useful and necessary projects in their districts that require funding. These projects create jobs, rebuild our infrastructure and benefit our districts, our states and our country, as well. Though, I recommended funding for critical transportation and infrastructure projects in Houston, Texas, during the 111th Congress, this funding was excluded from the Continuing Resolution passed in December 2010 and an opportunity to improve our national economy was lost.

As we move forward, it is my hope that both chambers in the House and Senate will take a bipartisan approach to moving vitally important appropriations legislation which includes useful, necessary, job creating and economy-building projects from our districts. This is the fiscally responsible course and grows and strengthens our economy in the long run.

In summation, I urge my colleagues to vote in favor of this H.R. 662 as we continue the work of funding our nation's critical transportation and infrastructure projects.

Mr. RYAN of Wisconsin. Madam Speaker, I rise today in support of extending surface transportation funding for the remainder of the 2011 fiscal year before the authorization expires at the end of this week, on March 4th. I support the highway program; it is a critical part of an efficient and effective 21st century transportation infrastructure in the United States. However, I want to highlight a concern I have with an extraneous provision that is included in the language of this extension.

Section 308 of this bill attempts to extend the budget "firewalls" in Section 8003 of SAFETEA-LU for highway and transit categories to protect those programs from having to compete for funding against all other discretionary programs should Congress put in place overall discretionary spending caps. More specifically, Section 8003 amends Section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 that expired on September 30, 2002—a law that is squarely within the jurisdiction of the House Budget Committee.

Section 308 of this extension has no substantive effect not only because there are no overall spending caps for FY 2011, but because Clause 3 of Rule XXI in the new House Rules for the 112th Congress eliminated the requirement to uphold such firewalls.

However, if the intention is that this provision should have a substantive effect, it is premature.

There are many tough choices ahead given the fiscal realities we face. We clearly need to set caps on spending. Funding guarantees that protect a certain category of spending

prevent lawmakers from having the flexibility to balance other needs within an overall discretionary spending cap. Given the nation's trillion dollar deficits and \$14 trillion in debt, Congress should be working to remove, not continue, spending floors in statute.

Furthermore, these highway and transit firewalls were originally established to protect the user-pays/user benefits principle. Unfortunately, the opposite has happened. The Highway Trust Fund is insolvent and has required \$35 billion in bailouts since 2008. The Congressional Budget Office projects shortfalls of \$140 billion over the next ten years.

These spending guarantees have pushed the Highway Trust Fund deeper into insolvency and have forced it to rely more and more on borrowed money. I am concerned that continuing even the appearance of firewalls for these categories in this extension suggests that spending on these programs is a higher priority than getting deficits under control. It also suggests that surface transportation should get first claim on the Treasury over other priorities for discretionary spending such as Veterans medical care or funding for our troops.

Congress may decide that ultimately highways and transit have such a high priority that we should continue to run high deficits to pay for them, but we should do that as part of the budget process and not part of a short-term highway extension that must be passed quickly or the entire program shuts down.

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

The SPEAKER pro tempore. All time for debate has expired.

#### AMENDMENT OFFERED BY MR. MICA

Mr. MICA. Madam Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 12, line 4, strike "through 2011" and insert "through 2011".

Page 15, line 4, strike "for the period" and insert "\$5,732,000 for the period".

Page 15, line 12, strike "October 1, 2010," and insert "October 1, 2010".

The SPEAKER pro tempore. Pursuant to House Resolution 128, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Madam Speaker, again, this is a purely technical amendment and reviewed by both sides of the aisle in both bodies. We found three technical changes to correct drafting errors in H.R. 662. We want this to go to the President. We want it signed, and we want to make certain that it has all the technical provisions necessary and clear language.

So the amendment adds two commas to the bill on page 12 and also another on 15. And on page 15, it also strikes an authorization in the current extension that H.R. 662 failed to strike. So it's purely technical in nature, but we do want it correct.

Madam Speaker, I reserve the balance of my time.

Mr. RAHALL. Madam Speaker, I rise to claim the time in opposition, though I am not opposed to the amendment.

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

There was no objection.

Mr. RAHALL. Madam Speaker, I rise in support of the manager's amendment. The chairman has adequately explained it, and I fully concur and urge its adoption.

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

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

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 10, as follows:

[Roll No. 158]

YEAS—422

Ackerman	Chabot	Forbes	LoBiondo	Pompeo	Thompson (CA)
Adams	Chaffetz	Fortenberry	Loebsack	Posey	Thompson (MS)
Aderholt	Chandler	Foxx	Lofgren, Zoe	Price (GA)	Thompson (PA)
Akin	Chu	Frank (MA)	Long	Price (NC)	Thornberry
Alexander	Cicilline	Franks (AZ)	Lowey	Quayle	Tiberi
Altmine	Clarke (MI)	Frelighusen	Luetkemeyer	Quigley	Tierney
Amash	Clarke (NY)	Fudge	Luján	Rahall	Tipton
Andrews	Clay	Gallagly	Mazzone	Rangel	Tonko
Austria	Cleaver	Garamendi	Lummis	Reed	Towns
Baca	Clyburn	Gardner	Lungren, Daniel	Rehberg	Tsongas
Bachmann	Coble	Garrett	E.	Reichert	Turner
Bachus	Coffman (CO)	Gerlach	Lynch	Renacci	Upton
Baldwin	Cohen	Gibbs	Mack	Reyes	Van Hollen
Barletta	Cole	Gibson	Maloney	Ribble	Velázquez
Barrow	Conaway	Gohmert	Manzullo	Richardson	Visclosky
Bartlett	Connolly (VA)	Gonzalez	Marchant	Richmond	Walberg
Barton (TX)	Conyers	Goodlatte	Marino	Rigell	Walden
Bass (CA)	Costello	Gosar	Markey	Rivera	Walsh (IL)
Bass (NH)	Courtney	Gowdy	Matheson	Roby	Walz (MN)
Becerra	Cravaack	Granger	Matsui	Roe (TN)	Wasserman
Benishek	Crawford	Graves (GA)	McCarthy (CA)	Rogers (AL)	Schultz
Berg	Crenshaw	Graves (MO)	McCarthy (NY)	Rogers (KY)	Waters
Berkley	Critz	Green, Al	McCaul	Rogers (MI)	Watt
Berman	Crowley	Green, Gene	McClintock	Rohrabacher	Waxman
Biggert	Cuellar	Griffin (AR)	McCullum	Rokita	Webster
Blibray	Culberson	Griffith (VA)	McCotter	Rooney	Weiner
Bilirakis	Cummings	Grijalva	McDermott	Ros-Lehtinen	Welch
Bishop (GA)	Davis (CA)	Grimm	McGovern	Roskam	West
Bishop (NY)	Davis (IL)	Guinta	McHenry	Ross (AR)	Westmoreland
Bishop (UT)	Davis (KY)	Guthrie	McIntyre	Ross (FL)	Whitfield
Black	DeFazio	Gutierrez	McKeon	Rothman (NJ)	Wilson (FL)
Bonner	DeGette	Hall	McKinley	Royal-Allard	Wilson (SC)
Bono Mack	DeLauro	Hanabusa	McMorris	Royce	Wittman
Boren	Denham	Harper	Rodgers	Runyan	Wolf
Boswell	Dent	Harris	McNerney	Ruppersberger	Womack
Boustany	Deutch	Hartzler	Meehan	Rush	Woodall
Brady (PA)	Diaz-Balart	Hastings (FL)	Meeks	Ryan (OH)	Woolsey
Brady (TX)	Dicks	Hastings (WA)	Mica	Ryan (WI)	Wu
Braley (IA)	Dingell	Hayworth	Michaud	Sánchez, Linda	Yarmuth
Brooks	Doggett	Heck	Miller (FL)	T.	Yoder
Brown (GA)	Dold	Heinrich	Miller (MI)	Sanchez, Loretta	Young (AK)
Brown (FL)	Donnelly (IN)	Heller	Miller (NC)	Sarbanes	Young (FL)
Buchanan	Doyle	Hensarling	Miller, Gary	Scalise	Young (IN)
Bucshon	Dreier	Herger			
Buerkle	Duffy	Herrera Beutler			
Burgess	Duncan (SC)	Higgins	Blackburn	DesJarlais	Hinojosa
Burton (IN)	Duncan (TN)	Himes	Blumenauer	Giffords	Kaptur
Butterfield	Edwards	Hinchey	Cooper	Gingrey (GA)	
Calvert	Ellison	Hirono	Costa	Hanna	
Camp	Ellmers	Holden			
Campbell	Emerson	Holt			
Canseco	Engel	Honda			
Cantor	Eshoo	Hoyer			
Capito	Farenthold	Huelskamp			
Capps	Farr	Huizinga (MI)			
Capuano	Fattah	Hultgren			
Cardoza	Filner	Hunter			
Carnahan	Fincher	Hurt			
Carney	Fitzpatrick	Insllee			
Carson (IN)	Flake	Israel			
Carter	Fleischmann	Issa			
Cassidy	Fleming	Jackson (IL)			
Castor (FL)	Flores				

#### NOT VOTING—10

So the amendment 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. DESJARLAIS. Mr. Speaker, on rollcall No. 158, I was unavoidably detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. CHAFFETZ). Pursuant to House Resolution 128, the previous question is ordered on the bill.

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. POLIS. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. POLIS. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Polis moves to recommit the bill H.R. 662 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following (and conform the table of contents accordingly):

#### TITLE V—GRAVINA ISLAND BRIDGE AND KNIK ARM BRIDGE RESCISSIONS

##### SEC. 501. RESCISSION OF GRAVINA ISLAND AND KNIK ARM BRIDGE EARMARKS.

There are hereby rescinded all unobligated balances, remaining available as of March 2, 2011, of contract authority provided or reserved for planning, design, or construction of the Gravina Island bridge, Alaska, or the Knik Arm bridge, Alaska, under the following provisions of law:

(1) Section 144(f)(1)(A)(ii) of title 23, United States Code.

(2) Item number 14 of the table contained in section 1302(e) of SAFETEA-LU (119 Stat. 1205).

(3) Item numbers 406, 2465, 3323, and 3677 of the table contained in section 1702 of SAFETEA-LU (119 Stat. 1256).

(4) Item numbers 2 and 10 of the table contained in section 1934(c) of SAFETEA-LU (119 Stat. 1485).

##### SEC. 502. PROHIBITION ON FUNDING OF GRAVINA ISLAND AND KNIK ARM BRIDGES.

None of the funds made available by this Act may be used to plan, design, or construct the Gravina Island bridge, Alaska, or the Knik Arm bridge, Alaska.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado is recognized for 5 minutes in support of his motion.

Mr. POLIS. Mr. Speaker, usually when something is killed, it stays dead. But just like in a bad zombie movie, some bad earmarks refuse to die and return to life time and time again as wasteful spending. That's what's happened with this bill and what this amendment corrects.

There isn't an American taxpayer out there who hasn't heard of the Bridge to Nowhere. The Bridge to Nowhere has become synonymous with government waste.

What Americans may be shocked to find out is a significant portion of the \$454 million that Congress provided through eight separate earmarks in SAFETEA-LU is still available in Alaska to build these bridges. We fix that with this amendment and eliminate these return-from-the-dead earmarks

with this amendment to save taxpayers money and restore credibility to Congress.

Although Congress has tried to stop these bridges to nowhere by giving Alaska the authority to use its earmarked funds on other transportation projects, Alaska has still used \$71 million of Federal funds provided under SAFETEA-LU to continue work on two bridges to nowhere. Sadly, Alaska's earmarked bridges to nowhere, like zombies eating the brains of taxpayers, refuse to die.

Frankly, like most Americans I thought Federal funding for the bridges to nowhere was a thing of the past. ABC News reported in 2007 the Bridge to Nowhere is gone. This bridge had collapsed even before it was built after an onslaught of angry editorials, furious anti-pork citizen groups, and caustic jokes on late-night TV.

But, unfortunately, Mr. Speaker, this zombie has climbed from its grave and is terrorizing American taxpayers to the tune of \$180 million in deficit spending to build two bridges, one of which is a bridge that from an engineering perspective is comparable to the Golden Gate Bridge to an island with 50 people.

Now, but wait, we are not calling it an earmark because we have abolished earmarks in this Congress. So, instead, we are taking Republican earmarks from previous sessions of Congress and calling them something else.

Is that the new spending plan? Is that how we are going to balance the budget? Now, many Republicans in this body have used the bridges to nowhere as an example of wasteful spending.

My colleague and friend from Texas (Mr. NEUGEBAUER) stated that "while some earmarks fund worthy projects, there are some, such as the infamous 'Bridge to Nowhere' that are wasteful uses of taxpayer money."

My friend from Indiana (Mr. PENCE) said, "All spending bills passed in 2007 included some 11,000 earmarks. Those earmarks included wasteful spending for items such as a \$20 million ferry in Alaska benefiting just 40 people. That, of course, followed the infamous Bridge to Nowhere earmark from the 2005 highway bill."

So here we have a wasteful expenditure that not only had its origin as an earmark but has been used by fiscal hawks from both sides of the aisle as the very example of a wasteful earmark.

If Alaska wants to build a bridge to nowhere or a road to nowhere or a road to somewhere, bridge to somewhere, go ahead and do it, just do it without Federal tax dollars.

My colleague from Michigan (Mr. WALBERG) said: "Taxpayers are tired of their hard-earned money paying for things like a Bridge to Nowhere in Alaska, fruit fly research in France and a hippie museum in New York."

Well, this bill doesn't fund a fruit fly museum in France or a hippie museum; but unless we act by passing this

amendment, it will allow \$183 million of taxpayer money to be spent for bridges for nowhere, wasteful spending we can't afford.

Despite claims that the Bridge to Nowhere earmarks were eliminated, Alaska spent over \$71 million of Federal money. You know, in 2006, when the Republicans lost their majority and entered the minority, Mr. CANTOR, the leader, said Republicans have become "a party of the Bridge to Nowhere." Well, Mr. Speaker, it looks like too little has changed.

Unless this amendment passes, the Republicans once again will become a party lost on the Bridge to Nowhere. This motion rescinds all remaining funds, about \$183 million provided for the planning, design and construction of the two bridges under SAFETEA-LU. In addition, the amendment prohibits the use of funds to finance these bridge projects.

This is a very simple choice. There is no politics in this. We are not changing other parts of the bill, trying to catch people up. We are not putting up a vote to trap people for 30-second spots to say they are for pornography, like has been done in previous sessions while the bill is gutted elsewhere. What we are simply providing is a clean vote on the Bridge to Nowhere.

According to the CBO, this motion will reduce the deficit by \$160 million by eliminating funding for these two bridges, nothing else. Listen, for us to have the credibility as a Congress to make the tough cuts we need to balance the budget, to work together to pass a CR that cuts spending, to reduce spending in future years, Congress must have moral standing. Continuing to provide funding to be used for these bridges, the infamous Alaska bridges to nowhere, which most Americans like me thought were already dead, is not the way for Congress to build trust with the American people.

So we have a choice today. We can vote to continue these most egregious earmarks; or we can stand by our words, our vows, and our values and vote for this amendment and finally put an end to wasteful spending and pet projects.

Let me close with some words of wisdom from my colleague from West Virginia, Congresswoman SHELLEY MOORE CAPITO: "The days of members slipping in 'the bridge to nowhere' in the dead of night are over." I urge my colleagues on both sides of the aisle to shine the light of day on this insidious example of pork, remove it from the bill and pass the House amendment.

#### SUMMARY

In 2005, the Safe, Accountable, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (P.L. 109-59) provided a total of \$454 million for the construction of two bridges in Alaska—the Gravina Island bridge and the Knik Arm bridge—through eight separate earmarks in the law. Since 2005, the public, media, and Members of Congress have questioned the merits of these projects and condemned the use of scarce Federal surface transportation funds to fi-

nance these projects, commonly referred to as the "Bridges to Nowhere."

SAFETEA-LU provides \$223 million of Federal-aid highway funds for the Gravina Island bridge. The \$304 million bridge under consideration, which rivals the Golden Gate Bridge in size and scope, would serve an island of 50 people, who can access Ketchikan, Alaska, via a five-minute ferry ride.

In addition, the act provides \$231 million of Federal-aid highway funds for the Knik Arm Crossing project. The Knik Arm bridge is a project to build a 1.6-mile long bridge, 790-foot tunnel, and 18 miles of connecting roads at a cost of approximately \$1.6 billion, including approximately \$740 million for phase 1 of the project.

Despite claims that the "Bridges to Nowhere" earmarks were eliminated, Alaska has spent more than \$71 million of Federal SAFETEA-LU funds to proceed with these bridge projects and accompanying access roads over the past six years.

The Motion to Recommit rescinds all remaining funds—approximately \$183 million—provided for planning, design, and construction of the Gravina Island and Knik Arm bridges under SAFETEA-LU. In addition, the motion prohibits the use of any funds provided under the Surface Transportation Extension Act of 2011 to finance these bridge projects.

According to the Congressional Budget Office, the Motion to Recommit will reduce the Federal deficit by approximately \$160 million over the next 10 years.

These earmarks also contribute to Alaska's high rate of return for its gas tax contributions. Over the six-year period of SAFETEA-LU (FY 2004 through FY 2009), Alaska received an average \$5.20 for each dollar that the State contributed to the Highway Trust Fund.

#### GRAVINA ISLAND BRIDGE

Gravina Island is a small land mass (21 miles long and 9.5 miles wide) located in Ketchikan Gateway, Alaska. According to the latest Census data, the island has a population of 50 people. Ketchikan International Airport is located on the island. The island can be accessed by a five-minute ferry ride across Tongass Narrows from Ketchikan, and an average of 10,000 vehicles per month use the ferry crossing. A ferry arrives and departs every 15 to 30 minutes.

Alaska received a total of \$223 million in SAFETEA-LU to finance the construction of the Gravina Island bridge and accompanying access roads. Although Congress expanded the eligible uses of the earmarked funds in legislation subsequent to SAFETEA-LU, Alaska continues to be able to use these funds on the bridge and access road projects. In 2008, Alaska completed construction of the Gravina Island Highway to provide access to the proposed bridge. Alaska used \$37.6 million of Federal funds provided under SAFETEA-LU for the project. Given that the bridge does not exist at this point, the road currently leads nowhere.

According to the Alaska State Legislature Budget and Audit Committee, Alaska has specifically reserved \$75.9 million of the remaining SAFETEA-LU funds to improve access to Gravina Island and is currently conducting a supplemental environmental impact statement that includes construction of a \$304 million bridge as an alternative.

According to the Federal Highway Administration, \$125.8 million remains available for expenditure from the amounts provided in SAFETEA-LU for the Gravina Island bridge.

#### KNIK ARM BRIDGE

The Knik Arm Bridge project proposes the construction of a 1.6-mile bridge across Knik Arm connecting Anchorage with the borough of Mat-Su, along with 18 miles of access



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

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

Mr. BLUMENAUER. Mr. Speaker, there is a lot of rhetoric one hears in the House about what the American public wants or what the American public thinks.

Well, this week survey research came out commissioned by the Public Broadcasting System and conducted by a bipartisan survey research team from Hart Research and American Viewpoint that is powerful evidence that while Americans are concerned about the budget and budget deficits, public broadcasting is a higher priority.

Support for public broadcasting transcends party affiliation. More than two-thirds of all voters oppose elimination of Federal funding for public broadcasting as approved by my Republican friends. What is most interesting, nearly eight in 10 voters believe that PBS should receive the same amount of government funding or more than it currently receives.

It's not just Democrats. Ninety-two percent favor the same amount or more. It's not just Independents. Seventy-five percent favor the same amount or more. Two-thirds of Republicans favor the same or more money for public broadcasting.

There's still time to climb off the ledge. The Senate should stand tall and the House should reverse itself.

#### THE DEBT

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

Mr. THOMPSON of Pennsylvania. My constituents are perplexed with Washington, Mr. Speaker. Economists have warned and the public demands Washington tighten its belt. Despite this year's \$1.6 trillion deficit, the President still refuses to change course and reduce spending.

President Obama created the bipartisan National Commission on Fiscal Responsibility and Reform by executive order. The commission's mission, according to the executive order was, quote, to identify policies to improve the fiscal situation in the medium term and to achieve fiscal sustainability over the long run.

Unfortunately, the President's FY 2012 budget ignores every essential observation and proposal advanced by the commission and doubles debt held by the public by the end of his term while adding on \$13 trillion in new debt.

Erskine Bowles, the Democratic chairman of the fiscal commission stated: the White House budget request goes "nowhere near where they will have to go to resolve our fiscal nightmare."

Mr. Speaker, my constituents and I agree. Despite the need to rein in our runaway debt, the President's budget is more of the same. It's time we take the economists and our constituents seriously and get serious on the debt. I ask

#### PUBLIC BROADCASTING

(Mr. BLUMENAUER asked and was given permission to address the House

my colleagues to join me in heeding their call.

#### RISING GAS PRICES

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

Mr. TONKO. Mr. Speaker, I rise today to shed light on a very serious problem—skyrocketing gasoline prices.

In the capital district of New York, prices at the pump today average about \$3.50 per gallon. Nationally, the average price is \$3.38 per gallon, and it continues to rise. Due to the continued conflict in North Africa and the Middle East, oil is over \$100 per barrel. There appears to be no end in sight.

For every \$10 per barrel rise in the price of oil, America sends an additional \$40 billion overseas, yearly. How can we expect to turn around our economy and create jobs when we are sending this much money to our enemies?

Plain and simple, we must start thinking outside the barrel—to create jobs and protect our national security. We as Americans are better than the ancient fuel that we put into our vehicles.

Using 19th and 20th century oil subsidies in this 21st century is outdated and foolish. We are literally giving away hard-earned taxpayer money to big oil companies that are setting record profits. What do we get in return? Sticker shock at the pump.

Mr. Speaker, this is unfair to hard-working Americans that play by the rules. We deserve better. Let's stop this sticker shock.

□ 1650

#### BABY KILLER FLEES

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

Mr. POE of Texas. Mr. Speaker, last Thursday was just a normal day in Houston, Texas. Seven families left their babies at Jackie's Childcare, and went along to work just as they did every day.

A daycare is supposed to be a place where parents trust caregivers with the safety of their kids. After all, that is what they are supposed to do—keep children safe. The owner, however, Jessica Tata, left the children by themselves and carelessly drove off to Target. Meanwhile, the pot of oil she had left on the electric stove caught fire, and those seven babies burned in a massive fire.

Elizabeth Kojah, Kendyll Stradford, Elias Castillo, and Shomari Dickerson all burned to death. They were all under the age of 3.

It took several days for the authorities to get their act together to file charges. Meanwhile, Tata was able to flee to Nigeria. As the Good Book says: "The guilty fleeth when no one pursueth."

There should be no question in any person's mind that Jessica Tata should be held responsible for this crime. So the long arm of the law needs to capture her and return her to Texas and let a jury decide what to do with that baby killer—because justice is what we do.

And that's just the way it is.

#### LOSING THE WAR OF COMMON SENSE

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

Mr. PALAZZO. Mr. Speaker, last week, while most of us were working from our districts, a newspaper article entitled, "Combat Troops To Get Gay Sensitivity Training," was published. The article explains how our combat forces on the front lines in Afghanistan will soon be required to take a time-out from their mission and be forced to participate in the Pentagon's homosexual sensitivity training regimen.

I still maintain the repeal of Don't Ask, Don't Tell will harm recruitment, retention and readiness; but regardless of your opinion on that issue, it is remarkable that the courageous men and women who have voluntarily put themselves in harm's way are being subjected to such insane distractions while the war wages on around them.

Our Nation is at war against an enemy that wants nothing more than the complete destruction of our way of life. For the President and the Pentagon to dangerously distract the attention of our troops in forward operating bases away from the enemy and toward homosexual sensitivity training is outrageous.

To the men and women in the U.S. Armed Forces, I pray to God that you all return home safe and sound to your families. I, for one, believe in your mission and want to win the war on terror because we have certainly lost the war of common sense.

#### ENERGY INDEPENDENCE

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

Mr. SHIMKUS. Mr. Speaker, I am glad my colleague came up to talk about high energy prices. We have consistently tried on this side of the aisle to talk about an all-of-the-above energy strategy. We are independent on electricity generation, but we are held captive to imported crude oil.

So what does that mean?

That means we are stuck with a one-fuel technology. In an all-of-the-above energy strategy, we envision a world where you go to a filling station, and you have fuel competing. You have coal-to-liquid technologies; you have liquid fuel by natural gas; you have renewable fuel by biomass. You have all of these issues to help decrease our reliance on imported crude oil. We have

the operability for an oil-sand pipeline from Canada.

We really can be independent on our energy needs based upon North American energy resources. We have to be about that. For the administration to celebrate opening up one permit on the gulf coast is a joke. We ought to get our drilling rigs back and operating.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

#### THE CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore (Mr. GUINTA). Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. CHRISTENSEN. Thank you, Mr. Speaker.

I want to thank the Democratic leadership for giving the Congressional Black Caucus this time to stand in solidarity with our sisters and brothers in Wisconsin, in Ohio, as well as those in Indiana, and anywhere the rights of workers are being trampled upon. The similarities in what is going on here in the Nation's Capital and in the Wisconsin capital are not only striking, but it's the kind of coordinated attack against working men and women that we have become accustomed to seeing from Republican legislators and Governors.

I don't understand why Governor Walker can't take "yes" for an answer. The unions have agreed to most, if not all, of the concessions he asked for; but rightly, they will not—and should not—give up their right to collective bargaining.

No one knows better than the African American community what unions have done to lift people out of poverty, to ensure them decent jobs with decent wages and protections in the workplace. Not only African Americans, but all Americans have benefited from the work of our labor unions.

What Governor Walker is doing is not about balancing a budget or reducing a deficit any more than the cuts in spending are up here. It's about busting unions, thus making it possible for companies to run roughshod over workers' rights—a place no one in this country should ever allow us to go back to.

For the life of me, I can't understand what Republicans have against children—or is it just poor and middle class children? The Governor and his allies in the State legislature would rather take teachers out of the classroom—killing jobs—and jeopardize the education of Wisconsin's children than raise property taxes just a little bit to help cover the cost of providing a quality education even after the teachers

have agreed to give up some of their health and pension benefits negotiated in their contracts.

In fact, it is my understanding that, just like the Republicans here insisted on tax cuts for the wealthy, who did not need them, before anything could be done to help struggling families, Governor Walker also enacted tax cuts as soon as he came into office. The spending cuts, as I understand it, would not have been necessary in Wisconsin if those tax cuts had not been enacted, just as the devastating cuts in health care, education, community economic development, and job creation programs in homeland security and public safety would not have been needed here if we had not given the wealthy a tax giveaway in December.

With that, Mr. Speaker, I yield such time as she might consume to the former chair of the Congressional Black Caucus, who is always here, standing for the rights of workers, for the rights of children, for the rights of people everywhere, Congresswoman BARBARA LEE of California.

Ms. LEE. Thank you very much, Mr. Speaker.

Let me thank the gentlelady from the Virgin Islands for, once again, coming to the floor and organizing us to make sure that we sound the alarm, to make sure that we put out the facts about what is taking place. Tonight, of course, we are talking about the union-busting efforts of Governor Walker in Wisconsin.

So thank you, Congresswoman CHRISTENSEN, for your leadership and for your tireless work.

I am pleased to participate in this Special Order tonight as we provide some perspective about the importance of preserving and respecting the process of collective bargaining and of supporting the rights of public employees to protect union benefits won by virtue of the blood, sweat, and tears of unionized workers.

We are talking about the implications of the union-busting efforts undertaken by Wisconsin Governor Walker; but the reality is there is a sweeping antiunion sentiment overtaking our Nation, and public employees who are union workers are being used as scapegoats to balance State budgets. This practice is not only wrong; it is cruel and is calculated. Let's take a look at the facts.

In Wisconsin, for example, Governor Walker is attempting to ram through legislation that cuts State employee benefits and strips unions of their collective bargaining rights by allowing them to bargain only on wages, keeping benefits and other issues off the table, severely limiting union say on hiring, firing, assignments, and other work rules. The Governor appears ready to rush through radical changes that would take away rights from workers without making any effort—any effort—to talk to those workers, much less negotiate a fair agreement with them.

Governor Walker is calling employee unions unreasonable, but his administration has made absolutely no effort to work with or to even contact any of the unions he is attacking. He is demonizing public employees who are protesting at the capital. That's why 74 percent of Wisconsin residents oppose this and the Republicans' bill to take away these rights from the struggling middle-income/middle class residents of Wisconsin.

His proposals are an affront to all workers. When he says that State employees should contribute more, all he is really saying is that they should accept massive cuts in salary without being offered a seat at the negotiating table.

□ 1700

And we're not talking about huge salaries here.

This is not about budgeting; this is about union busting. And it is the kind of policy that will only hurt workers in the State and across the country, but it only leads to stalled economic growth and the slashing of jobs.

The process of collective bargaining has led to the rise of the middle class. It is a fair process that allows employers to sit at the table and craft an agreement that serves both parties. It's a fundamentally American process. It's a democratic process. Yet Governor Walker is bent on undermining decades of hard-earned concessions won by organized labor and its membership. If the Governor is successful in his union-busting efforts, we will see further assaults around the country on union workers and in other States that are really experiencing budgetary woes.

So in response to Governor Walker's action, elected officials—and we are very proud of and stand in solidarity with the elected officials in Wisconsin—decided to protest against his actions.

Public employees have shown that they are serious about balancing the budget by agreeing to Governor Walker's pension and health care requests, concessions that the Governor himself says will solve the budget challenge, but still it seems like this is not enough. The Governor's efforts are denying the rights of tax-paying nurses, educators, emergency response workers—all people who probably are our next-door neighbors. We all know public employees who this will hurt. These are union workers who need and should have a voice.

At the same time, he is pressing for a bill that will do nothing to fix the budget. This bill will shatter relationships among educators and school leaders, undermining current innovations around teacher compensation, evaluation and improvement. It will really have a chilling effect on teacher recruitment and sends a terrible message about the value of public service.

Mr. Speaker, there are ominous signs on the horizon that reflect a growing sentiment by Governors who seem bent

on union-busting, anti-democratic initiatives to really undo longstanding collective bargaining agreements. Union workers and public employees are being used as scapegoats to balance the budget. Teachers, nurses, police, firemen and others who perform their jobs dutifully are being treated shabbily by this Governor and those who share his union-busting and anti-collective bargaining philosophy. I hope that cooler heads prevail, and I urge the Governor to pull the State back from this radical governmental overreach.

I see my colleague from Wisconsin, Congresswoman GWEN MOORE, will be with us. And I just want to say to Congresswoman MOORE that my constituents in the Ninth Congressional District stand in solidarity with you and with all of those bold and brave leaders who have left the State, and also on behalf of all of the union workers and all of those who have come to the Capitol to say enough is enough. So thank you, Congresswoman MOORE, for your leadership.

Thank you, Congresswoman CHRISTENSEN.

Mrs. CHRISTENSEN. Thank you, Congresswoman LEE, and thank you for your leadership.

We have a number of women leaders here, and I would like to now yield to the gentlelady from Maryland who has been a leader on many issues, including during the health care reform debate to make sure that those who were insured were protected, Congresswoman DONNA EDWARDS.

Ms. EDWARDS. Thank you, Congresswoman CHRISTENSEN.

I'm here today because I look at the fight and the struggle of the workers in Wisconsin, the public sector workers, as connected, the dots connected to the struggles of workers across this country.

For 20 years we've seen an erosion of the organized labor force, the organized workforce. And it isn't just the private sector workers who have lost over these 20 years. It's also our public sector workers. And this is the fight in which we're engaged now, Mr. Speaker.

The union movement and collective bargaining have brought us minimum wages, not for our organized workers, but for those of us who are not organized, have brought us decent workplaces, safe working conditions, health care insurance, disability, vacation, family and medical leave, and the list goes on and on.

And so I want to step back in our history a little bit, Mr. Speaker, and take a look at what has happened to the organized workforce—jobs shipped outside this country for private sector workers, a depletion of the organized workforce. We've also seen a circumstance where our State and municipal employees have done everything that we've asked them to do even in a tough economy in saying that they will make concessions, as all workers have in this economy, because they believe

in holding the line for all of their workers so that people will not have to lose jobs. But they've taken furloughs, they've taken pay freezes, they've taken cuts in benefits. And even in Wisconsin, we know that the workforce there, the public sector workers have given on all of those money issues.

And so we have to ask ourselves, Mr. Speaker, what is at the bottom of this. And what's at the bottom of this, in my view, Mr. Speaker, is that this is about busting up unions. We started with the private sector workers. We've put a kibosh on the ability of all of our workers to organize and to bargain for themselves, and now we're with public sector workers.

So I think that this is a race to the bottom, Mr. Speaker. It's a race to the bottom for the American worker, and so the struggle for workers in Wisconsin is a struggle for all workers.

When a worker is asked to give up \$50 a month in contributions to a pension plan or \$100 a month, let's think about what that means for that family. That \$50 or \$100 is the difference between having oatmeal and cereal and milk and eggs and paying the utilities every month. That's what \$50 or \$100 means. It's not something that's just thrown away.

And so, Mr. Speaker, I stand here with my colleagues in deep solidarity with the workers, the public sector workers of Wisconsin, because I know that as sure as their struggle goes, the struggle with all workers goes across the country. And we have to link those fights. We have to end this decades-long race to the bottom, Mr. Speaker.

We're being asked to look at trade agreements where we trade away private sector jobs, our public sector workers, our teachers, our firefighters, our law enforcement, people who take care of our children on a day-to-day basis. We're saying to them, you're not valued; you're not worth enough even in this economy. I don't think that that is the message that the American people want to send.

And, Mr. Speaker, clearly the polls show that across this country a vast majority, an overwhelming majority—upwards of 60 percent—of the American public believes in the right to bargain collectively. And what is collective bargaining? Collective bargaining is sitting around a table, having a fair shake, getting a fair deal, and dealing as equal partners.

Let's look at what's happened in Wisconsin and across this country. Contracts were struck. Now, if a contract were made in the private sector and one of the parties wanted to renege on that contract, the other party would probably take them to court. They would be in litigation.

Yet here in Wisconsin and across this country, workers are being asked every day, they're being told every day that the person who is on the other side of an equal-bargaining table is going to renege on a contract. There is something deeply anti-democratic about that.

So I'm here, Mr. Speaker, because public sector workers in Wisconsin deserve our solidarity. As a member of the Congressional Black Caucus, we know deeply of the struggle for freedom and for justice, and we know an injustice when we see it; And we are witnessing what looks to be an injustice in Wisconsin and Ohio and Indiana and perpetrated all across this country when it comes to the rights of workers and the ability to organize and the ability to bargain collectively for a decent workplace, for decent wages, and for the ability to take care of one's family and oneself.

□ 1710

We stand toe-to-toe, shoulder-to-shoulder, and union card-to-union card with our public sector workers and with all workers across this country who deserve not a race to the bottom, Mr. Speaker, but a race to the top.

Mrs. CHRISTENSEN. Thank you, Congresswoman EDWARDS, and thank you for those really strong words to encourage our union members in Wisconsin and Ohio and Indiana and wherever else unions are under attack. We appreciate your being here with us this evening and for reassuring those workers that you and the Congressional Black Caucus are standing firmly with them.

At this time I would like to yield such time as she might consume to the gentlelady from Ohio, a former mayor, also a strong fighter for children, for the poor, and for the underserved, Congresswoman MARCIA FUDGE.

Ms. FUDGE. Thank you so very much.

Mr. Speaker, I rise today to express my strong opposition to attempts by the Republican Governor of Wisconsin and the Republican Governor of the State of Ohio, from which I hail, to undermine collective bargaining for public employees.

In my State, Ohio Senate Bill 5 is a measure currently under consideration by the Ohio General Assembly that would strip State workers of their collective bargaining rights. Today, this bill was approved by the Senate's Insurance, Commerce and Labor Committee. It now moves to the State Senate floor for a final vote, which could begin as early as today.

This vote comes after Ohio State and local union workers gathered in protest yesterday at the statehouse. Just yesterday, more than 8,500 people surrounded the statehouse to express their disapproval.

I firmly support the right of public employees to collectively negotiate. Who are we as a Nation when we tell our firefighters, our police officers, and other public protectors that they don't deserve a say in their working conditions? Does a teacher's experience or education have no economic value?

Ohio's proposed legislation is less about fiscal responsibility than it is an overt political attack on public workers who speak with a collective voice.

As labor battles erupt in State capitals across this country, a majority of Americans say they oppose efforts to weaken the collective bargaining rights of public employees.

I want to join with my colleagues today to just talk a bit about what is happening not just in Wisconsin—although we are here today because of all that has gone on in Wisconsin.

And I would now yield back to our chair so that we may discuss this in another form.

Mrs. CHRISTENSEN. Certainly.

#### GENERAL LEAVE

Mrs. CHRISTENSEN. And before we begin that, I'd like to just ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to enter extraneous material on the matter under discussion this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. And to begin this dialogue, I'd like to turn now to the gentlelady from Wisconsin who feels it and who knows it, GWEN MOORE.

Ms. MOORE. Well, thank you so much for yielding, and thank you, Mr. Speaker, during this hour.

I want to thank the Congressional Black Caucus members and the women of the Congressional Black Caucus for joining me here today. The Congressional Black Caucus has always been known as the conscience of the Congress because we understand budgets, and these initiatives to break the collective bargaining agreements are being presented to us in the context of a budget. And we all know that budgets are not about numbers, and this is proof of that. It's about values. And where you place your money is where you place your heart.

And so I'd like to talk about the situation in Wisconsin.

You know, there are a few things that have been misinformation, just let me say that, around this budget. And I appreciate the fact that we have a physician here with us this evening who is an expert on the Medicaid program. We have an attorney here with the gentlelady from Ohio. And we have the gentlelady from Maryland who is an expert on all kinds of programs that deal with family issues.

So I need you to help me sort out some of the things that have been misinformation and disinformation in this campaign.

Let me say that I once served on the Joint Committee on Finance and put the budget together as a State senator in the Wisconsin Legislature. So I know that the opening balance to the budget was a \$121 million surplus. Now, that's not a lot of money when you consider that \$65 million is required for a statutory minimum balance in the account. But it left a cushion of \$54 million in those accounts. Nothing like the \$3.6 billion deficit that the Governor likes to present as his raison-

d'etre for these draconian cuts in collective bargaining.

Now, what is a structural deficit? A structural deficit simply is the difference between what the agencies of the government request and what the Governor provides. And so when is the last time the agencies have gotten every dime that they've asked for? Never. So it's a phony structural deficit. But given the fact that our Governor, just like any Governor, has budget challenges, I respect the fact that, you know, sometimes you have to make unpleasant cuts.

So what the Governor proposed to do was to realize savings by requiring that State employees, except for the police and fire and State troopers, pay 5.8 percent of their pension funds and a little over 12 percent of their health care funds, and to make those contributions, generating \$725 million in savings. Miraculously, the unions agreed to do that.

But the Governor said, No. No, I do not want to negotiate with you. I want to strip you of your rights to collective bargain. And the exact words of the bill were that they were prohibited from bargaining about anything related to their conditions of employment.

So I was wondering if I could yield to the gentlelady from Ohio and talk about that kind of legal jargon, that they are unable to negotiate on any conditions of employment except for the 1 percent wage within the consumer price index.

Ms. FUDGE. Let me just say to you—and I thank you for yielding and allowing me this time—as mayor of a city, I balanced budgets for 9 years. I understand what it takes to balance a budget.

But let me just suggest to you that Wisconsin, being very similar to Ohio, when you look at the fact that wages and benefits for public employees in the State of Ohio account for only 9 percent of the budget, so Ohio is saying, as you are, that they've got this huge, huge deficit. They're saying we've got an \$8 billion deficit. Well, just like in Ohio, if we were to fire every single public employee in the State of Ohio, we would save about \$2 billion this year. They would still have a \$6 billion deficit. So public employees are not the problem.

And for them to suggest that the only thing they can talk about is wages is ridiculous. It is nothing more than a smokescreen. They are basically saying: We are taking all of your rights. And that is what it boils down to legally is that they really have no rights at all. There is no collective voice. There is nothing that they can do to protect themselves. They have taken away their seniority, their security. It is just, to me, the most barbaric thing I've seen in a long time.

Ms. MOORE. Will the gentlelady yield?

Ms. FUDGE. I will yield.

Ms. MOORE. There are some things that I don't understand.

Now, another myth and an untruth that has abounded in this debate is that somehow these public sector employees who are very well educated—I mean, some of them are nurses, school teachers, career executives in State government. Well-educated people make less, it is true, they make less than their peers in the private sector because as part of their compensation they have accepted less in wages so that they could have a pension, so that they could have health care benefits.

□ 1720

And so the misinformation, the effort to gin up antagonism against public employees is totally faulty. Because the pensions, and I want you to share this with me as a lawyer and as a former chief executive, the pensions are obligations because people have already earned that money in lieu of the salary they may have received in the private sector.

Ms. FUDGE. My colleague, who also is a lawyer, was talking about that earlier in her remarks today.

Ms. EDWARDS. If the gentlewoman would yield, I think that we have to be really clear here that this is not a valid substantive debate. I think that we tend to want to address substantive arguments to refute the misinformation that you describe. This is an ideological debate that is about one thing only, and it is about busting up the union. It's an ideological debate. It's about privatizing a pension system. It's an ideological debate that says that services can be provided better in the private sector. So I think we have to be very clear here that if this were a valid substantive debate, then I think that the workers of Wisconsin would win on that. This is an ideological battle.

It's an ideological battle that's rooted in tearing apart, slashing and burning public sector workers under the ruse, under the guise of balancing a budget.

Ms. MOORE. Will the gentlelady yield?

Ms. EDWARDS. I will.

Ms. MOORE. It is very interesting that you should raise that, because in fact the governor of our State, in his previous capacity as the Milwaukee county executive, hired private security guards for the county jail. And a court just this past January ordered Milwaukee County to restore those public servants to their jobs. And in fact, they are required to do that. And it was all presented as a budgetary crisis. The Court found that the county exec, now our governor, had overstated the savings that would be realized by privatizing those county prison guards. And it's been the same tactic.

Indeed, the police and firefighters and State troopers were excluded from the collective bargaining prohibitions and the prison guards were not. And as a State legislator, and I served with our current governor, he did introduce a bill to privatize our prison system. So that's a very important insight.

Ms. FUDGE. I would say just to take a step further what my colleague has said, there is an assault on working people all over this country and in this House as well. As these communities and these States have become Republican controlled, we now hear as we talk about our own budget and our own CR that we have to deal with entitlement programs. And they continue to throw in there Social Security. It is not an entitlement program. It is funded by payroll taxes and taxes on employers. It is not an entitlement program. But we still today hear them talking about wanting to privatize it.

They want to take away the rights of workers across this country. It's not going to stop in Wisconsin, or Ohio, or in Indiana, or in Florida. It is a plan. And we need to realize it now, because all workers, and those as you talked about who are retired, are going to feel the effects of this as we go forward. So this is just the tip of the iceberg. This is a battle we have to win.

Ms. EDWARDS. If the gentlewoman would yield, we have just gone through an exercise and continue to go through a budget exercise here in this Congress with respect to Federal workers. So I have said to some Federal workers your struggle as a Federal worker is connected to the struggles of private sector workers, is connected to the struggles of public sector workers at the State and municipal level. And let me tell you about that.

First, we have Federal workers who are facing a 2-year pay freeze. And they have accepted that because they are good public servants. Then they face the mythology of people who say that Federal workers are greatly overpaid when it comes to the private sector. But just as in Wisconsin, when you examine deeply the work that the workers do, you examine their job skills compared to the private sector job skills, and what you find is in fact they are greatly underpaid in the same job categories requiring the same skills and education as their private sector counterparts.

Now, I don't want to suggest, Mr. Speaker, that in fact private sector workers have made out like bandits over the last 20 years, because what we know is that private sector workers, including the organized workforce, have faced stagnant wages and benefits over the course of the last two decades. And that's why I think it's really important for us to connect the dots with workers, because I think that opponents out there who would like to privatize the public workforce, opponents out there who would like to delegitimize and disaggregate unions, who would like to bust them up, also want to suggest that in fact it's the public sector workers fighting against the private sector workers fighting against the Federal workers.

No, this is an entire workforce, as my colleague from Ohio has pointed out, across the board, across this country that has suffered massive, massive assaults on working people, on middle

class people when it comes to wages and benefits. And Wisconsin serves the purpose of highlighting for us the transparency and the meanness of what it takes to go after working families.

Ms. MOORE. Reclaiming my time, you know, I will tell you there are a couple of other myths I want to bust before I turn to the gentlelady, the doctor, physician in our caucus, to talk about Medicaid a little bit, because that links in with this union-busting effort. You know, Congresswoman from Maryland, you talk about trying to pit private sector workers against public workers, I am happy to say that those unions in the private sector in Wisconsin have stood firm with the public sector employees.

I am happy to report to you that the firefighters and the police, those unions that were exempted from this collective bargaining fiasco, stand firm with public employees. Why? Because they get it. They get it that the gains made by organized labor inure to all workers.

In Wisconsin in the 19th century, May 5, 1886, five people in my district, in Bay View in Wisconsin, were killed, and four were wounded, attacked by troops called on, sicced on them by the then-Governor Jeremiah Rusk, fighting for the 8-hour workday.

Workers in unions have won the weekend, safety conditions in the workplace. Workers have won these benefits, and they have inured to the private sector. And those people who are in the private sector need to respect the sacrifice, the blood and the tears.

You know, Wisconsin was a State where the first workers comp law passed, the first State to have unemployment compensation. It was the birthplace of AFSCME. This has been a progressive State.

We have 14 very brave State Senators who have left the State so that they would not have to vote on these draconian union provisions. And the governor has said that because they are leaving that there are going to be massive layoffs and firings, and it will be their fault.

□ 1730

Well, I just wanted to point one thing out. He revealed his budget just yesterday afternoon, and he has reduced State aid. He has reduced shared revenue to all of the counties, villages, cities, and municipalities to the tune of \$6.9 million. He has reduced aid to schools, kindergarten through 12th grade and technical colleges, to the tune of a billion dollars.

So these local communities, school districts, will have to lay off snow shovelers and teachers. Teachers will find themselves in classrooms with, they predicted, as many as 60 kids in them.

They are cutting Medicaid in this State, and I will get back to that later, because they are draconian cuts.

In the meantime, we are providing \$7.6 billion for roads. That's local

money and Federal money together. We are providing a total, 100 percent tax relief for capital gains taxes for businesses that locate in the community for up to 5 years. We are providing, his special sessions bill provided at least \$200 million worth of tax breaks at the same time we are reducing school aid by a billion dollars.

I see that the gentlewoman from Washington D.C., also a very esteemed attorney, has come to join us here. We are talking about the loss of the collective bargaining agreements in Wisconsin, something that has no fiscal impact, but that the governor insists must be a part of his budget.

I yield to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I am in solidarity with the gentlewoman from Wisconsin and with my friend from the Virgin Islands as well, those who have come down, and in special solidarity with the workers in Wisconsin, in Ohio, in Indiana, who are fighting for their collective bargaining rights. Now, unlike the gentlewoman from Wisconsin, I don't know whether paying 5.8 percent into their retirement benefit is good or not, or whether paying 12 percent of their health care costs, I know it's double or triple the amount. I don't know about any of that.

I do know that when you have health care and retirement systems, there is usually a quid pro quo. You take less pay.

But I don't know the answer to that. All I know is that in a democratic society, where people have won collective bargaining rights, those matters are bargained at the table.

I am here to reinforce the importance of collective bargaining rights that are now on the table of the country, beginning in Wisconsin, spreading rapidly and, watch out, they could come, this insidious movement against collective bargaining could even come to the Congress of the United States. We have to stop it in its tracks in the Midwest.

In any free society, there are four or five rights that everybody will cite, the right to free speech, the right to religion and, guess what, the right to bargain collectively. Once you have established that the workers have elected a union, it is one of those fundamental rights.

I want to say to the gentlewoman from Wisconsin, if one of the developing countries that we always complain are not democratic enough, were to take away the collective bargaining rights of some of its workers, well, you would have to fight people at the well in order to quell the stampede of people saying you have violated a fundamental right of a free society.

I have just come from a hearing on the Postal Service. It was amazing to hear management and the private sector say that the reason you have a post office today and that it hasn't gone down the drain is because the workers across the table from management have helped them to manage the downsizing of the Postal Service.

The best thing that you can have when there is downsizing to be done is, indeed, to have a union. Because when people know that the downsizing, that the rights they hope they had that they don't have have been bargained for, they will accept those rights in a way they would not if management came in and just pulled them himself. That is what Governor Walker is trying to do right now.

Ms. MOORE. You know, you have made a very good point. If you going to downsize and if you are going to make those sacrifices, number one, our workers have said we will negotiate that. We will try to help our State.

But if you are going to downsize at least you ought to think that you are doing it for the public good. You don't want to think that you are doing it so that could give \$200 million in tax cuts so that you could privatize the nuclear power plants in the State. You would think that if you are going to pay 12.8 percent of your own health care that that would mean that at least the Governor was going to protect the most vulnerable who are on Medicaid.

But I am sorry, it's sad to be able to share with you, Dr. CHRISTENSEN, that in his budget he is limiting a family care program, it's a Medicaid program to pay for in-home services for seniors and people with disabilities, to only those who are currently enrolled; all the 2,000 people on the waiting list, no services. He is going to seek permission from the Federal Government to cut eligibility standards, to cut off certain categories of nonpregnant or non-disabled adults or lower eligibility, and he is not a fan of Planned Parenthood. He wants to cut off family planning services for men.

He is expecting—right now, they are forced to continue their maintenance effort, at least until July, when the enhanced FMAP runs out. But he is again seeking those waivers so that he can cut off categories of people.

Mrs. CHRISTENSEN. If I could just say for a moment it sounds very much like what's happening here.

As the gentlewoman has said and our other colleagues have said, this is not just an issue for Wisconsin, Ohio, and Indiana; this is an issue for our country. And the same thing that's being done in Wisconsin is what is being done here.

Tax giveaways to the wealthy and to business while we cut health care programs, education programs, community, economic development programs for people across America who need them.

And that's why we have decided today, as a caucus, to come here and to voice our support and to give encouragement to the workers and to your legislators who have had to leave Wisconsin to prevent these devastating cuts that will further damage the health of—and I am sure your State is no different from other States, where the poor people of color, women, are not getting the kind of health care that they need.

What we need is to make sure that the benefits that we passed last year in the Patient Protection and Affordable Care Act are implemented in Wisconsin and everywhere. What your governor is doing is going backwards instead of forward.

Ms. MOORE. Backwards instead of forward, \$900 million from our school system, \$250 million in State aid for the University of Wisconsin system, \$71.6 million from the technical college system, low-income children and families requiring women who receive TANF, temporary assistance, they are cutting them by \$20 a month, 3 percent of the TANF check.

Mrs. CHRISTENSEN. And the check is not that big to begin with.

Ms. MOORE. The check is small.

□ 1740

There is some talk of requiring them to move from 28 hours of work a week to 30 hours of work a week and reducing the amount of child care that they can get.

Again, the theme for this budget, our Governor's budget, is that Wisconsin is open for business. Well, no State can be open for business by slamming the doors of educational opportunity and denying babies, poor people, and seniors health care. It is more a case that we're selling our State to business interests.

I would yield to the gentlelady from D.C.

Ms. NORTON. I thank the gentlelady for yielding because I want to bring this right home to what is happening on the floor of this Congress as we speak. There is too little recognition of what you have indicated that when you cut agencies, you strangle services. That goes for the Federal sector as well. And I think we have to be very wary that this could come to the Federal sector. Federal workers have been targeted. They've got a great big bull's eye on their backs. They are among the best educated workers in the United States.

Bear in mind, I say to the gentlelady, because this will particularly be important in your State, the deadly deficit commission warned that no cutting should be done in this year, 2011, small cuts perhaps in 2012 and no real programmatic cuts until 2013. And they gave as a reason—this is the deficit commission—they gave as a reason that you would strangle the recovery. It's a fragile recovery. Mr. Bernanke spoke. I don't know if anyone mentioned that.

Mrs. CHRISTENSEN. We haven't mentioned it yet.

Ms. NORTON. Mr. Bernanke spoke. I'm not on that committee, but I heard what he said. He has said, as well, don't harm the recovery. You don't, in the midst of a bear recovery, start acting as though you had a full-fledged economy. Everybody has been talking about a double dip. They are going to find out what a double dip is. If we had what independent observers say, 700,000

jobs gone because of these cuts, gone in Wisconsin, gone from the Federal Government, there is no way for us to recover. We cannot kick workers to the curb without having an effect on the recovery itself.

Watch out, Wisconsin. And particularly I say to my Republican colleagues, watch out that you don't bring it here and don't mess with collective bargaining of our Federal employees the way you're doing in Wisconsin. This is not Wisconsin.

Ms. MOORE. In January, our economy nationwide gained 36,000 jobs, hardly anything to brag about. But I can tell you this: this Wisconsin State budget fires 21,600 State employees alone. And when you consider the cuts to municipalities, cities, villages and counties, there are thousands more that are going to lose their jobs. So you talk about hurting the recovery, how can you recover when people don't have jobs to consume and those who do have jobs find their income cut by 6 and 7 percent because of these givebacks in their pensions and for their health care?

Not only that, they're balancing the budget on the backs of children and on the backs of seniors, but they're also penny wise and pound foolish. I live on a Great Lake. Twenty percent of the Earth's fresh water is in those Great Lakes. And what does this budget do? It reduces the "burden" that municipalities have in cleaning the water. It reduces standards for water cleanliness. It ends the recycling program. So it is penny wise and is probably going to destroy the environment, reduce educational opportunity and reduce health care to the most indigent and vulnerable in our population.

But we're giving tax breaks to the wealthiest Wisconsinites to encourage them to invest, 100 percent forgiveness of capital gains taxes, \$7.6 billion for roads, and we are going to privatize the nuclear power plant. One of the great contributors to the Governor's campaign happens to be in the nuclear power plant business. And we're all doing this in the name of balancing a budget.

I hope that the people in Wisconsin don't fall for this trick.

Mrs. CHRISTENSEN. I'm sure they're not because people across America are not falling for it. The New York Times/CBS did a poll. They showed that the majority of Americans—and I'm sure in the States that are facing these issues—oppose efforts to weaken collective bargaining rights of public employee unions and are against cutting the pay or benefits of public workers to reduce State budget deficits. They oppose weakening collective bargaining by 60 percent, including large numbers, and not just Democrats but independents, they oppose cutting pay and benefits. The majority of Americans, over 56 percent, oppose cutting pay and benefits. And most of those who were surveyed are not union members and don't have union mem-

bers in their family. So the American people get it. They don't like what they are seeing.

Ms. NORTON. Will the gentlewoman yield?

Mrs. CHRISTENSEN. Surely.

Ms. NORTON. This is very important because it means that Americans understand a fundamental right when they see one. And they are saying, and they know best of all, we're willing to take these cuts, don't go into people's fundamental rights, in fact, don't cut as much as you were doing.

Look, this majority rode into town on the promise of jobs. Where is the jobs bill? Instead, they proceeded forthwith to cut jobs. They cut jobs first in the health care bill. Now they are cutting hundreds of thousands of jobs on the floor with their own version of deficit reduction. All we're asking for is balance.

The workers in Wisconsin are willing to take cuts. They said so. Look, we'll take your cuts, Governor. Don't take away our collective bargaining. Everybody is willing to share. The Governor wants it all. Collective bargaining is about sharing. They need collective bargaining to get a fair deal for all concerned in Wisconsin.

And I compliment the gentlelady from Wisconsin for reinforcing her workers and reinforcing what the gentlewoman from the Virgin Islands has told you is the view of the majority of the American people.

Ms. MOORE. I thank you so much, gentlelady from the Virgin Islands, for pulling this hour together.

As my aunt used to always say, the truth will set you free. And I hope that those who have watched this debate will try to see through some of the partisan bickering that has gone on.

Just to reinforce a few points that we've made, the effort to take away the ability for union members to not only collective bargain for themselves, but when they win those rights, so-called freeloaders, the people who are not in the union, benefit from those gains. That has nothing to do with budget issues. It has nothing to do with money. Those rights are things that have something to do with your conditions of employment, your ability to relate to your employer and to negotiate with him on non-economic issues as well economic issues.

This budget crisis is a creation of this Governor. We started out with a surplus budget in Wisconsin, and the first thing he did when he came into office was to provide at least \$300 million in tax benefits to the very wealthiest and then declare that we now have an emergency.

I would yield back to the gentlelady for closing.

□ 1750

Mrs. CHRISTENSEN. So you did say that the emergency was sort of created?

Ms. MOORE. Exactly. That is the same reason that the Governor, then-

county executive, lost his case by firing those 26 guards because he is creating, once again, the same pattern, creating a false emergency.

Mrs. CHRISTENSEN. Do you see the same thing happening here in this Congress?

Ms. MOORE. Exactly.

Mrs. CHRISTENSEN. Thank you.

I want to thank all of my colleagues for joining us this evening to talk about this issue. Again, this is not about budgeting. It is about union busting, and it is the kind of policy that will not only hurt workers in the State and across the country, but it only leads to stalled economic growth and the slashing of jobs. It is the kind of policy that hurts our Nation.

We want to make sure that our workers in Ohio and Wisconsin and Indiana and everywhere know that the Congressional Black Caucus stands with you. We want to let our country's labor leaders, the union leadership know that we stand with them and support them, and that we have the highest respect and support for the Democratic legislators who have drawn the line and did what had to be done to stop the egregious attacks on the middle class and the poor.

**CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO ZIMBABWE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-12)**

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions is to continue in effect beyond March 6, 2011.

The crisis constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions has not been resolved. While some advances have been made in Zimbabwe, particularly on economic stabilization, since the signing of the power-sharing agreement, the absence of progress on the most fundamental reforms needed to ensure rule of law and democratic

governance leaves Zimbabweans vulnerable to ongoing repression and presents a continuing threat to peace and security in the region and the foreign policy of the United States. Politically motivated violence and intimidation, and the undermining of the power-sharing agreement by elements of the Zimbabwe African National Union-Patriotic Front party, continue to be of grave concern. For these reasons, I have determined that it is necessary to continue this national emergency and to maintain in force the sanctions to respond to this threat.

The United States welcomes the opportunity to modify the targeted sanctions regime when blocked persons demonstrate a clear commitment to respect the rule of law, democracy, and human rights. The United States has committed to continue its review of the targeted sanctions list for Zimbabwe to ensure it remains current and addresses the concerns for which it was created. We hope that events on the ground will allow us to take additional action to recognize progress in Zimbabwe in the future. The goal of a peaceful, democratic Zimbabwe remains foremost in our consideration of any action.

BARACK OBAMA.

THE WHITE HOUSE, March 2, 2011.

**CRISIS FACING AMERICA**

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the majority leader.

Mr. AKIN. Mr. Speaker, it is a treat to be able to join you tonight, my colleagues and friends, and to talk about a great crisis that our Nation is facing. It is becoming increasingly apparent to Americans not only that we have a problem with unemployment and jobs, but we have a problem with the Federal budget and the deficit and the spending and the taxing—all of those things that go into an economy.

These problems are far more significant than I think many Americans are aware. I would like to talk about that tonight and to keep it fairly simple, and to let people know, as President Reagan said, while the solution is simple, it is not easy. It requires a great deal of courage.

I am going to start tonight in perhaps an odd way. I am going to ask you, please, to picture that you are either a Senator or a Congressman in 1850 in America. In 1850, you would have noted that there was increasing discussion as the new territories became available, whether they would be allowed to come into our Nation either as a free State or a slave State. It created a lot of political tension between the different Representatives representing different points of view on that subject.

By 1852, the book "Uncle Tom's Cabin" was written. It became a very

popular book, and it tended to further inflame the issue, the great question of the day. The question was slavery; what would America do with that question.

By 1857, the Supreme Court, deciding to legislate from the bench, which has always turned out to be a bad idea and beyond their constitutional authority, came up with a decision that came from my State, the State of Missouri. It was called the Dred Scott decision. It said essentially that black people were not people; they were property. But beyond that, it also said to the Congress and to the Senate that they could not make any kinds of deals as to which State would be slave or free because each State could do whatever they wanted.

And so the stage was set as the tensions grew for Abraham Lincoln to be elected to be President. And as he was on the train approaching the capital, leaving Illinois, a number of Southern States seceded from the Union. And almost as though in slow motion, a great locomotive drove off the edge of the cliff pulling the train with it, and America was immersed in a terrible, terrible Civil War. It was a war that was ultimately to claim 600,000 lives. That is more than all the people who are Americans who have been killed in all of the rest of the wars we have fought in our Nation's history. Of course, a statistic like 600,000 may seem to make your eyes glaze over, but then you start to hear the individual and personal stories of people who were horribly touched and families that were destroyed by the horror of the war, and you recall the words of the second inaugural address of Abraham Lincoln and he talked about the fact that the war had been far, far worse than anybody had ever imagined was possible.

That great tragedy, that terrible cost that was paid by our Nation, was a result of a failure of leadership, a failure to deal with a massive fundamental question that everybody knew was there all through the 1850s—the question of slavery. And the failure was not just in the Congress, in the Senate, but it was in the people of the States for being too disengaged and unwilling to take that question head on.

The parallel today, I think, is a little bit frighteningly similar. Today, just as there was in 1850, there is a gorilla in our tent, and that is the problem with the Federal Government spending too much money. So what I want to do is put that in very simple terms not so your eyes will glaze over, but so we get some sort of a sense of balance as to what is going on; because my proposition is that we are spending too much money, the government is spending too much money, and it is unsustainable.

Now, this is something that many thoughtful liberals, as well as conservatives, agree is true. There is disagreement as to what to do about it. But the numbers are the numbers. There is something about mathematics that is

that way. And that is what we are going to talk about: the simple view of what the numbers are today and why. This is a crisis that we must address. We cannot ignore the gorilla in the tent. This is something that all Americans must become aware of and must be participants in solving the problem.

As we do that, the jobs will return. America will hold her head high again; and almost, as a ship with a big wave breaking across the deck, the ship will shake loose the water that threatens to push it to the bottom and lift its bow in pride and sail further on.

So what I am going to do is just take a look at some stuff that sometimes politicians talk about in gobbledegook-speak and try to make it simple.

□ 1800

We have here a picture of all the things that the Federal Government is spending money on. It's your old classic pie chart. And I have over here Social Security, Medicare and Medicaid. You can see that's a pretty big piece of the chart. These things are called entitlements by politicians. An entitlement—I'm an unfortunate engineer that ended up in politics—is sort of like a little machine that's created by law. The machine might have been created 30 years ago and it's a little bit like the machine in the bathroom which you put your hand in front of it and it spits out paper towels, except this machine spits out dollar bills. The entitlement is like a little machine. It's put on a track and off it goes spitting out dollar bills. So anybody who qualifies gets money. These programs—Social Security, Medicare, Medicaid—if you qualify, you just get money.

There are other entitlements as well. In addition to other entitlements, there is something that acts an awful lot like an entitlement and that's the interest on our debt. When we sell a Treasury bill, the person that bought it expects to be paid interest, and so the Treasury bill acts like a little machine. It spits out dollar bills at the appropriate intervals.

The point is that if you add these entitlements here, the other entitlements, and you take the net interest on our debt and you put that together, it comes up to \$2.2 trillion. What does that mean, anyway? \$2.2 trillion is bigger than I can understand, but we can compare it to something else, and that is the revenue of the Federal Government. That is, when everybody in America pays their taxes, the money comes into Washington, D.C., that's our revenue. The revenue is \$2.2 trillion. So the entitlements and debt service at \$2.2 trillion is the same thing as our revenue.

Well, what's left over to pay for national defense? And what's left over to pay for the rest of the running of the government? This other non-defense discretionary would be things like the Congress and the Senate buildings, would be the Federal prisons, the Federal parks, Departments of Energy and

Commerce and Justice and Education, all those different things. Those are this non-defense.

In other words, what I'm saying is this. If you zero out defense, so there's not a soldier left, not a rifle, not a ship, not a plane left and zero out everything else in the Federal Government, when you zero those out, you now have a balanced budget. Because entitlements and debt service are taking every last penny we get in revenue. That is a serious problem.

I am joined by a very good friend of mine from Louisiana, a man who is growing in stature and feared, loved and respected, my good friend STEVE SCALISE from the great State of Louisiana.

Please join us, STEVE.

Mr. SCALISE. I thank my good friend from Missouri. When we talk about feared and loved, I'm not sure where we fit in, but I do think it's important—

Mr. AKIN. The feared is because of the people who want to whitewash what was going on with that big oil spill and the fact that you got on it and told people the truth; and I respect that. Thank you, sir.

Mr. SCALISE. Thank you.

That's the beauty of the people's House. I think what you're doing, you hold this weekly town hall forum, as we call it, to talk to the American people about what really is happening here in the people's House, in the Congress, and how it affects people all across this country. Of course, I had three town hall meetings last week when I was back in my district, when Congress had finished dealing with one part of this budget problem.

I think when you talk about what's wrong with the spending, how out of control spending is in Washington, we had taken some action 2 weeks ago to say it's finally time to start righting the ship. Speaker PELOSI had the reins of the House of Representatives for 4 years. Of course during that 4 years that Speaker PELOSI was running the House, we saw unbridled runaway spending and record deficits, to the point where we now have a \$1.5 trillion deficit.

One thing that she left behind that we're dealing with is the fact that Speaker PELOSI didn't even bring a budget to the House floor last year so there was not even a budget, when families across this country had their own family budgets and families and small businesses are dealing with their crises and shortfalls by cutting spending.

Mr. AKIN. Let me interrupt for just a second, gentleman, because you're bringing up a whole lot of additional facts and things. Let me try and put this in perspective.

In 1974, we came up with a budget act, and every year since 1974, there was a budget here in this House. You might have liked it, you might not have liked it, but there was a budget, anyway, for what's going to go on in terms of Federal spending. Last year,

under Speaker PELOSI, there was just no budget. None. And so what a lot of people see us dealing with now, and I think you're getting to this point, and that is the fact that we're doing what you do in the Federal Government when you don't have a budget and it's called a continuing resolution. I think maybe you were going down that direction.

I yield to my friend.

Mr. SCALISE. You're exactly right, because when we're talking about where we are today, it's important to look at how we got into this mess and the mess that we're trying to clean up, but the fact that historically last year Speaker PELOSI failed to even bring a budget to the floor when she was Speaker and so there was no budget that was passed.

What that means is, like I said, while families are putting together their own budgets and families and businesses are dealing with the problems in the economy and shortfalls and they're cutting back and doing more with less, the Congress didn't even pass a budget. And so under Speaker BOEHNER now as we've got this new Republican majority here, we came up with a plan to fund the government for the rest of the year, but to fund it in a way that actually started cutting spending. I think one of the big problems that's been out there for a long time, things that you and I want to deal with, we want to cut spending and start putting our country back on a path to a balanced budget.

And so we had this debate 2 weeks ago in the House where we said, okay, we want to be responsible about funding government, but that means we've got to start making real cuts. You can't just keep spending at the rate you're spending with the deficits that go along with it. We've got to start cutting so that this pie that you showed actually starts getting addressed and shrunk in a way that the Federal spending starts getting closer to matching the amount of revenue that's coming in.

Mr. AKIN. If I could piggy-back in and jump to what you're saying.

A couple of weeks ago, we had basically a budget on the floor of the House. But the budget, interestingly enough, is what's called the discretionary side. So the budget was for this green, the defense, and this—what is that?—tomato soup. Maybe it's Campbell's tomato soup. This is the non-defense discretionary. So the budget only dealt with this section and we were making cuts to that section.

What, of course, you have to ask yourself is, how about all this other stuff? Of course, this wasn't touched.

So proceed, please, because I think it's a good story. People need to understand what we're working on was the first thing we had to work on which was the fact there wasn't any budget that we're running on, and so we're trying to put a budget together for between now and October 1, if I recall, sir.

Mr. SCALISE. And so finally, to address the real problem in the country with this runaway spending, what we said under both Speaker BOEHNER and then chairman of Appropriations Committee Hal Rogers is that we've got to stop the bleeding. We've got to start cutting spending. And we brought a bill to the floor that allowed for \$100 billion in cuts. That's billion with a B. Real cuts to spending at the Federal level to finally start that process. By no means is this the finished product, but it was the first start of the process of finally getting spending under control.

That bill came to the floor. We had a lot of debate. An open process. Any Member could bring an amendment to that bill. I brought an amendment to get rid of a bunch of these czars, these czars that are killing jobs in our country, that are getting paid millions of dollars to go out there and try to implement radical policies that run jobs to China and India and other places. That amendment passed. A lot of good amendments passed to cut spending, but ultimately we set a new tone. We said, number one, we're going to put our money where our mouth is. We promised that if we get the reins of power in the House, that we would actually start cutting spending. So we cut \$100 billion. We sent that to the Senate. And we're almost at 2 weeks past the point where we sent that bill over to the Senate. They still haven't had one ounce, one minute, of hearings or debate on our bill that we sent to them to cut \$100 billion in spending.

Mr. AKIN. Why do you think it was that they didn't want to take a look at the bill? They could have brought a bill up the same way. They could have gone through it and said, Well, we don't think they should have cut this much. They should have done this or this or this. They could have made changes on it and gone back and forth, and then we would have a budget for between now and October 1 and we could get on with what should be done this year instead of what should have been done last fall, or actually last year before the fall.

Proceed, please.

Mr. SCALISE. I think it became very clear very quickly just what is at stake here. There was a battle line that was drawn. In fact, as we were debating that bill to cut \$100 billion and, as I said, with a \$1.5 trillion deficit this year, \$100 billion is just a start. Well, President Obama comes out and actually starts criticizing us for cutting \$100 billion. He said \$100 billion is too much. Senate majority leader, HARRY REID, said \$100 billion is too much to cut. Again, we're saying \$100 billion is just the beginning. We've got to cut more than \$100 billion. And so you quickly saw a divide. There is a divide right now in Washington. I don't think there's a divide in this country. I think most people, people I talk to when I go back home to south Louisiana, my colleagues that I talk to that are going back home and having town hall meetings, meeting with their constituents,

families and small businesses are saying, it's about time that we're finally seeing real cuts coming out of Washington, but yet the President and the Senate leader that were saying \$100 billion is too much to cut. And so we've sent them \$100 billion, but what's at stake here, it's not just getting spending under control, it's getting jobs created again in America.

□ 1810

One of the reasons we are seeing such stagnant job growth in this country is due to the uncertainty that is created by the runaway spending. These are interlinked issues—the spending problem in Washington and the problem with the slow economic recovery—because people are afraid to create jobs. Our job creators are under attack by Federal bureaucrats, who are bringing out all these regulations every single day to kill jobs.

We are seeing in my home State, in south Louisiana, where the administration doesn't even want to explore for energy in America. They've only issued one permit in 10 months to drill. In fact, now we're looking at the Middle East. We're putting more dependence in this country on Middle Eastern oil, under the Obama administration, at a time when the Middle East has never been in more disarray, which is why people are seeing over \$3.20 or so a gallon at the pump. It's because of the President's own policies. This is killing jobs. It's not only running more jobs overseas, but it's also raising the prices of energy and gasoline for families.

Mr. AKIN. You're getting this down to the place where we really need to be talking this evening, and that's about jobs, because Americans are wanting to know: Hey, where are the jobs? So let's take this thing straight head on.

The fact of the matter is, first of all, if you allow this monkey business to go on here, this is just silly. There is no way you can excuse kicking the can down the street and ignoring this huge problem, and this huge problem really is connected to jobs. Specifically, there are things you do to kill jobs. We had a forum back in my district of St. Charles, Missouri. We had a whole bunch of businessmen come in, and we asked them: What do you have to do to create jobs, and what do you have to do to kill jobs? The thing that you do to kill jobs is exactly what we're doing.

So what are those things?

First of all, we're going to tax the owners of businesses—that's the first thing—because if you tax the owners of businesses, they can't expand their businesses, and they can't invest in their businesses, so the businesses just sit there. In fact, as you tax them more, they take money out of the businesses to pay the taxes, and they start laying people off because they can't run their businesses. So the first thing is: If you want to kill jobs, raise the taxes on the people who own businesses.

The second thing you do is bury the business in redtape. Now, we've got an

EPA that feels like they can run redtape without Congress even passing a bill, so they're going to try and pass cap-and-tax and all these kinds of ridiculous regulations that cost a whole lot of money. It's not like a tax, but it ends up costing people business.

One of those very interesting actions on the part of the EPA, just to illustrate redtape, is the idea of requiring cleanup in case you spill milk. Usually, on farms, the cats lick up the milk.

We have with us a genuine hero in the U.S. Congress, Congresswoman BLACK from Tennessee, who won a coveted award just earlier this day. It's the Golden Turkey Award. It's for the silliest, dumbest regulation that you could find. Now, I know the competition is going to be fierce in this category, but Congresswoman BLACK won it by plenty of extra as she got her award. We're going to recognize her tonight for this award that she got, which ties right into our subject of jobs, and that is: If you want to kill jobs, raise taxes on business owners, and bury them in redtape.

Congresswoman BLACK from Tennessee.

Mrs. BLACK. Thank you. I am so honored to unveil this new initiative from our Republican Study Committee.

This right here is the Golden Turkey Award. Each month, the RSC will be bestowing this dubious award to highlight the most absurd, the most ridiculous and obscure regulation that taxpayers foot the bill to enforce and have to live by. This month's Golden Turkey Award goes to a regulation that I have been talking about in my district and here also in Congress for the past month. The March 2011 Golden Turkey Award goes to the Environmental Protection Agency.

Mr. AKIN. The EPA.

Mrs. BLACK. The EPA. The EPA recently discovered that milk contains fat. Can you believe that? It's also considered an oil. So what did the EPA do? It decided to regulate milk spills.

Well, the EPA is currently developing a rule that will subject dairy farmers to the Spill Prevention, Control, and Countermeasure Program—that's sort of a long name—which was created for oil contamination in waterways, and now they're applying it to dairy farmers. So, when Nellie kicks over the bucket, our farmers will have to build berms around the area where they milk. They will have to have an emergency responder's plan so, in case milk is spilled, all of their employees will be trained in the containment of this spilled milk.

Mr. AKIN. Now, if you had some cats around in a cage and could open the cage, do you think that would work or do you think the EPA is going to want something more expensive than that?

Mrs. BLACK. That's an excellent question because, when I talked to the dairy farmers back in my district and when I told them about this great idea the EPA has for them, one of my farmers told me he already has this plan in

place. When asked, he said he has a barn with about 15 stray cats, and he's going to open the doors and yell, "Here, kitty, kitty," and that will take care of the emergency spill.

Mr. AKIN. How many millions of dollars do you think it's going to take to get this tremendous hazard of spilled milk under control? I'm glad that our Federal Government is really dealing with tough issues like this.

Mrs. BLACK. It's good that you asked, because the rule requires that these emergency protocols be in place by November 10 of this year. The U.S. Department of Agriculture has already initiated a \$3 million pilot program through the Natural Resources Conservation Service to help the farmers and the ranchers comply with the on-farm oil spill regulation. So already we see \$3 million that's going to be wasted in just getting the farmers up to speed on how they have to do these plans.

When I was in my district last week and spoke to people about this, they were absolutely speechless. It has been told to me by many of the businesses in my district that what they really want is just for the government to get out of their way, to let them do their jobs, to stop overtaxing them, and to stop overregulating them so that they can actually grow their businesses. They have the capital to do so, and if we would just leave them alone, they could grow their businesses.

So that's why the inaugural Golden Turkey Award is being presented to the EPA and to its proposed overregulation of dairy farmers with spilled milk. I am going to work as hard as I possibly can to make sure that this does not get initiated and that our farmers will be freed from this onerous regulation.

Mr. AKIN. I have to wonder, particularly of the people out in my State of Missouri, what they'll be thinking when they find out that \$3 million of their money is being used to come up with a program to take care of spilled milk.

I don't know how you found this treasure out. I heard there was another one that was similar. I think it was an EPA requirement that you couldn't have rogue dust. So, if you're a farmer, you can't farm with rogue dust, which is dust that comes off your property and goes over onto somebody else's property.

It makes me think that whoever is writing these regulations lives in one of these office buildings downtown here. If there happens to be anybody who is working on the rogue dust program, I'm sure that's another \$3 million wonder—or maybe worse—just to go out on a combine in the good old State of Missouri and just run down a couple of rows of corn and see what happens when that old, dusty corn hits the combine and how they're supposed to keep all that dust right over their own properties. So that's another one of these examples.

I think Ronald Reagan talked about the fact that we're buying too much

government, and that's what we've been doing these last number of months.

The point of the matter is, when you start cutting a lot of this government trash, you're going to create jobs in a couple of ways. The first thing is: You don't put us in debt so much, but you start cutting that redtape, which is overhead that our businesspeople have; and if they're not having to pay for all that overhead, they can hire people and get the economy going.

Hats off to Congresswoman BLACK from Tennessee for winning this prestigious Golden Turkey Award. Actually, I suppose the one who technically won it was the EPA; is that right?

Mrs. BLACK. That's right. The EPA has won.

Mr. AKIN. Isn't there actually like a bowling trophy with a big golden turkey on the top of it or something?

Mrs. BLACK. You're so right, and it's proudly displayed on my desk. It is a trophy that stands about 12-inches high, and it is golden and has a golden turkey on the top of it. I'm challenging all of my colleagues to find places that we're having overregulation, killing our businesses, stifling the growth of our economy, and stifling job growth.

Mr. AKIN. Who says we can't have fun in cutting the wasteful spending out of the government and at least do it with a little twinkle in our eyes?

It is noteworthy that a freshman Congresswoman could walk away with this kind of a prize. Certainly, there will be competition to have that Golden Turkey passed around.

#### □ 1820

I appreciate you joining us tonight.

We have some other distinguished guests. My good friend, Congressman WALBERG, I'm going to ask if you'd like to join us. We're talking a little bit, first of all, a big picture about how much money there is in the entitlements, the trouble with trying to balance a budget. And also we've talked about jobs and how much jobs relate to a government that's out of control, has forgotten they're supposed to be servants and are just running mad, making redtape, which again is excess overhead for the businesses and kills jobs. But please join us with your unique perspective.

Mr. WALBERG. Well, I appreciate my colleague from Missouri. I appreciate you holding this time this evening as we can talk about those things that impact our whole way of life in the United States.

We, I'm sure, understand here on the floor this evening the impact of what our Framers and Founders had in mind of a limited government, a government that believed very clearly that free people, with the opportunity to be creative and use the resources that they have, could indeed make a life that was filled with happiness in their pursuit that involved property and all that went with it.

As the subcommittee chairman for Workforce Protection, I had the oppor-

tunity to look at some things that are coming up right now that are being proposed as workplace safety standards. And this goes into cost issues that are huge regulatory costs, but also costs that ultimately reduce jobs and opportunity. One such regulatory issue is related to the noise regulation being proposed by OSHA. Now fortunately that has been pulled for the time being. It was pulled a couple days after we introduced the fact that we're going to hold hearings on it, continue to hold hearings. We found out in the process that noise standards—and all of us here would say that a worker ought to be safe, reasonably speaking, in their workplace.

I worked at U.S. Steel South Works shortly after high school, worked in the furnace division. I worked on a mole platform. I worked in a hooker shaft, which was lifting and holding pig iron and a number of other things. And I had reasonable expectation to be safe, including using hearing protection that involved either earmuffs or earplugs. What this new standard would have required would not have been simply putting earplugs into employees that would meet the standard, or earmuffs, but would require businesses to purchase machines that weren't only guarded or shrouded safely for hearing protection, but machines that would be reduced in the noise standard to a point that, as we looked at it more carefully, most likely weren't even machines made yet. They hadn't been produced. So we're talking about businesses that want to employ people that increase the economy—because you and I both know that the economy is produced in the private sector, not in the public sector, that the private sector entrepreneur, the taker of risk, produces an idea, comes up with it, ultimately hires employees to carry out the job, and then we put reasonable regulations to make sure that those employees are safe, that the hearing is protected as well. But we don't say to the employer you must buy a machine that isn't even produced yet, that isn't made yet in order to protect—

Mr. AKIN. You know, I really appreciate your example. And that's the trouble with these things. It's not that maybe there shouldn't be some workplace safety rules, but these things have just gone beyond the realm of what even makes sense.

I have even greater respect for you now. I also worked in a steel mill. And the noisy place at our steel mill was the pipe shop where they're loading the pipe. And you take a whole big bundle of pipe and drop it or hit it against something, and boy does it make a racket. So they always had ear protection and things in the pipe mill there. And certainly businesses know that that's necessary to do that. But when you start loading that kind of extreme redtape and regulations on a business, the business has to use their money to pay for all that, and they can't hire employees. So taxes, redtape, those are job killers.

As I recall, I think there was a gentleman last week that shared, somebody that had a drycleaning facility, and they found something like a spoonful of some water underneath a concrete slab that had a small amount of cleaning fluid—I guess carbon tetrachloride—in the water or something. They had to do like a \$60,000 remediation, which for a simple dry cleaner just about took every penny that the owners had out of their bank, because of one teaspoonful of some water that had a little bit of the cleaning fluid they use on people's clothes. And that's what we're talking about. This is just bizarre kinds of stuff.

We have Dr. BOUSTANY from Louisiana here, and I think he was going to share with us for a minute. And Congressman WALBERG, we'll come back to you. Congressman WALBERG is from Michigan and a great Member of the caucus. And doctor, please.

Mr. BOUSTANY. I thank my friend from Missouri for giving me time to speak here.

As we talk about American competitiveness and growing jobs, private sector jobs in this country, coming off the heels of this recession where we still have high unemployment, there are two aspects to it: One is cutting back on government spending, as you've already suggested with the pie chart you have there. We have to get our debt under control. This is imperative because it's going to strangle private investment in the form of higher taxes on the American people.

But the other side of this is the growth side of the equation, stimulating economic growth. And if you look at how to do that, we want economic growth in the private sector which will help spur job growth. The way we have to do that is we have to look at an energy strategy for the United States because so much of what we do depends on cheap, affordable energy to fuel our plants, our factories, transportation, you name it. So it's critical that we have an energy strategy for the country, which we don't have, and we never have had one. In fact, what you're seeing now, instead of the lack of an energy strategy, we're actually seeing energy proposals that are detrimental to the country that are being proposed by this administration. Let me list what's going on.

First of all, the moratorium on drilling for American energy in the Gulf of Mexico has been in place since May. This is killing jobs back home in Louisiana, along the gulf coast, but it's also hurting our energy security in this country. As we lose these jobs—these are highly skilled workers, as they leave this industry and go find other jobs and move, you cannot turn that light switch back on and get that kind of skill back on these platforms. That's number one.

Mr. AKIN. Now wait just a minute. Just on the surface of what you're saying, if somebody were really to listen to what you're saying, it sounds like

insanity. Because here's what my thinking would be: You're saying that we've got all this unrest in the Middle East, which threatens the oil production there, which increases the cost of Middle Eastern oil. So we pay even more to countries that don't like us and use the money for advancing terrorist kinds of causes—

Mr. BOUSTANY. That's exactly right.

Mr. AKIN. And we have oil right under our feet and we're saying no, you can't drill for that stuff. And gasoline is \$3-something a gallon, and we're not even drilling for the silly oil that we've got.

Now let me add one thing that gets me even more fired up, and that is, you go north, north of Louisiana where it's cold—we're talking out in the ocean outside Alaska. You've got foreign countries that are drilling on what is basically our coastal plain and they're drilling for oil. And here we are paying \$3-something, and we're not drilling for any of this stuff. I mean, isn't this weird?

Mr. BOUSTANY. We have basically shut down our production in the Gulf of Mexico, and it's a boneheaded policy to do that. But not only that, the administration in its budget proposal is now proposing nearly \$50 billion in new taxes on small, independent oil- and gas-producing companies. Now that's going to put a lot of these guys out of business; they can't cash flow. And they do a lot of the work on the Continental Shelf in shallow water areas, and also our onshore production in oil and gas. And there's a distinction between oil and gas—

Mr. AKIN. So here we are again. Because I started just a little while ago, we talked about if you want to kill jobs, first of all tax small businesses, tax them so much they can't run their business, or at least chase people out of them so there goes the jobs. The second thing you do is bury them in redtape. Now we're coming back to what you're saying—the very people we should want to be working and drilling for oil for us, we're going to tax them out of existence. Isn't that ridiculous?

Mr. BOUSTANY. It's ridiculous. And these taxes are indiscriminate; they hit oil companies, those drilling for oil, but also natural gas.

□ 1830

And there are many—even our friends on the other side of the aisle will admit that natural gas usage is a very important transition strategy as we look at our energy needs going into the future whether for transportation fuel, electricity generation. Those taxes proposed by the administration will put a lot of these gas companies out of business. And keep in mind, 97 percent of the natural gas used in this country is produced here in this country by these small companies.

A given rig will employ 65 people on one rig. So, if a company that has—let's say they have to cut back 50 rigs.

Do the math. You're talking 3,000-plus jobs.

Mr. AKIN. The very jobs that we should be encouraging because we're so dependent on foreign oil.

Mr. BOUSTANY. These are private-sector jobs. They're good-paying jobs, and they help promote U.S. energy security. It's critical.

So what we have is an administration that is proposing policies counter to what American interests are with regard to our energy security, and I would submit to you it hurts our national security as well.

And I'm really worried about the situation in the country of Oman, for instance. It's right across the Strait of Hormuz from Iran. That strait is very narrow. Forty percent of the world's oil crosses through that strait, and if it were to be shut down because of unrest in Oman and Iranian mischief, we would see oil prices spike up to \$400 a barrel, and we'll pay a lot at the pump.

It will hurt our farmers. Rice farmers back home are trying to export rice and grow rice for domestic consumption. It will hurt our chemical manufacturing.

And speaking of the natural gas piece—

Mr. AKIN. Maybe I could just stop. I want to hit you with a "gee-whiz" statistic because I'm kind of an old geezer. I've been here for a while, and I've watched voting patterns, and here's something that might be interesting to you. And I tell this to some of my constituents back home.

If I were to say that the Republicans and Democrats in the House are divided on the abortion issue, people would go, Well, no big surprise. What I think's interesting is if you look back over the years, at least the 10 years I've been here, the two parties are more divided on developing American energy than they are on the abortion subject. And I find that just amazing to me because it seems so obvious that we're still using gasoline in cars. Until we get away from that, we need to be trying to produce our own gasoline.

We have very large reserves of oil that we could be drilling. And my understanding is on many, many of those locations where we could drill and hope to find oil, there are environmental lawsuits blocking drilling in all of these different locations where we could legally drill—not mentioning ANWR, which is off bounds to us right now—and now the regulations in the gulf which, again, I don't have any problem with people wanting to say, hey, we need to see what went wrong with the oil spill. How do we make sure that we get a very deep high-pressure situation, that we've got the proper devices to stop that up if we need to. But just to basically shut down and then tax everybody, this is just bizarre.

Mr. BOUSTANY. Well, it is bizarre.

And again, Americans want to compete. And we know, if given the opportunity to compete, we can win in the global economy. And we've got to have

energy production in this country to allow our companies to compete.

Now, let me point out something. One of the biggest areas of exports for the United States is chemicals, petrochemicals and other chemicals, fertilizer, that are produced here, manufactured here in the United States.

Mr. AKIN. Manufactured with?

Mr. BOUSTANY. Natural gas and petroleum products.

And if you shut down our natural gas production, then our companies, which have a price—on a basis of price, we can compete because we have cheap natural gas here in this country compared to around the world. Our companies are competitive.

Mr. AKIN. Now, you haven't even mentioned the massive new supplies of natural gas they're finding, particularly under Pennsylvania. That's an incredible find.

Mr. BOUSTANY. Yes.

We know we have the world's largest reserves in coal. We have potentially the largest reserves in the world in natural gas here in the United States. And some argue that the estimates of oil are vastly underestimated because of two things: one, the shale oil that's available that currently is off limits because of administration policy and environmental policies; and, secondly, on the east coast and west coast, Outer Continental Shelf area, we don't have accurate seismic information. So when they say we only have 3 percent of the world's reserves, that's an inaccurate figure. That's not been thoroughly looked at with modern seismic activity.

But our companies that manufacture these chemicals and fertilizer have a competitive advantage because of the low price of natural gas in this country. If we tax it, as this administration is proposing, it will actually make us less competitive. Our exports will go down, and it will be counter to what the President wants to do by expanding exports. It makes no sense whatsoever.

Mr. AKIN. Well, I think what you're getting into, Doctor, is something that I wanted to talk to a little bit tonight. And that is the assumption that you can just go taxing and taxing and always talk about the rich guy and, oh, we're going to talk about the rich guy and think you can get away with that without consequences.

Because it seems to me that there is a disconnect with the current administration and the Democrats as well policywise because they talk about the fact they want jobs, but then they destroy the companies that create the jobs. And you can't kill the company if you want jobs because the company is the one that hires people. And they seem to miss that connection there.

I'd like to go back to my good friend from Michigan—I had to check to make sure, Congressman WALBERG—and I wanted to give you a chance to jump in to our discussion.

But I'd like to start going—talk a little bit in the direction about taxes,

what happens with taxes and how it is that we can deal with some of the tough problems budgetwise here, and at least one piece of that is the proper tax policy.

Mr. WALBERG. I appreciate my good friend from Missouri again holding this conversation tonight.

And I think you're leading into the key point here. Because bottom line, when you talk about entitlement spending, those entitlement programs that we've come to expect in the United States, whether it be Medicaid, Medicare, Social Security—and most of us, at least in this room tonight, have paid into Social Security a long time.

Mr. AKIN. Now, let's not get personal about age here now.

Mr. WALBERG. It's not a voluntary tax. And in just a couple of short years, I will be capable of receiving that myself. I've not had a choice to do that.

And yet the only way that we can see those entitlement programs continue, at least if we did it right, is have an economy that's growing, have people that are employed, that are paying into the entitlement programs, the taxes that are there. Even if we don't talk about any alternative way for younger employees coming down the road in the future, we still have to have the ability to put dollars in. That comes from having a job.

So when we go back to what Dr. BOUSTANY was talking about on the issue of energy, when we talk about the regulatory concerns that I expressed that are destroying jobs, I go back to my own home State of Michigan, my own district, Seventh District, Michigan, who led the Nation for 4 straight years on unemployment. A State that was known for its manufacturing, its auto industry, always having jobs, high standard of living.

And yet, as a result of government growing too large, too strong, too intrusive, and spending too much and taxing too much, we've destroyed the economy in Michigan. And now the new administration comes in and has to go through almost insurmountable odds to try to restore an economy that has jobs so they can pay in to this.

Mr. AKIN. Let me just ask you whether this gets under your skin, because I'm on the Budget Committee. But I hear all the time that my Democrat colleagues are saying the recovery is fragile; therefore, don't you go cutting any of this government spending. And I'm just thinking, wow. I totally don't see it that way at all.

When you have a government that's busy spending money trying to regulate a milk spill in a barn, you have a government that's wanting to talk about rogue dust that comes off of a farm when you're basically running a combine through a row of corn, and you've got a government with duplication after duplication—and we're talking about let's cut just some of the edge of this stuff—and they're saying, careful, don't destroy a fragile economy, hey, the economy is fragile be-

cause they're doing everything wrong to it.

Mr. WALBERG. Everything wrong. Everything to destroy it.

Mr. AKIN. And the main thing that's wrong is, as Ronald Reagan said, we're buying too much government.

Mr. WALBERG. Right.

Mr. AKIN. Please, go ahead.

Mr. WALBERG. I assumed I would get you into a rant on that because I know you're passionate about that. It's absolutely true.

I can show you from experience in Michigan as we went through this type of downturn back in the 1980s: too-large government, increased taxation, increased spending for all sorts of programs.

□ 1840

We ran businesses out of the State. We turned that around in the nineties, and we cut taxes 26 times. We right-sized government. We put Workfare and Edufare in place of welfare. We encouraged businesses to thrive and grow. What happened? By reducing taxes, cutting spending, the economy grew. More revenue came in, and then government had to control itself from spending those revenues from less taxes, but still increased revenue because people were working, they were spending, they were saving, they were investing, they were taking care of themselves.

Lo and behold, the American people with their own intellect, their own intelligence, their own creativity began to grow an economy that made things right for themselves. And then they had choice. They had opportunity. They could be creative. They could build new machines. They could build machines that met the noise standards that were presently available, as opposed to saying we're going to create jobs by saying you can't have this noise standard here and you can't take care of it with an ear plug or an ear muff; you are going to have to produce a machine that isn't there. So look what we're doing.

And my good colleague, I have a letter from OSHA that says that was part of an economic development plan, to encourage the development of new machines that would meet these noise standards so that then you would have new jobs. Well, wait a second. The people that would produce those, and more importantly the people that would buy those machines, could not do that because they couldn't afford it. So here's Big Government again with its own ideas that ultimately destroys an economy.

Mr. AKIN. Let's take a look at you just talked about an example from the great State of Michigan. And just hearing you talk about it just made me feel good. It's America on the move again. It's individual citizens taking risks, going out there working hard, making a good living; and then because of the things they've done, other people get better jobs and they make a better living, and everybody does better.

I mean, you cannot ignore the fact that the standard of living that we enjoy in America is because a whole lot of people could be free, free to succeed or free to fail.

Mr. WALBERG. Right.

Mr. AKIN. But it's called free enterprise. Now, let me give you another example that occurred when I was a Congressman here, and I think the beginning of when you were, and that was that the second Bush, G.W. Bush, copied the example of JFK and Ronald Reagan. And both of those Presidents understood that when the government cuts taxes in the right way, it actually gets the economy going. In fact, what happens when you cut taxes the right way, the government actually gets more revenue.

Now, that sounds weird. Let me just try and explain. I have done this a couple times before, but tell me if you think it makes sense. How is it that the government can cut taxes and get more revenue in? Well, think about it. Let's say you're king for a whole year. And the only thing you can tax is a loaf of bread, and so you start thinking if I put a penny tax on that loaf of bread, I can figure out how much bread people are eating and figure out how much to get for tax revenue. Then you think, hey, how about I put \$10 tax on every loaf of bread. Then you think maybe people wouldn't buy any bread. So you start to think there is probably an optimum point where you can put some tax on the bread, people will still be eating bread, but you will get your most revenue. That's what goes on.

Here is an example. May of 2003, were you here then, Congressman?

Mr. WALBERG. I was not.

Mr. AKIN. Okay. You were thinking about it, though, perhaps.

Mr. WALBERG. I was thinking about it.

Mr. AKIN. Good for you. Anyway, May of 2003 we cut three taxes, not popular, because everybody, oh, the Democrats, that's all rich-guy stuff. It was capital gains, dividends, and death tax. Now, I don't know if you're a rich guy if you're dead, but anyway we're going to tax death. We tax everything else, so why not that.

So we cut capital gains, dividends, and death taxes at this time right here. Now, I have got three charts that show what happened. This is job creation before and after the tax relief. This is some of the taxes we extended into this year. Okay. The lines that go down are job loss by month and the lines that go up are job gain.

And so what you have right here is that's the tax relief goes into effect. And take a look at the jobs, the more lines coming up over here. I mean, that's really pretty substantial and pretty interesting, whereas these you are losing. So this tax appears to have had a good effect. Let's check it on not just job creation, let's check it against—

Mr. WALBERG. You meant the tax cuts, the tax relief.

Mr. AKIN. The tax cuts, yeah.

Mr. WALBERG. It gave incentive.

Mr. AKIN. So the tax cuts go into effect same place here, this line, this is the GDP, this is actually losing GDP or gaining; you can see the average here is about 1.1 percent; but after those tax cuts, it jumps to 3.5. You can see these are a lot stronger economy. So the economy seems to do better when you allow business people to take the money, put it in their business, create jobs. There is more people working, more tax revenue comes in.

Well, wait a minute. You cut taxes, that means your revenue's going to go down? Well, let's see what happened to revenue. Here's the story. Here's the tax cut right here. The revenue has been going down. They cut the taxes, and 4 straight years of increase in revenue. So what's happening there is that actually if you do the right kind of tax cut, just as you say you get the free enterprise system working, and you can turn the economy around. JFK understood that. He did it. It worked for him. Ronald Reagan did it. They said, oh, trickle down economics and all this kind of stuff, but it worked.

In fact, here is another chart. This is the tax rate on the most wealthy people. This is this red line. It started at 90 percent; it's come down. You notice as the tax on the wealthy people comes down, the amount of Federal revenues goes up. Now, that's weird. Why would that be? It's the same principle. You can overtax and basically run the economy into the dirt.

Mr. WALBERG. Isn't it the simple principle that what you give incentive you get more of, and what you discourage you get less of?

Mr. AKIN. Yeah, you are absolutely right.

Mr. WALBERG. You give incentive to people to use their own resources with American exceptionalism and let the market forces work, everybody benefits.

Mr. AKIN. And we started out tonight talking about the overall fiscal problem we have in America, and the fact that it's really unique. This is a pretty scary situation that America's in. And the solution, as Ronald Reagan said, the solution is simple, but it's not easy. And the solution really comes in two sides. The first is we have to be cutting all of what the government is spending. We have to do some cuts. But on the other hand, what we have to do is to selectively do the tax cuts to allow the economy to really get back in a strong recovery.

The one thing I agree with that the Democrats are saying is that the recovery is fragile. I think they picked that up from Bernanke, the Secretary. But I think it is. I think it's fragile because of the fact we've still got the problem of excessive taxes, excessive red tape, and a whole lot of uncertainty in the markets.

Mr. WALBERG. And a lot of spending.

Mr. AKIN. If we can do those, that's going to help. So the first thing is

we've got to cut taxes, but we tremendously have to cut the overhead. And the thing here, and I think the public is becoming aware of this fact, we can't make it by cutting defense and non-defense discretionary. That was the budget we were doing 2 weeks ago on the floor. We cut \$100 billion out of that. If you know what the real problem is, as we talked about earlier, the total of these entitlements plus debt service is \$2.2 trillion. The Federal revenue is \$2.2 trillion. You can zero this and this out, and you just barely have a balanced budget; and that's not talking about the out-years, when it gets worse.

So these areas must be dealt with. Now, supposedly if you talk about changing anything with Social Security, Medicare, or Medicaid, lightning will fall and you'll be struck dead politically. But the fact of the matter is we must deal with these. How we deal with them is one of those things that we need to have a conversation on it.

But to do what the President did and submit the 2012 budget and not deal with these at all is being disingenuous. It's kicking the can down the road and ignoring this massive problem, which is a little bit like that gorilla in the tent.

I started, my dear friend from Michigan, I started by talking about—and it's sort of sometimes I think about this: What would it be like to be in the year 1850 and be a Congressman or Senator and you have this huge issue of slavery and we didn't deal with it? We just ignored it, and then we got slammed by the Civil War.

And my question is, are we as Americans going to deal with the fact that our entitlements and debt service is using up the entire revenue of the country? I mean, that's not just a little bit of a budget problem; that says we have a fiscal crisis on our hands and we're responsible. And our American citizens that elected us here expect us to deal with this problem. And the first way to deal with it is to at least acknowledge that we got the problem.

Mr. WALBERG. And I believe that more and more people, even those that are using the entitlements, the Social Security, Medicare, understand that and are growing in their fear that unless we do something, they indeed will be hurt. But I think that you and I together, and many who are of like mind, understand that we must do something, but we can do something that's better.

□ 1850

We can do something that assures people that they will have what they expect.

Mr. AKIN. That's exactly the point.

Mr. WALBERG. And we can do it the right way without the Big Government issues and getting down to that American exceptionalism that says we can trust people to do for themselves, if given the incentive and opportunity, better than what Big Government can do.

Mr. AKIN. You see the point of the matter is there are people who are dependent upon these programs, older people. They are going to be in trouble if the wheels fall off this thing. So what we need to do is craft a solution that allows the older people that are on these programs to stay there, and as people become younger, give them alternatives and to have a transition so that you can get these costs under control.

That is the way to manage a solution. Everybody has got to suffer a little bit. But at least we are not allowing the whole thing literally to crash like some sort of a train off the edge of a cliff.

Mr. WALBERG. Well, I think, not necessarily the suffering idea, I think in doing something that's credible and the right thing to do, it gives people optimism that the answer is here. It will take some tough decisions but ultimately the people who are in need will be taken care of.

The other people with the great creativity, the American exceptionalism that's there will find ways to do it and do it better, and ultimately a greater opportunity for the future, and that's optimism.

Mr. AKIN. You know, and I think that is a thing that's so exciting, because I don't think you are being a Pollyanna by saying what you just said.

Mr. WALBERG. Not at all.

Mr. AKIN. The reason I say that is because we have been through, as Americans, a lot of dicey situations.

Our own parents, known as the Greatest Generation, as they would say it, did their bit. My father was with Patton in Europe, and they fought World War II. And then there were the days when Ronald Reagan came to a discouraged Nation, and he said America's got brighter days ahead. With that twinkle in his eye, and he had such a way of putting it, you know the solution is simple but it's not easy.

We have come to another one of those pivotal times in history where it is our responsibility to deal with a massive problem and not to ignore and try to pretend it doesn't exist and just try to lie to people and let the government run a little longer until we are gone, and then everything comes down in a big heap. That's not what the American public wanted of their leadership.

As long as you and I are kicking, my friend, we are going to stay here. We are going to talk about this. We are going to talk about the great days ahead for America and some of the things that could possibly be.

You know, we take a look at some of these medical costs. They are really, really busting the budget. Maybe one of the things we need to do is to say, hey—I think it was 1950, somebody calculated the cost of polio that had cost us a trillion dollars a year in America today, the polio costs.

They forgot something. We figured out a cure for polio. Maybe it's time for

us to target the most expensive diseases, things like diabetes or Alzheimer's, things that are very, very big-ticket items. Maybe that's part of that American exceptionalism to leave the world a better place, to leave our kids freer, not taxed into the dirt, to leave our economy the strongest of any in the world, that America could be a shining city on the hill, a light to the people around the world.

That was the vision of our forefathers. Why don't we grab ahold of that have and say, hey, we have got way too much government that we could afford. Let's turn loose the American people and let's not trust so much in government. I think that's the big question coming up. Do we really want more government, more taxes, more spending, more debt, and less freedom, or do we want more freedom and a whole lot less government, and the government that's there to really be a servant to the people and not have the attitude that they know better than everybody else. Don't you think that's where we are?

Mr. WALBERG. And I think the people spoke in November. I think that speech they gave to us, my good friend, is that we must take this opportunity. This is our point in time. This is our date with destiny, as it were. If we back off from tackling the big things, we will not only lose there, but all of those little special things will be taken away as well.

Mr. AKIN. Congressman WALBERG, with you and the other great people at work down here and the American public, I believe we can do it. It's time for us to roll up our sleeves. Let's get busy cutting, let's do things the right way. Design programs that work and not threaten people, and let's move forward, because there are brighter days ahead.

#### UNEMPLOYMENT

The SPEAKER pro tempore (Mr. WOODALL). Under the Speaker's announced policy of January 5, 2011, the gentleman from Illinois (Mr. JACKSON) is recognized for 30 minutes.

Mr. JACKSON of Illinois. Let me express my appreciation to you and to the leadership of this Congress for allowing me 30 minutes to speak to my constituents, but also to speak to the American people about the central issue that confronts our Nation and this economic crisis.

Mr. Speaker, the central issue that has confronted every Congress that remains unaddressed, for which I want to talk about tonight, is unemployment.

The unemployment rate in our country is too high. The Democratic message, job creation and create jobs, I respect that message.

Republicans believe in tax cuts and tax breaks and pro-business perspective, which many Democrats support as well, and I believe that, clearly, economic growth is the path to job creation. But for the unemployed in our

Nation, a very, very different category, the debate, led by Democrats and led by Republicans in the Congress of the United States, all too often ignores people who are unemployed.

Unemployment is a very special category. Every Member of Congress knows the numbers, but it's the American people who are feeling them. About 9 percent of the country is "unemployed" based on the definition of unemployed that the Bureau of Labor Statistics uses.

But in communities like mine, it's around 15 percent, and that's conservative. Some communities have as high as 30 percent unemployment.

So when Democrats come to the floor of the Congress and talk about job creation, for African Americans, for minorities and for women, when we hear that language, because we are usually the last hired and the first fired, job creation isn't a message that touches my constituents. It's not a message that touches the long-term unemployed who find themselves in the barrios, the ghettos, and the trailer parks of our Nation.

So the question is why Democrats and Republicans in Congress, both promoting growth, Republicans promoting tax breaks and tax cuts and limited government as a way to stimulate the economy, Democrats focusing on job creation as a way to separate the economy, which might include reasonable spending and deficit reduction measures, why, in the midst of our conversation, led by Republicans in the majority and Democrats, unemployed Americans continue to grow. There is this huge category that Democrats are not speaking to and Republicans are not speaking to but needs to be addressed in order to strengthen our economy and change the present direction.

You see, Mr. Speaker, if we can provide a job for every American, if we can eliminate unemployment just like we eliminated slavery, if we can eliminate unemployment just like as a Nation we are trying to eliminate discrimination against women and against the disabled and against the gays and lesbians of our Nation, if we can eliminate unemployment—the way our system is actually set up, if every American is working they pay into the system. And if they are paying into the system, it pays for future generations of Americans to take advantage of the entitlement programs that my colleagues who just left the floor were talking about. But if there is high unemployment in any given generation, it profoundly impacts the kinds of resources that are available for the Federal Government and local governments to handle basic programs that keep our Nation strong in every succeeding generation for every American.

Mr. Speaker, many Americans have been out of work. For many months they have stopped looking for work. So even though they have no jobs, they are not counted as unemployed.

Over the last few months, I have called on unemployed, underemployed, and economically insecure Americans to send me their resumes and their stories so that I can keep unemployment front and center before our government.

Unemployment. I did not say job creation. I did not say deficit reduction or tax reductions to corporations. I said unemployment, that thing that President Roosevelt talked about when he said, "We have nothing to fear but fear itself."

President Roosevelt wasn't talking about the Russian bear. He wasn't talking about Nazis in Germany. He wasn't talking about fascism in Italy under Mussolini. He was talking about the deterioration of our national fiber and fabric from within, unemployment.

□ 1900

And at the time that he was delivering that speech, Mr. Speaker—I know that my chart here is probably inadequate for the C-SPAN cameras—but the largest spike in our Nation's history for unemployment, between 1930 and 1945, was during President Roosevelt's administration. Now one would think that the goal would be in order to keep men content and women content in their homes, in their jobs, and actually believing in our country, that we would be working collectively as Democrats and Republicans to eliminate the idea of unemployment as a potential factor in the life of the American people.

But no. We're talking about job creation, we're talking about deficit reduction, and somehow we believe that by moving the interest rates and the levers of our economy that somehow corporations that have chosen to leave the United States and locate in foreign countries abroad, that somehow they're going to come back to America and provide us with enough work for millions of Americans who find themselves unemployed, underemployed, and out of work.

So, Mr. Speaker, to demonstrate this shameful condition, I have called on unemployed, underemployed, and economically insecure Americans to send me their resumes so that I can tell their story and so that I can keep unemployment front and center. Thousands of people responded and sent their resumes to me at [ResumesforAmerica@mail.house.gov](mailto:ResumesforAmerica@mail.house.gov). And so tonight, I want to share a few of the emails that I received. And Mr. Speaker, I hope these stories will compel this Congress to make ending unemployment once and for all a national priority. If we can end unemployment once and for all, we can save Social Security without any cuts to Social Security. If we can end unemployment once and for all, we can take the entitlement programs off of the table.

But there is very little focus on ending unemployment. Congress is focused on job creation. However, Congress' efforts, historically, at job creation have

gotten it probably at least about a C-minus in terms of what most economists actually believe Congress has the power to create jobs. Congress doesn't create jobs. The private sector creates jobs. Congress can offer incentives for the private sector to create jobs, but Congress cannot create jobs unless Congress is going to hire everybody, which, Mr. Speaker, is not necessarily a bad idea of Congress hiring everybody. But that's another Special Order.

I want to talk tonight, Mr. Speaker, about these Americans who have been left behind, and at the conclusion of my remarks hopefully offer some insight in what I think could serve as a constructive part of a conversation about ending long-term unemployment for all Americans.

First, I want to start with Linda Stabile. Linda wrote a letter to Speaker BOEHNER. She said, "I'm a 63-year-old woman who has been laid off from my job I loved in mid-June of 2009." She got laid off from her job she loved. "Since then, I have spent every day looking for work unsuccessfully. I am a four-time breast cancer survivor and in December underwent my second mastectomy in 3 years. I have a small condo with a modest mortgage, but sold my car last August to help me make ends meet. Unless I'm able to find even a part-time job, in a few months I will join the ranks of the 99ers with an uncertain future. Should I lose my home, I have nowhere to go.

"There are many Americans who face the same frightening prospect, I know, and I'm sure you receive many communications such as mine. But I do hope that you will lend your support to extending benefits for the long-term unemployed.

"The emotional, physical, and psychological stress of day-to-day job hunting is painful, and it's damaging beyond words. I begin each day with a hopeful outlook, but at the end of the day, restorative sleep is beyond my reach. I am talented. I have good skills. But time is running out. Please, won't you make jobs a priority? Respectfully, Linda Stabile."

Linda, I believe that we should make jobs a priority, and ending the shameful condition of unemployment ought to be a priority of this Congress.

#### LINDA M. STABILE SKILLS SUMMARY

Highly organized and energetic administrative professional with wide experience in managing multi-faceted projects, along with day-to-day support of an office or executive, with emphasis on sales.

Proven skills in writing, editing, interpersonal communication, and attention to detail.

Excellent computer skills—Microsoft Office Suite: Word, Outlook, PowerPoint and Excel.

#### PROFESSIONAL EXPERIENCE

*WTTW Channel 11/98.7 WFMT-FM, Chicago, IL 1999–2009*

##### Sales and Marketing Support

Supported Television and Radio Advertising Sales Executive Level staff by creating color one-sheets and PowerPoint bound

and on-screen presentations to attract potential advertisers.

Consulted with Research Director and Director of Business Affairs/Sales Planning to extract ratings, demographics, and pricing details.

Developed and maintained first-ever Program Fact Book to provide Sales Department with detailed programming information in a single, comprehensive reference source. Interfaced with various PBS stations and their public relations firms to obtain information vital to the sales process, often under tight deadline pressure.

Updated media kits on quarterly or as-needed basis, enabling Sales Staffs to keep up-to-date on regularly or frequently changing specifics.

Designed invitations for Sales events and coordinated arrangements with other departments.

Recruited American Indian volunteers to work themed WTTW Pledge night, resulting in \$30,000 Pledge total.

#### *WTTW Channel 11, Chicago IL 1992–1998*

##### General Administrative

Provided phone support to Vice President, Sales and Marketing—WTTW, scheduled meetings, processed travel and entertainment expenses, tracked invoices, generated contracts and high quality reports.

#### OTHER EXPERIENCE

##### *Fairmont Hotel, Chicago, IL [temporary position]*

##### General Administrative

Provided secretarial and extensive client service support to the Executive Assistant Manager and Front Office Manager.

##### *Inter-Continental Hotels Corporation Chicago and Houston*

##### Sales and Marketing Support—Assistant to National Director, Incentive Sales, Chicago

Edited copy for incentive travel programs and finalized with head office.

Compiled incentive sales training manual for U.S. Sales Force.

##### Inside Sales Manager, Houston National Group Sales Center

Solicited and managed corporate, association, tour and travel accounts for worldwide hotel chain.

#### EDUCATION

Northwestern University, Downtown Chicago campus—Communications/Advertising coursework.

#### COMMUNITY INVOLVEMENT

Chicago Women in Hospitality—Founded and promoted professional women's organization.

Lincoln Park Zoo—Former docent and staff volunteer assistant.

Tree House Humane Society—Development Office volunteer (heavy phone contact, database input).

Mitchell Museum of the American Indian—Volunteer and docent-in-training.

From Michael B. Alexander, master of science in real estate management, master of urban planning, design, and development,

"Hello. I willingly left my job as a city planner with the city of Largo, Florida, to pursue an MSc degree in Sweden in August of 2008. I have been looking for work all over the United States actively since August 2010, when I received my degree. While I had four interviews, I've easily applied for over 250 jobs between August and February. It is worth noting that I have accrued a sizeable amount of debt from all of

my education over the years, and I'm currently unable to make my payments. The loans are continuing to accrue interest and are currently in economic hardship deferment.

"Please let me know what I have in the future. I have had a pretty good life for some time now. When I was working a few years ago, times were okay, but when I returned to the U.S.A. after graduate school late last year, I was disappointed that I tried to make life better by going back to school only to regret leaving my previous stable job in Florida. I know that my life is not bad as some Americans, but I'm now starting to feel hopeless. Please keep me posted on the status of this campaign" to collect resumes at ResumesforAmerica@mail.house.gov.

MICHAEL B. ALEXANDER II

#### OBJECTIVE

Seeking employment in financial analysis and land use management through which I can demonstrate my analytical, organizational and problem solving skills.

#### SUMMARY OF QUALIFICATIONS

Proficient in Excel, GIS and SPSS software for the purpose of real estate analysis

Skilled in performing all aspects of market and financial analysis to determine project feasibility

Possesses excellent technical writing and public presentation skills

Experienced in analyzing and interpreting state and municipal laws regulating land use and development

Communicates and collaborates well with a diverse group of staff, citizens and stakeholders

#### EDUCATION

School of Architecture and the Built Environment—

The Royal Institute of Technology (KTH), Stockholm, Sweden

Master of Science in Real Estate Management, November 2010

Maxine Goodman-Levin College of Urban Affairs, Cleveland State University, Cleveland, Ohio—

Master of Urban Planning, Design, and Development, May 2006

Paul J. Everson Real Estate Scholarship Award

Graduate Certificate in Real Estate Development and Finance, May 2005

Bachelor of Arts in Urban Studies, Cum Laude, GPA: 3.49, August 2004

#### RELATED COURSEWORK

Contract Theory

Real Estate Investment Analysis

Real Estate Valuation

Facility Management

Public Finance and Economics

Leadership and Management Skills

Real Estate Market Analysis

Urban and Regional Economics

#### COMPUTER/LANGUAGE SKILLS

Computer Skills: Microsoft Excel, Word, PowerPoint, SPSS (STATA), Mapinfo 7.0 (GIS)

Language Skills: Mandarin Chinese, Novice

#### PROJECTS/RESEARCH

The Royal Institute of Technology (KTH), Stockholm, Sweden—

MSc Real Estate Management Student, August 2008–November 2010

Created discounted cash-flow models for commercial projects and analyzed factors such as public subsidies, financing options, net present value, and rate of return to determine project feasibility

Researched public policies such as tax incentives, grants and Brownfield redevelopment funds that impact real estate investor decision making in Cleveland, Ohio

Prepared property appraisal reports on mixed-use commercial property located in Stockholm using different appraisal methods to determine value

Assumed a leadership role to employ analytical and cooperative skills to complete reports and projects on or before deadlines

Analyzed the design of commercial property sale and lease contracts to determine hidden characteristics or hidden action problems for acquisition and tenant occupancy purposes

#### RELATED EXPERIENCE

City of Largo, Community Development Department-Planning Division, Largo, Florida—

City Planner, August 2006–August 2008

Performed all aspects of site plan review from conducting pre-development meetings with applicants and city staff to final inspection and issuance of the Certificate of Occupancy

Worked closely with elected and appointed officials, investors, property owners, engineers, architects, contractors and lawyers to complete projects on schedule and in accordance with City regulations

Prepared and publicly presented technical land use reports and city ordinances to City Commission and Planning Board including, but not limited to, vacation of easements and right-of-ways, land use amendments and variances

Mr. Speaker, what about all of the men and women who valiantly and bravely serve our Nation in Afghanistan and Iraq? Many of them came from communities where the jobless rate was high and sought not only an opportunity to serve their Nation, which they have done valiantly, but after having served their Nation, are returning to the United States to find unprecedented unemployment in our country. After having served our Nation, after having risked their lives and after having put the last full measure of their devotion on the line to protect our freedom, can this Congress, will this Congress not stop for a moment to guarantee them remunerable work worthy of the sacrifice that they made for our Nation, or are they, too, to join the long list of unemployed Americans? Are they, too, to join the long list of Americans who find themselves and their homes in foreclosure, who find themselves without health care or without the necessary benefits to provide for their future, for their families and their loved ones? Mr. Speaker, this Congress can do better.

"I have been unemployed," Representative JACKSON, according to Sharon Inglima, "since December of 2008, with AIG 10 years. I read on the Unemployment Examiner that you were looking for resumes from the 99ers. I've been on 20 interviews over the last 2-plus years, and I have not found a job."

This is not someone lazy, Mr. Speaker. Sharon Inglima is looking.

"I've looked online, attended job fairs and meetings, I've contacted businesses and personal contacts who are constantly looking for positions for

me. I want and need to get back to work and have health care benefits. Right now, I'm on Medicaid. I'm extremely professional and a hard worker. And like so many, I can't believe this economy.

"Our Government needs to take us seriously and feel our pain. They also need to extend our unemployment benefits. If we can print money for every country who needs money from us, why does our government leave us out in the dust? I am sure I feel as other 99ers do, humiliated and depressed. It's tough for us to keep going, but we must.

"Please stand up for us. I wrote Senators SCHUMER and GILLIBRAND to support the new 99er unemployment bill 589. We need to pass this, and if Republicans want it paid for, please find the money. My resume is attached. Thank you." Sharon Inglima, who is writing concerning her job and the absence thereof in our economy.

SHARON M. INGLIMA

97 Keiber Court

Staten Island, New York 10314

(718) 447-2450

(917) 327-4612

singlima@verizon.net

#### EXPERIENCE

American International Group—(2002–2008)  
American International Realty Group, Inc.  
Executive Administrative Assistant  
Administrative Services

*Executive Administrative support for AI Realty Group President, as well as supervising administrative staff.*

Responsibilities include:

Expense documentation and management, including supervising departmental bill/invoice processing

Supervising overall office services for the department, including ordering and managing supplies, general telephone coverage, correspondence, travel arrangements, filing, and external and internal presentations

All senior level confidential communications, including managerial payroll, scheduling

Reporting directly to company President with direct management of all travel arrangements, meetings, communications, and general administrative support to the President

Assist in facilitating special operations reporting to the department. This includes, Business Continuity, Emergency Critical Contact procedures

American International Group—(1999–2002)  
Executive Department of the Greater New York Region

Executive Administrative Supervisor

*Executive Administrative support for Company President.*

Responsibilities include coordinating travel arrangements, tracking expense and vendor requisitions, as well as coordinating executive's overall schedule, including departmental, internal and external client meetings. Additional responsibilities include: coordinated, formatted, and proofed technical and senior management reports, internal and external presentations and correspondence, through the use of various systems and programs.

American International Group

Commercial Accounts & Middle Market Divisions

Executive Administrative Assistant

*Executive Administrative support for Company President.*

Responsibilities included coordinating travel arrangements, overall scheduling, tracking and reporting on expenses and vendor requisitions. Also, I was directly responsible for the coordination of all senior level, internal and external client meetings. Formatted and proofed technical reports, presentations and correspondence.

Oppenheimer Funds, Inc.—(1995–1999)

Corporate Marketing/Business Development

Executive Assistant

*Executive Assistant to Senior Director of Corporate Marketing.*

Responsibilities included coordinating all scheduling, travel arrangements, assist in preparation of all senior level reports, internal and external correspondence, as well as coordination with all direct reports to the Senior Director. Directly responsible for the coordination of all client meetings for the Senior Director.

#### EDUCATION

*Columbia Basin College—1993–1995—Richland & Pasco, WA*

Major: Business Administration

*Katharine Gibbs Secretarial School Adult Training Program—1980—New York, NY*

Major: Business Administration

#### SKILLS

IBM and Mac Computers

MS Windows

MS Outlook

MS Word

MS Excel

MS WordPerfect

MS PowerPoint

Typing 65 wpm

Internal systems include:

Huntington—attendance

WAVES—Vendor Billing/Payments

Concur—Expense (Employee) Reimbursement

ESource (Ariba)—Vendor/Supplier equipment and supply ordering

So, Mr. Speaker, we are at an impasse here. The President of the United States, a close and dear friend of mine, came before this Congress most recently, and I believe he mentioned the words “job creation” 31 times. He mentioned the word “innovation” I think 11, maybe 15 times, and never mentioned “unemployment” one time—not one time—as if unemployment is not a factor in the lives of the American people.

I come to the House floor and I hear Democrats in 1-minute speeches and 5-minute speeches. I hear Republicans talk about austerity measures and why they need to cut the budget and cut programs which, by the way, will only leave States to cut budgets and programs. And guess what? There are tens of thousands, hundreds of thousands, millions of Americans who are going to wake up one of these days, and guess what? There’s going to be no federal program there for them. There’s going to be no State programs there for them as States pursue austerity measures.

Is there anyone concerned about that around here, that some Americans are going to wake up one morning and there won’t be a government for them either at the State level or the Federal level, because a government that is of the people, by the people, and for the

people is supposed to be caring for the people.

Carol Tomasetti, “Congressman Jackson, I’m writing my story to be entered into the Congressional Record. I’m a 53-year-old, educated with a bachelor degree woman who has worked her whole life. I have 20 years of recruiting and human resources experience and have worked my whole life. I was laid off from my job at Nursefinders due to the economy tanking, and here I am 2½ years later with no job and no prospects. I have sent thousands of resumes out, and I have tried to network as much as possible to help me land something.

□ 1910

“I am at the point where I feel like my spirit is broken. I live in Rochester, New York; need I say more? The economy here is so bad that there are no opportunities. I have even started to redirect my efforts toward administrative and customer service positions. My unemployment ran out last week, and my husband and I are in a panic mode.

“My husband worked at Eastman Kodak for 30 years and I was downsized 3½ years ago because there is no manufacturing left here. He was out of work for all that time and has since gone back to work at a job he is much too overqualified for and is making half of what he was making at Kodak. I am ashamed that our standard of living has gone down to what it is. We own a home, and we do not live above our means. We pay our bills, give back to the community we live in, tried to save for our retirement, and buy what we have to and want to support our economy. We both have never not worked. Now all this is jeopardized because we have only one income and cannot meet our bills and commitments. We now have no health insurance because we cannot afford it since the unemployment ran out. The company where my husband works does not offer it because they cannot afford it. I cannot believe at our age we are in this situation, and going from bad to worse. I am not looking for any handouts. I want to get back to work and having a life. I need assistance until I can finally find a job.

“When are the politicians in this country going to finally start working for the American people and not themselves? You all are self-serving. I do not believe that you are doing what it takes to turn this country around. I have no confidence in any of you, and I don’t believe anything that is said. Who are you to decide how our lives will be run and affected? Maybe you should stop sending money to every other country in the world and start worrying about our own backyard. We need help now.”

That is Carol J. Tomasetti from Rochester, New York. She sends her resume hoping, Mr. Speaker, that she won’t be ignored by the Congress of the United States.

CAROL J. TOMASETTI

179 Walzford Rd., Rochester, NY 14622

(585) 544–5521 (585) 721–1727

[cresso@hotmail.com](mailto:cresso@hotmail.com)

#### SUMMARY OF QUALIFICATIONS

Recruiting/Human Resource/Administrative

Possess strong commitment to team environment

Developed/maintained long term relationships

Independent accountability

Excellent organizational skills

Work well with diverse populations

Three years of teaching experience

Ability to multi-task, detail orientated

Strong time management skills

Excellent written and verbal skills

#### Software/Technical Skills

Proficient in Word, Excel, and Internet Explorer

Working knowledge of Access and PowerPoint

Internal/proprietary database management

Excellent posting and researching skills

within internet candidate/job posting sites

#### Professional History

Nursefinders—2007–2009

Rochester, New York

#### Nurse Recruiter

Source, screen, interview and perform reference checks on applicants for contract, per diem and direct hire positions

Maintain frequent contact with medical facilities via phone and on-site visits

Promotes Nursefinders at a variety of recruitment functions such as job fairs, universities, career/community events

Meet with department supervisors to develop strategies to improve staffing

Generate tracking reports

Assist in scheduling applicants for sites

Negotiate wage rates and other terms and conditions of employment with candidates

Communicate effectively with others to create a productive environment

Communicate with peers by sharing “best practices” and providing accurate, thorough documentation on employees in applicant tracking system

Wilson Commencement Park—2006–2006

Rochester, New York

#### Employment Specialist

New position created from state grant to assist organization service clients

Interviewed, advised, assessed and guided a diverse population of clients to ascertain employability

Determined client’s eligibility for services, apprises clients of their rights, benefits, responsibilities and obligations under program participation

Evaluated client readiness for job referral, classroom training, on-the-job training and/or support services

Attempted to match clients with available employment, training or other opportunities/services

Assisted clients in resolving barriers to employment by identifying needs for services

Analyzed information obtained from interviews, tests and other sources to develop short/long term client goals

Developed and implemented individual employment plans

Rochester Business Institute—2003–2006

Rochester, New York

#### Externship Coordinator/Adjunct Faculty

Spearheaded department Medical

#### Externship Program

Exceeded goals by placing 70% of externs in permanent positions post graduation

Coordinated, assigned, tracked, and reported activities related to the Medical Assisting Externship Program

Facilitated the student's transition from class work to externship to graduate in preparation for placement

Resolved student inquiries, issues and problems

Maintained contact with local employers, visit sites, secure signed affiliation agreements

Assisted in graduation ceremonies twice an academic year and other responsibilities as assigned

Adjunct instructor for "Career Skills" class Target: last quarter students/externship candidates

Bishop Kearney High School—2001–2002  
Rochester, New York

*Director of Admissions*

Efforts resulted in raising school enrollment by 35% within first year

Conducted all phases of recruitment and promotion of the school in a newly-created position

Interviewed and advised parents and prospective students

Delivered presentations to incoming students

Managed open house, freshman orientation, registration, as well as other events such as: Rhino's Exhibition week, Honor Walk Event, school tours, and shadow visits

Worked with local parishes to promote Catholic education

Developed tracking reports, procedural guidelines

Involved in development of foreign exchange boarding program for the school

Bryant & Stratton College—1990–2001  
Rochester, New York

*Senior Admissions Counselor*

Achieved and exceeded goals every semester for enrollment, resulting in several "Top Gun" awards within the Eastern Region

Recruited traditional and non-traditional students, promoted the college in a wide range of settings

Conducted the entire process of admissions, including appointments, student follow-up, admission procedural assistance and ongoing student consultation

Interviewed and trained new admissions staff as needed

Interacted regularly with community groups and municipal/state agencies

Participated in student orientation, registration, graduation, and other recruitment functions

**EDUCATION**

B.S., Bachelor of Science, St. John Fisher College, Rochester, New York

A.A.S., Communications/Journalism, Marymount College of Virginia, Arlington, Virginia

**AFFILIATIONS**

Irondequoit Youth Bureau Board, Seneca Park Zoo Zoobilation Committee (annual fundraising), Compeer Volunteer; Learning International, Professional Selling Skills Certificate, United Way Campaign Coordinator, Presidential Campaign—involved in fund raising, assisted in organizing social events in Washington, D.C., Big Sisters Organization Community Volunteer

How about Annie Mosley: "I want to thank you so very much for stepping up and speaking on behalf of the unemployed. And not to bore you, in 2006, me and my husband moved into a home with \$1,500. We were both working. And in July of 2008, my husband was arrested for domestic violence and spousal abuse that escalated on July 27. This was after my brother committed suicide and my mother had a severe stroke. I took care of my brother's fu-

neral expenses with the help of a State assistance fund, a wonderful church family and beautiful people I've met along life's journey with a funeral home business.

"And through it all, in September of 2008 I brought my mom to live with me because I refused to allow her to be in a nursing home. I've worked in as well as visited those homes for low-income, destitute people. Then I brought my oldest granddaughter to live with me because even though we are not middle class and have no college fund, she has Spelman or Georgia State, majoring in pediatric medicine in her future. A dream she has had since the age of 4.

"I filed bankruptcy in January 2009 to save my home and lost my job in September 2009 and was forced out of bankruptcy in April of 2010. My home was saved again in July of 2010 due to the unethical practices of the Bank of America who took over Countrywide. And by right, I should lose this home because I don't have enough to pay an \$1,800 mortgage, Mr. Speaker. I am divorced and unemployed. But God made a promise to me about my home and taking care of my mom. I am standing on those, but here is my resume, and I thank you again."

ANNIE LUERENDAE MOSLEY

207 Natchez Road

Henrico VA 23223

Contact Numbers: Hm. (804) 322-1033

Cell (804) 437-9669

Email: AL\_72556@yahoo.com

**OBJECTIVE**

Skilled and dedicated Administrative Assistant, Support Person, Office Manager, Accounting Clerk with more than 20 years co-ordinating, planning, and supporting daily operations and administrative, financial technology functions.

Demonstrated capacity to provide comprehensive team support for Executive level staff. Proficient in check preparation for vendor payment and weekly garnishments, semi-monthly royalties.

Instrumental in introduction of bank scanning on premises. Trained primary users on scanning system.

Online student at the Liberty University; majoring in Psychology, Bachelors of Science Degree Program.

*Feb. 09–Sept. 30–09: Accounting Principals (Assignment: James River Coal Company, River Front Plaza)*

Staffing Coordinator: Jennifer Green  
Position: Accounts Receivable/Payable Clerk

**Duties:**

Prepare and cut checks for Vendor Payment, Garnishments, Royalties, Pull Royalty Letters

Check Run and Batching, Monthly Production Reports, Create Check Vouchers Reconciliations, Month End Closings, Accounts Payables/Receivables

Research Voucher and Vendor Numbers, Run Positive Pay, Bank Deposits, Scanned Bank Deposits

Filing, Faxing, Copying

*Apr. 07–Feb. 09: LandAmerica*

Manager: Jerry Duffey  
Position: Accounts Receivable/Payable Clerk II

**Duties:**

Fax Server Specialist, Processing Invoices for payment using PeopleSoft Image Now 6

Accounts Receivables/Payables

Preparing written correspondences and requests for missing information, Research Invoices and Missing Images

Creating Spreadsheets using Excel, Week & Month End Calculations, A/P Data Prep Copying, Scanning, Faxing, Filing

*Jan. 06–Apr. 07: Accounting Principals (Assignments: EverDrive, Wachovia Securities, Innsbrook)*

Supervisor: Jennifer Green

Position: Technology & Finance Analyst, Accounting Clerk/Accounts Payable Specialist

**Duties:**

SR Approvals, Ordering Supplies using OSCAR, Filling out Mac Request, Pulling and Emailing Hyperion Reports, Re-classing and closing RCS, Research using IRIS

A/P Account/Vendor reconciliation, A/P vendor relations, A/P Data Prep, Data entry Reconciliation, Forecasting, Month End Closing

Filing, Faxing, Fax Server, Scanner, Copying, Batching

*Mar. 04–Dec. 05: Exclusive Staffing (Assignments: Bank of America, Phillip Morris, Inc., City of Richmond Zoning Department)*

Supervisor: Deseria Creighton

Position: Administrative Assistant/A/P & Verification Specialist/Logistics Analyst/Docs Specialist

**Duties:**

Verifications (income, deposits, mortgage/rent), HUD reviewer/Closer

Printed reports, Master Card Approval (Search & Match, Fraud Detection), FedEx mailing

Docs Analyst (requested and filed all documents needed for closing loans)

Researched RESPA Premier Accounts

NDS Function (mailed NDS letters (RESPA), pulled internet reports, sorted and mailed Deeds PCR (prepare General Ledger Credits and Debits), Compliance (cleaned/logged/filed Withdrawn & declined files), verification of documents for proper shipments (import & Export)

Reconciled and prepared invoices for payment, Cataloged files for storage, data entry, filing, copying, faxed, answered phones, rerouted messages

*Apr. 03–Feb. 04: Sunterra Resorts, INC.*

Supervisor: Cassandra Elliotte

Position: Administrative Assistant/A/P Specialist/Resolution & Courtesy Clerk

**Duties:**

Debit & credit memos, Reconciliation of monthly statements & reports, Updated credit card logs daily (for 3 properties), Tracked & submitted payroll, Application of charges, Recorded Minutes

Dictation, set up interviews, data entry, supplies and inventory clerk, scheduled reservations

Pulled production & TMA reports, Guest relations/customer Service (successful resolutions of customer's complaints), obtained codes for promotions, filing, copying, faxed, answered phones, recorded & rerouted of messages

*Aug. 91–Jul. 02: Sixth Baptist Church*

Supervisor: Pastor: Dr. Yvonne Jones Bibbs

Administrator: Ronnie West

Position: Administrative Assistant/Clerk /Accounts Receivable/Payables

**Duties:**

Scheduled appointments/travel arrangements, filing, answered phones, met with and secured vendors for services needed, recorded and rerouted messages, faxed, copying, records/supplies and inventory clerk, purchaser, A/P (prepared check request from statements), data entry (sorted and keyed member's contributions; weekly and yearly for a 500 + membership)

Prepared quarterly and annual tax statements, updated daily & weekly message boards

Printed and designed weekly and special day's bulletins, typed and printed annual Church Yearbook (for distribution to membership), typed correspondences, dictation, recorded Minutes

#### EDUCATION:

Presently enrolled online at Liberty University Online

Major: Psychology—Bachelors of Science Degree

Virginia University of Lynchburg (Richmond Site)

Bachelors of Science Degree Program in Theological Studies

Commonwealth College, (now Bryant & Stratton) Richmond, Virginia

Graduate: Diploma (Medical Assistant/Office Management)

Amelia County High School, Amelia County, Virginia

Graduate: Diploma

#### EXPERIENCE:

ASP-400, Bank Scanner, Image Now 6, Oracle PeopleSoft, Fax Archives, Lotus Notes, Access, Excel, Word, Microsoft Outlook, Windows XP, WordPerfect 2000, MS Works, OSCAR, IRIS, Power Point

Annie Mosley represents thousands of Americans who are taking care of their families and loved ones and bringing their children back home because there are no resources available in our economy to make sure she gets home. While we are sitting around here in Congress, passing bills that aren't going anywhere, we have yet to address the fundamental issue of unemployment that confronts all Americans.

I want to deviate from the resumes for a moment and talk about something that I think is at stake here.

I have been doing a little research, Mr. Speaker, as I have been lamenting upon and reading the resumes of unemployed Americans all over our country. And it is not just enough to complain about what is going wrong here. Something has to happen. Something is profoundly wrong in our democracy, in our Republic, that needs to be fixed.

I heard the previous speakers talk about our Founding Fathers and how they ultimately outlawed slavery in the passage of the 13th Amendment to the Constitution after Abraham Lincoln issued the Emancipation Proclamation in 1863. And it occurred to me, Mr. Speaker, that from 1619, when the first slaves arrived in our country, until 1776, the greatest capitalists in the history of our world lived. They were the colonists and the traders, those who took the greatest risks to travel across oceans to land here on the shores of America. They were capitalists. They believed in trading beans and corn and gold and natural resources, and they were seeking a new life when they came to the United States of America. Or came to these shores, more accurately stated.

After the Somerset decision of 1774 and the reaction in the colonies that led to the Declaration of Independence in 1776 and those famous words "all men are created equal," the founders of this Republic, the founders of this Re-

public had an opportunity to say "no" to government; no need for government. We don't need a Federal Government. We no longer have the crown pursuing us. We are going to win, and we won the Revolutionary War. We don't need government. That was their choice.

But instead, Mr. Speaker, you know what they did? They chose government. They said that the American enterprise that we have been engaged in for a century and a half before the Declaration of Independence is an enterprise that we need to continue, that freedom system, that open system that allows bartering and trade, that allows activity, that allows potential economic growth. Now, however narrow in their thinking, there was full employment at that time for white male landowners. If you were a white woman, you couldn't vote. If you were African American, obviously you were in a condition of slavery. But for the architects of the Republic who protected the right to vote for white male landowners, clearly the white male landowners were doing just fine. They had full employment. Full employment.

So the struggle from the founding of this country all of the way to the 13th Amendment was about amending that which they established so that more Americans, Mr. Speaker, could participate in the American enterprise.

I asked the Congressional Research Service the other day how many jobs are tied to the First Amendment, that amendment added to the Constitution in 1791 by the founders of our Republic. You know what they told me? Congressman, it is impossible to calculate how many jobs are tied to the First Amendment.

I said: Impossible to calculate? I said: Why?

He said because to be an American is tied to the First Amendment. He said: Congressman, you must understand—which I did—that all corporate activity in America is First Amendment activity.

Look at the jobs that come from the First Amendment: Washington Post, Washington Times; New York Post, New York Times; Chicago Tribune, Chicago Sun Times; AM/FM, and all of the radio stations, First Amendment.

ABC, NBC, CBS, C-SPAN, all of the jobs, First Amendment.

Magazines, First Amendment.

iPods, iPhones, applications, First Amendment.

Time Square, First Amendment activity. Advertising, the Super Bowl, First Amendment activity.

All of these jobs—the original capitalists who came to the conclusion that this was worth protecting in our Constitution—established in the freedom system, the greatest jobs program in our Nation's history. They called it freedom of speech. And in that same amendment, they included freedom of religion.

Think about the jobs tied to 501(c)(3)s, 501(c)(4)s, 501(c)(5)s, all of

that First Amendment activity. All charitable giving, all foundation activity, all tied to First Amendment activity.

So the greatest jobs program that the Founding Fathers bequeathed to us is the First Amendment. Now, tell me why, as we reflect upon the conclusion of African American History Month, and as someone who existentially is in Congress today as a result of the Nation's struggle to make our country better, a unique group of people in the Constitution, whose freedom came from the Constitution, why we should not, with high unemployment, look to our Constitution for the answer.

□ 1920

Mr. Speaker, I believe that the answer to long-term unemployment is actually in the Constitution of the United States.

Well, let me say that a little differently. It's not in the Constitution of the United States. It should be in the Constitution of the United States, and one of these days we're going to get there.

But I want to bring to the House's attention an important speech delivered by our President, Franklin Delano Roosevelt. President Roosevelt said, on January 11, 1944, from that microphone and that platform:

"It is our duty now to begin to lay the plans and determine the strategy for the winning of a lasting peace and the establishment of an American standard of living higher than ever before known. We cannot be content, no matter how high that general standard of living may be, if some fraction of our people—whether it be one-third or one-fifth or one-tenth—is ill-fed, ill-clothed, ill-housed, and insecure."

"This Republic had its beginning, and grew to its present strength, under the protection of certain inalienable rights—among them freedom of speech"—even Roosevelt is acknowledging that 50 percent of all jobs in 1944 come from freedom of speech—"freedom of worship, trial by jury, freedom from unreasonable searches and seizures. They were our rights to life and liberty.

"As our Nation has grown in size and stature, however—as our industrial economy expanded—these political rights proved inadequate to assure us equality in the pursuit of happiness.

"We have come to a clear realization of the fact that true individual freedom cannot exist without economic security and independence. Necessitous men are not free men. People who are hungry and out of a job are the stuff of which dictatorships are made.

"In our day these economic truths have become accepted as self-evident. We've come to accept, so to speak, a second Bill of Rights under which a new basis of security and prosperity can be established for all—regardless of station, race, or creed."

So what does Roosevelt do? On January 11, the only President who's ever

had to confront unemployment at the level that we are confronting it right now. Mr. Speaker, he turns to the Constitution of the United States and he says, These are the things we need to ask:

If the First Amendment can guarantee us 51 percent of all jobs and from it can come iPod and laptops and the Internet and unprecedented economic growth, he says, we need to add to the Constitution the right to a family to have a decent home. What would that do for home construction in this nation? What would that do for millions of unemployed people?

He says, we need to add to the Constitution the right to medical care. How many doctors would such a right create?

He says, we need to add to the Constitution of the United States the right to a decent education for every American. How many schools would such a right build from Maine to California? How many people would be put to work building roofs and designing classrooms and providing every student with an iPod and a laptop? How many ghettos and barrios will actually be touched by such an amendment?

In fact, very little that we pass in the Congress of the United States even touches the long-term unemployed. The only thing that touches them that this Congress has access to that can actually change their station in life is the Constitution of the United States.

Roosevelt concludes:

"After this war is won"—he's talking about World War II—"we must be prepared to move forward, in the implementation of these rights, to new goals of happiness and well-being. America's own rightful place in the world depends in large part upon how fully these and similar rights have been carried into practice by our citizens."

Well, Mr. Speaker, that's 50, 60, 70 years ago. And here we are today trying to pass legislation talking about austerity in government rather than taking the advice from the greatest capitalist in the history of our world who set our freedom system in motion in 1776. That freedom system is responsible for the present America.

Mr. Speaker, there is an even greater America that's in front of us. It's the America that adds to our founding document these basic rights—not at one time, but one at a time. And the way out of this economic and fiscal disaster that our country confronts isn't to cut the poor and to leave them on the streets. It isn't to ignore unemployed people. The way to change this crisis is to give the American people one more reason to believe in America again, that 308 million people can coalesce, wipe out unemployment once and for all, rebuild our union, strengthen it, and change the direction of America forever.

I thank the Speaker and I thank the American people for this time.

I ask unanimous consent to revise and extend my remarks and insert ex-

traneous material into the RECORD on the subject of this Special Order.

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

There was no objection.

#### A LESSON FROM THE PAST

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 30 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker.

It is an honor and a privilege to address you here on the floor of the House. And I would say after listening to the presentation of my colleague from Illinois, it's been a little while since I've heard that; and I'm glad to hear the delivery you gave tonight. A little more time here on the floor would be good for this whole Congress. I appreciate the reference to our Founding Fathers and the years in the earlier foundation of our country, the principles that we agree on.

I'm happy to be here. I came here to speak about some subject matter, Mr. Speaker, that I think it's important that you turn your ear to and that the Members of this Congress turn their ear to and that the people in the United States do the same thing.

We are in very dramatic times in the history of this country. They encompass quite a continuum of a ride that we've been on. To go back and capture some of that, to frame the present moment that we're in, I take us back to a time, let's say back to a time in 1995. In 1995, shortly after Republicans won the majority for the first time in 40 years in this House of Representatives. There was a real test that took place. There was a test that took place on the determination on the part of the new majority after 40 years of wandering in the wilderness, so to speak, that had determined that they wanted to bring this budget under control. They wanted to cut spending and put us on a path to balancing the budget. That was initiated in 1995 with a real determination, and also with the benefit of having a majority to work in cooperation with in the United States Senate.

That determination to balance the budget brought about a challenge from President Clinton, a number of vetoes on the part of President Clinton that brought about the shutdown in the Federal Government. I remember those years. I was not in government at the time. I was a full-time owner of the construction company that I formed in 1975 that continues to this day. As I watched this in the news and I watched the debate on C-SPAN, I was inspired by the leaders that we had, the statesmen that we had, that stood and laid out the financial circumstances that we were in and the necessity to get Federal Government spending under control and the plan to bring forth a balanced budget.

While this government was shut down because of the vetoes of President

Clinton, my recollection is that it was over a \$300 billion proposed cut in Medicare that was the crux of this matter, where the whole issue pivoted on it and a Nation watched as there were threats that there were parts of the Federal Government that wouldn't be providing services and others were scared that they would lose theirs; that Social Security checks wouldn't be coming in on time, et cetera, the American public began to roil and boil and rise up and push back. And over a period of time, and I don't think at the fault of the Members of the House of Representatives but by the circumstances of the life and time, the public began to have a higher level of anxiety about what would happen if the Federal Government continued with the shutdown process that they were in. At a certain point there was a request made for a unanimous consent agreement to go ahead and approve the funding in the Senate side. When that happened and the Senate passed a unanimous consent agreement, it washed over the House here and the majority in the House was compelled to accept what had been delivered from the Senate on that day.

It was a sad day for me. As a businessman and a father and a person that was working to make my little part of the world as good as I could, I was disappointed that this Congress couldn't hold the line on spending, couldn't hold the line on this growth in government, and I believed that until I understood it from this perspective of standing here on the floor, Mr. Speaker, that the House had let us down.

Today, I think it's a little bit different equation. I think they did as much as they could have done and under the circumstances because of the UC agreement in the Senate, the House didn't have much choice but to concede to the push that came from the Senate. But here is the point that I've learned on that day and I stand on at this day, Mr. Speaker, and that's this: There's not a time that the Federal Government can spend that's not agreed to by the House of Representatives. We start the spending, we start the taxes, and if we say no, it won't be spent, which means that if we hold our ground here, we can shut off the spending to anything that we choose to shut off.

□ 1930

That's the way it was designed to be by the Founding Fathers, as was referenced by the gentleman from Illinois a little earlier. That's what the Constitution says.

By the way, it's our obligation because we're the closest to the people. Every 2 years, we're up for election or reelection, and if this House is going to change hands, it can change hands within a 2-year period of time. It's a 24/24/7 campaign, meaning for 24 months, 24 hours a day, and 7 days a week, we go on in perpetual campaign mode because we are always up for reelection.

That means that the House here is more responsive and more sensitive to

the people than is the Senate, which has a 6-year election span of time. They could put up a contentious vote, one that runs against the will of their constituents in the first couple of years or 3 or 4 years of their terms and can trust that the people might forget about it by the time they're up for re-election. Not so in the House. What we do here people are not going to forget about, and they should not. I want us to be accountable all the time, and I want a public that has a long memory, one that is very astute and very well informed and very well engaged.

We've been watching a populace that has been fitting that mold more and more. We've watched, Mr. Speaker, as the tea party groups across the country have brought themselves forward and filled up the town squares and filled up the town hall meetings and surrounded this Capitol, have physically surrounded the United States Capitol, I believe, for the first time in the history of America. We couldn't put a helicopter up there and take the picture because of air security concerns; but I walked around this building, and I saw Americans here surrounding the Capitol—yes, holding hands. It wasn't just a human chain around the Capitol but a human doughnut around the Capitol. It was six- and eight-people deep all the way around the Capitol—no thin spots in it—and thousands of people in the corners who weren't part of the human doughnut but who were around this Capitol.

They came here to say, Keep your hands off of my health care. We reject ObamaCare. We want no part of it.

This went on for days and days. There were people who wouldn't leave these Capitol grounds. Finally, on that sad day last March, when ObamaCare finally passed with all of the legislative shenanigans that enabled that to happen—and they were considerable and they were unprecedented, Mr. Speaker—the people around here put up a groan, not necessarily of despair but of agony, because they'd seen American liberty ripped out by its roots and taken over—our bodies nationalized by the Federal Government, our health care; the Federal Government taking over our bodies, nationalizing our bodies and our skin and everything inside it and putting a 10 percent tax on the outside if you go to the tanning salon. That's what happened with ObamaCare—a nationalization of the second most sovereign thing we have. The first most sovereign thing we have is our soul. The second most sovereign thing we have is our body, our skin, everything inside it, our health.

In the United States of America, we must have the right to manage our health to the maximum of our ability and not have the Federal Government diminish the options or take away the numbers of insurance policies we might buy or diminish the health care providers that are out there and put this into a one-size-fits-all. That's what ObamaCare did, and it's what it does if we let it continue to exist.

The circumstances of the government shutdown in 1995 were within an economic environment that brought us to where we are today, and we should understand what that is, Mr. Speaker.

We should know that, during that period of time, there was a dot-com bubble. There was this unnatural growth in the economy that was brought about because we had learned how to store and transfer information faster and more efficiently and more effectively than ever before. So there were millions of Americans who were investing in these dot-com companies who were involved in the technological era, in this modern dot-com era. They were investing because we could store and transfer information more effectively than ever before. They were investing in our ability to store and transfer but were not adjusting it to the necessity that that information and information transfer and manipulation ability helps our economy only to the extent that we can use it to provide a good or a service more effectively than before to provide efficiencies in our economy.

We found a lot of ways over those last 15, 16 years to produce more efficiencies because of the technology that had developed, but a lot of dot-com companies went under because they didn't add that substance to add to the value of our overall economy. It isn't enough just to be able to store and transfer information better than ever before. You have to store and transfer it and help the efficiencies so that companies can provide profitability. That was the only thing other than if you could market this information for recreational purposes. That was the other component. Only two.

So this dot-com bubble grew out of an overexuberance, an unnatural exuberance, that came from an optimism that we were going to take this economy someplace it had never been before. That bubble was bound to burst. I think it would have burst on its own, but there was a lawsuit filed against Microsoft which lanced the bubble, and the dot-com bubble burst. As it burst, it was like a blister on your skin, where it settles down into the hollow place underneath it.

There was a dip in the economy, and I believe there was a concerted effort at that point to fill this hole created by the bursting of the dot-com bubble with unnaturally low interest rates and long-term mortgages that would allow people to build or buy houses that they otherwise couldn't have afforded, and it created a housing bubble. If you think of the dot-com bubble that burst, then when it collapsed, it went into a trough, Mr. Speaker, and that trough was sought to be filled by an unnatural bubble of the housing boom which was created.

It was a housing boom that was in the process of unfolding and, I should say, of stretching itself to its max while President Bush was elected in 2000. Then the 2001 September 11 attacks came on our financial centers

and this assault on America. That all came with this transition of the bursting of the dot-com bubble, with the growth of the unnatural housing bubble, with the assault on the United States on September 11 of 2001 on our financial centers, and with the attack on the American economy. That was coupled with all of the spending we needed to do to go to war in Afghanistan and subsequently in Iraq. Then in the middle of all of that, we spent billions on standing up the Transportation Security Administration, the TSA, and all of the other security provisions that we put in place to make sure that America could be protected from more and more attacks from al Qaeda.

All of this was going against our economy.

Within all of that, there was also the passage of No Child Left Behind, which took more money, and there were other components of the growth in the compassionate conservatism that was driven by the Bush administration—all of this while we were at war. Now, if I add this all up, it's not a very good formula for a balanced budget, and we had that balanced budget in the late 1990s and rolling into the year 2000.

When I came here to this Congress, elected in 2002 and sworn in here in January 2003, I came down here and said to the chairman of the Budget Committee, Where is our balanced budget? He said to me, We can't balance the budget. It's not possible to balance the budget, and you'll not have a balanced budget to vote on.

I went back to my office, Mr. Speaker, and I began to put together a budget that would balance. My green staff was tasked with the job of putting together a budget that we could offer that would be balanced. We didn't get it completed. At that time, it was about a \$2.7 trillion budget. To try to rewrite that in a balanced fashion as a freshman in Congress and with a staff that was at that point not yet experienced was a very, very difficult task. I got to the point where I wasn't confident enough to offer it.

I wish now, looking back on it, that I would have offered a balanced budget, and I wish every year I would have offered a balanced budget. The red ink that we had was getting bigger and bigger and bigger, and the American people have not been informed as to how difficult it is to bring this budget to a balance. One of the important components of offering a budget that balances in this year tells us how big the problem is, and it has been getting bigger and bigger and bigger.

I stood here and sat in this Chamber, and listened to the debate engaged in, and listened to the 30-Something Group. Night after night after night, they would come down here on the floor and make the argument that, if we'd just put them in charge, if they'd just have the gavels, they would fix this country.

So eventually, over time, the Republicans lost the majority. The Democrats won the majority in 2006. NANCY PELOSI came in as Speaker. Now they had what they wanted. They were going to fix this country—and they did all right. They began to take that rather minor deficit and turn it into a huge deficit. They began to make energy more expensive and to take the prospects of success in America down instead of up. They were working on their vision of America, which is the transfer of payments, to tax the rich, and to transfer those payments to other people who aren't as fortunate—or I'll just say not as productive. They may or may not be as fortunate.

□ 1940

While this was going on, the deficit was growing, the dependency class was growing, and that's what was going on.

There was a concerted effort to borrow money from the Chinese and transfer that money over into the pockets of a growing dependency class to create a bigger dependency class because that was the political base that was supporting the Democrats—and still does in this Congress. And we watched this effort to expand the dependency class in America take place during the Pelosi Congress that began in 2007 through 2008. In 2008, Barack Obama was elected President and now this Congress went on steroids because they had a President that would sign the legislation instead of veto the legislation that was sent out of this Congress. And what we saw happen was an accelerated debt, and more and more money borrowed from the Chinese and the Saudis, and that \$2.7 trillion or \$2.8 trillion budget raised on up another \$1 trillion. We've seen an additional \$3 trillion beyond our means that has been spent under this Obama administration, supported by NANCY PELOSI and HARRY REID.

The American people rose up, Mr. Speaker. They knew that it was irresponsible and they filled up the town hall meetings. They saw what was happening. The summer of, I guess, two or three summers ago—and the year might come to me and I can be confident enough to speak it into the RECORD—but we had an energy crisis. We had gas at \$4 a gallon. I believe that was the summer of 2008 that gas was at \$4 a gallon. I went back and did town hall meetings that filled up with people. And they saw what was happening.

And there was an effort in this Congress to shut down access to energy, a belief that if energy costs went up, people would use less. And I remember the Speaker, NANCY PELOSI, saying “I'm trying to save the planet, I'm trying to save the planet.” Well, I think she believed that she was trying to save the planet. And what I saw happening was the actions were driving up the cost of energy. That \$4 gas issue finally broke and it started to spiral back downwards by the time of the election in 2008.

But we had, in August of that year, a monthlong energy debate taking place here on the floor. When we were ready to go home for that August we had several Special Orders that were cued up for the end of business that day. Democrats offered a motion to shut the place down, which would have shut off the Special Orders about energy. Some of the Members here decided we're going to keep talking, and so we came one after another. Eventually the Speaker shut the lights down—not completely off—shut the microphones off, shut the television cameras off and turned them sideways. And still we stood here for the month of August all the way into Labor Day every day making the case that we needed all energy all the time. Now that argument diminished when gas prices went back down again. It's before us again. And we must do an all-energy-all-the-time bill. I want to compliment Congressman DEVIN NUNES from California for all the work that he's done on legislation that I believe he'll introduce tomorrow on all energy all the time.

America needs to have cheap energy. We need to have cheap energy in a way that—everything that we do costs energy. If you move anything, it takes energy. If you have any product, it takes energy to produce it, energy to delivery it, and energy to go pick it up and bring it home. And so the cost of energy is tied into the cost of everything that we have and do. America cannot be competitive with the rest of the world if we have high energy prices. And yet, that 2008 year drove energy prices up to \$4 a gallon gas. We saw crude oil prices go way over \$100 a barrel, and we're looking at that happening again.

We've had the President move to shut down drilling offshore by Executive order. We've seen Democrats, in large numbers, oppose opening up ANWR for drilling, the Arctic National Wildlife Refuge. I've been for drilling up there for a long time. I've gone up there. We drilled the North Slope in the early 1970s, and if it did anything with the environment it enhanced it, it didn't diminish it. And the strictest environmentalist we had couldn't fly over that country and point to a well and tell you how it had even defaced the landscape or broken up the scenery. The wells are submersible, they don't show up. There are not roads to each of them. They go out on ice roads in the winter time to service them. It's a good place to go and develop oil in the North Slope, and we need to go get it.

We need to drill offshore. We need to drill in the Bakken region in North Dakota and Montana, and it spills over into Canada. And we need to continue to bring Canadian oil down into the United States and refine it here and be the best trading partner for the Canadians that they could possibly ask for. If we fail to do so, they will build a pipeline to the west, and they will pump that oil and the oil stands out to tankers that will take that oil over to

China, Japan, and places in Asia. They will do the logical thing. We need to make sure the logical thing is here in the United States. Mr. Speaker, that's just the energy issue.

And as this rolls forward, another summer we had the issue of health care. And as the effort came to pass ObamaCare here in the House of Representatives, the American people began to realize what was happening to their liberty, and they filled up the town hall meetings. We had town hall meetings in Iowa that got so big that they had to be moved outside because there wasn't room inside the biggest rooms we could find for all the people that came to, in a constitutional fashion, petition the government peacefully for redress and grievances. And they came, and they were well informed. Some of them had read the whole bill. And with great passion—and sometimes with little tact and sometimes with great deference—they made the case to me over and over again, they didn't want ObamaCare. They still don't want ObamaCare. And when it was passed here in the House they rejected it. And so I spent not quite a year of my life fighting the passage of ObamaCare. And since that period of time I introduced legislation to repeal ObamaCare immediately after its passage on that late night last March. We're coming up on a little past 11 months since it's been passed into law. The American people still reject it. They want their liberty, they want their freedom. They want to manage their own bodies, manage their own health care. They want a free market system. They want a doctor-patient relationship. And they sent 87 new freshmen here to the House of Representatives to ensure that ObamaCare would be repealed, that the funding to ObamaCare would be shut off, and that we would see no more implementation or enforcement of ObamaCare.

And what has it brought us, these 87 new freshmen that stand together on that one square? Here's what it brought us, Mr. Speaker: H.R. 2, presumably the second-highest priority of the new Speaker of the House—it brought us a new Speaker of the House, Speaker JOHN BOEHNER. And he sets the priorities, at least by tradition, for the first 10 bills that come out of the House, H.R. 1 through 10. And H.R. 2, the second-highest priority, was the bill that repealed ObamaCare.

The legislation that I introduced almost 1 year ago and teamed up with MICHELE BACHMANN of Minnesota and others, including CONNIE MACK of Florida and Parker Griffith of Alabama—no longer in this Congress—and a number of others that were part of this original effort to introduce legislation to repeal ObamaCare, and many others that signed on as cosponsors, and 178 that signed the discharge petition to repeal ObamaCare—the message was very clear. H.R. 2 was debated and passed the House of Representatives in the early stages here in the 112th Congress

in January, when it sent it over to the United States Senate. That's an important step.

Another important step is to do as I've said since at least the middle of last summer: At every appropriations bill introduce language in that bill that cuts off all funding that would be used to implement or enforce ObamaCare. That's an essential part of this. I had gone back and read through the history of how this Congress shut down the funding for the Vietnam War and shut off a war that had gone on for over a decade. They did so by putting language in a continuing resolution that shut off the Vietnam War. And it was language that said, in 1974—and they started some of this in 1973, but in 1974 they said, Notwithstanding any other provision of law, none of the funds in this continuing resolution for appropriations during the Vietnam War, notwithstanding any other provision of law, none of the funds in this act and no funds heretofore appropriated shall be used to carry out offensive or defensive operations in the air over the seas adjacent to or the land of Vietnam or its adjacent countries. It's a bit of a paraphrase, but it makes the point succinctly, I believe, Mr. Speaker.

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When I read the debate on that appropriations bill and when I read the language, that "notwithstanding" language that was put into the continuing resolution that shut off the funds going to Vietnam to the point where bullets that were being unloaded on the dock at Da Nang presumably were loaded back up again. None of the funds could be used to carry out offensive or defensive operations.

It cut off the supply support for South Vietnam's military. And we wondered why was it that they ran in the face of the North Vietnamese that spring in 1975? They had nothing left to fight with, Mr. Speaker. Their munitions were gone. They were played out. They didn't have heavy weapons; they didn't have light weapons that were well supplied. And it brought about the collapse of the South Vietnamese self-defense. And millions died in the aftermath—not just in Vietnam. In Cambodia and other places in Southeast Asia.

I disagreed with the decision that this Congress made, but I do agree that the language in the continuing resolution was effective in shutting off the funding to the Vietnam war; and similar language to the language that I've crafted to go into the appropriation bills from this point forward that says, essentially, notwithstanding any other provision of law, none of the funds in this act and no funds previously appropriated shall be used to carry out the provisions of ObamaCare.

That's the language that I sought to introduce and asked the Rules Committee to grant a waiver for—unsuccessfully, I might add. That's the lan-

guage that I asked be written into H.R. 1, the continuing resolution. It's the language that I tried to get offered here on the floor during H.R. 1 that was ruled out of order. And the amendments that I was able to get passed worked in compatibility with DENNY REHBERG of Montana and others—DENNY REHBERG, who did very, very good work on this appropriations bill, on H.R. 1. Without his work, we might not have had anything that was in order. Because of his work, we had eight amendments that were in order that were voted on. Each of them cut off funding to ObamaCare in some version or another. I compliment all of my colleagues who worked on that.

But now we've reached this point where we've got to draw a line. H.R. 1 took the hill. It said none of the funds in this bill are going to be used to implement ObamaCare. No funds are going to go to fund Planned Parenthood. No funds are going to be used to fund abortion anywhere in the world out of this continuing resolution.

But that language was not included in the continuing resolution that was passed night before last here in the House—or maybe it perhaps was last night. My nights blur together. That language was not included. We need better language that I'm suggesting here included in the next CR.

This government shuts down March 18 if we don't now extend its funding again. I'd like to get a solution that takes us to the end of the fiscal year.

But standing on the hill and defending the hill to shut off all funding to ObamaCare since every Republican in the House and the Senate has voted to repeal ObamaCare, everybody in the House has voted to cut off all funding to ObamaCare at every opportunity—and that's eight of them—we have this opportunity now to write a new CR and to write the language into it that does unfund ObamaCare. Not just what's in the CR, but what is automatically appropriated.

There are automatic appropriations, Mr. Speaker, that are in the ObamaCare legislation—I will say deceptively written—that appropriate funds that go forward whether or not this House acts, goes forward in perpetuity. Perpetuity. That means forever, if anybody out there is wondering what it is.

And for a 10-year period of time, there are automatic appropriations of \$105.5 billion over 10 years that automatically fund the implementation and enforcement of ObamaCare. If this House doesn't act to shut it off, ObamaCare is implemented if we do nothing. Even if we pass the repeal, even if we don't authorize any new funding, \$105.5 billion gets spent to implement it, which means that the roots of ObamaCare go deep. The deeper they go, the harder they are to rip out.

And I've said it must be ripped out by the roots. Let's rip it out, Mr. Speaker, in this next CR. Let's retake the hill that we took with H.R. 1. Let's hold

the hill. Let's stare the President down. Let's stare HARRY REID down. If we're not willing to do that, they will get everything that they're willing to fight for.

This is the time for this new House with these new 87 Republican freshmen. Every Republican that's voted to repeal and unfund ObamaCare now needs to help us take the hill and hold the hill and stare the President down.

Let's fund the government so it functions legitimately, but let's not cave in to a President who may well shut down the entire United States Government in order to preserve his pet project, ObamaCare, which has been rejected by the American people and this Congress resoundingly.

With that, Mr. Speaker, I thank you for your attention and yield back the balance of my time.

#### PUBLICATION OF COMMITTEE RULES AND BUDGETARY MATERIAL

##### RULES OF THE COMMITTEE ON APPROPRIATIONS FOR THE 112TH CONGRESS

FEBRUARY 15, 2011.

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

DEAR MR. SPEAKER: Pursuant to clause 2 of rule XI, I submit for publication in the CONGRESSIONAL RECORD, the rules of the Committee on Appropriations for the 112th Congress, adopted on February 8, 2011.

Sincerely,

HAROLD ROGERS,  
*Chairman.*

##### COMMITTEE ON APPROPRIATIONS

###### SEC. 1: POWER TO SIT AND ACT

(a) For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House of Representatives, the Committee and each of its subcommittees is authorized:

(1) To sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary; and

(2) To require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, reports, correspondence, memorandums, papers, and documents as it deems necessary.

(b) The Chairman, or any Member designated by the Chairman, may administer oaths to any witness.

(c) A subpoena may be authorized and issued by the Committee or its subcommittees under subsection (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the Members of the Committee voting, a majority being present. The power to authorize and issue subpoenas under subsection (a)(2) may be delegated to the Chairman pursuant to such rules and under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

(d) Compliance with any subpoena issued by the Committee or its subcommittees may be enforced only as authorized or directed by the House.

###### SEC. 2: SUBCOMMITTEES

(a) The Majority Caucus of the Committee shall establish the number of subcommittees

and shall determine the jurisdiction of each subcommittee.

(b) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee all matters referred to it.

(c) All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks unless, by majority vote of the Majority Members of the full Committee, consideration is to be by the full Committee.

(d) The Majority Caucus of the Committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee. The Chairman is authorized to negotiate that ratio with the Minority; Provided, however, That party representation in each subcommittee, including ex-officio members, shall be no less favorable to the Majority than the ratio for the full Committee.

(e) The Chairman and Ranking Minority Member of the full Committee are each authorized to sit as a member of all subcommittees and to participate, including voting, in all of the work of the subcommittees.

#### SEC. 3: STAFFING

(a) Committee Staff—The Chairman is authorized to appoint the staff of the Committee, and make adjustments in the job titles and compensation thereof subject to the maximum rates and conditions established in Clause 9(c) of Rule X of the Rules of the House of Representatives. In addition, he is authorized, in his discretion, to arrange for their specialized training. The Chairman is also authorized to employ additional personnel as necessary.

##### (b) Assistants to Members:

(1) Each Chairman and Ranking Minority Member of a Subcommittee or the Full Committee, including a Chairman Emeritus may select and designate one staff member who shall serve at the pleasure of that Member.

(2) Notwithstanding, (b)(1) The Chairman may prescribe such terms and conditions necessary to achieve a reduction in the number of Assistants to Members previously designated by a Member of the Committee prior to the adoption of the Rules of the House establishing the Committee for the 112th Congress.

(3) Staff members designated under this subsection shall be compensated at a rate, determined by the Member, not to exceed 75 per centum of the maximum established in Clause 9(c) of Rule X of the Rules of the House of Representatives.

(4) Members designating staff members under this subsection must specifically certify by letter to the Chairman that the employees are needed and will be utilized for Committee work.

#### SEC. 4: COMMITTEE MEETINGS

(a) Regular Meeting Day—The regular meeting day of the Committee shall be the first Wednesday of each month while the House is in session, unless the Committee has met within the past 30 days or the Chairman considers a specific meeting unnecessary in the light of the requirements of the Committee business schedule.

##### (b) Additional and Special Meetings:

(1) The Chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(2) If at least three Committee Members desire that a special meeting of the Committee be called by the Chairman, those Members may file in the Committee Offices

a written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Upon the filing of the request, the Committee Clerk shall notify the Chairman.

(3) If within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Committee Members may file in the Committee Offices their written notice that a special meeting will be held, specifying the date and hour of such meeting, and the measure or matter to be considered. The Committee shall meet on that date and hour.

(4) Immediately upon the filing of the notice, the Committee Clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be considered at the special meeting.

(c) Vice Chairman To Preside in Absence of Chairman—A member of the majority party on the Committee or subcommittee thereof designated by the Chairman of the full Committee shall be vice chairman of the Committee or subcommittee, as the case may be, and shall preside at any meeting during the temporary absence of the chairman. If the chairman and vice chairman of the Committee or subcommittee are not present at any meeting of the Committee or subcommittee, the ranking member of the majority party who is present shall preside at that meeting.

##### (d) Business Meetings:

(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee and its subcommittees shall be open to the public except when the Committee or the subcommittee concerned, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed.

(2) No person other than Committee Members and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed.

(3) The Chairman shall announce the date, place, and subject matter of each committee meeting for the transaction of business, which may not commence earlier than the third day on which members have notice thereof, unless the Chairman, with the concurrence of the Ranking Minority Member, or the Committee by majority vote with a quorum present for the transaction of business, determines there is good cause to begin the meeting sooner, in which case the Chairman shall make the announcement at the earliest possible date. An announcement shall be published promptly in the Daily Digest and made publicly available in electronic form.

(4) At least 24 hours prior to the commencement of a meeting for the markup of a bill or resolution, or at the time an announcement is made pursuant to the preceding subparagraph within 24 hours before such meeting, the Chairman shall cause the text of such bill or resolution to be made publicly available in electronic form.

##### (e) Committee Records:

(1) The Committee shall keep a complete record of all Committee action, including a record of the votes on any question on which a roll call is demanded. The result of each roll call vote shall be available for inspection by the public during regular business hours in the Committee Offices and also made available in electronic form within 48 hours of such record vote. The information made available for public inspection shall in-

clude a description of the amendment, motion, or other proposition, and the name of each Member voting for and each Member voting against, and the names of those Members present but not voting.

(2) All hearings, records, data, charts, and files of the Committee shall be kept separate and distinct from the congressional office records of the Chairman of the Committee. Such records shall be the property of the House, and all Members of the House shall have access thereto.

(3) The records of the Committee at the National Archives and Records Administration shall be made available in accordance with Rule VII of the Rules of the House, except that the Committee authorizes use of any record to which Clause 3 (b)(4) of Rule VII of the Rules of the House would otherwise apply after such record has been in existence for 20 years. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to Clause 3 (b)(3) or Clause 4 (b) of Rule VII of the Rules of the House, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination upon the written request of any Member of the Committee.

(f) Availability of Amendments Adopted—Not later than 24 hours after the adoption of amendment to a bill or resolution, the Chairman shall cause the text of any amendment adopted thereto to be made publicly available in electronic form.

#### SEC. 5: COMMITTEE AND SUBCOMMITTEE HEARINGS

(a) Overall Budget Hearings—Overall budget hearings by the Committee, including the hearing required by Section 242 (c) of the Legislative Reorganization Act of 1970 and Clause 4 (a)(1) of Rule X of the Rules of the House of Representatives shall be conducted in open session except when the Committee in open session and with a majority present, determines by roll call vote that the testimony to be taken at that hearing on that day may be related to a matter of national security; except that the Committee may by the same procedure close one subsequent day of hearing. A transcript of all such hearings shall be printed and a copy furnished to each Member, Delegate, and the Resident Commissioner from Puerto Rico.

##### (b) Other Hearings:

(1) All other hearings conducted by the Committee or its subcommittees shall be open to the public except when the Committee or subcommittee in open session and with a majority present determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or Rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present at a hearing conducted by the Committee or any of its subcommittees, there being in attendance the number required under Section 5 (c) of these Rules to be present for the purpose of taking testimony, (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Clause 2 (k)(5) of Rule XI of the Rules of the House of Representatives or (2) may vote to close the hearing, as provided in Clause 2 (k)(5) of such Rule. No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or its subcommittees unless the House of Representatives shall by majority vote authorize the Committee or any of its subcommittees, for purposes of a

particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public; Provided, however, That the Committee or its subcommittees may by the same procedure vote to close five subsequent days of hearings.

(2) Subcommittee chairmen shall coordinate the development of schedules for meetings or hearings after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

(3) Each witness who is to appear before the Committee or any of its subcommittees as the case may be, insofar as is practicable, shall file in advance of such appearance, a written statement of the proposed testimony and shall limit the oral presentation at such appearance to a brief summary, except that this provision shall not apply to any witness appearing before the Committee in the overall budget hearings.

(4) Each witness appearing in a nongovernmental capacity before the Committee, or any of its subcommittees as the case may be, shall to the greatest extent practicable, submit a written statement including a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness. Such statements, with appropriate redactions to protect the privacy of witnesses, shall be made publicly available in electronic form not later than one day after the witness appears.

(c) Quorum for Taking Testimony—The number of Members of the Committee which shall constitute a quorum for taking testimony and receiving evidence in any hearing of the Committee shall be two.

(d) Calling and Interrogation of Witnesses:

(1) The Minority Members of the Committee or its subcommittees shall be entitled, upon request to the Chairman or subcommittee chairman, by a majority of them before completion of any hearing, to call witnesses selected by the Minority to testify with respect to the matter under consideration during at least one day of hearings thereon.

(2) The Committee and its subcommittees shall observe the five-minute rule during the interrogation of witnesses until such time as each Member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

(e) Broadcasting and Photographing of Committee Meetings and Hearings—Whenever a hearing or meeting conducted by the full Committee or any of its subcommittees is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, as provided in Clause (4)(f) of Rule XI of the Rules of the House of Representatives. Neither the full Committee Chairman or subcommittee chairman shall limit the number of television or still cameras to fewer than two representatives from each medium (except for legitimate space or safety, in which case pool coverage shall be authorized). To the maximum practicable, the Committee shall provide audio and video coverage of each hearing or meeting for the transaction of business in a manner that allows the public to easily listen to and view the proceedings and shall maintain the recordings of such coverage in a manner that is easily accessible to the public.

(f) Subcommittee Meetings—No subcommittee shall sit while the House is read-

ing an appropriation measure for amendment under the five-minute rule or while the Committee is in session.

(g) Public Notice of Committee Hearings—The Chairman of the Committee shall make public announcement of the date, place, and subject matter of any Committee or subcommittee hearing at least one week before the commencement of the hearing. If the Chairman of the Committee or subcommittee, with the concurrence of the ranking minority member of the Committee or respective subcommittee, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman or subcommittee chairman shall make the announcement at the earliest possible date. Any announcement made under this subsection shall be promptly published in the Daily Digest and made publicly available in electronic form.

**SEC. 6: PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS**

(a) Prompt Reporting Requirement:

(1) It shall be the duty of the Chairman to report, or cause to be reported promptly to the House any bill or resolution approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, a report on a bill or resolution which the Committee has approved shall be filed within seven calendar days (exclusive of days in which the House is not in session) after the day on which there has been filed with the Committee Clerk a written request, signed by a majority of Committee Members, for the reporting of such bill or resolution. Upon the filing of any such request, the Committee Clerk shall notify the Chairman immediately of the filing of the request. This subsection does not apply to the reporting of a regular appropriation bill or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(b) Presence of Committee Majority—No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(c) Roll Call Votes—With respect to each roll call vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure of matter, the total number of votes cast for and against, and the names of those Members voting for and against, shall be included in the Committee report on the measure or matter.

(d) Compliance With Congressional Budget Act—A Committee report on a bill or resolution which has been approved by the Committee shall include the statement required by Section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the bill or resolution provides new budget authority.

(e) Constitutional Authority Statement—Each report of the Committee on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution.

(f) Changes in Existing Law—Each Committee report on a general appropriation bill shall contain a concise statement describing fully the effect of any provision of the bill which directly or indirectly changes the application of existing law.

(g) Rescissions and Transfers—Each bill or resolution reported by the Committee shall include separate headings for rescissions and transfers of unexpended balances with all proposed rescissions and transfers listed

therein. The report of the Committee accompanying such a bill or resolution shall include a separate section with respect to such rescissions or transfers.

(h) Listing of Unauthorized Appropriations—Each Committee report on a general appropriation bill shall contain a list of all appropriations contained in the bill for any expenditure not currently authorized by law for the period concerned (except for classified intelligence or national security programs, projects, or activities) along with a statement of the last year for which such expenditures were authorized, the level of expenditures authorized for that year, the actual level of expenditures for that year, and the level of appropriations in the bill for such expenditures.

(i) Supplemental or Minority Views:

(1) If, at the time the Committee approves any measure or matter, any Committee Member gives notice of intention to file supplemental, minority, or additional views, the Member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by the Member, with the Clerk of the Committee. All such views so filed shall be included in and shall be a part of the report filed by the Committee with respect to that measure or matter.

(2) The Committee report on that measure or matter shall be printed in a single volume which—

(i) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(ii) shall have on its cover a recital that any such supplemental, minority, or additional views are included as part of the report.

(3) This subsection does not preclude—

(i) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by such subsection; or

(ii) the filing by the Committee of a supplemental report on a measure or matter which may be required for correction of any technical error in a previous report made by the Committee on that measure or matter.

(4) If, at the time a subcommittee approves any measure or matter for recommendation to the full Committee, any Member of that subcommittee who gives notice of intention to offer supplemental, minority, or additional views shall be entitled, insofar as is practicable and in accordance with the printing requirements as determined by the subcommittee, to include such views in the Committee Print with respect to that measure or matter.

(j) Availability of Reports—A copy of each bill, resolution, or report shall be made available to each Member of the Committee at least three calendar days (excluding Saturdays, Sundays, and legal holidays) in advance of the date on which the Committee is to consider each bill, resolution, or report; Provided, That this subsection may be waived by agreement between the Chairman and the Ranking Minority Member of the full Committee.

(k) Performance Goals and Objectives—Each Committee report shall contain a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding.

(l) Motion to go to Conference—The Chairman is directed to offer a motion under clause 1 of rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

## SEC. 7: VOTING

(a) No vote by any Member of the Committee or any of its subcommittees with respect to any measure or matter may be cast by proxy.

(b) The vote on any question before the Committee shall be taken by the yeas and nays on the demand of one-fifth of the Members present.

(c) The Chairman of the Committee or the chairman of any of its subcommittees may—

(1) postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment;

(2) resume proceedings on a postponed question at any time after reasonable notice.

When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

## SEC. 8: STUDIES AND EXAMINATIONS

The following procedure shall be applicable with respect to the conduct of studies and examinations of the organization and operation of Executive Agencies under authority contained in Section 202 (b) of the Legislative Reorganization Act of 1946 and in Clause (3)(a) of Rule X of the Rules of the House of Representatives:

(a) The Chairman is authorized to appoint such staff and, in his discretion, arrange for the procurement of temporary services of consultants, as from time to time may be required.

(b) Studies and examinations will be initiated upon the written request of a subcommittee which shall be reasonably specific and definite in character, and shall be initiated only by a majority vote of the subcommittee, with the chairman of the subcommittee and the ranking minority member thereof participating as part of such majority vote. When so initiated such request shall be filed with the Clerk of the Committee for submission to the Chairman and the Ranking Minority Member and their approval shall be required to make the same effective. Notwithstanding any action taken on such request by the chairman and ranking minority member of the subcommittee, a request may be approved by a majority of the Committee.

(c) Any request approved as provided under subsection (b) shall be immediately turned over to the staff appointed for action.

(d) Any information obtained by such staff shall be reported to the chairman of the subcommittee requesting such study and examination and to the Chairman and Ranking Minority Member, shall be made available to the members of the subcommittee concerned, and shall not be released for publication until the subcommittee so determines.

(e) Any hearings or investigations which may be desired, aside from the regular hearings on appropriation items, when approved by the Committee, shall be conducted by the subcommittee having jurisdiction over the matter.

## SEC. 9: TEMPORARY INVESTIGATIVE TASK FORCES

(a) The Chairman of the Full Committee, in consultation with the Ranking Member of the Full Committee, may establish and appoint members to serve on task forces of the Committee, to examine specific activities for a limited period of time in accordance with clause 5(b)2(C) of Rule X of the Rules of the House.

(b) The Chairman of the Full Committee shall issue a written directive, in consultation with the Ranking Member of the Full Committee, delineating the specific activi-

ties to be reviewed by a task force constituted pursuant to the preceding paragraph.

(c) A task force constituted under this section shall provide a written report of its findings and recommendations to the Full Committee Chairman and Ranking Member and members of the relevant subcommittees having jurisdiction over the matters reviewed. Such report shall be approved by a majority vote of the task force and shall include any supplemental, minority, or additional views submitted by a Member of the task force or a member of a subcommittee having jurisdiction over the matter reviewed.

(d) Any information obtained during the course of such investigation, and any report produced by, a task force pursuant to this section, shall not be released until the Chairman of the Full Committee has authorized such release.

(e) The Chairman is authorized to appoint such staff, and, in his discretion, arrange for the procurement of temporary services, as from time to time may be required.

## SEC. 10: OFFICIAL TRAVEL

(a) The chairman of a subcommittee shall approve requests for travel by subcommittee members and staff for official business within the jurisdiction of that subcommittee. The ranking minority member of a subcommittee shall concur in such travel requests by minority members of that subcommittee and the Ranking Minority Member shall concur in such travel requests for Minority Members of the Committee. Requests in writing covering the purpose, itinerary, and dates of proposed travel shall be submitted for final approval to the Chairman. Specific approval shall be required for each and every trip.

(b) The Chairman is authorized during the recess of the Congress to approve travel authorizations for Committee Members and staff, including travel outside the United States.

(c) As soon as practicable, the Chairman shall direct the head of each Government agency concerned not to honor requests of subcommittees, individual Members, or staff for travel, the direct or indirect expenses of which are to be defrayed from an executive appropriation, except upon request from the Chairman.

(d) In accordance with Clause 8 of Rule X of the Rules of the House of Representatives and Section 502(b) of the Mutual Security Act of 1954, as amended, local currencies owned by the United States shall be available to Committee Members and staff engaged in carrying out their official duties outside the United States, its territories, or possessions. No Committee Member or staff member shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law.

## (e) Travel Reports:

(1) Members or staff shall make a report to the Chairman on their travel, covering the purpose, results, itinerary, expenses, and other pertinent comments.

(2) With respect to travel outside the United States or its territories or possessions, the report shall include: (1) an itemized list showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose; and (2) a summary in these categories of the total foreign currencies and/or appropriated funds expended. All such individual reports on foreign travel shall be filed with the Chairman no later than sixty days following completion of the travel for use in complying with reporting requirements in

applicable Federal law, and shall be open for public inspection.

(3) Each Member or employee performing such travel shall be solely responsible for supporting the amounts reported by the Member or employee.

(4) No report or statement as to any trip shall be publicized making any recommendations in behalf of the Committee without the authorization of a majority of the Committee.

(f) Members and staff of the Committee performing authorized travel on official business pertaining to the jurisdiction of the Committee shall be governed by applicable laws or regulations of the House and of the Committee on House Administration pertaining to such travel, and as promulgated from time to time by the Chairman.

## SEC. 11. ACTIVITIES REPORTS:

(a) Not later than the 30th day after June 1 and December 1, the Committee shall submit to the House a semiannual report on the activities of the Committee.

(b) After adjournment sine die of a regular session of Congress, or after December 15, whichever occurs first, the Chairman may file the second or fourth semiannual report with the Clerk of the House at any time and without the approval of the Committee, provided that a copy of the report has been available to each Member of the Committee for at least seven calendar days and the report includes any supplemental, minority, or additional views submitted by a Member of the Committee.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING:  
REVISIONS TO THE AGGREGATES AND ALLOCATIONS OF THE FISCAL YEAR 2011 BUDGET RESOLUTION RELATED TO LEGISLATION REPORTED BY THE COMMITTEE ON WAYS AND MEANS

Mr. Speaker, pursuant to sections 3(d) of H. Res. 5, the resolution adopting the rules for the One Hundred and Twelfth Congress, I hereby submit for printing in the Congressional Record revisions to the budget allocations and aggregates set forth pursuant to the budget for fiscal year 2011 as set forth under the provisions of that resolution. Aggregate levels of budget authority, outlays, and revenue are revised and the allocation to House Committee on Ways and Means is also revised, for fiscal year 2011, and the period of fiscal years 2011 through 2015. Corresponding tables are attached.

This revision represents an adjustment pursuant to sections 302 and 311 of the Congressional Budget Act of 1974, as amended (Budget Act). For the purposes of the Budget Act, these revised aggregates and allocations are to be considered as an aggregates and allocations included in the budget resolution, pursuant to section 3(d) of H. Res. 5.

PAUL RYAN,

*Chairman, House Budget Committee.*

## BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal year	
	2011	2011–2015
Current Aggregates:		
Budget Authority .....	2,964,850	(1)
Outlays .....	3,131,363	(1)
Revenues .....	1,662,481	11,420,669
Change for the Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011 (H.R.704):		
Budget Authority .....	0	(1)
Outlays .....	0	(1)
Revenues .....	0	-7,391
Revised Aggregates:		
Budget Authority .....	2,964,850	(1)
Outlays .....	3,131,363	(1)
Revenues .....	1,662,481	11,413,278

<sup>(1)</sup> Not applicable because annual appropriations Acts for fiscal years 2011 through 2015 will not be considered until future sessions of Congress.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES  
[Fiscal years, in millions of dollars]

House Committee on Ways & Means	2011		2011–2015 total	
	Budget authority	Outlays	Budget authority	Outlays
Current allocation	1,156,980	1,158,913	5,587,569	5,590,239
Change for the Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011 [H.R. 704]	0	0	-1,880	-1,880
Revised Allocation	1,156,980	1,158,913	5,585,689	5,588,359

ENROLLED JOINT RESOLUTION  
SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 44. Joint Resolution making further continuing appropriations for fiscal year 2011, and for other purposes.

BILL PRESENTED TO THE  
PRESIDENT

Karen L. Haas, Clerk of the House, reports that on March 2, 2011 she presented to the President of the United States, for his approval, the following bill.

H.J. Res. 44. Making further continuing appropriations for fiscal year 2011, and for other purposes.

## ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 3, 2011, at 10 a.m.

EXECUTIVE COMMUNICATIONS,  
ETC.

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

657. A letter from the Under Secretary, Department of Defense, transmitting a report entitled "Report Regarding Effect on Military Readiness Caused by Undocumented Immigrant Trespassing on Operation Ranges—Implementation Update"; to the Committee on Armed Services.

658. A letter from the Secretary, Department of the Treasury, transmitting a report entitled "Reforming America's Housing Finance Market"; to the Committee on Financial Services.

659. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule—Office of the Ombudsman [RIN: 2590-AA20] received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

660. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—List of Non-conforming Vehicles Decided to Be Eligible for Importation [Docket No.: NHTSA-2007-29271] received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

661. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—List of Non-conforming Vehicles Decided To Be Eligible for Importation [Docket No.: NHTSA-2006-

25686] received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

662. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: NUHOMS(R) HD System Revision 1 [NRC-2011-0002] (RIN: 3150-AI89) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

663. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

664. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's report on the amount of acquisitions made from entities that manufacture the articles, materials, or supplies outside the United States in Fiscal Year 2010; to the Committee on Foreign Affairs.

665. A letter from the Chief, Branch of Permits and Regulations, Division of Migratory Bird Management, Department of the Interior, transmitting the Department's final rule—Migratory Bird Permits; States Delegated Falconry Permitting Authority; Technical Corrections to the Regulations [FWS-R9-MB-2010-0064; 91200-1231-9BPP] (RIN: 1018-AX31) received February 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

666. A letter from the Chief, Branch of Permits and Regulations, Division of Migratory Bird Management, Department of the Interior, transmitting the Department's final rule—Migratory Bird Permits; Removal of Rusty Blackbird and Tamaulipas (Mexican) Crow From the Depredation Order for Blackbirds, Cowbirds, Grackles, Crows, and Magpies, and Other Changes to the Order [FWS-R9-MB-2008-0064; 91200-1231-9BPP] (RIN: 1018-AX66) received February 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

667. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the Preble's Meadow Jumping Mouse in Colorado [Docket No.: FWS-R6-ES-2009-0013] (MO 92210-0-0009) (RIN: 1018-AW45) received February 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

668. A letter from the Acting Chief, Branch of Recovery, USFWS, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Populations of Endangered Whooping Cranes in Southwestern Louisiana [Docket No.: FWS-R4-ES-2010-0057] (92220-1113-0000-C3) (RIN: 1018-AX23) received February 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

669. A letter from the Chief, Branch of Listing, Department of the Interior, trans-

mitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Revised Critical Habitat for Brodiaea filifolia (Thread-Leaved Brodiaea) [Docket No.: FWS-R8-ES-2009-0073] (MO 92210-0-0009) (RIN: 1018-AW54) received February 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

670. A letter from the Regulatory and Policy Specialist, Department of the Interior, transmitting the Department's final rule—Indian Trust Management Reform—Implementation of Statutory Changes [Docket ID: BIA-2009-0001] (RIN: 1076-AF07) received February 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

671. A letter from the Chief, Branch of Endangered Species Listing, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the Arroyo Toad [Docket No.: FWS-R8-ES-2009-0069] (MO 92210-0-0009-B4) (RIN: 1018-AX89) received February 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

672. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on the activities of the Community Relations Service, pursuant to 42 U.S.C. 2000g-3; to the Committee on the Judiciary.

673. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30768; Amdt. 3413] received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

674. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30765; Amdt. No. 3410] received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

675. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30766; Amdt. No. 3411] received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

676. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Sturgis, KY [Docket No.: FAA-2010-0992; Airspace Docket No. 10-ASO-36] received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

677. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule—Establishment of Low Altitude Area Navigation

Routes (T-281, T-283, T-285, T-286, and T-288); Nebraska and South Dakota [Docket No.: FAA-2010-0688; Airspace Docket No. 09-AGL-23] (RIN: 2120-AA66) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

678. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company (Type Certificate Previously Held by Columbia Aircraft Manufacturing (Previously The Lancair Company)) Models LC40-550FG, LC41-550FG, and LC42-550FG Airplanes [Docket No.: FAA-2009-1186; Directorate Identifier 2009-CE-065-AD; Amendment 39-16588; AD 2011-03-04] (RIN: 2120-AA64) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

679. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company (Type Certificate Previously Held by Columbia Aircraft Manufacturing (Previously The Lancair Company)) Models LC40-550FG, LC41-550FG, and LC42-550FG Airplanes [Docket No.: FAA-2009-1186; Directorate Identifier 2009-CE-065-AD; Amendment 39-16588; AD 2011-03-04] (RIN: 2120-AA64) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

680. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Operations Specifications [Docket No.: FAA-2009-0140; Amendment No. 45-27, 110-1, 119-14, 121-353, 129-49, and 135-124] (RIN: 2120-AJ45) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

681. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers PLC Model SD3 Airplanes [Docket No.: FAA-2010-0225; Directorate Identifier 2009-NM-203-AD; Amendment 39-16525; AD 2010-24-06] (RIN: 2120-AA64) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

682. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 727 Airplanes [Docket No.: FAA-2010-0677; Directorate Identifier 2010-NM-075-AD; Amendment 39-16578; AD 2011-02-05] (RIN: 2120-AA64) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

683. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30767; Amdt. No. 3412] received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

684. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA Model TBM 700 Airplanes [Docket No.: FAA-2010-0948; Directorate Identifier 2010-CE-041-AD; Amendment 39-16575; AD 2011-02-02] (RIN: 2120-AA64) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

685. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aircraft Industries a.s. Model L 23 Super Blanik Sailplanes [Docket No.: FAA-2011-0053; Directorate Identifier 2010-CE-073-AD; Amendment 39-16581; AD 2011-02-

08] (RIN: 2120-AA64) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

686. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines [Docket No.: FAA-2010-0596; Directorate Identifier 2010-NE-22-AD; Amendment 39-16533; AD 2010-24-14] (RIN: 2120-AA64) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

687. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model MD-11 and MD-11F Airplanes [Docket No.: FAA-2010-0228; Directorate Identifier 2009-NM-252-AD; Amendment 39-16574; AD 2011-02-01] (RIN: 2120-AA64) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

688. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 757 Airplanes [Docket No.: FAA-2008-0295; Directorate Identifier 2007-NM-298-AD; Amendment 39-16576; AD 2011-02-03] (RIN: 2120-AA64) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

689. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), D-9-87 (MD-87), and MD-88 Airplanes [Docket No.: FAA-2010-0549; Directorate Identifier 2010-NM-109-AD; Amendment 39-16573; AD 2011-01-16] (RIN: 2120-AA64) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

690. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes [Docket No.: FAA-2010-1011; Directorate Identifier 2010-CE-047-AD; Amendment 39-16571; AD 2011-01-14] (RIN: 2120-AA64) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

691. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes [Docket No.: FAA-2009-0622; Directorate Identifier 2009-CE-034-AD; Amendment 39-16570; AD 2009-18-03 R1] (RIN: 2120-AA64) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

692. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; M7 Aerospace LP (Type Certificate Previously Held by Fairchild Aircraft Incorporated) Models SA26-AT, SA26-T, SA226-AT, SA226-T, SA226-T(B), SA226-TC, SA227-AC (C-26A), SA227-AT, SA227-BC (C-26A), SA227-CC, SA227-DC (C-26B), and SA227-TT Airplanes [Docket No.: FAA-2011-0014; Directorate Identifier 2010-CE-066-AD; Amendment 39-16577; AD 2011-02-04] (RIN: 2120-AA64) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

693. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney PW305A and PW305B Turbofan Engines [Docket No.: FAA-2010-0829; Directorate Identifier 2010-NE-23-AD; Amendment 39-16524; AD 2010-24-05] (RIN: 2120-AA64) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

694. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GROB-WERKE GMBH & CO KG Models G102 ASTIR CS, G102 CLUB ASTIR III, G102 CLUB ASTIR IIIb, and G102 STANDARD ASTIR III Gliders [Docket No.: FAA-2007-2843; Directorate Identifier 2007-CE-054-AD; Amendment 39-16556; AD 2011-01-03] (RIN: 2120-AA64) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

695. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 727, 727-100, 727-100C, 727-200, and 727-200F Series Airplanes [Docket No.: FAA-2010-0646; Directorate Identifier 2009-NM-223-AD; Amendment 39-16558; AD 2011-01-05] (RIN: 2120-AA64) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

696. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ Airplanes [Docket No.: FAA-2008-1080; Directorate Identifier 2008-NM-118-AD; Amendment 39-16554; AD 2011-01-01] (RIN: 2120-AA64) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

697. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No.: FAA-2010-1278; Directorate Identifier 2010-NM-260-AD; Amendment 39-16567; AD 2011-01-13] (RIN: 2120-AA64) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

698. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Corp. (P&WC) PW305A and PW305B Turbofan Engines [Docket No.: FAA-2010-0829; Directorate Identifier 2010-NE-23-AD; Amendment 39-16524; AD 2010-24-05] (RIN: 2120-AA64) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

699. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767-300 Series Airplanes [Docket No.: FAA-2010-0796; Directorate Identifier 2010-NM-007-AD; Amendment 39-16579; AD 2011-02-06] (RIN: 2120-AA64) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

700. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 Series Airplanes Model; Model A330-300 Series Airplanes; Model A340-200 Series Airplanes; and Model A340-300 Series Airplanes [Docket No.: FAA-2011-0029; Directorate Identifier 2010-

NM-279-AD; Amendment 39-16583; AD 2011-02-09] (RIN: 2120-AA64) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

701. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation and Establishment of Compulsory Reporting Points; Alaska [Docket No.: FAA-2010-1191; Airspace Docket No. 10-AAL-22] received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

702. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Show Low, AZ [Docket No.: FAA-2010-0903; Airspace Docket No. 09-AWP-16] received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

703. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of VOR Federal Airways V-2 and V-12; Hawaii [Docket No.: FAA-2010-1263; Airspace Docket No. 10-AWP-17] received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

704. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Jet Route J-93; CA [Docket No.: FAA-2010-1022; Airspace Docket No. 10-AWP-4] received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

705. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lucin, UT [Docket No.: FAA-2010-1208; Airspace Docket No. 10-ANM-16] received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

706. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Port Clarence, AK [Docket No.: FAA-2010-0354; Airspace Docket No. 10-AAL-10] received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

707. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Richmond, IN [Docket No.: FAA-2010-1033; Airspace Docket No. 10-AGL-21] received February 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

708. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; New Hampton, IA [Docket No.: FAA-2010-1035; Airspace Docket No. 10-ACE-12] received February 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

709. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Greensburg, IN [Docket No.: FAA-2010-1028; Airspace Docket No. 10-AGL-16] received February 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

710. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; La Porte, IN [Docket No.: FAA-2010-1030; Airspace Docket No. 10-AGL-18] received February 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

711. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Lafayette, Purdue University Airport, IN [Docket No.: FAA-2010-1029; Airspace Docket No. 10-AGL-17] received February 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

712. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Industry Director's Directive (IDD) to Withdraw a Prior IDD on Foreign Sales Corporation (FSC) IRC Sec. 921-927 Bundle of Rights in Software Issue (IDD dated November 14, 2003) [LB&I Control No.: LB&I-4-110-032] received February 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

713. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segments Rates [Notice 2011-13] received February 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

714. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Withholding on Wages of Nonresident Alien Employees Performing Services Within the United States [Notice 2011-12] received February 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

715. A letter from the Commissioner, Social Security Administration, transmitting a consolidated report of the Administration's processing of continuing disability reviews for FY 2009; to the Committee on Ways and Means.

716. A letter from the Chairman, Federal Election Commission, transmitting the Commission's FY 2012 budget request, pursuant to 2 U.S.C. 437d(d)(1); jointly to the Committees on House Administration, Appropriations, and Oversight and Government Reform.

#### 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. UPTON: Committee on Energy and Commerce. H.R. 525. A bill to amend the Public Health Service Act to enhance and increase the number of veterinarians trained in veterinary public health (Rept. 112-22). Referred to the Committee of the Whole House on the State of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 528. A bill to require the submission of a report to the Congress on parasitic disease among poor Americans (Rept. 112-23). Referred to the Committee of the Whole House on the State of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 570. A bill to amend the Public Health Service Act to enhance the roles of dentists and allied dental personnel in the Nation's disaster response framework, and for other purposes (Rept. 112-24). 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 Mrs. LUMMIS:

H.R. 867. A bill to amend title II of the Social Security Act to set the retirement benefits age for today's four-year-olds at age 70; to the Committee on Ways and Means.

By Mr. BISHOP of Utah (for himself and Mr. CHAFFETZ):

H.R. 868. A bill to amend title 13, United States Code, to provide for the more accurate and complete enumeration of certain overseas Americans in the decennial census; to the Committee on Oversight and Government Reform.

By Mr. DENHAM (for himself, Mr. CARDOZA, Mr. COSTA, Mr. McCARTHY of California, and Mr. NUNES):

H.R. 869. A bill to clarify the definition of flood control operations for the purposes of the operation and maintenance of Project No. 2179 on the Lower Merced River; to the Committee on Natural Resources.

By Mr. CONYERS:

H.R. 870. A bill to establish the National Full Employment Trust Fund to create employment opportunities for the unemployed; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHULER (for himself, Mr. HUNTER, Mr. MANZULLO, Mr. BISHOP of Georgia, Mr. RIBBLE, Mr. MCKINLEY, and Mr. LIPINSKI):

H.R. 871. A bill to amend the Internal Revenue Code of 1986 to make the credit for research activities permanent and to provide an increase in such credit for taxpayers whose gross receipts are predominantly from domestic production activities; to the Committee on Ways and Means.

By Mr. GIBBS (for himself, Mrs. SCHMIDT, Mr. BACA, Mr. MICA, Mr. LUCAS, Mr. PETERSON, Mr. SIMPSON, Mr. GRAVES of Missouri, Mr. ROSS of Arkansas, Mr. NEUGEBAUER, Mr. BOSWELL, Mr. CRAWFORD, Mr. SABLAN, Mr. HERGER, Mr. KISSELL, Mr. SCHILLING, Mr. COSTA, Mr. TIPTON, Mr. OWENS, Mr. ROONEY, Mr. CARDOZA, and Mr. HOLDEN):

H.R. 872. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Agriculture, 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. LEWIS of Georgia:

H.R. 873. A bill to improve the safety of motorcoaches and for other purposes; to the Committee on Transportation and Infrastructure, 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. OWENS (for himself, Mr. COURTYNE, and Mr. HANNA):

H.R. 874. A bill to amend the Consolidated Farm and Rural Development Act to expand eligibility for Farm Service Agency loans; to the Committee on Agriculture.

By Mr. BURTON of Indiana (for himself, Mr. AKIN, Mr. HENSARLING, Mr. LAMBORN, Mr. HALL, Mr. JONES, Mr. BARTON of Texas, Mr. WILSON of South Carolina, Mr. ALEXANDER, Mr. PAUL, Mr. LATTA, Mr. BARTLETT, Mr. ROSS of Florida, and Mr. JORDAN):

H.R. 875. A bill to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act; to the Committee on the Judiciary.

By Mrs. CAPPS (for herself and Mr. LATOURRETTE):

H.R. 876. A bill to amend title XVIII of the Social Security Act to provide for patient protection by establishing safe nurse staffing levels at certain Medicare providers, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself and Mrs. EMERSON):

H.R. 877. A bill to express the sense of Congress that Federal job training programs that target older adults should work with nonprofit organizations that have a record of success in developing and implementing research-based technology curriculum designed specifically for older adults; to the Committee on Education and the Workforce.

By Mr. DEUTCH:

H.R. 878. A bill to amend the Internal Revenue Code of 1986 to provide a credit to individuals for legal expenses paid with respect to establishing guardianship of a disabled individual; to the Committee on Ways and Means.

By Mr. HELLER (for himself and Ms. WASSERMAN SCHULTZ):

H.R. 879. A bill to amend the Internal Revenue Code of 1986 to allow refunds of Federal motor fuel excise taxes on fuels used in mobile mammography vehicles; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. KIND, Mr. REICHERT, Mr. DENT, Mr. GRAVES of Missouri, Mr. HARPER, and Mr. PAUL):

H.R. 880. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for health insurance costs in computing self-employment taxes; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 881. A bill to amend title III of the Americans with Disabilities Act of 1990 to require a plaintiff to provide a defendant with an opportunity to correct a violation of such title voluntarily before the plaintiff may commence a civil action, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Illinois:

H.R. 882. A bill to require that any local currencies used to provide per diems to Members and employees of Congress for official foreign travel for a fiscal year be obtained by Congress and paid for using funds appropriated for salaries and expenses of Congress for the fiscal year, to enhance the disclosure of information on official foreign travel of Members, officers, and employees of the House of Representatives, and for other purposes; to the Committee on House Administration, and in addition to the Committee on 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 Ms. LEE of California:

H.R. 883. A bill to expand and enhance existing adult day programs for people with neurological diseases or conditions (such as multiple sclerosis, Parkinson's disease, traumatic brain injury, or other similar diseases or conditions) to support and improve access to respite services for family caregivers who are taking care of such people, and for other purposes; to the Committee on Energy and Commerce.

By Ms. NORTON (for herself and Mr. MORAN):

H.R. 884. A bill continuing appropriations of local funds of the District of Columbia during fiscal year 2011; to the Committee on Appropriations.

By Mr. VAN HOLLEN (for himself, Mr. PETRI, and Mr. WALZ of Minnesota):

H.R. 885. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Education and the Workforce.

By Mr. WOMACK (for himself, Mr. ROSS of Arkansas, Mr. GRIFFIN of Arkansas, Mr. CRAWFORD, Mrs. BLACKBURN, Mr. WESTMORELAND, Mrs. MALONEY, Mr. RANGEL, Mr. COFFMAN of Colorado, Ms. NORTON, and Mr. MCKINLEY):

H.R. 886. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service; to the Committee on Financial Services.

By Mr. YOUNG of Alaska (for himself and Mr. HASTINGS of Washington):

H.R. 887. A bill to direct the Secretary of the Interior to submit a report on Indian land fractionation, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, Mr. SABLAM, Mr. PIERLUISI, Mr. HONDA, and Ms. HANABUSA):

H.R. 888. A bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to provide financial assistance to local educational agencies that educate alien children admitted to the United States as citizens of one of the Freely Associated States; to the Committee on Education and the Workforce.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. STARK, Mr. REYES, Mr. MARKEY, Ms. EDWARDS, Ms. FUDGE, Mr. HONDA, Mr. HINOJOSA, Mr. TONKO, Mr. HOLT, Mr. WU, Mr. DAVIS of Illinois, Ms. WASSERMAN SCHULTZ, Ms. WOOLSEY, Ms. WILSON of Florida, Mr. GRIJALVA, and Ms. NORTON):

H.R. 889. A bill to provide for fulfilling the potential of women in academic science and engineering, and for other purposes; to the Committee on Science, Space, and Technology.

By Ms. ROS-LEHTINEN (for herself and Mr. DEUTCH):

H.R. 890. A bill to allow for the enforcement of State disclosure laws and access to courts for covered Holocaust-era insurance policy claims; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY:

H. Res. 136. A resolution supporting the goals and ideals of National Minority Donor Awareness Day; to the Committee on Energy and Commerce.

By Mr. GRAVES of Missouri:

H. Res. 137. A resolution expressing the sense of the House of Representatives that the United States Postal Service should take

all appropriate measures to ensure the continuation of its 6-day mail delivery service; to the Committee on Oversight and Government Reform.

By Ms. LEE of California:

H. Res. 138. A resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week; to the Committee on Energy and Commerce.

By Mr. MANZULLO (for himself, Mr. DANIEL E. LUNGREN of California, Mr. BRADY of Texas, Mr. FALEOMAVAEGA, Mr. CROWLEY, Mr. MEEKS, Mr. LARSEN of Washington, and Mr. SABLAM):

H. Res. 139. A resolution expressing condolences to the people of New Zealand for the terrible loss of life and property suffered as a result of the deadly earthquake that struck on February 22, 2011; to the Committee on Foreign Affairs.

## 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 Mrs. LUMMIS:

H.R. 867.

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

Article I, Section 8, Clause 1 of the U.S. Constitution.

By Mr. BISHOP of Utah:

H.R. 868.

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

Article I, Section 2. "The actual Enumeration . . . within every subsequent Term of ten Years, in such Manner as they shall by Law direct."

By Mr. DENHAM:

H.R. 869.

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

Article I, Section 8, Clause 3.

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"In our view, it cannot properly be said that the constitutional power of the United States over its waters is limited to control for navigation. By navigation, respondent means no more than operation of boats and improvement of the waterway itself. In truth, the authority of the United States is the regulation of commerce on its waters. Navigability, in the sense just stated, is but a part of this whole. Flood protection, watershed development, recovery of the cost of improvements through utilization of power are likewise parts of commerce control."

By Mr. CONYERS:

H.R. 870.

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

This bill is enacted pursuant to Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. SHULER:

H.R. 871.

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

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. GIBBS:

H.R. 872.

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

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

By Mr. LEWIS of Georgia:

H.R. 873.

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

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

By Mr. OWENS:

H.R. 874.

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

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

By Mr. BURTON of Indiana:

H.R. 875.

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

Article III and Amendment X.

By Mrs. CAPPS:

H.R. 876.

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

Article I, Section 8, Clause 1 of the United States Constitution.

Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. CLAY:

H.R. 877.

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

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 2 of the United States Constitution—Legislative Powers.

Article I, Section 8, Clause 2.

The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. DEUTCH:

H.R. 878.

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

Article I, Section 8, Clause 1 of the U.S. Constitution.

By Mr. HELLER:

H.R. 879.

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 and Amendment XVI of the United States Constitution.

By Mr. HERGER:

H.R. 880.

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

Article I, Section 8, Clause 1.

By Mr. HUNTER:

H.R. 881.

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

The constitutional authority for the ADA Notification Act is: Section 8, Clause 1 of Article I; Section 8, Clause 18 of Article I.

By Mr. JOHNSON of Illinois:

H.R. 882.

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

Article I, Section 9. “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law;

and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.”

By Ms. LEE of California:

H.R. 883.

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

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

By Ms. NORTON:

H.R. 884.

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

Clause 17 of section 8 of Article I of the Constitution.

By Mr. VAN HOLLEN:

H.R. 885.

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

This bill is enacted pursuant to Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. WOMACK:

H.R. 886.

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

Article I, Section 8, Clause 5 states “The Congress shall have Power . . . To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures.”

By Mr. YOUNG of Alaska:

H.R. 887.

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

Article I, Section 8, Clause 3.

By Ms. BORDALLO:

H.R. 888.

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

Clause 2 of Section 3 of Article 4.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 889.

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

Article I, Section 8 of the Constitution of the United States.

By Ms. ROS-LEHTINEN:

H.R. 890.

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

Article I, Section 8 of the Constitution.

## ADDITIONAL SPONSORS

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

H.R. 5: Mrs. CAPITO.

H.R. 11: Mr. HINCHEY.

H.R. 27: Mrs. BIGGERT.

H.R. 99: Mr. ROSS of Florida.

H.R. 100: Mr. FLORES, Mr. JONES, and Mr. CARTER.

H.R. 104: Mr. WALDEN.

H.R. 140: Mr. FLORES.

H.R. 152: Mr. FLORES.

H.R. 153: Mr. YODER.

H.R. 154: Mr. GARDNER.

H.R. 205: Mr. BOREN.

H.R. 217: Mr. PALAZZO.

H.R. 237: Ms. BERKLEY, Mr. REYES, and Mr. MURPHY of Connecticut.

H.R. 283: Mr. CONYERS, Mr. FILNER, and Ms. WILSON of Florida.

H.R. 284: Ms. FUDGE, Ms. SCHAKOWSKY, Mr. MCNERNEY, Ms. WATERS, Mr. LEWIS of Georgia, Ms. WILSON of Florida, and Ms. ROYBAL-ALLARD.

H.R. 287: Mr. COURTNEY, Mr. HOLT, Mr. TOWNS, Mr. CONYERS, Mrs. NAPOLITANO, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. BLUMENAUER, Mrs. McCARTHY of New York, and Mr. CARNAHAN.

H.R. 397: Ms. FOXX.

H.R. 421: Mr. OLSON.

H.R. 428: Mr. MCCOTTER.

H.R. 432: Mr. DEUTCH.

H.R. 436: Mr. SCHWEIKERT.

H.R. 459: Mr. LATHAM.

H.R. 482: Mr. DESJARLAIS.

H.R. 515: Mr. MCCOTTER.

H.R. 535: Mr. GRIJALVA and Ms. HIRONO.

H.R. 584: Mr. DEUTCH.

H.R. 587: Mr. KILDEE.

H.R. 589: Mr. Sires, Mr. ROTHMAN of New Jersey, Ms. CHU, Ms. DELAUBRO, and Mr. WATT.

H.R. 606: Mr. GUINTA.

H.R. 658: Mr. GUINTA.

H.R. 673: Mr. GRIJALVA, Mr. REED, and Mr. WITTMAN.

H.R. 679: Mr. LOBIONDO.

H.R. 690: Mr. GUINTA.

H.R. 692: Mr. SAM JOHNSON of Texas, Mr. BARTLETT, Mr. CARTER, and Mr. GRAVES of Georgia.

H.R. 694: Mr. BURGESS.

H.R. 735: Mr. NEUGEBAUER, Mr. WITTMAN, Mr. RIBBLE, Mr. WOLF, and Mr. GUINTA.

H.R. 750: Mr. JORDAN, Mr. BURTON of Indiana, Mr. GOHMERT, Mrs. SCHMIDT, and Mr. CHABOT.

H.R. 771: Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. REYES, Mr. DOGGETT, and Mr. AL GREEN of Texas.

H.R. 773: Mr. GRIJALVA.

H.R. 782: Mr. DUNCAN of Tennessee, Mr. MCKINLEY, and Mr. FLORES.

H.R. 800: Mr. YOUNG of Florida, Mr. NUGENT, Mr. LONG, Mrs. MYRICK, Mr. COFFMAN of Colorado, and Mr. GINGREY of Georgia.

H.R. 808: Mr. WU.

H.R. 816: Mr. CARDOZA.

H.R. 822: Mr. BOREN, Mr. ROSS of Arkansas, Mr. GRAVES of Missouri, Mr. HUELSKAMP, Mr. GIBSON, Mr. HELLER, Mr. OWENS, Mr. COFFMAN of Colorado, Mr. LAMBORN, Mr. DUNCAN of Tennessee, Mrs. SCHMIDT, Mr. WESTMORELAND, Mr. ROGERS of Alabama, Mr. GINGREY of Georgia, Mr. YOUNG of Alaska, Mrs. BACHMANN, Mr. BURTON of Indiana, Mr. GARRETT, Mr. COLE, Mr. DIAZ-BALART, Mr. BOSWELL, Mr. MILLER of Florida, Mr. BARTON of Texas, Mr. CARTER, and Mr. PENCE.

H.R. 837: Mr. FARENTHOLD.

H.R. 838: Mr. PAULSEN.

H.R. 863: Mr. GRIJALVA, Ms. BORDALLO, and Mr. SABLAN.

H. Con. Res. 23: Mr. HUIZENGA of Michigan, Mr. PASCRELL, and Mr. PLATTS.

H. Res. 60: Mr. PIERLUISI, Mr. DIAZ-BALART, Mr. BILIRAKIS, Mr. GOHMERT, Mr. ROSS of Florida, Mr. HASTINGS of Florida, Mr. QUIGLEY, Mr. HINCHEY, and Mr. KILDEE.

H. Res. 95: Mr. MCCOTTER.

H. Res. 134: Ms. BERKLEY.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, FIRST SESSION

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No. 30

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God of the nations, Your word declares: "Righteousness exalts a nation but sin is a reproach to any people." May our lawmakers and the citizens of this great land strive to please You through right living and submission to Your will. Help us to flee from the dead end path of transgression that leads to national ruin. Enable us to turn from thoughts, words, and deeds that violate Your precepts and commands.

Lord, fill our Senators with a hunger for holiness and a hatred of evil. Enlarge their influence and use them for Your glory. Reinforce them by the constant assurance of Your presence.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

### 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, March 2, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,  
*President pro tempore.*

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate will proceed to a period of morning business until 11 a.m. today. During that time, Senators will be permitted to speak for up to 10 minutes each. The Republicans will control the first 30 minutes, the majority will control the next 30 minutes, and the remaining time until 11 a.m. will be equally divided and controlled between the two leaders or their designees, with the majority controlling the final half.

At 11 a.m., the Senate will proceed to vote on passage of the 2-week continuing resolution. Upon disposition of that matter, the Senate will resume consideration of the America Invests Act. Additional rollcall votes in relation to amendments to the America Invests Act are expected to occur throughout the day.

### BUDGETING AND JOBS

Mr. REID. Madam President, we have worked for weeks now in moving forward on this funding measure for the country. What Democrats have said for weeks now is that we are committed to working with all sides to find a middle ground that helps us move forward and move toward a fiscally responsible budget for the rest of the year.

Yesterday the House acted and soon the Senate will act as well. Our priorities are twofold: One, keeping the country running so essential services do not get interrupted—and certainly they should not be interrupted—at a time we can least afford it.

We have 2 more weeks to do this. We have heard today in the news that JOHN McCAIN's economic adviser said if the Republicans continue going on the route they have talked about, it will eliminate 700,000 jobs in this struggling economy. Goldman Sachs issued a study yesterday indicating it would hurt the gross national product by up to 2 percent, and that is devastating.

So our priorities are twofold: One, keeping the country running so essential services do not get interrupted at a time we can least afford it; and, two, equally as important, we need to lay the groundwork with a budget that invests in what works and cuts what doesn't. We have to begin to bring down the deficit without forfeiting our future.

This has not been an easy process. But we need to set aside partisan motivations and remember we work for the American people, not our political parties. I am pleased the Republicans have agreed with the President's suggested cuts and dropped all those riders—provisions meant only to send messages, only to create unnecessary hurdles, and kill progress.

We are going to keep working toward a solution. This time around, it may not include everything Democrats want or everything Republicans want. But we need to have a compromise which will be part of an ongoing conversation. Just like our overarching priority when we budget—that we must live within our means—this next step recognizes that we must do the best with what we have.

Today we will also work toward finishing the patent reform bill. It is called the America Invests Act, a jobs bill. It is a priority. We have to finish

- This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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this matter. This matter, this patent legislation, is important in returning America's economy to a position of strength.

As we speak, there are 750,000 patent applications that are stuck in the Patent Office because they do not have enough people to do the work. It is true to Democrats' agenda from day one: creating jobs and ensuring America can compete in the 21st century's global economy.

Now, Madam President, I see my friend from Oklahoma on the Senate floor. A couple of things he has done in recent days have been extremely important: first of all, the money that is collected in the Patent Office should be used in the Patent Office. I also think it is important people recognize we have an entity around here called the General Accounting Office, which is the watchdog of Congress. It is an important entity. It is available to both Democrats and Republicans.

My friend from Oklahoma wrote a letter, as he has a right to do, about a couple different areas finding where there was duplication of services. They studied this and came back with what I think are some matters to which we need to direct our attention.

Duplication in different entities around here has become untoward. So I commend and applaud my friend from Oklahoma in helping us go down this path that I think is going to be extremely important for us to work our way out of the problems we have.

I know we have a lot of work to do, and it is important we do that work. We are going to get this spending matter out of the way today. Then we will have, as I have indicated, a little over 2 weeks to work something out on a long-term basis. The President has said he would like a longer period of time. We could not work that out with our friends on the Republican side. I hope, I hope they do not need a government shutdown—and I am not referring to my friends in the Senate but the House. I hope they do not need a government shutdown to do what is necessary for this country. I think we should avoid that shutdown, and we can avoid that shutdown and still recognize that there are costs that need to be cut from government spending. It cannot all come from our domestic discretionary side of the ledger. There are Pentagon moneys that can be saved. There are other programs that have been untouched in past years that we need to look at for a long-term solution to the country's problems.

#### AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 15, S. Res. 81.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 81) authorizing expenditures by committees of the Senate for the periods March 1, 2011, through September 30, 2011, and October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013.

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 motion to reconsider be laid on the table, with no intervening action or debate, and any statements related to this resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 81) was agreed to, as follows:

S. RES. 81

*Resolved,*

#### SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period March 1, 2011, through September 30, 2011, in the aggregate of \$70,790,674, for the period October 1, 2011, through September 30, 2012, in the aggregate of \$121,355,435, and for the period October 1, 2012, through February 28, 2013, in the aggregate of \$50,564,763, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period March 1, 2011, through September 30, 2011, for the period October 1, 2011, through September 30, 2012, and for the period October 1, 2012, through February 28, 2013, to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate.

#### SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$2,800,079, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$40,000, may be expended for the training of the professional staff of

such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$4,800,136, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$2,000,057, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$4,749,869, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$8,142,634, of which amount—

(1) not to exceed \$80,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$3,392,765, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### **SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.**—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$4,304,188, of which amount—

(1) not to exceed \$11,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$700, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2012 PERIOD.**—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$7,378,606, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$1,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.**—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$3,074,419, of which amount—

(1) not to exceed \$8,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$500, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### **SEC. 5. COMMITTEE ON THE BUDGET.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.**—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$4,489,241, of which amount—

(1) not to exceed \$35,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$21,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2012 PERIOD.**—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$7,695,840, of which amount—

(1) not to exceed \$60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$36,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.**—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$3,206,599, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### **SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.**—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$4,636,433, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$50,000, may be expended for the training of the professional staff of

such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2012 PERIOD.**—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$7,948,171, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.**—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$3,311,738, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### **SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.**—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$3,924,299.

(c) **EXPENSES FOR FISCAL YEAR 2012 PERIOD.**—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$6,727,369.

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.**—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$2,803,070.

#### **SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.**

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration,

to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$3,612,391, of which amount—

(1) not to exceed \$4,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$6,192,669, of which amount—

(1) not to exceed \$8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$2,580,278, of which amount—

(1) not to exceed \$3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 9. COMMITTEE ON FINANCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$5,333,808, of which amount—

(1) not to exceed \$17,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$5,833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$9,143,671, of which amount—

(1) not to exceed \$30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$3,809,862, of which amount—

(1) not to exceed \$12,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$4,166, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$4,393,404, of which amount—

(1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$7,531,549, of which amount—

(1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$4,368,081, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 11. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$6,115,313, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$10,483,393, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$4,368,081, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 12. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules and S. Res. 445, agreed to October 9, 2004 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$6,902,759, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$11,833,302, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$4,930,543, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(e) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities

of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, func-

tions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2011, through February 28, 2013, is authorized, in its, his, hers, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 73, agreed to March 10, 2009 (111th Congress) are authorized to continue.

**SEC. 13. COMMITTEE ON THE JUDICIARY.**

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$6,684,239, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$11,458,695, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$4,774,457, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$1,840,717, of which amount—

(1) not to exceed \$43,750, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$7,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$3,155,515, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$12,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$1,314,798, of which amount—

(1) not to exceed \$31,250, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 15. COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the

Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$1,732,860, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$2,970,617, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$1,237,755, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$1,937,114, of which amount—

(1) not to exceed \$117,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$3,320,767, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012,

(1) not to exceed \$59,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$12,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$2,746,693, of which amount—

(1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$1,144,455, of which amount—

(1) not to exceed \$42,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$8,334, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$1,937,114, of which amount—

(1) not to exceed \$117,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$3,320,767, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012,

through February 28, 2013, expenses of the committee under this section shall not exceed \$1,383,653, of which amount—

(1) not to exceed \$85,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), as amended by S. Res. 445, agreed to October 9, 2004 (108th Congress), in accordance with its jurisdiction under sections 3(a) and 17 of such S. Res. 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such S. Res. 400, the Select Committee on Intelligence is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$4,249,113, of which amount—

(1) not to exceed \$37,917, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$7,284,194, of which amount—

(1) not to exceed \$65,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$3,035,081, of which amount—

(1) not to exceed \$27,083, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$1,482,609, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$2,541,614, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$1,059,007, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

#### SEC. 20. SPECIAL RESERVE.

(a) ESTABLISHMENT.—Within the funds in the account “Expenses of Inquiries and Investigations” appropriated by the legislative branch appropriation Acts for fiscal years 2011, 2012, and 2013, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) an amount not to exceed \$4,375,000, shall be available for the period March 1, 2011, through September 30, 2011; and

(2) an amount not to exceed \$7,500,000, shall be available for the period October 1, 2011, through September 30, 2012; and

(3) an amount not to exceed \$3,125,000, shall be available for the period October 1, 2012, through February 28, 2013.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1), (2), and (3) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

Mr. REID. 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. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### CONTINUING RESOLUTION

Mr. McCONNELL. Madam President, I wish to start this morning by acknowledging the progress that has been made this week. Senator REID’s prediction that the Senate will follow the House in approving a \$4 billion cut for the current fiscal year is a small step, but it is indeed a step in the right direction. This is a long-awaited acknowledgment by Democrats in Congress that we have a spending problem around here. It is hard to believe when we are spending \$1.6 trillion more than we are taking in in a single year that it would take this long to cut a penny in spending, but it is progress nonetheless. It was also encouraging to hear the White House say yesterday that they would be supportive of a 4-week CR with \$8 billion in cuts. So it is encouraging that the White House and congressional Democrats now agree that the status quo won’t work and that the bills we pass must include spending reductions.

Beyond that, the GAO report which Senator COBURN requested and which we all saw yesterday makes it pretty clear—to me, at least—that there are a lot of very obvious targets for additional cuts. I wish to thank Senator COBURN for requesting the report, first of all. I don’t think most Americans are surprised to hear that Washington is wasting so much money. I do think some people might be surprised at how rampant it is and, frankly, the sheer idiocy—the sheer idiocy—of some of the waste we have been tolerating around here.

I can’t imagine anyone in the Senate voting against a bill that would return to taxpayers money we are wasting on the bloated and duplicative programs outlined in this report, programs which, as ABC put it, are chewing up billions of dollars in funding every year. It would be an embarrassment and a double indictment of Congress to not act. The report is damning, but it comes at a good time. Right when we are looking to make cuts on which both parties can agree, we learn that we have a roadmap showing more than 100 programs dealing with surface transportation issues, 82 programs monitoring teacher quality, 80 programs for economic development, 47 programs for job training, and 17 different programs for disaster preparedness. Here is my favorite: 56 programs to help people understand finances.

How do you like that? There are 56 programs to help people understand finances. If that isn't an emblem of government waste, I don't know what is. We are going to be \$1.6 trillion in the red this year alone. Not only do we think we are in a position to teach other people about financial literacy, we have 56 overlapping programs to do it. If we are going to create the conditions for private sector job growth in this country, this is a good place to start.

We have to stop spending money we don't have on more government and calling that progress. Democrats have tried that. They have borrowed \$3 trillion over the past 2 years to expand the size and scope of government. And what has it gotten us? It has gotten us 3 million more lost jobs.

We have made some progress this week—a very small step, perhaps, but one in the right direction. At the same time, the White House took another step backward this week by failing to fulfill another responsibility. According to the 2003 Medicare Modernization Act, the President is required to submit a reform proposal for Medicare if more than 45 percent of the program's finances are being drawn from the government's general revenue fund instead of a fund specifically set aside for Medicare for 2 years in a row. As of today, that is the situation. As of today, that is the situation. The President is supposed to have taken care of this, but he hasn't. He is punting on this responsibility just as he punted on other reforms in the 10-year budget plan he released last month.

Washington's unsustainable spending on entitlements such as Medicare and Medicaid and Social Security must be addressed now—now—and we will never be able to ensure the stability and solvency of any of them without Presidential leadership. In this case, that is not just my opinion; the law actually requires it.

Now, just one more word on the continuing resolution. Once we pass this stopgap spending measure, we will be right back at it again 2 weeks from now unless we can reach an agreement on a long-term measure before then.

The House has sent us a bill that will keep the government funded through the end of the year. At the moment this next continuing resolution expires, we will be nearly halfway through the fiscal year. The House bill contains a much needed defense spending bill for the rest of the year. Many important programs have been delayed, and Secretary Gates has made clear that further delay will harm combat readiness. So there are many compelling reasons for us to reach agreement on a longer term bill.

Madam President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes, the majority controlling the next 30 minutes, and the remaining time until 11 a.m. equally divided and controlled between the two leaders or their designees, with the majority controlling the final half.

The Senator from Oklahoma.

Mr. COBURN. Madam President, I ask unanimous consent to speak in morning business for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COBURN. I also ask the Chair to advise me when I have consumed 15 minutes.

The ACTING PRESIDENT pro tempore. The Chair will do so.

#### GAO REPORT

Mr. COBURN. Madam President, I thank the majority leader and the minority leader both for their comments on this report. It is important for the American people to know that this is the first of three reports we are going to receive. This report just covers what the GAO has looked at in the last 4 to 5 years. It truly only covers about one-third of the Federal Government, and I am talking discretionary programs, not mandatory programs such as Social Security and Medicare and Medicaid.

The GAO report shows at least \$100 billion in savings if we could do our job. We are going to have a large debate over the next 2 weeks focused on funding the government for the next 6 months of this fiscal year and what the funding is going to be like in the next year. If I were sitting at home as a regular American looking at Congress, having read this report, the question I would ask is, Why will there be any debate at all? The GAO has given us a roadmap. They have said: Here is where \$100 billion—those are my numbers, not theirs—of savings can come on an annualized basis on the first third of the discretionary side of the Federal Government. The discretionary programs of this government are 24 percent greater now than they were 2 years ago.

The challenge we face before us as a nation is a far greater challenge than anything we have ever faced. That sounds like a gigantic overstatement, but when the Chairman of the Joint Chiefs of Staff, who is head of all of our military, reporting to our civilian officials, says the greatest threat to this country is our debt, we ought to wake up and pay attention to it. The average American—75 percent of Americans—

across this land wants the size of the Federal Government and its spending reduced, and that includes Democrats, Republicans, and Independents. What is lacking today is the leadership to define the problem for the American people so that we can come together as a nation and solve this greatest of all challenges before us.

Let me spend a minute talking about what is going to happen if we don't solve it. We heard the minority leader, the Senator from Kentucky, talk about the \$1.65 trillion deficit this year. Today, the United States is borrowing money, on average, for everything we have borrowed, for about 2 percent. The historical average at which we borrow money is around 6 percent. Over the next 2 years, we are going to add, if we don't change things drastically—and I am talking drastically—another \$3.5 trillion to the debt, to bring us to almost \$18 trillion worth of debt. If we apply our historical interest rate to the debt—which we will be at in 2 or 3 years, there is no question about that—of 6 percent to \$18 trillion, what we get is \$1.08 trillion a year in interest costs. Think about that. We spent \$127 billion this last year on interest, and we are going to take \$1 trillion.

What happens if that happens? What that means is there is no discretionary budget. That means there is no money for the military; there is no money for education; there is no money for any or all of the programs other than Medicare, Medicaid, and Social Security. That is the only thing that is left. And if that happens, our ability to borrow money in the international market will markedly decline, and the likelihood is that interest rates will go even higher than our historical average of 6 percent.

So the time to call us together, the time for shared sacrifice—not for sacrifice's sake but so we can restore the hope of prosperity for our Nation—is now. It is not tomorrow, it is now.

We are going to have a small bill on the floor that over the next 2 weeks will eliminate \$4 billion by advancing terminations of programs both President Bush and President Obama want to terminate and eliminate \$2.7 billion worth of earmarks that are inappropriate. So that is \$4 billion over 2 weeks. Our interest cost today and what we are borrowing is \$3 billion. That is what we are borrowing a day that we don't have. Every day, we go into the markets and borrow \$3 billion. So over these 2 weeks, 14 days—14 days—we are going to borrow \$42 billion, and we are only going to save \$4 billion. Do my colleagues see the magnitude of the problem? We cannot continue to go in this direction.

The bill the House sent us is a step in the right direction but far less than what is needed based on the reality of what is in front of us. Every dollar this government spends, we borrow 40 cents of it—40 cents. What do we think a 20-year-old individual out there is going to see 20 years from now as a consequence of us going down the drain in

terms of the interest costs and the debt?

Necessity is the mother of invention. We have a need now as a nation—not as Republicans and Democrats but as a Nation—to come together and make the decisions that will put us on a course that guarantees the future for our kids and grandkids. The easiest way I know right now to take some of the sting out of the parochialism and partisanship is for every Member of this body and those in the House to become acutely aware of what this report says.

The minority leader listed a few of the programs. Let me go through these. Sitting at home or sitting in your office, think about if any of this makes sense.

There are 82 separate teacher training programs run by the Federal Government—82 separate sets of bureaucracies and sets of Federal employees. None of these teacher training programs, by the way, have a metric on them to evaluate whether they are successful. So when we are not successful—and I question whether it is even the role of the Federal Government to be involved in teacher training. I couldn't find it in the Constitution. Thomas Jefferson couldn't find it in the Constitution. Roosevelt couldn't find it in the Constitution. Johnson couldn't find it in the Constitution. They all said so. We have quotes on that. Yet we have 82 programs, none of which do we know whether they are working.

We have 47 job training programs, 44 of which overlap one another—some to the degree of 100 percent, some 60 percent. We spend \$18 billion a year on it, and not one of them has a measurement of whether it is effective. We have a great need in our country today to retrain people to available jobs. Yet we don't have any idea whether these will work. If you are trying to figure out how to get through these programs, you need another government program to help you figure out how to get through them.

We have 20 offices with programs for homeless people—20 different programs—at the Federal level. Again, if you read the Constitution and the enumerated powers, you find a real difficulty in saying whether that is a Federal responsibility versus a State responsibility. Yet we have 20 separate programs for homeless people. How about one that works—if, in fact, it is a responsibility of the Federal Government.

We run 80 separate economic development programs—80 of them. That is in four different Cabinet agencies. We spend \$6.5 billion a year, and what the GAO says is you cannot say whether there is any economic development that has come out of this \$6.5 billion.

The Department of Transportation spends \$58 billion on 100 separate programs run by 5 different agencies with 6,000 employees, with no idea whether that is the most efficient or effective

way to do it because nobody has ever put a metric on it.

We have 30 separate programs on food safety, run by 15 different Federal agencies. We just added a whole bunch more with the last food safety bill—none of which had a metric on it, none of which perfected the food safety in terms of interstate transport, which is undoubtedly a Federal responsibility. How about an efficient and effective way to do that. How about 1 agency being responsible for food safety instead of 15.

We have 18 domestic food and nutrition programs—we spend \$62.5 billion—11 of which we have no idea whether they are performing effectively.

The first question you might ask is, How in the world did we get all these programs? We got all these programs because somebody saw a need and thought that would solve that need. They did so without the benefit of one of the No. 1 obligations of Congress, which is the oversight of the bureaucracy. We have all these complaints by those who favor the earmarking process that if we don't earmark it, then the Federal agencies will spend the money where they are. They forget one little clue in terms of the Congress. We have absolute power to oversee every branch of the Federal Government in terms of their effectiveness and their efficiency.

Yet we have not done it. The Congress has that. Whether it is run by Republicans or Democrats, it is not done. It is not a partisan issue. It is laziness on our part. It is far easier to write a new bill that solves the same problem and not oversee the others. Consequently, we answer the humanitarian, compassionate call to fix something we have done by treating symptoms rather than the disease.

We have a real disease in our country today. The disease is a cancer that will take away our freedom. If you look back in history, all republics have fallen. The average age of a republic is 206 years. How did they fail? What caused them to fail? If you read the history books and look at all of them, you will find that even though they might have been overrun by an enemy, the key factor that caused them to fail was fiscal every time. They lived beyond their means. Look at what is happening to us in the world today. The scope of our power militarily is being limited by our economic power because we are extremely far in debt. When you go to the lead economists, such as Ken Rogoff and Carmen Reinhart—the book they have written is "This Time is Different." The economists tell us our debt right now—not what is coming this next year but right now—with the interest costs we have today, is costing 1 percent of GDP. We are only going to grow about 3.5 percent this year. If we didn't have the debt, it would be 4.5 percent. That means 1 million more people would have great-paying jobs this year if we didn't have this debt. So there is a clarion call out there coming

from America—not inside Washington—to fix the real problems.

As a physician, what I know is this: If I treat the symptoms of a disease and do not treat the real disease, I ultimately make the disease much worse. I cover up the signs and symptoms of the disease. The disease we have is a disease of not recognizing the very critical nature that you cannot—never—you can never live above and beyond your means without ultimately paying a greater price. The difference between the Federal Government, most of the State governments, and every family is when you have maxed out the credit card, it is maxed. You are not going to get another credit card company to give you more. You will either have to start paying or you will default on it.

The question comes, Will we honor our true commitments? Will we make the hard decisions that are required to put us on a path for renewed prosperity? Will we take real information—and I have offered 70 amendments on this over the past 6 years, which have been voted down—and will we start paying attention now because, ultimately, if we don't make decisions today that will control and set us on a path of prosperity, we are going to be in a position where our debtholders will make our decisions for us. That is when liberty declines. That is when American exceptionalism dies. That is when our destiny is taken from our hands. It should not be that way.

I again, call on the President to lead this Nation to define the problem, the real threat to our freedom, and come forward and pull us together and let's solve this problem, with everyone recognizing that everyone is going to sacrifice, but the sacrifice will create a future benefit that will be rewarded in the lives of our children and grandchildren.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KIRK. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### GOVERNMENT SPENDING

Mr. KIRK. Madam President, I rise to support this continuing resolution. As we know, the Senate is set to pass a short-term funding bill, while negotiations continue on a longer term funding bill for the rest of the year.

The administration has presented us with a request also to fund the government next year and is expected to ask for an increase in the Federal debt ceiling. This legislation cuts about \$4 billion. Up against our annual deficit or the total debt, it is but a microdrop in the budget.

The Federal Government is on track to spend about \$3.7 trillion this fiscal

year, while taking in only \$2.2 trillion in revenue. If we compared this to a middle-class example, it would be as if someone was spending \$37,000 a year, with an income of only \$22,000.

Replace “thousand” for “trillion” and you get a good idea of how fiscally irresponsible the Federal Government has become. We have a \$14 trillion debt and, as we all know now, we are borrowing 40 cents of every \$1 we spend. Clearly, there is a growing danger in the country from tremendous debt and runaway spending. It is this resolution that will help in a very small way to put us on a better track.

I encourage us to use a multipronged approach as we move forward. We need to reverse the current spending trend of the Congress. We need to address long-term obligations and put statutory backstops into place to make sure it will be very difficult for future Congresses to do what past Congresses have done.

As a very new member of the Senate Appropriations Committee, I will be asking Federal agencies to identify further programs and ways to reduce Federal spending. The administration has been on the right track in several key areas. They have proposed to cut or terminate almost 150 discretionary programs that would save about \$21 billion and defense programs that would save about \$25 billion. But that savings should be put to reducing our total need to borrow and not bumped back into additional spending by the government.

Additionally, we need to incorporate what we just learned from the Government Accountability Office about inefficient and duplicative areas of the Federal budget. GAO’s recommendations for consolidations and eliminating programs should be fully reviewed and, in many places, implemented for next year’s budget.

Treasury Secretary Geithner will soon ask the Congress to increase the allowable Federal debt a fourth time for the last 2 years. In my judgment, Congress should say no unless such an increase is coupled with new and dramatic antispending reforms that would make any future additions to our debt nearly impossible.

While defaulting on U.S. bonds is not an option, Congress must tie future debt limit extensions to reforms that produce much smaller and smarter government. As Indiana’s Governor Daniels has said: “You will never know how much government you won’t miss.”

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### DEALING WITH THE DEFICIT

Mr. SANDERS. Madam President, we face as a nation some of the most difficult circumstances this country has faced since the Great Depression. Two of the major issues we are facing is the collapse of the middle class and, simultaneously, while poverty increases and the middle class in this country disappears, we also find ourselves with a \$14 trillion national debt and a \$1.6 trillion deficit.

At this momentous time in American history, the question arises as to how we, in fact, will deal with the deficit. Will we deal with it in a way that is fair and just or will we, at a time when the gap between the very wealthy and everybody else is growing wider, in fact, try to balance the budget on the backs of the middle class, on the backs of the poor, on the backs of the elderly, the sick, the children?

That is the question we have to address right now.

Yes, the deficit is a serious problem. Yes, we have to go forward in deficit reduction. But, no, in the midst of a major recession, it is morally wrong and economically bad policy to balance the budget on the backs of those people who are already hurting.

I find it interesting that some of the loudest voices who come before us every day talking about the serious problem of the deficit are precisely those people who have voted time after time after time to raise the deficit, raise the national debt. Yet now they come forward and say we have to cut programs for the elderly, the poor, and the children in order to balance the budget.

I suppose it turns out that now I and a few others are the real deficit hawks in the Senate. When it came to the war in Iraq—which will end up costing us some \$3 trillion—I didn’t hear a whole lot of discussion about how that war was going to be paid for. I voted against that war.

When it came to giving huge tax breaks to the wealthiest people in this country, I didn’t hear my Republican friends say: Oh, gee, we can’t do that because it is going to drive up the deficit. I voted against tax breaks for the wealthy.

When it came to passing an unfunded \$4 billion Medicare Part D prescription drug program—written by the insurance companies and the drug companies—I didn’t hear my Republican friends say our kids and grandchildren are going to have to pay for that. I voted against that.

Madam President, you will recall that after the crooks on Wall Street drove this Nation into a recession and they needed a bailout from the American people, you didn’t hear too many of our friends who voted for that bailout say: Oh, we can’t do that; it is unpaid for. It is going to drive up the deficit and the national debt. You didn’t hear that.

But now, suddenly we have people who have great concern about the na-

tional debt and the deficit, and they intend to balance that budget on the backs of working people, the elderly, the sick, the poor, and the children. Among other things, which is incomprehensible to me, at a time when approximately 16 percent of our people are truly unemployed—way above the official levels, the official numbers, because the official numbers do not include those people who have given up looking for work, those people working part-time when they want to work full-time—the Republicans come up with a deficit reduction package which will cost us some 700,000 jobs.

Now, I don’t know how or why in the middle of a severe recession, when unemployment is so high, they would come up with a proposal that costs 700,000 jobs.

Madam President, you well know that we do an abysmal job in this country in terms of taking care of our children. We have the highest rate of childhood poverty in the industrialized world. We have a totally inadequate early childhood education program in this country. Head Start, to the degree that it is funded adequately, does a good job. But in the midst of the crisis in early childhood education and childcare, the Republican proposal would cut Head Start—Head Start—one of the most important programs in America, giving low-income kids a chance to maybe get into school in the first grade, in kindergarten, on par with the other kids. They want to cut that program by 20 percent from fiscal year 2010, depriving over 200,000 little kids the opportunity not only to receive early childhood education but health care benefits and nutrition benefits from this important program.

I worked very hard to expand community health centers in America because maybe—just maybe—it is a bad idea that 45,000 Americans are going to die this year because they do not get to a doctor. Pick up the papers all over America. Tens of thousands of people are going to be thrown off Medicaid. What do you do if you don’t have health insurance and you are 40 or 50 years of age and you get sick? What do you do? Yet the Republican proposal would cut community health centers by \$1.3 billion, denying 11 million patients access to quality primary health care. In the midst of a major health care crisis, when millions of people are uninsured—50 million uninsured and people being thrown off Medicaid—you don’t shut down community health centers and deny people access to health care.

In Vermont—and I am sure in New York State—young people are finding it very difficult to afford a college education. They are coming out of college deeply in debt. In some cases, they can’t go to college. We are falling behind other countries in terms of the percentage of our young people graduating from college. Yet the Republican proposal would reduce by 17 percent the average Pell grant, and 9.4

million low-income college students would lose some or all of their Pell grant.

At this moment in American history where we are involved in an international, global economy, with so much pressure from abroad, we have to invest more in education, more in higher education, not less.

In the State of Vermont, the Community Services Block Grant Program provides vital services to low-income people who are in need of emergency food, emergency housing—emergency services. They do a great job. The Republican proposal would cut the Community Services Block Grant Program by \$405 million, which would harm 20 million low-income people, including millions of seniors.

Lastly—not lastly because there is a long list of these cuts which make no sense to me—I want to mention a cut of \$1.3 billion to the Social Security Administration. Our Republican friends say we are not cutting Social Security, but they are proposing a \$1.3 billion cut to the Social Security Administration—the people who administer the program. What does that mean?

Right now, there is a significant delay if you are looking for disability benefits—a huge delay. People are calling my office all the time saying they can't find anybody to process their claims. Yet the Republicans would propose a \$1.3 billion cut, which would delay Social Security benefits to about 500,000 Americans.

The issue is pretty clear: The top 1 percent in America earns 23 percent of all income, more than the bottom 50 percent. The wealthiest people in this country over the last 20 years have seen a reduction—a reduction—in the tax rates they pay. Today, at 16 percent, the wealthiest people in this country are paying the lowest tax rates that the rich have paid in many decades.

This is not a complicated issue. This issue is, do we move forward to balance the budget on the backs of people who are on Social Security, on the backs of little children who need Head Start, on the backs of seniors in the State of Vermont who depend upon heating assistance? Do we balance the budget on the backs of the weak, the vulnerable, the elderly or the poor or do we say: When we have an increasingly unequal distribution of income—the rich are doing very well—do we ask the wealthiest people to start paying their fair share of taxes?

The American people are pretty clear on this matter. They think it is wrong to balance the budget on the backs of those people who are already hurting in a recession. Let's ask the people on top to start paying their fair share so we can see some shared sacrifice in the midst of this recession.

Madam President, with that, I yield the floor, and 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. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. What is the pending business before the Senate?

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

Mr. DURBIN. I ask consent to speak in morning business for a few minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### THOUGHTFUL BUDGETING

Mr. DURBIN. Madam President, in a few minutes the Senate will gather here to vote on the continuing resolution which funds our Federal Government, in this case for 2 weeks. It is hard to believe we have reached that point in Washington where we are going to fund our government 2 weeks at a time. Critics may look at us and say that certainly the men and women who serve in the House and Senate ought to be able to gather together, to sit down like adults, Democrats and Republicans, and really plot the spending and budget for our government for at least the remaining 7 months of this year. It does not seem like an unreasonable request. Instead, we appear to be lurching from 1 month to 2 weeks, and I don't know what is next.

What is at issue is how much money will be spent in the remainder of this year and whether we will follow the House lead in a bill known as H.R. 1, the House budget bill, which made \$100 billion in cuts for the remainder of this year. The Senate has already made some \$41 billion in cuts in an effort to use these spending cuts to reduce the deficit, but the House wants to move that to a higher level.

I just returned this past week from a visit to my State when we had a week of recess and went from one end of the State to the other to measure the House budget cuts and their impact on my State of Illinois. What I found is, in community after community, many of the cuts that were made by the House were not done in a thoughtful manner.

I was a member of the deficit commission. I acknowledge we have to deal with this deficit in a timely and serious way. I was 1 of the 11 who voted for the commission report, and I stand by the commission report, at least in its goal to bring all of our spending on the table and to look at it seriously so we bring this deficit down and not saddle our children and grandchildren with this obligation to pay off our debt. But we took a measured, thoughtful approach and engaged all levels of government spending to reach our goal.

The House took 14 percent of the Federal budget, the so-called domestic discretionary section, and made all the

cuts there—all of them. As a result, they went too far. Let me give an example of how they went too far.

My last visit was to the Argonne National Laboratory outside of Chicago. I had representatives there from the Fermilab, a national accelerator laboratory in the same region. The resulting cuts from the House budget will reduce the amount of money available for those two key national laboratories by 20 percent. That sounds painful but not crippling; yet it is because it is a cut that has to take place in 7 months.

In the Argonne National Laboratory, they will have to lay off one-third of their scientists and support staff and cut back their research by 40 to 50 percent for the remainder of this year. Well, so what. What difference would it make? Here is the difference. Right now, the Argonne National Laboratory is doing critical research and work in areas of innovation. Where is the fastest computer in the world today? Good old USA, right? No. The fastest computer in the world today is in China. We have been doing research to make sure we develop the next “fastest computer.” It is not just bragging rights either; it is developing the technology that helps us develop our economy and develop our businesses and create jobs.

Part of this laboratory, the Advanced Photon Source, brings in pharmaceutical companies from all over the United States that test drugs that cure disease. They do it right there, Argonne National Laboratory.

I asked the person from Eli Lilly what happens if they close down for the next 6 months.

He said: I don't know where we will go. We may have to go overseas.

I said: Where?

Well, Europe, he said, or perhaps India or China.

Time and again, there is a recurring theme here. When we back off of an investment in America, our competitors have an advantage and an opportunity. That is why the House budget was so shortsighted to cut back in research and innovation.

The day before, I had gone to the Northwestern University Cancer Research Center and met with 50 or 60 medical doctors and researchers who said the cuts in the House budget would force them to lay off medical researchers for the remainder of this year. Is there anyone among us who has not had a moment in life when someone sick in their family needs help? You look for the best doctor and best hospital and ask that question we all would ask: Doctor, is there anything going on? Is there a drug we can turn to? Is there some experimental opportunity here?

The clinical trials that are part of the National Institutes of Health will be cut back by 20 percent during the remainder of this year. The oncologist at the Southern Illinois University School of Medicine said: I have 100 people suffering from cancer who are gravely ill, and unfortunately I can only put 80 of

them in a clinical trial because of these budget cutbacks. Senator, which ones should I turn away?

That is why the decisions on cutting money should require more than just bragging rights of how much you cut. We should be thoughtful. We should not cut education and training; that is tomorrow's workforce. The Pell grants that are denied today stop children, young people from low-income families, from going to school and getting an education and being prepared for the workforce. The cutback in innovation and research we have seen here with this House budget goes too far. The idea that we cannot invest in basic infrastructure for America so our economy moves forward is so shortsighted.

Today, we are likely, by a strong bipartisan vote, to extend the budget of the U.S. Government for 2 weeks. In the meantime, we have to sit down and be honest, honest about reducing the deficit in a thoughtful way that does not cripple our economy, that does not kill basic research, that does not stop the job training and education we need for the workforce of the 21st century because, I will tell you this, if we don't think about it carefully, our competitors around the world, particularly the No. 2 economy in the world today—China—will have an opportunity for a toehold and an opportunity to move forward at the expense of American businesses and American workers.

In this recession, with 15 million Americans out of work, we cannot afford to make the wrong decision on our budget. We have to sit down and make the right decision, carefully cutting waste and inefficiency—and there is plenty of it—but not cutting the essential services of our government that will build our economy and give us a chance to succeed in the future.

Mark Zandi, who is with Moody's, has said that H.R. 1, the House budget, will literally kill 700,000 jobs in America. With 15 million Americans out of work, is that the best Congress can do? I don't think so. Let's be thoughtful about what we are going to do. Let's make sure we get this economy moving forward and creating good-paying jobs for Americans so we can walk into a store someday, pick up a product, flip it over, and smile when we read "Made in the U.S.A." Wouldn't that be a great thing to prepare for by spending our money, investing our resources today for the workforces and businesses of tomorrow?

#### THE CONTINUING RESOLUTION

Mr. INOUYE. Madam President, this is the fifth time this fiscal year that I have urged the Senate to support a continuing resolution to keep the Federal Government running. CRs are inefficient and hamstring our agencies and departments, especially the Department of Defense in a time of war. A CR funds programs that should be terminated and does not fund programs that need to be initiated. There is only one

advantage to a CR—it is better than the alternative, a government shutdown.

The House has proposed a 2-week continuing resolution, which would keep the government operating through March 18. The proposal includes \$4 billion in cuts, many of which were recommended by the President in his fiscal year 2012 budget request. Clearly, the 2-week extension in this CR does not provide sufficient time to hammer out a final agreement. At this point, however, it would appear that the only alternative is a government shutdown. This is an unacceptable outcome—the consequences for our economy and the American people would be severe. As a result, I have come to the reluctant conclusion that we should pass this extension quickly and send it to the President for his signature.

As things stand today, I believe that we will find ourselves in the same place 2 weeks from now. I am not optimistic that there will be sufficient time to work out a final deal that will pass the House and Senate prior to March 18. I hope I am wrong, but the reality is that the two Houses remain far apart and the negotiations will be long and intense. By accepting this extension, Senate Democrats have demonstrated a good faith effort to work with our House and Senate Republican counterparts on a reasonable compromise that will end the current budget stalemate. Let us hope that our colleagues on the other side of the aisle are willing to meet us half way as we move forward with these critical negotiations in the weeks to come.

Mr. LEVIN. Madam President, let us be clear about where we are. The legislation before us is designed to avoid a shutdown of the Federal Government. It would provide funding for a 2-week period while we continue to debate and negotiate funding levels for the rest of fiscal year 2011. The price its supporters want to exact for that 2-week respite is our agreement to major cuts in spending, without any attempt to address our deficit by closing tax loopholes.

I do not believe we should pay that price. Let me offer one example why. Under this continuing resolution, the Army Corps of Engineers' investigations budget—the funding for Army Corps studies of possible projects—would be reduced by 35 percent, for the whole year, not just this 2-week period. The Corps' construction budget would be reduced by 17 percent. What does that mean? It means that the Army Corps of Engineers, which already faces a huge backlog of necessary projects, would be deprived of a big chunk of the funding it needs to do its vital work, funding that was included in the President's budget for 2011.

This legislation exacts other big cuts. It reduces funding for surface transportation projects by \$293 million. We will not build needed roads and bridges—and we will not gain the jobs those projects would create—under

those cuts. We will also cut tens of millions of dollars from energy research projects at the very moment our Nation faces the urgent task of liberating ourselves from dependence on foreign oil. These cuts will damage our economy today, and they will damage our competitiveness tomorrow. They will do our country harm.

The new House Republican majority sent us those spending cuts while continuing big tax cuts for upper income taxpayers. Last year, when we approved the extension of those tax cuts, I opposed them. I did so because I feared that they would create such strain in the budget that some would argue for massive, damaging cuts in spending levels. The legislation before us is confirmation that those fears were justified. The cuts it would impose would do very little to reduce our budget deficit, while doing much to harm working Americans, and leave untouched one large cause of deficits, the unfair and unnecessary tax cuts for upper bracket Americans. In fact, the price of those tax cuts for upper bracket taxpayers, about \$30 billion a year, far exceeds the \$4 billion in spending cuts included in this bill. In other words, we could avoid draconian spending cuts if we do not continue the Bush tax cuts for the roughly one in 50 U.S. households with incomes above \$250,000 a year, households that have done very well in the last 10 years while the middle class has lost ground.

That is not a fair approach. I cannot agree to it, and I will vote against this continuing resolution.

I yield the floor. I suggest the absence a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.J. Res. 44, which the clerk will report by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 44) making further continuing appropriations for fiscal year 2011, and for other purposes.

The joint resolution was ordered to a third reading and was read the third time.

Mr. UDALL of New Mexico. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is on passage of the joint resolution.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 91, nays 9, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—91

Akaka	Enzi	Mikulski
Alexander	Feinstein	Moran
Ayotte	Franken	Murkowski
Barrasso	Gillibrand	Nelson (NE)
Baucus	Graham	Nelson (FL)
Begich	Grassley	Portman
Bennet	Hagan	Pryor
Bingaman	Hoeven	Reed
Blumenthal	Hutchison	Reid
Blunt	Inhofe	Roberts
Boozman	Inouye	Rockefeller
Boxer	Isakson	Rubio
Brown (MA)	Johanns	Schumer
Brown (OH)	Johnson (SD)	Sessions
Burr	Johnson (WI)	Shaheen
Cantwell	Kerry	Shelby
Cardin	Kirk	Snowe
Carper	Klobuchar	Stabenow
Casey	Kohl	
Chambliss	Kyl	Tester
Coats	Landrieu	Thune
Coburn	Lautenberg	Toomey
Cochran	Leahy	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lugar	Vitter
Coons	Manchin	Warner
Corker	McCain	Webb
Cornyn	McCaskill	Whitehouse
DeMint	McConnell	Wicker
Durbin	Menendez	Wyden
Ensign	Merkley	

NAYS—9

Crapo	Lee	Paul
Harkin	Levin	Risch
Hatch	Murray	Sanders

The joint resolution (H.J. Res. 44) was passed.

Mr. LEAHY. 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.

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PATENT REFORM ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 23, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 23) to amend title 35, United States Code, to provide for patent reform.

Pending:

Leahy amendment No. 114, to improve the bill.

Bennet amendment No. 116, to reduce the fee amounts paid by small entities requesting prioritized examination under Three-Track Examination.

Bennet amendment No. 117, to establish additional USPTO satellite offices.

Lee amendment No. 115, to express the sense of the Senate in support of a balanced budget amendment to the Constitution.

Kirk-Pryor amendment No. 123, to provide a fast lane for small businesses within the U.S. Patent and Trademark Office to receive information and support regarding patent filing issues.

Menendez amendment No. 124, to provide for prioritized examination for technologies important to American competitiveness.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

(The remarks of Mrs. HUTCHISON are printed in today's RECORD under "Morning Business.")

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, yesterday, we were finally able to make progress when the Senate proceeded to a vote on the managers' amendment, the Leahy-Grassley-Kyl amendment, to the America Invents Act. That was a very important amendment, with contributions from many Senators from both sides of the aisle. It should ensure our moving forward to make the changes needed to unleash American innovation and create jobs without spending a single dollar of taxpayer money. In fact, according to the Congressional Budget Office, enactment of the bill will save millions of dollars.

I also thank those Senators who have stayed focused on our legislative effort, and who joined in tabling those amendments that have nothing to do with the subject of the America Invents Act. Extraneous amendments that have nothing to do with the important issue of reforming our out-of-date patent system so that American innovators can win the global competition for the future have no place in this important bill. They should not be used to slow its consideration and passage. If America is to win the global economic competition, we need the improvements in our patent system that this bill can bring.

I continue to believe, as I have said all week, that we can finish this bill today, and show the American people that the Senate can function in a bipartisan manner. We have not been as efficient as I would have liked. We have been delayed for hours at a time, and forced into extended quorum calls rather than being allowed to consider relevant amendments to this bill. Nonetheless, we are on the brink of disposing of the final amendments and passing this important legislation.

Today we should be able to adopt the Bennet amendment on satellite offices and the Kirk-Pryor amendment regarding the creation of an ombudsman for patents relating to small businesses. I hope that we can adopt the Menendez amendment on expediting patents for important areas of economic growth, like energy and the environment, as well. I am prepared to agree to short time agreements for additional debate, if needed, and votes on those amendments.

The remaining issue for the Senate to decide will be posed by an amendment that Senator FEINSTEIN has filed to turn back the advancement toward a first-inventor-to-file system.

I want to take a moment to talk about an important component of the America Invents Act, the transition of the American patent system to a first-inventor-to-file system. I said yesterday that the administration strongly supports this effort. The administra-

tion's Statement of Administration Policy notes that the reform to a first-inventor-to-file system "simplifies the process of acquiring rights" and describes it as an "essential provision [to] reduce legal costs, improve fairness and support U.S. innovators seeking to market their products and services in a global marketplace." I agree, and believe it should help small and independent inventors.

This reform has broad support from a diverse set of interests across the patent community, from life science and high-tech companies to universities and independent inventors. Despite the very recent efforts of a vocal minority, there can be no doubt that there is wide-ranging support for a move to a first-inventor-to-file patent system. A transition to first-inventor-to-file is necessary to fulfill the promises of higher quality patents and increased certainty that are the goals of the America Invents Act.

This improvement is backed by broad-based groups such as the National Association of Manufacturers, the American Intellectual Property Law Association, the Intellectual Property Owners Association, the American Bar Association, the Association for Competitive Technology, the Business Software Alliance, and the Coalition for 21st Century Patent Reform, among others. All of them agree that transitioning our outdated patent system to a first-inventor-to-file system is a crucial component to modernizing our patent system. I also commend the assistant Republican leader for his remarks yesterday strongly in favor of the first-inventor-to-file provisions.

A transition to a first-inventor-to-file system is needed to keep America at the pinnacle of innovation by ensuring efficiency and certainty in the patent system. This transition is also necessary to better equip the Patent and Trademark Office, PTO, to work through its current backlog of more than 700,000 unexamined patent applications through work-sharing agreements with other patent-granting offices.

The Director of the PTO often says that the next great invention that will drive our economic growth may be sitting in its backlog of applications. The time consuming "interference proceedings" that are commonplace in our current, outdated system are wasting valuable resources that contribute to this delay, and unfairly advantage large companies with greater resources.

A transition to a first-inventor-to-file system was recommended in the 2004 Report by the National Academy of Sciences. The transition has been a part of this bill since its introduction four Congresses ago. This legislation is the product of eight Senate hearings and three markups spanning weeks of consideration and many amendments. Until very recently, first-inventor-to-file had never been the subject of even a single amendment in committee.

Senator FEINSTEIN has worked with me on this bill, has cosponsored it in the past and has voted for it.

I urge Senators who support the goals of the America Invents Act to vote against this amendment to strike the bill's important reform represented by the first-inventor-to-file provision. Every industrialized nation other than the United States uses a patent priority system commonly referred to as a "first-to-file" system. In a first-inventor-to-file system, the priority of a right to a patent is based on the earlier filed application. This adds simplicity and objectivity into a very complex system. By contrast, our current, outdated method for determining the priority right to a patent is extraordinarily complex, subjective, time-intensive, and expensive. The old system almost always favors the larger corporation and the deep pockets over the small, independent inventor.

The transition to a first-inventor-to-file system will benefit the patent community in several ways. It will simplify the patent application system and provide increased certainty to businesses that they can commercialize a patent that has been granted. Once a patent is granted, an inventor can rely on its filing date on the face of the patent. This certainty is necessary to raise capital, grow businesses, and create jobs.

The first-inventor-to-file system will also reduce costs to patent applicants and the Patent Office. This, too, should help the small, independent inventor. In the outdated, current system, when more than one application claiming the same invention is filed, the priority of a right to a patent is decided through an "interference" proceeding to determine which applicant can be declared to have invented the claimed invention first. This process is lengthy, complex, and can cost hundreds of thousands of dollars. Small inventors rarely, if ever, win interference proceedings. In a first-inventor-to-file system, however, the filing date of the application is objective and easy to determine, resulting in a streamlined and less costly process.

Importantly, a first-inventor-to-file system will increase the global competitiveness of American companies and American inventors. As business and competition are increasingly global in scope, inventors must frequently file patent applications in both the United States and other countries for protection of their inventions. Since America's current, outdated system differs from the first-inventor-to-file system used in other patent-issuing jurisdictions, it causes confusion and inefficiencies for American companies and innovators. Harmonization will benefit American inventors.

Finally, the first-inventor-to-file provisions that are included in the America Invents Act were drafted with careful attention to needs of universities and small inventors. That is why the bill includes a 1-year grace period to ensure that an inventor's own publica-

tion or disclosure cannot be used against him as prior art, but will act as prior art against another patent application. This will encourage early disclosure of new inventions, regardless of whether the inventor ends up trying to patent the invention.

For these reasons among others, the transition is supported by the overwhelming majority of the patent community and American industry, as well as the administration and the experts at the Patent and Trademark Office.

This past weekend, the Washington Post editorial board endorsed the transition, calling the first-inventor-to-file standard a "bright line," and stating that it would bring "certainty to the process." The editorial also recognizes the "protections for academics who share their ideas with outside colleagues or preview them in public seminars" that are included in the bill.

The Small Business & Entrepreneurship Council has expressed its strong support for the first-inventor-to-file system, writing that "small firms will in no way be disadvantaged, while opportunities in the international markets will expand."

The Intellectual Property Owners Association calls the first-inventor-to-file system "central to modernization and simplification of patent law" and "very widely supported by U.S. companies."

Independent inventor Louis Foreman has said the first-inventor-to-file transition will help "independent inventors across the country by strengthening the current system for entrepreneurs and small businesses."

And, in urging the transition to the first-to-file system, the Association for Competitive Technology, which represents small and mid-size IT firms, has said the current first-to-invent system "negatively impacts entrepreneurs" and puts American inventors "at a disadvantage with competitors abroad who can implement first inventor to file standards."

If we are to maintain our position at the forefront of the world's economy, if we are to continue to lead the globe in innovation and production, if we are to win the future through American ingenuity and innovation, then we must have a patent system that is streamlined and efficient. The America Invents Act, and a transition to a first-inventor-to-file system in particular, are crucial to fulfilling this promise.

Madam President, in summary, as I said, yesterday we were finally able to make progress when the Senate proceeded to a vote on the managers' amendment, the Leahy-Grassley-Kyl amendment, to the America Invents Act. It was a very important amendment, with contributions from many Senators from both sides of the aisle.

I think it was a little bit frustrating for the public to watch. They saw us several hours in quorum calls and then having an amendment that passed 97 to 2. I would hope we might, in doing the Nation's business, move with a little bit more speed. But I do thank those Senators who supported it.

The Leahy-Grassley-Kyl amendment should ensure our moving forward to make the changes needed to unleash American innovation and create jobs without spending a single dollar of taxpayer money. In fact, according to the Congressional Budget Office, enactment of the bill will save millions of dollars. These are not bumper slogan ideas of saving money. These are actually doing the hard work necessary to save money.

I thank those Senators who have stayed focused on our legislative effort and who joined in tabling nongermane amendments that had nothing to do with the subject of the America Invents Act.

Extraneous amendments that have nothing to do with the important issue of reforming our out-of-date patent system so American innovators can win the global competition for the future have no place in this important bill.

We are at a time when China and Europe and the rest of Asia are moving ahead of us. We need the tools to keep up. We should not waste time with a lot of sloganeering amendments that would stop the bill. What we ought to focus on is making America good and making sure we can compete with the rest of the world. We should not have amendments used to slow this bill's consideration and passage. If America is going to win the global economic competition, we need the improvements in our patent system this bill can bring.

I continue to believe, as I have said all week, we can finish the bill—we actually could have finished it yesterday, when you consider all the time wasted in quorum calls—but I believe we can finish it today and show the American people the Senate can function in a bipartisan manner.

We have not been as efficient as I would have liked. We have been delayed for hours at a time and forced into extended quorum calls rather than being allowed to consider relevant amendments to the bill. But we are on the brink of disposing of the final amendments and passing this important legislation.

We should be able to adopt the Bennet amendment on satellite offices either by a voice vote or a rollcall, I would hope in the next few minutes, and the Kirk-Pryor amendment regarding the creation of an ombudsman for patents relating to small businesses.

I hope we can adopt the Menendez amendment on expediting patents for important areas of economic growth, such as energy and the environment, as well. I am prepared to agree to very short time agreements for additional debate, if needed. If a rollcall is called for, I am happy to have those.

The remaining issue for the Senate to decide will be posed by an amendment Senator FEINSTEIN filed to turn back the advancement toward a first-inventor-to-file system.

I wish to take a moment to talk about an important component of the

America Invents Act, the transition of the American patent system to a first-inventor-to-file system. This is strongly supported by the administration and by the managers of this package. The administration's Statement of Administration Policy notes that the reform to a first-inventor-to-file system "simplifies the process of acquiring rights," and it describes it as an "essential provision [to] reduce legal costs, improve fairness and support U.S. innovators seeking to market their products and services in a global marketplace." I agree. I also believe it should help small and independent inventors.

This reform has broad support from a diverse set of interests across the patent community, from life science and high-tech companies to universities and independent inventors. Despite the very recent efforts—and they were very recent efforts; after all, we have been working on this bill for years—of a vocal minority, there can be no doubt that there is wide-ranging support for a move to a first-inventor-to-file patent system.

A transition to first-inventor-to-file system is necessary to fulfill the promises of higher quality patents and increased certainty that are the goals of the America Invents Act. This improvement is backed by broad-based groups such as the National Association of Manufacturers, the American Intellectual Property Law Association, the Intellectual Property Owners Association, the American Bar Association, the Association for Competitive Technology, the Business Software Alliance, and the Coalition for 21st Century Patent Reform, among others. All of them agree that transitioning our outdated patent system to a first-inventor-to-file system is a crucial component to modernizing our patent system.

I commend the assistant Republican leader for his remarks yesterday strongly in favor of the first-inventor-to-file provisions. It actually allows us to put America at the pinnacle of innovation by ensuring efficiency and certainty in the patent system.

This transition is also necessary to better equip the Patent and Trademark Office to work through its current backlog. That backlog has more than 700,000 unexamined patent applications.

A transition to a first-inventor-to-file system will benefit the patent community in several ways. It will simplify the patent application system and provide increased certainty to businesses that they can commercialize a patent that has been granted.

The first-inventor-to-file system will also reduce costs to patent applicants and the Patent Office. Importantly, a first-inventor-to-file system will increase the global competitiveness of American companies and American inventors. Also, the first-inventor-to-file provisions that are included in the America Invents Act were drafted with careful attention to needs of universities and small inventors. For these

reasons, among others, this transition is supported by the overwhelming majority of the patent community and American industry, as well as the administration and experts at the Patent and Trademark Office.

At this time I wish to have printed in the RECORD a few letters of support for the transition to first-to-file.

The Small Business & Entrepreneurship Council says that "by moving to a first-inventor-to-file system, small firms will in no way be disadvantaged, while opportunities in international markets will expand."

The Intellectual Property Owners Association says the transition to first-inventor-to-file "is central to modernization and simplification of patent law and is very widely supported by U.S. companies."

BASF says the first-to-file system will "enhance the patent system in ways that would benefit all sectors of the U.S. economy."

And the American Bar Association refutes claims that the first-to-file system would disadvantage small and independent inventors, saying that the legislation "makes it clear that the award goes to the first inventor to file and not merely to the first person to file."

I ask unanimous consent that copies of these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS  
& ENTREPRENEURSHIP COUNCIL,  
Oakton, VA, February 28, 2011.

Hon. PATRICK LEAHY,  
U.S. Senate, Russell Senate Bldg.,  
Washington, DC.

DEAR SENATOR LEAHY: The Small Business & Entrepreneurship Council (SBE Council) and its members across the nation have been strong advocates for patent reform. We are pleased that you have introduced the Patent Reform Act (S. 23), and we strongly endorse this important piece of legislation.

An effective and efficient patent system is critical to small business and our overall economy. After all, the U.S. leads the globe in entrepreneurship, and innovation and invention are central to our entrepreneurial successes. Indeed, intellectual property—most certainly including patents—is a key driver to U.S. economic growth. Patent reform is needed to clarify and simplify the system; to properly protect legitimate patentees; and to reduce costs in the system, including when it comes to litigation and the international marketplace.

Make no mistake, this is especially important for small businesses. As the Congressional Research Service has reported: "Several studies commissioned by U.S. federal agencies have concluded that individuals and small entities constitute a significant source of innovative products and services. Studies have also indicated that entrepreneurs and small, innovative firms rely more heavily upon the patent system than larger enterprises."

The Patent Reform Act works to improve the patent system in key ways, including, for example, by lowering fees for micro-entities, and by shortening time periods for patent reviews by making the system more predictable.

During the debate over this legislation, it is expected that two important areas of reform will come under attack.

First, the U.S. patent system is out of step with the rest of the world. The U.S. grants patents on a first-to-invent basis, rather than the first-inventor-to-file system that the rest of the world follows. First-to-invent is inherently ambiguous and costly, and that's bad news for small businesses and individual inventors.

In a 2004 report from the National Research Council of the National Academies (titled "A Patent System for the 21st Century"), it was pointed out: "For those subject to challenge under first-to-invent, the proceeding is costly and often very protracted; frequently it moves from a USPTO administrative proceeding to full court litigation. In both venues it is not only evidence of who first reduced the invention to practice that is at issue but also questions of proof of conception, diligence, abandonment, suppression, and concealment, some of them requiring inquiry into what an inventor thought and when the inventor thought it." The costs of this entire process fall more heavily on small businesses and individual inventors.

As for the international marketplace, patent harmonization among nations will make it easier, including less costly, for small firms and inventors to gain patent protection in other nations, which is critical to being able to compete internationally. By moving to a first-inventor-to-file system, small firms will in no way be disadvantaged, while opportunities in international markets will expand.

Second, as for improving the performance of the USPTO, it is critical that reform protect the office against being a "profit center" for the federal budget. That is, the USPTO fees should not be raided to aid Congress in spending more taxpayer dollars or to subsidize nonrelated programs. Instead, those fees should be used to make for a quicker, more predictable patent process.

Thank you for your leadership Senator Leahy. Please feel free to contact SBE Council if we can be of assistance on this important issue for small businesses.

Sincerely,

KAREN KERRIGAN,  
President & CEO.

INTELLECTUAL PROPERTY  
OWNERS ASSOCIATION,

Washington, DC, February 25, 2011.  
Re Amendments to S. 23, the "Patent Reform Act of 2011."

Honorable \_\_\_,  
U.S. Senate,

Senate Office Building, Washington, DC.

DEAR SENATOR \_\_\_: Intellectual Property Owners Association (IPO) is pleased that the Senate is planning to proceed with consideration of S. 23, the "Patent Reform Act of 2011."

IPO is one of the largest and most diverse trade associations devoted to intellectual property rights. Our 200 corporate members cover a broad spectrum of U.S. companies in industries ranging from information technology to consumer products to pharmaceuticals and biotechnology.

We wish to give you our advice on amendments that we understand might be offered during consideration of S. 23:

Vote AGAINST any amendment to delete the "first-inventor-to-file" and related provisions in section 2 of the bill. First-inventor-to-file, explained in a 1-page attachment to this letter, is central to modernization and simplification of patent law and is very widely supported by U.S. companies.

Vote FOR any amendment guaranteeing the U.S. Patent and Trademark Office access

to all user fees paid to the agency by patent and trademark owners and applicants. Current delays in processing patent applications are totally unacceptable and the result of an underfunded Patent and Trademark Office.

**Vote AGAINST** any amendment that would interpose substantial barriers to enforcement of validly-granted “business method” patents. IPO supports business method patents that were upheld by the U.S. Supreme Court in the recent Bilski decision.

For more information, please call IPO at 202-507-4500.

Sincerely,

DOUGLAS K. NORMAN,  
President.

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FIRST-INVENTOR-TO-FILE IN S. 23, THE  
“PATENT REFORM ACT OF 2011”

Section 2 of S. 23 simplifies and modernizes U.S. patent law by awarding the patent to the first of two competing inventors to file in the U.S. Patent and Trademark Office (PTO), a change from the traditional system of awarding the patent, in theory, to the first inventor to invent. First-inventor-to-file in S. 23 has these advantages:

Eliminates costly and slow patent interferences proceedings conducted in the PTO and the courts to determine which inventor was the first to invent.

Creates legal certainty about rights in all patents, the vast majority of which never become entangled in interference proceedings in the first place, but which are still subject to the possibility under current law that another inventor might come forward and seek to invalidate the patent on the ground that this other inventor, who never applied for a patent, was the first to invent.

Encourages both large and small patent applicants to file more quickly in order to establish an early filing date. Early filing leads to early disclosure of technology to the public, enabling other parties to build on and improve the technology. (Applicants who plan to file afterward in other countries already have the incentive to file quickly in the U.S.)

Makes feasible the introduction of post-grant opposition proceedings to improve the quality of patents, by reducing the issues that could be raised in a post-grant proceeding, thereby limiting costs and delay.

Follows up on changes already made by Congress that (1) established inexpensive and easy-to-file provisional patent applications and, (2) in order to comply with treaty obligations, allowed foreign inventors to participate in U.S. patent interference proceedings.

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BASF.

Florham Park, NJ, February 28, 2011.

Hon. FRANK LAUTENBERG,  
Hon. BOB MENENDEZ,  
U.S. Senate,  
Washington, DC.

DEAR SENATORS LAUTENBERG AND MENENDEZ: On behalf of BASF's North American headquarters located in Florham Park, New Jersey, I am writing to urge your support for S. 23, the Patent Reform Act of 2011.

At BASF, We Create Chemistry, and we pride ourselves on creating technological advances through innovation. We recognize that America's patent system is crucial to furthering this innovation and that the system is in need of modernization and reform. The United States desperately needs to enhance the efficiency, objectivity, predictability, and transparency of its patent system.

BASF likes S. 23 because we feel it will preserve the incentives necessary to sustain America's global innovation and spur the creation of high-wage, high-value jobs in our nation's economy. In particular, the shift to

a “first to file” system, an appropriate role for the court in establishing patent damages, and improved mechanisms for challenging granted patents enhance the patent system in ways that would benefit all sectors of the U.S. economy.

I want to stress that BASF supports S. 23 in the form recently passed out of the Senate Judiciary Committee via a bipartisan 15-0 vote. This bill represents a great deal of work and hard fought consensus. We ask that you reject amendments on the floor that would substantively alter the bill, including one that would reportedly strike the “first to file” provision.

Please note, however, that BASF does support a planned amendment that would end the practice of diverting funds from the U.S. Patent and Trademark Office to other agencies. This amendment is necessary, since the USPTO is funded entirely by user fees and does not get any taxpayer money.

Our patent system has helped foster U.S. innovation and protect the intellectual property rights of inventors for more than 200 years, and it can continue to do so if it is updated to make sure it meets the challenges facing today's innovators, investors, and manufacturers. I urge you to work with your colleagues in the Senate to pass S. 23 without substantive amendment to the patent provisions and with language that would prevent diversion of USPTO funds.

Sincerely,  
STEVEN J. GOLDBERG,  
Vice President,  
Regulatory Law & Government Affairs

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AMERICAN BAR ASSOCIATION,  
Chicago, IL, February 28, 2011.

DEAR SENATOR: This week the Senate will be considering S. 23, the “Patent Reform Act of 2011.” I am writing to express the support of the Section of Intellectual Property Law of the American Bar Association for Senate approval of S. 23, and our opposition to any amendment that may be offered to strike the “first-inventor-to-file” provisions of the bill. These views have not been considered by the American Bar Association's House of Delegates or Board of Governors and should not be considered to be views of the American Bar Association.

S. 23 is a bi-partisan product of six years of study and development within the Judiciary Committee. By necessity, it contains a number of provisions that are the result of negotiation and compromise and it is unlikely that all of the Judiciary Committee co-sponsors favor each and every provision. We too would have addressed some issues differently. However, the perfect should not be the enemy of the good and we believe that this is a good bill. S. 23 and S. 515, its close predecessor in the 111th Congress, are the only bills that we have endorsed in the six years that we have been following this legislation. The enactment of S. 23 would substantially improve the patent system of the United States and we support that enactment.

At the same time, we want to express our strong opposition to an amendment that may be offered to strike the provisions of S. 23 that would switch the U.S. patent system to one that awards a patent to the first inventor who discloses his invention and applies for a patent (“first-inventor-to-file”), rather than awarding a patent based on winning the contest to show the earliest date of conception or reduction to practice of the invention (“first-to-invent”).

The United States is alone in the world in retaining the first-to-invent system. While a first-inventor-to-file system encourages inventors to file for a patent and disclose their inventions at an early date, the first-to-invent standard increases opportunity for com-

peting claims to the same invention, and facilitates protracted legal battles in administrative and court proceedings, which are extremely costly, in both time and money.

Some have long thought that small and independent inventors would be disadvantaged in a first-inventor-to-file environment and that competitors with more resources might learn of their inventions and get to the U.S. Patent Office first with an application. This current legislation, however, makes it clear that the award goes to the first inventor to file and not merely to the first person to file.

Equally important, recent studies show that, under the present U.S. patent system, small and independent inventors who are second to file but who attempt in the U.S. Patent Office and court proceedings to establish that they were the first to invent, actually lose more patents than they would obtain had the United States simply awarded patents to the first inventor to file.

Moreover, since 1996, an inventor based in the United States faces a much more difficult task of ever obtaining a patent. For inventions made after 1996, the U.S. patent system has been open to proofs of inventions made outside the United States—creating for many U.S.-based inventors a new and potentially even more expensive obstacle to obtaining a patent under the current first-to-invent rule.

Finally, U.S. inventors more and more are facing the need to file patent applications both at home and abroad to remain competitive in our global economy. Requiring compliance with two fundamentally different systems places undue additional burdens on our U.S. inventors and puts them at a competitive disadvantage in this global economy.

We urge you to support enactment of S. 23 and to oppose any amendment to strike the “first-inventor-to-file” provisions.

Sincerely,  
MARYLEE JENKINS,  
Chairperson,  
Section of Intellectual Property Law.

MR. LEAHY. Madam President, we are now ready to go forward on the Bennet and Kirk-Pryor amendments. I am prepared to call them up for a vote in the next few minutes if we could get somebody on the floor.

AMENDMENT NO. 117, AS MODIFIED

I understand there is a modification at the desk of Bennet amendment No. 117.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 104, between lines 22 and 23, insert the following:

**SEC. 18. SATELLITE OFFICES.**

(a) ESTABLISHMENT.—Subject to available resources, the Director may establish 3 or more satellite offices in the United States to carry out the responsibilities of the Patent and Trademark Office.

(b) PURPOSE.—The purpose of the satellite offices established under subsection (a) are to—

(1) increase outreach activities to better connect patent filers and innovators with the Patent and Trademark Office;

(2) enhance patent examiner retention;

(3) improve recruitment of patent examiners; and

(4) decrease the number of patent applications waiting for examination and improve the quality of patent examination.

(c) REQUIRED CONSIDERATIONS.—In selecting the locale of each satellite office to be

established under subsection (a), the Director—

(1) shall ensure geographic diversity among the offices, including by ensuring that such offices are established in different States and regions throughout the Nation; and

(2) may rely upon any previous evaluations by the Patent and Trademark Office of potential locales for satellite offices, including any evaluations prepared as part of the Patent and Trademark Office's Nationwide Workforce Program that resulted in the 2010 selection of Detroit, Michigan as the first ever satellite office of the Patent and Trademark Office.

(3) Nothing in the preceding paragraph shall constrain the Patent and Trademark Office to only consider its prior work from 2010. The process for site selection shall be open.

(d) PHASE-IN.—The Director shall satisfy the requirements of subsection (a) over the 3-year period beginning on the date of enactment of this Act.

(e) REPORT TO CONGRESS.—Not later than the end of the first fiscal year that occurs after the date of the enactment of this Act, and each fiscal year thereafter, the Director shall submit a report to Congress on—

(1) the rationale of the Director in selecting the locale of any satellite office required under subsection (a);

(2) the progress of the Director in establishing all such satellite offices; and

(3) whether the operation of existing satellite offices is achieving the purposes required under subsection (b).

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

(1) DIRECTOR.—The term “Director” means the Director of the United States Patent and Trademark Office.

(2) PATENT AND TRADEMARK OFFICE.—The term “Patent and Trademark Office” means the United States Patent and Trademark Office.

On page 104, line 23, strike “SEC. 18.” and insert “SEC. 19.”.

AMENDMENTS NOS. 117, AS MODIFIED, AND 123

Mr. LEAHY. Madam President, I ask unanimous consent that the Senate resume consideration of Bennet amendment No. 117, as modified, with the changes at the desk and Kirk amendment No. 123 en bloc; further, that the amendments be agreed to en bloc and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GRASSLEY. Madam President, reserving the right to object, and I will not object, I wish to say as manager of my side of the aisle that we support this. We think both of these amendments are good amendments and that we ought to move forward. I appreciate very much the majority working with us to accomplish this goal.

I yield the floor.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The amendments, Nos. 117, as modified, and 123, were agreed to en bloc.

Mr. LEAHY. Madam President, I am ready to go to third reading unless there are others who are otherwise tied up who knows where, but I wish they would take the time to drop by if they have amendments. Senator GRASSLEY and I spent hours on the floor yester-

day just waiting for people to bring up amendments. We went through a number of quorum calls. We are talking about something that is going to be a tremendous boost to businesses and inventors. Those who are watching are wondering probably why we have spent years getting this far. So much time is being wasted.

I just want everybody to know the two of us are ready to vote. Yesterday we took hours of delay to vote on the Leahy-Grassley, et al. amendment, and then it passed 97 to 2.

So I would urge Senators who have amendments to come to the floor. As the gospel says, “Many are called, but few are chosen.” It may be the same thing on some of the amendments, but ultimately we will conclude. Before my voice is totally gone, unless the Senator from Iowa has something to say, I yield to the Senator from Iowa.

Mr. GRASSLEY. Madam President, supporting what the chairman has just said, outside of the fact that there might be one or two controversial non-germane amendments to this legislation, we have to look at the underlying product. The underlying product is very bipartisan. Most economic interests within our country are supporting this patent reform legislation. Everybody agrees it is something that probably should have been passed a Congress ago.

I join my Democratic manager and the chairman of the committee in urging Senators on my side of the aisle who have either germane amendments or nongermane amendments to come to the floor and offer them so the underlying piece of legislation can be passed and sent on to the House of Representatives.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, I also wish to associate myself with the distinguished senior Senator from Iowa. He has worked very hard to help us get to the floor. Considering the enormous amount of time that has been spent by both sides of the aisle on this bill, the amount of time that has been spent working out problems, I wish we could complete it. I understand there are a couple Senators who may have amendments. I am not sure where they are, but I am sure they will show up at some point. In the meantime, 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.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

AMENDMENT NO. 133

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 133, and I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. RISCH, Mr. REID, Mr. CRAPO, Mrs. BOXER, and Mr. ENSIGN, proposes an amendment numbered 133.

The amendment is as follows:

On page 2, line 1, strike “**FIRST INVENTOR TO FILE.**” and insert “**FALSE MARKING.**”

On page 2, strike line 2 and all that follows through page 16, line 4.

On page 16, line 5, strike “(1) IN GENERAL.” and insert “(a) IN GENERAL.” and move 2 ems to the left.

On page 16, line 7, strike “(A)” and insert “(1)” and move 2 ems to the left.

On page 16, line 11, strike “(B)” and insert “(2)” and move 2 ems to the left.

On page 16, line 18, strike “(2) EFFECTIVE DATE.” and insert “(b) EFFECTIVE DATE.” and move 2 ems to the left.

On page 16, line 19, strike “subsection” and insert “section”.

On page 16, strike line 22 and all that follows through page 23, line 2.

On page 23, strike line 3 and all that follows through page 31, line 15, and renumber sections accordingly.

On page 64, strike line 18 and all that follows through page 65, line 17.

On page 69, line 10, strike “derivation” and insert “interference”.

On page 69, line 14, strike “derivation” and insert “interference”.

On page 71, line 9, strike “DERIVATION” and insert “INTERFERENCE”.

On page 71, lines 9 and 10, strike “derivation” and insert “interference”.

On page 71, line 14, strike “derivation” and insert “interference”.

On page 72, line 3, strike “derivation” and insert “interference”.

On page 72, line 8, strike “derivation” and insert “interference”.

On page 73, line 1, strike “derivation” and insert “interference”.

On page 73, between lines 5 and 6, insert the following:

(d) CONFORMING AMENDMENTS.—Sections 41, 134, 145, 146, 154, 305, and 314 of title 35, United States Code, are each amended by striking “Board of Patent Appeals and Interferences” each place that term appears and inserting “Patent Trial and Appeal Board”.

On page 73, line 6, strike “(d)” and insert “(e)”.

On page 93, strike lines 6 through 8, and insert the following: by inserting “(other than the requirement to disclose the best mode)” after “section 112 of this title”.

On page 98, strike lines 20 and 21, and insert the following:

**SEC. 17. EFFECTIVE DATE.**

Except as otherwise provided

On page 99, strike lines 1 through 14.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that at the conclusion of my remarks the amendment be set aside and the Senate return to the previously pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you very much.

I rise today to offer an amendment to strike the first-to-file provisions of this bill. I am joined in this effort by my cosponsors, Senator RISCH, Majority Leader REID, and Senators CRAPO

and BOXER. I also ask unanimous consent that Senator ENSIGN be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I know the bill has contained these provisions for some time now, and I acknowledge I have voted for different versions of it that contain these provisions. However, I have heard more and more in the past 2 years from small inventors, startup companies, small businesses, venture capitalists, and, yes, even large companies from all around our country, but especially in my State of California, that this proposed transition from our first-to-invent system to a first-to-file system would be severely harmful to innovation, and especially burdensome on small inventors, startups, and small businesses. And I have become convinced it is the wrong thing to do.

For the benefit of my colleagues who have not been so embroiled in this rather technical issue, let me provide a little background. For over a century, our country has awarded patents to the first inventor to come up with an idea, even if somebody else beat them to the Patent Office—a first-to-invent system. And we have done very well under the first-to-invent system. This bill would change that, so that the first person to file an application for a patent for a particular invention would be entitled to that patent, even if another person actually created the invention first. This is what is known as the first-to-file system.

Now, the argument that is made for transitioning to first-to-file is that the rest of the world follows first-to-file, and that will harmonize our system with theirs. This is supported by big companies that have already made it, that have an international presence. Therefore, I understand their support for first-to-file. But under first-to-invent, we have been the world's leader in innovation, and the first-to-file countries have been playing catchup with our technological advances. So with all due respect, I wouldn't trade America's record of innovation for that of virtually any other country or certainly any first-to-file country.

The genius of America is inventions in small garages and labs, in great ideas that come from inspiration and perspiration in such settings and then take off. So many of America's leading companies—Hewlett Packard, Apple, Google, even AT&T arising from Alexander Graham Bell's lab, for example—started in such settings and grew spectacularly, creating jobs for millions of Americans and lifting our economy and standard of living.

A coalition of affected small business groups, including the National Small Business Association and others, recently said first-to-file "disrupts the unique American start-up ecosystem that has led to America's standing as the global innovation leader . . ."

I believe it is critical that we continue to protect and nurture this cul-

ture of innovation, and preserving the first-to-invent system that has helped foster it is essential to do this.

Moreover, this bill would not actually harmonize our patent priority system with that of the rest of the world. Many first-to-file countries allow more extensive use of prior art to defeat a patent application and provide for greater prior user rights than this bill would provide. Europe does not provide even the limited 1-year publication grace period this bill does.

An important part of this debate is the change the bill makes to the so-called grace period that inventors have under U.S. current law. Presently, a person's right to their invention is also protected for 1 year from any of the following: No. 1, describing their invention in a printed publication; No. 2, making a public use of the invention; or, No. 3, offering the invention for sale. This is called the grace period, and it is critical to small inventors.

Mr. President, 108 startups and small businesses wrote last year that:

U.S. patent law has long allowed inventors a 1-year "grace period," so that they can develop, vet, and perfect their invention, begin commercialization, advance sales, seek inventors and business partners, and obtain sufficient funds to prosecute the patent application. During the grace period, many inventors learn about starting a technology-based business for the first time. They must obtain investment capital and must learn from outside patent counsel (at considerable expense) about patenting and related deadlines and how to set up confidentiality agreements. Many startups or small businesses are in a race against insolvency during this early stage. The grace period protects them during this period from loss of patent rights due to any activities, information leaks or inadvertent unprotected disclosures prior to filing their patent applications.

S. 23 eliminates this grace period from offering an invention for sale or making a public use of it, leaving only a grace period from "disclosure" of the invention.

There are two problems with this. First, "disclosure" is not defined in the bill. This will generate litigation while the courts flesh out that term's meaning. While this plays out in the courts, there will be uncertainty about whether many inventions are patentable. This uncertainty will, in turn, chill investment, as venture capitalists will be reluctant to invest until they are confident that the inventor will be able to patent and own their invention.

Secondly, because of this lack of definition, some patent lawyers interpret "disclosure" to mean a disclosure that is sufficiently detailed to enable a person of ordinary skill in the particular art to make the invented item. In practical terms, this means a patent application or a printed publication.

Now, this does provide some protection to universities, it is true. They often publish about their inventions. However, it is scant protection for the small inventor. They don't publish about their inventions, until they file a patent application. As the 108 small businesses put it, "no business will-

ingly publishes complete technical disclosures that will tip-off all competitors to a company's technological direction. . . . Confidentiality is crucial to small companies."

The grace period from offering for sale or public use is critical for their protection; eliminating it will have the effect, in the words of these small businesses, of "practically gutting the American 1-year grace period." The National Small Business Association wrote recently:

The American first-to-invent grace period patent system has been a major mechanism for the dynamism of small business innovation. . . . It is clear that the weak or (entirely absent) [sic] grace periods used in the rest of the world's first-to-file patent system throttles small-business innovation and job creation.

Our amendment would preserve America's world-leading system.

I am also very concerned that first-to-file would proportionately disadvantage small companies and startups with limited resources. I have become convinced that this change would impede innovation and economic growth in our country, particularly harming the small, early-stage businesses that generate job growth.

Obviously, the process of innovation starts with the generation of ideas. Small California companies and inventors have described to me how most of these ideas ultimately do not pan out; either testing or development proves they are not feasible technologically, or they prove not to be viable economically.

Unfortunately, first-to-file incentivizes inventors to "race to the Patent Office," to protect as many of their ideas as soon as possible so they are not beaten to the punch by a rival. Thus, first-to-file will likely result in significant overfiling of these "dead end" inventions, unnecessarily burdening both the Patent and Trademark Office and inventors. As Paul Michel, former chief judge of the Court of Appeals for the Federal Circuit, and Gregory Junemann, president of the International Federation of Professional and Technical Engineers, put it in a recent letter to the committee:

As Canada recently experienced, a shift to a first-to-file system can stimulate mass filing of premature applications as inventors rush to beat the effective date of the shift or later, filings by competitors.

This presents a particular hardship for independent inventors, for startups, and for small businesses, which do not have the resources and volume to employ in-house counsel but must instead rely on more-costly outside counsel to file their patents. This added cost and time directed to filing for ideas that are not productive will drain resources away from the viable ideas that can build a patent portfolio—and a business.

At a time when the Patent and Trademark Office has a dramatic backlog of over 700,000 patents waiting to be examined and a pendency time of some 3 years, Congress should be careful to

## EXHIBIT 1

JUNE 1, 2010.

Re Effective repeal of the one-year “grace period” under S. 515, the Patent Reform Act of 2010.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.  
Hon. MITCH MCCONNELL,  
Minority Leader, U.S. Senate,  
Washington, DC.

DEAR SENATORS, on behalf of the undersigned companies and organizations whose survival and new job creations depend on patent protection, we are writing regarding the patent reform legislation, S. 515. We write today to draw renewed attention to a proposed rewrite of 35 U.S.C. §102, which effectively eliminates the American one-year grace period during which current law permits an inventor to test and vet an invention, publicly demonstrate it to obtain advance sales revenue and seek investors before filing the patent application. No representatives of small business were called to testify during five years of Senate hearings on patent legislation. This issue has been overshadowed by the debate on other provisions of S. 515, but it is no less disruptive to the technology investments fostered by the patent system. The proposed sweeping changes in §102 is another issue where some large, incumbent firms are seeking a change to the detriment of small companies, new entrants, startup innovators, independent inventors, and future businesses.

U.S. patent law has long allowed inventors a one-year “grace period,” so that they can develop, vet, and perfect their invention, begin commercialization, advance sales, seek investors and business partners, and obtain sufficient funds to prosecute the patent application. During the grace period, many inventors learn about starting a technology-based business for the first time. They must obtain investment capital and often must learn from outside patent counsel (at considerable expense) about patenting and related deadlines and how to set up confidentiality agreements. Many startups or small businesses are in a race against insolvency during this early stage. The grace period protects them during this period from loss of patent rights due to any activities, information leaks or inadvertent unprotected disclosures prior to filing their patent applications.

Small businesses and startups are significantly more exposed than large firms in this regard because they must rely on far greater and earlier private disclosure of the invention to outside parties. This is often required for raising investment capital and for establishing strategic marketing partnerships, licensing and distribution channels. In contrast, large established firms have substantial patenting experience, often have in-house patent attorneys and often use internal R&D investment funds. They can also use their own marketing, sales and distribution chains. Therefore, they seldom need early disclosure of their inventions to outside parties.

S. 515 amends §102 to confer the patent right to the first-inventor-to-file as opposed to the first-to-invent as provided under current law. This change is purportedly made for the purpose of eliminating costly contests among near-simultaneous inventors claiming the same subject matter, called “interferences.” The goal of eliminating interferences is achievable by simple amendment of only §102(g) to a first-inventor-to-file criterion. However, under the heading of First-Inventor-To-File, S. 515 does far more, it changes all of §102, redefining the prior art and practically gutting the American one-year grace period.

ensure that any legislative changes will not increase patent filings that are unfruitful.

The counter-argument is made that a small inventor could file a cheap “provisional patent application,” and that is sufficient protection. However, patent lawyers who work with small clients have said that they advise their clients not to treat a provisional application any less seriously than a full patent application. If there is part of an invention that is left out of the provisional application, that will not be protected. And the parts that are included in the provisional application will be vulnerable too, under an attack that the inventor failed to disclose the “best mode” of the invention by leaving out necessary information.

The argument is made that first to file will establish a simple, clear priority of competing patent applications. Proponents of first to file argue that it will eliminate costly, burdensome proceedings to determine who actually was the first to invent, which are known as “interference proceedings.”

However, the reality is that this is not a significant problem under our current system. There are only about 50 “interference proceedings” a year to resolve who made an invention first. This is out of about 480,000 patent applications that are submitted each year—in other words, one-one hundredth of 1 percent of patent applications.

Another problem with the bill’s first to file system is the difficulty of proving that someone copied your invention.

The bill’s proponents assert that it protects against one person copying another person’s invention by allowing the first inventor to prove that “such other patent was derived from the inventor of the invention . . .”

Currently, you as a first inventor can prove that you were first by presenting evidence that is in your control—your own records contemporaneously documenting the development of your invention. But to prove that somebody else’s patent application came from you under the bill, was “derived” from you, you would have to submit documents showing this copying. Only if there was a direct relationship between the two parties will the first inventor have such documents.

If there was only an indirect relationship, or an intermediary—for example, the first inventor described his invention at an angel investor presentation where he didn’t know the identities of many in attendance—the documents that would show “derivation”—copying—are not going to be in the first inventor’s possession; they would be in the second party’s possession. You would have to find out who they talked to, e-mailed with, et cetera to trace it back to your original disclosure. But the bill doesn’t provide for any discovery in these “derivation proceedings,” so the first inventor can’t prove their claim.

For these reasons, and many others, the first to invent system, which I believe has made our Nation the leader in the world, which our amendment would preserve, is supported by numerous people and businesses around the country, including the National Small Business Association; Coalition for Patent Fairness, a coalition of large high-tech companies; IEEE, Institute of Electrical and Electronics Engineers, which has 395,000 members; the International Federation of Professional and Technological Engineers, AFL-CIO; the University of California System; the University of Kentucky; Paul Michel—Former Chief Judge of the U.S. Court of Appeals for the Federal Circuit, which plays the critical role of hearing appeals in patent cases; the U.S. Business and Industry Council; American Innovators for Patent Reform; National Association of Patent Practitioners; Professional Inventors Alliance USA; CONNECT, a trade association for small technology and life science businesses; and many small inventors, as represented, for instance, in a letter signed by 108 startups and small businesses from all over the country.

Mr. President, I ask unanimous consent that a copy of this letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. Mr. President, I don’t often agree with the organization Gun Owners of America, a group that thinks the National Rifle Association is too liberal. But I do agree with them on this issue. They are part of a coalition of 23 conservative organizations that wrote to the leaders about this, arguing: “Our competitors should have to ‘harmonize up’ to our superior intellectual property regime, rather than our having to weaken our patent system and ‘harmonize down’ to their levels.” Other signatories on this letter include Phyllis Schlafly of the Eagle Forum; Edwin Meese III, former Attorney General under President Reagan; the American Conservative Union; and the Christian Coalition.

I think this is really a battle between the small inventors beginning in the garage, like those who developed the Apple computer that was nowhere, and who, through the first-to-invent system, were able to create one of the greatest companies in the world. America’s great strength is the cutting-edge of innovation. The first-to-invent system has served us well. If it is not broke, don’t fix it. I don’t really believe it is broke.

I am delighted to see that my cosponsor, the distinguished Senator from California, is also on the floor on this matter, and I welcome her support.

I yield the floor.

Without the grace period, the patent system would become far more expensive and less effective for small companies. It would create the need to “race to the patent office” more frequently and at great expense before every new idea is fully developed or vetted. The pressure for more filings will affect all American inventors—not only a few that end up in interferences under current law. Because filing decisions must be made based on information that will be preliminary and immature, the bill forces poor patenting decisions. Applicants will skip patent protection for some ultimately valuable inventions, and will bear great costs for applications for inventions that (with the additional information that is developed during the grace period of current law) prove to be useless, and subsequently abandoned. The evidence for this high abandonment trend under systems having no grace period is readily available from European application statistics.

The proponents of S. 515 suggest that the harm of the weak grace period of proposed §102(b) can be overcome if an inventor publishes a description of the invention, allowing filing within a year following such publication. Underlying this suggestion are two errors. First, no business willingly publishes complete technical disclosures that will tip off all competitors to a company’s technological direction. We generally do not, and will not, publish our inventions right when we make them, some 2.5 years before the 18-month publication or 5–7 years before the patent grant. Confidentiality is crucial to small companies.

Second, even if we were to avail ourselves of such conditional grace period by publishing first before filing, we would instantly forfeit all foreign patent rights because such publication would be deemed prior art under foreign patent law. No patent attorney will advise their client to publish every good idea they conceive in order to gain the grace period of S. 515. The publication-conditioned “grace period” in S. 515 is a useless construct proposed by parties intent on compelling American inventors to “harmonize” de facto with national patent systems that lack grace periods. S. 515 forces U.S. inventors to make the “Hobson’s Choice” of losing their foreign patent rights or losing the American grace period. It should be clear that the only way for American inventors to continue to benefit from a grace period and be able to obtain foreign patent rights, is to keep intact the current secret grace period that relies on invention date and a diligent reduction to practice.

The American grace period of current law ensures that new inventions originating in American small companies and startups—the sector of the economy that creates the largest number of new jobs—receive patent protection essential for survival and that American small businesses’ access to foreign markets is not destroyed. We urge you to amend S. 515 so that §102 remains intact in order to preserve the American grace period in its full scope and force.

Thank you for your consideration of our views and concerns.

Sincerely,

(SIGNED BY 108 COMPANIES).

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that the Senator from California be permitted to speak, and then I ask that the remaining time be granted to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, will the Chair cut me off at 1 minute?

The PRESIDING OFFICER. Yes.

Mrs. BOXER. Mr. President, I thank Senator HATCH so much. I thank my friend and colleague, Senator FEINSTEIN, for this critical amendment.

Mr. President, I rise in support of the amendment offered by my dear friend and colleague, Senator FEINSTEIN.

The amendment would strike the first-to-file provision in the patent reform bill.

I was pleased to work with my colleague, Dr. COBURN, in support of his amendment to allow the patent office to keep its user fees, which was accepted into the managers’ amendment that passed yesterday.

To me, that was one of the most important reforms we could enact in this legislation—giving the PTO the resources it needs to serve the public.

I support efforts to improve our patent system. And there are some good things in this bill, including efforts to help small businesses navigate the PTO.

But I strongly disagree with changing the core principle of our patent system—awarding a patent to the true inventor—for the sake of perceived administrative ease.

Unlike other countries, our patent system is rooted in our Constitution. We are the only country in the world whose Constitution specifically mentions “inventor.”

Article I, section 8 states “The Congress shall have the power . . . To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.”

Our system recognizes the complete process of invention—from conception to completion.

The United States is still the heart of innovation in the world, and its patent system is its soul.

Despite our rich history, the bill before us today seeks to erase over 200 years of invention and achievement, and replace it with a weaker system.

Let’s talk about those changes.

Section 2 of the bill awards a patent to the first person to file, regardless of whether that person was the true inventor—the one who first conceived and developed the invention to completion.

That goes directly against the express language of the Constitution, which awards patents to the inventor, not the fastest to the PTO.

Section 2 of the bill also provides a weaker grace period than current law. This is a big change that will have a significant economic effect on startups, entrepreneurs and individual inventors.

I believe it is a change that we cannot afford, especially in these tough economic times when we need our small businesses to create new jobs.

Current law allows an inventor to obtain a patent if an application is filed within a year of a public use, sale or publication of information about the invention.

That year is called the grace period, during which an inventor’s right to apply is protected from disclosures or applications by others related to his invention.

The grace period is important because it allows smaller entities, like startups or individual inventors, time to set up their businesses, seek funding, offer their inventions for sale or license, and prepare a thorough patent application.

Put another way, the grace period is an integral part of the formation of a small business.

The grace period has been a part of our patent system since 1839, and it was implemented to encourage inventors to engage in commercial activity, such as demonstrations and sales negotiations, without fear of being beaten to the patent office by someone with more resources.

The new grace period in the bill, however, would no longer cover important commercial activities such as sales or licensing negotiations.

The new provision also contains vague, undefined terms that will inject more uncertainty into the system at a time when inventors and investors need more certainty.

Proponents of first-to-file will argue that there have been studies or reports that show that a first-to-file system does not harm small entities. For example, they often mention the report of the National Academies of Science that reached that conclusion.

However, those studies and reports only analyzed the rare cases where two parties claimed to be the first inventor.

Do you know how rare those cases are? Last year, there were 52 cases out of over 450,000 applications filed—.01 percent of all applications ended up in a contest.

I do not think we should change over 170 years of protection for small entities based on cases that happen with the frequency of a hole in one in golf—1 out of 12,500, or .01 percent.

Listen to the conclusion of a report analyzing the business effects of Canada’s switch to a first-to-file system:

The divergence between small entities and large corporations in patenting after the Reforms supports the idea that a switch to a first-to-file system will result in relatively less inventive activity being carried out by independent inventors as well as small businesses, and more being channeled through large corporations instead.

In closing, I believe there are things we can do to improve our patent system.

But I also believe that the foundation of our Constitution-based system—a patent is awarded to the inventor—has worked well for over 220 years, and we should not change that core.

It has produced inventors such as Thomas Edison, the Wright Brothers, and George Washington Carver.

We should not change the core of our system, and I urge my colleagues to vote for the Feinstein amendment.

Mr. President, I will conclude in this way. The Feinstein amendment is necessary. It is necessary because the first

person to invent should get the protection from the Patent Office. We believe that if this amendment does not pass, it goes against the express language of the Constitution which awards patents to the inventor, not the fastest one to run down to the Patent Office. Senator FEINSTEIN has explained why this is a matter of fairness and is better for consumers. I am hopeful that the amendment passes.

I thank the Chair.

**THE PRESIDING OFFICER.** The Senator from Utah.

**MR. HATCH.** Mr. President, I have been following the debate on the patent bill closely. I wish to again voice my strong support for passage of this very important legislation.

We have been working on this bill for a number of years and it is satisfying to finally see the full Senate consider it now. As I have said before, the patent reform bill is about moving our Nation toward the future. It will equip America's inventors with an improved patent system that will enable them to better compete in today's global economy. Toward that end, I would like to discuss some of the key provisions of this bill and what they will do to improve and modernize our patent system.

There are some misconceptions about the proposed first-inventor-to-file provision. Some have questioned why we cannot maintain the current first-to-invent system, in which priority is established by determining which applicant actually invented the claimed invention first. Under this system, if there is a dispute, it costs applicants an average of \$500,000 in legal fees to prove they were the first-to-invent. This amount does not include extra expenses that can follow if the decision is appealed. Unfortunately, many small businesses and independent inventors do not have the resources to engage in the process we have now.

Conversely, moving to a first-inventor-to-file system would provide inventors a cost-effective and certain path to protect one's invention through the filing of a provisional application, at a much more reasonable cost of about \$100.

The purpose of the proposed transition is certainly not to hurt small businesses or independent inventors. Quite the contrary. These innovators are too important to our Nation's economic health. But let's consider some facts: in the past 7 years, more than 3,000,000 applications have been filed, and only 25 patents were granted to small entities that were the second inventor to file, but later proved that they were first to invent. Of those 25, only one patent was granted to an individual inventor who was the second to file. Thus, in the last 7 years, only one inventor in over 3,000,000 patent filings would have gotten a different outcome if we, like the rest of world, used a first-inventor-to-file patent system. I assure you that I do not want to minimize the reluctance that some have

with changing to this new system; however, the facts speak for themselves. Simply put, moving to a first-inventor-to-file system does not appear to have the level of risk some have feared.

Additionally, the American Bar Association's Section of Intellectual Property Law recently confirmed the importance of the proposed transition by stating:

For inventions made after 1996, the U.S. patent system has been open to proofs of inventions made outside the United States—creating for many U.S.-based inventors a new and potentially even more expensive obstacle to obtaining a patent under the current first-to-invent rule. Finally, U.S. inventors more and more are facing the need to file patent applications both at home and abroad to remain competitive in our global economy. Requiring compliance with two fundamentally different systems places undue additional burdens on U.S. inventors and puts them at a competitive disadvantage in this global economy.

Indeed, the transition to the first-inventor-to-file system is long overdue and will help our U.S. companies and inventors out-compete their global challengers.

The proposed legislation would also give the USPTO rulemaking authority to set or adjust its own fees, without requiring a statutory change every time an adjustment is needed. Providing the USPTO the ability to adjust its own fees will give the agency greater flexibility and control, which, in the long run, will benefit inventors and businesses.

Speaking of greater fiscal flexibility for the USPTO, let me take a moment to discuss the importance of ensuring full access to the fees the agency collects.

American inventors, who create jobs and keep our economic engine running, should not have to wait for years after they have paid their fees to have their patent applications processed. This is tantamount to a tax on innovation and it creates disincentives for inventors and entrepreneurs.

A fully funded USPTO, with fiscal flexibility, would—at the very least—mean more and better trained patent examiners, greater deployment of modern information technologies to address the agency's growing needs, and better access to complete libraries of prior art.

Over the years, fee diversion has forced a vicious cycle of abrupt starts and stops in the hiring, training, and retention of qualified office personnel. To make matters worse, under current conditions, outdated computer systems are not keeping pace with the volume of work before the agency. It is clear to most that the USPTO has yet to recover from the negative impact of diverting close to a billion dollars from its coffers, for its own use. That has not only been wrong, it is obscene.

I agree with what has been said that there cannot be true patent reform without full access to collected fees from the USPTO. We owe it to our in-

ventor community to do this. We all have a vested interest in ensuring that our country's unique spirit of ingenuity and innovation continues to thrive and flourish. Last night, an overwhelming majority of the Senate voted to finally put an end to fee diversion from the USPTO. It was a historic moment, and I hope our House colleagues will maintain this momentum. I understand some people on the Appropriations Committee do not like it. They do not like it because they like to be able to play with that money. But it is disastrous to not have that money stay with the USPTO so we can move forward faster, better and get a lot more done and still be the leading innovative nation in the world.

The legislation also enables patentholders to request a supplemental examination of a patent if new information arises after the initial examination. By establishing this new process, the USPTO would be asked to consider, reconsider or correct information believed to be relevant to the patent. The request must be made before litigation commences. Therefore, supplemental examination cannot be used to remedy flaws first brought to light in the course of litigation, nor does it interfere with the court's ability to address inequitable conduct. That is an important point. Further, this provision does not limit the USPTO's authority to investigate misconduct or to sanction bad actors.

In a nutshell, the supplemental examination provision satisfies a long-felt need in the patent community to be able to identify whether a patent would be deemed flawed if it ever went to litigation and enables patentees to take corrective action. This process enhances the quality of patents, thereby promoting greater certainty for patentees and the public.

The America Invents Act also creates a mechanism for third parties to submit relevant information during the patent examination process. This provision would provide the USPTO with better information about the technology and claimed invention by leveraging the knowledge of the public. This will also help the agency increase the efficiency of examination and the quality of patents.

The pending legislation also provides a new postgrant review opposition proceeding to enable early challenges to the validity of patents. This new but time-limited postgrant review procedure will help to enhance patent quality and restore confidence in the presumption of validity that comes with issued patents.

Finally, this bipartisan patent bill provides many improvements to our patent system which include, among other provisions, just some of the following:

Changes to the best mode disclosure requirement, increased incentives for government laboratories to commercialize inventions, restrictions on false

marking claims, removal of restrictions on the residency of Federal circuit judges, clarification of tax strategy patents, providing assistance to small businesses through a patent ombudsman program, establishing additional USPTO satellite offices, and creation of a transitional postgrant proceeding specific to business method patents.

As we can see, this bipartisan bill represents significant changes to our patent laws. They will enable our great country to more effectively compete in the 21st century global economy. I encourage my colleagues to take action and vote in favor of this bill. We cannot afford to allow this opportunity to pass us by.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank the Senator from Utah for his strong statement of support for the America Invents Act, a bill that is, at its heart, all about moving our economy forward. When we think about the brass tacks of our country, we think about ideas, we think about inventions. It was our inventors who developed the light bulb, the assembly line, the Internet, the iPod, and, of course, my 15-year-old daughter's favorite invention, Facebook. This all came from our great country.

I wish to comment, briefly—I know Senator ROCKEFELLER has an important issue to talk about, the issue we have just been discussing.

First of all, we have heard from stakeholders from across the spectrum—from high tech and life sciences to universities and small inventors—in support of the transition to the first-to-file system.

I ask unanimous consent to have printed in the RECORD a list of supporters of the transition to the first-to-file system that is contained in the America Invents Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPORTERS OF THE FIRST-TO-FILE TRANSITION

AdvaMed; American Bar Association; American Council on Education; American Intellectual Property Law Association; Association of American Medical Colleges; Association for Competitive Technology; Association of American Universities; Association of Public and Land-grant Universities; Association of University Technology Managers; BASF, the Chemical Company; Biotechnology Industry Organization; Business Software Alliance; Caterpillar; Coalition for 21st Century Patent Reform; Council on Governmental Relations; Gary Michelson, Independent Inventor; Genentech; Intellectual Property Owners Association; Louis J. Foreman, Enventys, independent inventor; National Association of Manufacturers; Small Business and Entrepreneurship Council; and Software & Information Industry Association.

Ms. KLOBUCHAR. Mr. President, we have heard also on the floor that there is, as Senator HATCH mentioned, strong support throughout the Senate for this

change. In fact, Commerce Secretary Locke emphasizes that support in a column appearing in the Hill newspaper today. He states:

[Platent reform adopts the “first-inventor-to-file” standard as opposed to the current “first-to-invent” standard. First inventor to file is used by the rest of the world and would be good for U.S. businesses, providing a more transparent and cost-effective process that puts them on a level playing field. . . .

I could not agree more. Small businesses, independent investors, and stakeholders across the spectrum support this important transition.

I wish to mention one other aspect of this system. With the current first-to-invent system, when two patents are filed around the same time for the same invention, it also creates problems. It means the applicants must go through an arduous and expensive process called an interference to determine which applicant will be awarded the patent.

Small inventors rarely, if ever, win interference proceedings because the rules for interferences are often stacked in favor of companies that can spend more money. We believe this needs to change. There was a recent article about this in the Washington Post in which David Kappos, the Director of the Patent Office and Under Secretary for Intellectual Property, described the current system is similar to parking your car in a metered space and having someone else come up and say they had priority for that space and then having your car towed. Instead, we need a system in which, if you are the first to pull in and pay your fee, you can park there and no one else can claim it is their space.

The America Invents Act would create that system. It transitions our patent system from a first-to-invent system to a first-inventor-to-file system. By simply using the file date of an application to determine the true inventor, the bill increases the speed of a patent application process, while also rewarding novel, cutting-edge inventions.

A first-to-file system creates more certainty for inventors looking to see if an idea has already been patented. At the same time, the bill still provides a safe harbor of 1 year for inventors to go out and market their inventions before having to file for their patent. This grace period is one of the reasons our Nation's top research universities, such as the University of Minnesota, support the bill. The grace period protects professors who discuss their inventions with colleagues or publish them in journals before filing their patent application.

Mr. President, I know Senator ROCKEFELLER is here to discuss a very important issue.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to set aside the pending amendment so I may call up amendment No. 134.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. HATCH. Mr. President, I have to object on behalf of the manager of the bill who is not here right now. If the Senator can at least wait until Senator GRASSLEY returns to make his request.

Mr. ROCKEFELLER. I know the Senator from Utah, and I remind him he was the lead author of the Hatch-Waxman Act, creating the 180-day period for generics.

Mr. HATCH. I object right now, but as soon as Senator GRASSLEY gets back—

Mr. ROCKEFELLER. Will the Senator from Utah object if I talk about it?

Mr. HATCH. No.

The PRESIDING OFFICER. An objection has been heard.

The Senator from West Virginia is recognized.

AMENDMENT NO. 134

Mr. ROCKEFELLER. Mr. President, my amendment is based on legislation I introduced earlier this year, obviously quite recently. The cosponsors of that bill, which is called the Fair Prescription Drug Competition Act, are Senator SHAHEEN, Senator LEAHY, who chairs the Judiciary Committee, Senator INOUYE, Senator STABENOW, and Senator SCHUMER, who is on the Judiciary Committee.

I wish to acknowledge that the managers of this bill, Chairman LEAHY and Senator GRASSLEY, have been steadfast partners in pushing the Federal Trade Commission to investigate further consumer access to generic drugs, which is a huge problem. We do a lot of talking about the health care bill and a lot of other things about saving money and saving consumers money. This is a bill which would do this, if I were allowed to actually proceed to it.

This amendment eliminates one of the most widely abused loopholes that brand-name drug companies use to extend their shelf life, their monopoly, and limit consumer access to lower cost generic drugs which are just as good and just the same, but they have a system to work on that. It ends the marketing of so-called authorized generic drugs during the 180-day marketing exclusivity period that Congress designed to give real low-cost generics a major incentive to enter the market.

What was happening was the brand-name drug companies had their 18 years of exclusivity. That is a monopoly time unrivaled. Then somebody else would come in with a cheaper way of doing the same thing, an FDA-approved drug, but it would be a generic drug. It would be the same drug, have the same effect, but it would be much cheaper. Since millions of people buy these drugs, that would seem to be a good thing in a budget-conscious era for American families, as well as for the government.

As I say, this amendment ends the so-called authorized generic drugs during the 180-day marketing exclusivity

period Congress designated to give real low-cost generics a major incentive to enter the market. You have to be able to enter the market to compete and to get your lower priced, equally good drugs out there. They do that by challenging a brand-name patent. That is the only way they can do it.

An authorized generic drug is a brand-name prescription drug produced by the same brand manufacturer yet repackaged as a generic. That is clever, but it is also a little devious. Many brand-name drug manufacturers are re-packaging their drugs as generics for the purpose of extending their market shares after their patents expire. They have a little subsidiary which produces something which they shift over to them.

Unfortunately, this often eliminates the incentive for an independent generic to enter the marketplace. Therefore, the price of drugs remains much higher, and that would seem to be not in the interest of the American people.

In 1984, Congress passed the Hatch-Waxman Act to provide consumer access to lower cost generic drugs. Under the law which the Senator from Utah led, if a true generic firm successfully challenges a brand-name patent, the generic firm is provided a 180-day period for that drug to exclusively enter the market. This is a crucial incentive for generic drug companies to enter that market and make prescription drugs more affordable for consumers. It would seem to me this would be a very laudable pursuit.

Every American agrees on the need to reduce health care costs. Generic drugs save consumers an estimated total of \$8 billion to \$10 billion a year—\$8 billion to \$10 billion-a-year savings for the same quality of drug. Of course, they get that at the retail pharmacies where the prescription is handed out. For working families, these savings can make a huge difference, particularly during very tough economic times, which we are going through.

This amendment would restore the main incentive generic drug companies have to challenge a brand-name patent and enter the market. We give them the incentive to challenge the brand-name prescriber.

That is what this amendment is about. It is profoundly important. It has been before this body many times. I guess it is a question of do we want to help people who have to take a lot of prescriptions and older people—any kind of people. Do we want to help them pay less? I guess it divides into if you do or if you don't. I am in the camp of, yes, I want to have people pay less. So I would just say that.

Mr. President, I yield the floor for the time being.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I ask unanimous consent to speak as in morning business for approximately 20 minutes, and I probably will not use all of that time and will yield back.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. ROBERTS. I thank the Chair.

#### EXECUTIVE ORDER ON REGULATIONS

Mr. President, I rise today to speak again about President Obama's January 18 Executive order that directed all Federal agencies within the administration to review or repeal those significant regulatory actions that are duplicative, overly burdensome, or would have a significant economic impact on ordinary Americans.

The President went on to say—I am paraphrasing from his words—they are costly, they are duplicative, in many cases they aren't necessary, we need to review them, and in some cases, actually, they are stupid. That is a direct quote from the President. I am paraphrasing, but he did say the word "stupid."

Probably "stupid" would be the word, or maybe "egregious" or "fed up" that almost any group or any organization back home would use when you visit with them. I know Senators, on their past break or our work period, if you will, probably spoke to a lot of groups. I will tell you what happened to me.

I would walk into a group—any organization, be it farmers, ranchers, educators, health care, whatever—and they would say: PAT, what on Earth are you doing back there, passing all these regulations, a wave of regulations that do not make common sense and do not fit the yardstick, if you will, of cost and benefit? We can't even wake up any morning without some new regulation popping up across the desk, and we just don't have the people to do this. You are about to put us out of business.

The first thing I say is, I am not a "you guy," I am an "us guy." And I am very much aware of these regulations. We have to do something about it. I brought up the fact the President himself recognized these problems.

But I have to say that while I applauded this decision by the President, I noted there were some loopholes in his Executive order, and they are roughly these—if I could sort of summarize them: No. 1, if you are doing something for the public good—and, obviously, the secretary of any agency is going to say: Sure, we are doing something for the public good—well, then, you are exempt. That is a pretty big loophole to drive the truck through.

Secondly, it was if you are an independent agency. Well, let's try the IRS. I think more people than most would say: Yes, we have some regulatory problems with the IRS.

Several more, and I won't go into those. Then you have this paragraph, which I am going to read, that agencies can apply to their decision as to whether they are going to review the regulations they have on the books and regulations coming down the pike. They can apply this to see if they are exempt, and this is within the Executive order.

In applying these principles, each agency is directed to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.

I can't imagine anybody being opposed to that.

Where appropriate and permitted by law, each agency may consider and discuss qualitatively values that are difficult or impossible to quantify—

I don't know how you do that—including equity, human dignity, fairness and distributive impacts.

That is about as amorphous as any language that I could possibly put together. If any secretary, or anybody in any agency who promulgates all the regulations they think they are forced to under some congressional act or perhaps an Executive order they are trying to issue applies this language, of course, they are exempt.

So there are loopholes, again, that you can drive trucks through in regards to the fact that this Executive order is basically not going to be adhered to because everybody will stand up and say: We are exempt. We are doing public good. We are doing this language—whatever that means.

So while I applaud the decision by the President, I decided last week I would introduce legislation to strengthen and codify his Executive order. All that means is, when I say we codify it, we say: OK, the Executive order stands but, sorry, no exemptions.

What a day that would bring to Washington, with all the Federal agencies saying: Whoa, stop. We are going to take a look at all the regulations we have out there now, and we are going to take a look at all the ones we are promulgating—which are hundreds of them. And, I might just note, there were 44 major regulatory decisions that cost the American business community \$27 billion just last year, according to one study. We are finding more and more people coming to Washington who have an agenda in regards to these regulations, but the folks out there who are being impacted seem to be overlooked.

I have 30, 32, 35 cosponsors on this bill. I asked on both sides of the aisle for cosponsors. I think it is a good bill. It would be a brandnew day in Washington if every Federal agency had to stop and say: Whoa, wait a minute. Let's apply a cost-benefit yardstick. The Executive order sort of goes into what that would mean. They have one individual who is supposed to be doing all of this, so they could report to him, although that would be quite a load. My goodness, if all the Federal agencies stopped their regulatory process, there would be a cheer out in the hinterland in regards to every business I can think of.

Well, as the administration moves forward with this review, I am going to have something to say in several areas: health care, energy, and financing, to people who are lending agencies and the effect of the regulatory reform. But today I want to talk about agriculture.

Today I want to talk about the EPA and what is going on in regards to what I think is regulatory overkill for sure.

I am privileged to be the ranking Republican and to serve with the Senator from Michigan, our chairwoman of the committee, Senator STABENOW. Basically, as the administration moves forward with its review, I recommend the President and his advisers pay particularly close attention to the activities of three specific agencies when they are determining which proposed regulations will place the greatest burden on agriculture—a key component of our Nation's economy and the ability to feed this country and a troubled and hungry world—the Environmental Protection Agency, the Department of Agriculture, and the Commodity Futures Trading Commission.

Since fiscal year 2010, 10 new regulations promulgated—that is a fancy word in Washington which means issued—by the EPA have accounted for over \$23 billion in new cost to the American taxpayer. Now, that is outrageous, and they are just getting started. The EPA has several new proposals, many of which will have immediate negative impacts on the ability of America's farmers and ranchers to continue to produce enough food to feed our communities, our States, our country, and, yes, the world. Think of how valuable that is as we look down the road with about a 9.3 billion increase in population compared to 6 billion today. We are going to have to double agriculture production, and I will talk about that a little later.

Why on Earth would we want to do anything to the farmer and rancher whose job it is to do that? That is beyond me. I will highlight two such proposals that many producers have brought to my attention. I just addressed the Commodity Classic in Kansas, in Great Bend, of about 200 farmers. Guess what their No. 1 concern was. Overregulation, regulation that could put them out of business. They are concerned about the farm bill and they are concerned about lending and they are concerned about debt. But first, in only 7 short weeks, the EPA will require farmers—who are applying pesticide to kill pests so they can save the crop—to obtain a permit under the Clean Water Act, even though that activity is already highly regulated under the Federal pesticide law. The President said we don't need regulations that are duplicative. We don't need two agencies having a different agreement on one regulation. We probably don't even need that regulation because we have very strong regulations under the FIFRA act that we have right now.

Farmers and other pesticide applicators, under this regulatory impact, would not be facing these requirements if the administration had chosen to vigorously defend its longstanding policy that protections under the Federal pesticide law were sufficient to protect the environment.

Excuse me, Mr. President. That was probably a phone call from some farmer listening to this and saying: Go ahead and give them you know what, PAT.

Unfortunately, the administration chose a different path and now estimates suggest this duplicative regulation will require 365,000 individuals to get a Clean Water Act permit—365,000 individuals—a requirement that will cost \$50 million and require 1 million hours per year to implement. Bottom line, it will not add any environmental protection.

This layer of redtape will place a huge financial burden on the shoulders of farm families all across the country, as well as State governments responsible for enforcement while at the same time facing dire budget situations. Last month, John Salazar, a former Member of the House of Representatives and newly appointed Colorado Commissioner of Agriculture stated in his testimony before the House:

It is no secret that States across the country face dire budget situations and many have had to close State parks, cancel transportation projects and cut funding to higher education. It is very difficult to justify diverting even more resources to manage paperwork for a permit that is duplicative of other regulatory programs and has no appreciable environmental benefits. However, if Colorado's estimates are reflective of the situation in other States, the true cost to States will quickly outstrip EPA's estimates. More than 365,000 individuals, \$50 million, and 1 million hours per year to implementation on the backs of our farmers and ranchers.

Mr. President, these expenses are not just limited to the cost of compliance and enforcement. The April 9 effective date is near. There is still significant confusion and uncertainty about what pesticide applications will fall under these new regulations. This means farmers and other pesticide applicators may very well find themselves subject to massive penalties. On top of the fact that they shouldn't be filling out the paperwork in the first place, if they do not, they could be held responsible for massive penalties for minor paperwork violations to the tune of—get this—\$37,500 per day per violation. Unbelievable.

Beyond agency enforcement, they will also now be exposed to the threat of litigation under the clean water law's citizen suit provisions. With the volatile nature of agricultural markets and increased demand, these sort of risks and resulting costs are something that producers and the hungry mouths who depend on them simply cannot afford.

Next, EPA is undertaking an effort to control particulate matter—this is a favorite of mine—otherwise known as dust. They call it rural fugitive dust. This is a dust-off of the old 1970s effort to control rural fugitive dust. I remember that. Somebody must have pulled it from the file. This is part of the EPA's review of the PM standard under the Clean Air Act.

The agency is currently considering the most stringent regulations on farm dust that have ever been proposed. I finally reached the person who, when they first proposed this, was in charge of promoting it, or she was going to promulgate these regulations on rural fugitive dust. Before I could get a word in—I finally reached the person in charge; it took me 3 days—finally, before I could get a word in, she said: Did you realize—at that point I was a Congressman, and she said: Do you realize, Mr. ROBERTS, you have a lot of dust in your part of the country?

I said: I think I know that. That is why we had the Great Plains Conservation Program. Each farmer has to have a conservation program if they are going to apply or for it to be applicable to the farm bill. We have a Conservation Reserve Program. We are doing everything we can to control dust, rest assured. Nobody likes that.

I said: What would you have us do to comply with rural fugitive dust rules?

She said: You know the grain trucks at harvest go up and down gravel roads, and they cause a lot of dust.

No kidding.

I said: What would you have us do?

She said: Why don't you send out water trucks at 10 o'clock in the morning and 2 in the afternoon to every community in Kansas that has those gravel roads where you harvest wheat.

I said: Great idea. That would be marvelous. Maybe we could get a grant. Today, that would be a stimulus grant to small communities in regard to rural areas where we are doing the wheat harvest to, No. 1, buy the trucks and, No. 2, find the water.

That is just how ridiculous this is with rural fugitive dust. To put it simply, this defies common sense, whether it is cattle kicking up dust in a feedlot in Dodge City, KS, or Larned, KS, or anywhere in Kansas during harvest on a hot afternoon on the high plains in June. Dust is a naturally occurring event. Standards beyond the current limit would be impossible to meet, particularly in the western portion of the Nation where rainfall is often scarce. I don't even know why I am taking this seriously in regard to that kind of regulation.

In a bipartisan June letter, 23 Members of this body wrote a letter to express these concerns to Administrator Jackson stating:

Considering the Administration's focus on rural America and rural economic development, a proposal such as this could have a negative effect on those very goals . . . Common sense requires the EPA to acknowledge that the wind blows and so does dust.

As we think about EPA's actions impacting agriculture, it is critical to recognize that no one cares more about maintaining a clean environment than the American farmer and rancher. Producers across the country manage their operations responsibly because of their desire to keep farming and to one day pass along that ranch or field to their sons, daughters and grandchildren if

they can. They know firsthand that clean air and water and healthy soil go hand-in-hand with a healthy economy. Our producers deserve respect and appreciation from the EPA, not costly and redundant and yes, even ridiculous regulation.

Shifting departments now, the Department of Agriculture's Grain Inspection, Packers and Stockyards Administration—GIPSA—released a proposed rule that would dramatically increase the redtape governing the business relationships surrounding production and marketing of livestock in the United States. The rule was initially proposed last summer without the benefit of a meaningful cost-benefit analysis—something we have been trying to get and something the administration should have included.

However, the proposal has since received significant criticism from ranchers, industry and members of Congress alike and is now being further evaluated by USDA officials.

As written, the proposal would dramatically reduce consumer choice and increase costs. The proposal exposes packers to liability for use of alternative marketing arrangements and other innovative procurement methods, thereby ultimately depressing the prices received for America's most efficient and successful producers while potentially reducing the quality available to consumers.

Further, the proposed rule would actually increase concentration in the sector as businesses are forced to change their current organizational structure—exacerbating the very issue the rule is allegedly designed to address. For example, in Kansas, we have a highly successful rancher-owned company made up of individual producers who own both cattle and shares in the company's processing infrastructure. Under this proposal, many of the individual members of the company may now be prohibited from selling cattle directly to other processors, creating the need for a middleman that would then lower the price the producer actually receives.

If implemented, the GIPSA rule poses a substantial threat to the continued viability of the domestic livestock sector. In Kansas, this industry contributes over \$9.5 billion to our economy. With an economic footprint of this magnitude, the GIPSA regulation is a burden that Kansas and many other rural States and many of the livestock producers simply cannot afford.

Another agency falling through the President's Executive order loophole is the Commodity Futures Trading Commission. As a result of the Dodd-Frank Act, the CFTC is charged with developing dozens of new regulations impacting participants up and down the swaps and futures chain.

Shouldn't these regulations be held to the same standard of cost-effectiveness and undue burden as others? Yes—but no. I talked to Chairman Gensler in my office just a couple of days ago. He

is a very nice man, very pleasant. He believes very strongly that the CFTC is exempt from the President's Executive order because the President said it was exempt. I indicated that I didn't think so, especially since the CFTC is presently pushing 40-plus rules out the door in 1 year with little or no priority.

We were told the intent of Dodd-Frank was to reduce systemic risk in the financial marketplace. However, several of CFTC's proposals appear to increase risk management costs on those who do not pose a systemic threat. The CFTC must be mindful that increased costs through high margin and capital requirements on certain segments of the marketplace may decrease a user's ability to use appropriate risk management tools.

A rigorous cost-benefit analysis is tailor-made for the CFTC's current situation: dozens of economically significant rules; the potential to negatively impact risk management costs of American businesses; and a simple question needing to be answered—do the benefits of this proposed regulation—we are talking about anywhere from 40 to 60 now—in the form of lower systemic risk in our financial system outweigh the increased costs on businesses?

Let me say something. In talking with Chairman Gensler—again, I really appreciate him coming by the office and talking. It became obvious to me that with all these regulations, maybe the first one ought to be a definition regulation. What is a swap? Who is a dealer? It has not been done yet. So we are going to propose 39 more regulations and we have not even defined whom the regulations will affect and what the subject matter is that they are going to regulate. That is really unbelievable.

We are going to have a hearing tomorrow in the Senate Agriculture Committee. Chairman Gensler will attend and give his testimony. We are going to be very welcoming to him in regard to the committee, but that is something I am going to ask him. Why on Earth are you going ahead with 40 regulations and you can't even define whom you are going to regulate or what you are going to regulate? There is no definition. That, to me, is pretty bad. You have the cart before the horse there.

In closing, I wish to make two points. First, in many rural areas of Kansas and the rest of the country, agriculture is the cornerstone of the economy. Second, in the coming decades we will be even more reliant on America's farmers and ranchers to feed an ever-growing world population. I said that before.

We must truly commit to a real and robust—here is a good Senate word—robust review and revocation of any and all unduly burdensome regulations that could inhibit American agriculture's ability to produce the safest, most abundant, and affordable food, feed, and fiber supply in the world.

What are we talking about? We are talking about 9.3 billion people. What are we talking about? The ability for our agriculture—for everybody in agriculture to double our production, all the farmers and ranchers. Why on Earth would we want this whole business of regulatory impact—most of which is highly questionable, none of which fits the President's Executive order to take a look at the cost-benefit—why on Earth would we do this to the very person whose job it is to feed this country and the hungry world?

Look at the Mideast—in turmoil. I remember one interview on TV where somebody stuck a microphone in and asked one of the protesters in Libya: What are you protesting for? Democracy?

He said: No, a loaf of bread.

Where people are hungry and malnourished, you have no economic opportunity. Where you have people who are hungry, they will go and join extremist groups, even on over into terrorist groups.

I had the privilege of being the chairman of the Intelligence Committee here in the Senate. That was one of the big considerations we had in whole areas of the world where people do not have the ability to feed themselves, where they are in a food-deficient area. It really poses problems for the future of that part of the world. Yet here we ask our farmers and ranchers to double our ag production in a couple of decades. I don't know how we are going to do this with this regulatory nightmare.

Let's hope we wake up soon. I hope everybody will take a look at my bill to codify the President's Executive order—I give him credit for doing that—but not with all these loopholes that are going to drive us nuts out there in rural, smalltown America.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor today as someone who has practiced medicine in Wyoming, taken care of families there for a quarter of a century, working with people all across our great State, as a physician who has also served in our State senate.

Both in my practice, as well as in my service in the State senate, I have dealt with the issue of Medicaid, a program that was set up to help low-income Americans obtain health care. So I came today with a doctor's second

opinion about recent developments and findings with regard to the health care law because, day after day, we see news reports showing States all across the country facing extreme financial budget pressures, even bankruptcy. One of the key factors exacerbating State fiscal troubles is the Medicaid Program. Over the next 10 years, Washington will spend about \$4.4 trillion on Medicaid. At the State level, Medicaid spending now consumes roughly one-quarter of the budgets of each of the States.

Increases in Medicaid costs often force Governors and State legislators to make drastic cuts to local priorities, such as education, law enforcement, public safety. As I mentioned, I did serve in the Wyoming State Legislature—5 years in the Wyoming State Senate—and was there last week to address the legislatures, the Wyoming State Senate and House, to talk with them, listen to them about their concerns.

In the State of Wyoming, we are required, on an annual basis, to balance our budget. We do it every year. So I know from a firsthand experience that tough choices need to be made. That is why I can tell you this current health care law, President Obama's health care law, is not going to make it any easier for our States to close the budget gaps they are facing, and, as a matter of fact, it is going to make the situation worse.

The President's health care law created the biggest Medicaid expansion in history. The law says every State must provide Medicaid for every one of their citizens who earns up to 133 percent of the Federal poverty limit. This does not work for the States, and it does not work for the people who will be forced onto Medicaid.

The health care law does not provide additional resources to States that are already strapped for cash in order to try to deal with paying for this incredible expansion of Medicaid, and it certainly does not give States additional financial help so they can pay health care providers enough to participate in Medicaid—because about 40 percent of physicians across the country refuse to see Medicaid patients. My partners and I took care of everyone in Wyoming who would call or come to our office, regardless of ability to pay, but across the country about 40 percent of physicians refuse to see Medicaid patients.

So I have said, over and over throughout this health care reform debate over the last year or so, that having a health care government insurance card does not mean someone will automatically have access to medical care. The President frequently talks about making sure people have coverage, but that does not necessarily mean they will have access to care.

So I wish to be very clear. The States, especially my home State of Wyoming, do an incredible job of running the Medicaid programs. They do it with limited resources. But a weak economy, combined with a high unem-

ployment rate, drove Medicaid enrollment to record levels. So it is not a surprise that Medicaid is quickly consuming greater and greater portions of State budgets, cutting into money that is being used to pay for teachers, for police, and for firefighters.

Former Governor Phil Bredesen of Tennessee, a Democrat, said it best when he called the health care law's Medicaid expansion "the mother of all unfunded mandates." Governor Bredesen went on to say that "Medicaid is a poor vehicle for expanding coverage." Let me repeat that. Medicaid, which the President has used as the approach to expand coverage, the Governor, the Democratic Governor, says Medicaid is a poor vehicle for expanding coverage. He want to say:

It's a 45-year-old system originally designed for poor women and their children. It's not health care reform to dump more money into Medicaid.

Well, the former Governor of Tennessee is not alone. On November 9, 2010, Governor Brian Schweitzer, of my neighboring State of Montana, also a Democrat, met with his State's health industry leaders to talk about Medicaid, the challenges they are facing.

What he said was: "As the manager of Montana's budget, I am worried because there are only three states that will increase the number of people on Medicaid at a faster rate than Montana, thanks to the new health care bill."

He said: "My job is to try and find ways to go forward that Montana can continue to fund Medicaid and not be like 48 other States . . . broke."

So, in January, 33 Governors and Governors-elect sent a letter to President Obama, to Congressional leadership, and to Health and Human Services Secretary Sebelius. What did they say? Well, the letter asks Federal lawmakers to lift the constraints placed on them by the health care law's mandates. The Governors are begging Congress for help.

They each have very unique Medicaid Programs across the country, the different States, and they want, they asked, they need the flexibility to manage their programs, their individual programs as effectively and efficiently as possible.

Well, they all need to make tough but necessary budget decisions, and they cannot do it when Washington bureaucrats and the enduring wisdom of those in Washington will not allow it. You want to add insult to injury? This week, the President claimed, as he was addressing Governors at the National Governors Association, that the health care law offers States flexibility to create their own health care plans.

This was Monday in an address to the National Governors Association. The President made an announcement. He announced: "If your state can create a plan that covers as many people as affordably and comprehensively as the Affordable Care Act does—without increasing the deficit—you can implement that plan."

Well, that is quite a tall and almost impossible order. The American people and certainly the Governors who were listening to him in the audience on Monday saw right through the President's PR stunt. The President's plan requires States to create health care plans that imitate his health care law, rather than actually offering States true freedom to innovate better solutions. There are better solutions out there than what this body and the House of Representatives passed and the President signed into law almost 1 year ago.

It seems to me the President wants to have his cake and eat it too. He tells the States they already have the ability to craft a different health care plan, but, of course, there is a catch. What the President does not say, what he would not tell the Governors, is that States can only design different health care plans if—if, and only if—they meet the health care law's litany of Washington mandates.

States still must pass legislation mandating all its citizens buy health insurance. States must still provide Washington-approved insurance coverage—Washington levels, Washington approved—limiting use of innovative health care products such as health savings accounts. Oh, no, that is not allowed by the President. States are still locked into the law's Medicaid expansion spending requirements. During these tough economic times, the States need certainty, they need consistency, not more Washington doublespeak.

Last month, I introduced, along with Senator LINDSEY GRAHAM, a bill giving the States exactly what they need: flexibility, freedom, and choice. The bill is called the State Health Care Choice Act. This legislation is simple, it is straightforward, and it protects States rights by allowing them to voluntarily opt out of portions of the health care law.

Specifically, our bill offers States the chance to opt out of the law's individual mandate, to opt out of the law's employer mandate and penalties, to opt out of the Medicaid expansion, and to opt out of the insurance benefit mandates.

Why should the Federal Government, why should Washington, force the States to adopt a one-size-fits-all health care plan? States can decide what works best for them. They need to be able to act on those decisions. They do not need Washington to tell them what to do.

Well, some of the most innovative health care policy ideas truly do originate at the State and local levels. Governors, State legislators, State insurance commissioners, each have much greater insight into what works for their citizens and what does not. States are feeling trapped by the new health care law's mandates.

My bill, the one along with Senator GRAHAM, gives the States the sovereignty to pursue their own reform ideas and approaches. Each State deserves the right—let me repeat that:

each State deserves the right—to pursue health care reforms they think actually help the citizens of their State.

The States have always been the laboratories of democracy, the laboratories to test good ideas. Unfortunately, this health care law locks them into a one-size-fits-all approach. The States want their freedom. The States deserve their freedom. Our bill gives it to them, offering the flexibility needed to generate better health care reform solutions, solutions that do not require the States to follow a Washington plan that may ultimately leave them broke.

In writing the State Health Care Choice Act, I started with the assumption that people generally can be trusted to do the right thing, and society prospers when government has less to say about how people run their lives. Others, many in this body, start by assuming Washington knows best and should take more authority over everyone else.

Well, the States, the American people are telling us they want health care reform. But they are telling us loudly and clearly that they do not want this health care law. So it is time to give the States the autonomy to create health care systems that work best for them, and we do not have to dismantle the Nation's current health care system, build it up in the image of big government, shift costs to the States, add billions to our national debt, and then try to sell it as reform.

There are better ideas, and I have put forward mine. I ask all Senators to join me in cosponsoring the State Health Care Choice Act.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. CARDIN. Mr. President, we have all watched in awe during the past weeks as the unquenchable desire for liberty and human dignity has inspired the people of the Middle East to lift themselves from oppression and move their country toward a new dawn.

Sadly, we now also watch in horror the brutality of Colonel Qadhafi, who murders his own people as he clings to power. I join President Obama in calling for Colonel Qadhafi to leave Libya immediately and support our efforts, in concert with the international community, to help the Libyan people.

What happens next? No one knows. I certainly do not have the answer. I pray that peace and stability comes quickly to Libya and hope the people of Egypt and Tunisia make a swift and concrete progress in establishing democratic institutions and the rule of law.

While each country in the region must find its own path in this journey, I would suggest the international com-

munity currently has a process in place that can serve as a way forward for the countries in the Middle East and North Africa in establishing a more democratic process, that guarantees free elections and free speech.

I am referring to the Organization for Security and Cooperation in Europe, the OSCE. The OSCE traces its origins to the signing of the Helsinki Accords in 1975, and for more than 35 years has helped bridge the chasm between Eastern and Western Europe and Central Asia, by ensuring both military security for member countries and the inalienable human rights of its citizens.

There are three baskets in OSCE. One basket deals with human rights because it is critically important that the countries respect the rights of their citizens. Another basket deals with security because you cannot have human rights unless you have a secured country that protects the security of its people. The third basket deals with economics and environment because you cannot have a secure country and you cannot have human rights unless there is economic opportunity for your citizens and you respect the environment in which we live. The three baskets are brought together.

In the United States, the Congress passed the U.S. Helsinki Commission that monitors and encourages compliance by the member states in the OSCE.

I am privileged to serve as the Senate chairman of the U.S. Helsinki Commission, and I represent our Commission on most, on these issues. Today Egypt and Tunisia, along with Algeria, Israel, Jordan, and Morocco, are active Mediterranean partners within the OSCE and have made a commitment to work toward the principles of the organization.

In 1975, the Helsinki Final Act recognized that security in Europe is closely linked with security in the Mediterranean and created this special partnership between the signatory states and the countries in the Mediterranean as a way to improve relations and work toward peace in the region. Libya was an original partner in this endeavor but, regrettably—and, in my view, to its detriment—ultimately, turned its back on the organization.

More recently, the U.S. Helsinki Commission has made the Mediterranean partnership a priority on our agenda. Parliamentary assembly meetings have taken place in which all of the member states were present, including our partners, and we have had sidebar events to encourage the strengthening of the relationship between our Mediterranean partners for more cooperation to deal with human rights issues, to deal with free and fair elections, to deal with their economic and environmental needs, including trade among the Mediterranean partners and, yes, to deal with security issues to make sure the countries and the people who live there are safe.

A Helsinki-like process for the Middle East could provide a pathway for

establishing human rights, peace, and stability in Egypt, Tunisia, and other countries in the Middle East. As a member of the Helsinki Commission since 1993, I have discussed the possibility of a Helsinki-like process for the region with Middle Eastern leaders, a process that could result in a more open, democratic society with a free press and fair elections. The Helsinki process, now embodied in the Organization for Security and Cooperation in Europe, bases relations between countries on the core principles of security, cooperation, and respect for human rights. These principles are implemented by procedures that establish equality among all the member states through a consensus-based decision-making process, open dialog, regular review of commitments, and engagement with civil society.

We have seen the Helsinki process work before in a region that has gone through generations without personal freedom or human rights. Countries that had been repressed under the totalitarian regime of the Soviet Union are now global leaders in democracy, human rights, and freedom. One need only look as far as the thriving Baltic countries to see what the Middle East could aspire to. Lithuania now chairs both the OSCE and the Community of Democracies. Estonia has just joined the Unified European common currency, and Latvia has shown a commitment to shared values as a strong new member of the NATO alliance.

Enshrined among the Helsinki Accord's 10 guiding principles is a commitment to respect human rights and fundamental freedoms, including free speech and peaceful assembly. The Helsinki process is committed to the full participation of civil society. These aspects of the Helsinki process—political dialog and public participation—are critical in the Middle East, and we have watched these principles in action today in Egypt and Tunisia.

The principles contained in the Helsinki Accords have proven their worth over three decades. These principles take on increasing importance as the people of the Middle East demand accountability from their leaders. Whether the countries of the region choose to create their own conference for security and cooperation or, as some have suggested, the current OSCE Mediterranean partners and their neighbors seek full membership in the OSCE, I believe such an endeavor could offer a path for governments in the region to establish human rights, establish a free press, and institute fair elections.

Finally, as the citizens of both Tunisia and Egypt demand more freedom, I urge both countries to permit domestic and international observers to participate in any electoral process. The OSCE and its parliamentary assembly have extensive experience in assessing and monitoring elections and could serve as an impartial observer as both countries work to meet the demands of openness and freedom of their citizens.

The election monitoring which takes place within the OSCE states is a common occurrence. During our midterm elections, there were OSCE observers in the United States. So they are present in most of the OSCE states because we find this a helpful way to make sure we are doing everything we can to have an open and fair election system. Free and fair elections are critical, but they must be built upon the strengthening of democratic institutions and the rule of law. I believe the principles contained in the Helsinki Accords have a proven track record and could help guide this process.

With that, I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Arizona.

AMENDMENT NO. 133

**MR. KYL.** Mr. President, I wish to get back to the underlying patent legislation to talk on a particular amendment. I am talking about the America Invents Act, legislation that would modernize our patent laws, legislation which I believe will have very strong support as soon as we are able to bring our debate to a close and have a vote.

There is one amendment that would be very troublesome if adopted. It is offered by my friend from California, Senator FEINSTEIN. It would strike the bill's first-to-file provisions. This would not be a good idea. In fact, it would be a very bad idea. I wish to describe why.

First-to-file, which is just a concept, the filing date of the patent dates to the time one files it, is not new. The question is whether we would codify that. It has been a subject of debate now for about 20 years. But at this point it has been thoroughly explored by hearings before the House and Senate Judiciary Committees. We considered this at the outset of the drafting of our patent reform legislation, and it has been in every version of the bill since 2005.

Importantly, this provision we have in the bill that would be taken out by the Feinstein amendment is supported by all three of the major patent law organizations that represent all industries across the board. It has the support of the American Bar Association's Intellectual Property Law section. It is supported by Intellectual Property Owners, which is a trade group or association of companies which own patents and cuts across all industrial sectors. And, very importantly, our language also has the support of independent inventors, many of whom have signed letters to the Senate in support of the codification of the first-to-file rule embedded in the Leahy bill.

The bottom line is there is a strong consensus to finally codify what is the practice everywhere else in the world; namely, that patents are dated by when they were filed, which obviously makes sense.

Let me respond to a couple arguments raised in favor of the Feinstein amendment. One argument is that the

current first-to-invent system is better for the little guy, the small independent inventor. It turns out that is actually not only not true but the opposite is the case.

Under the first-to-invent system, if the big company tries to claim the same innovation that a small innovator made, that innovator would prevail if he could prove that he actually invented first, even if he filed last. But to prove he invented first, the independent inventor would need to prevail in what is called an interference proceeding. These are proceedings before the Patent and Trade Office in which there is a determination by the PTO of who actually invented first. The PTO looks at all the parties' notebooks and other documents to determine issues such as conception of the idea and reduction to practice, the elements of a workable patent.

Yesterday I quoted from commentary published on Sunday, February 27, by Mr. Gene Quinn, a patent lawyer who writes for the IP Watchdog Web site. I quoted his commentary noting that only one independent inventor has actually prevailed in an interference proceeding in the last 7 years. In other words, if the idea is that we need to preserve something that is used by small inventors, by independent inventors, it just isn't the case that first-to-invent actually does that.

In his column, Mr. Quinn does a very good job of explaining why the interference proceeding is largely an illusory remedy for small or independent inventors. I will quote from what he said:

[T]he independent inventors and small entities, those typically viewed as benefiting from the current first to invent system, realistically could never benefit from such a system. To prevail as the first to invent and second to file, you must prevail in an Interference proceeding, and according to 2005 data from the AIPA, the average cost through an interference is over \$600,000. So let's not kid ourselves, the first to invent system cannot be used by independent inventors in any real, logical or intellectually honest way, as supported by the reality of the numbers above. . . . [F]irst to invent is largely a "feel good" approach to patents where the underdog at least has a chance, if they happen to have \$600,000 in disposable income to invest on the crap-shoot that is an Interference proceeding.

Obviously, the parties that are likely to take advantage of a system that costs more than \$½ million to utilize are not likely to be small and independent inventors. Indeed, it is typically major corporations that invoke and prevail in interference proceedings. The very cost of the proceeding alone effectively ensures that it is these larger parties that can benefit from this system. In many cases, small inventors such as startups and universities simply cannot afford to participate in an interference, and they surrender their rights once a well-funded party starts such a proceeding.

I think that first argument is unsatisfiable. Since only one small inventor in the last 7 years has prevailed in such

a proceeding, it doesn't seem it is something that favors the small or independent inventor.

Mr. Quinn's article also responded to critics who allege that the present bill eliminates the grace period for patent applications. The grace period is the 1-year period prior to filing when the inventor may disclose his invention without giving up his right to patent. Mr. Quinn quotes the very language of the bill and draws the obvious conclusion:

Regardless of the disinformation that is widespread, the currently proposed S. 23 does, in fact, have a grace period. The grace period would be quite different than what we have now and would not extend to all third party activities, but many of the horror stories say that if someone learns of your invention from you and beats you to the Patent Office, they will get the patent. That is simply flat wrong.

He, of course, is referring to the bill's proposed section 102(b). Under paragraph (1)(A) of that section, disclosures made by the inventor or someone who got the information from the inventor less than one year before the application is filed do not count as prior art. Under paragraph (1)(B), during the 1-year period before the application is filed, if the inventor publicly discloses his invention, no subsequently disclosed prior art, regardless of whether it is derived from the inventor, can count as prior art and invalidate the patent.

This effectively creates a first-to-publish rule that protects those inventors who choose to disclose their invention. An inventor who publishes his invention or discloses it at a trade show or academic conference, for example, or otherwise makes it publicly available has an absolute right to priority if he files an application within 1 year of his disclosure. No application effectively filed after his disclosure and no prior art disclosed after his disclosure can defeat his application for the patent.

These rules are highly protective of inventors, especially those who share their inventions with the interested public but still file a patent application within 1 year.

These rules are also clear, objective, and transparent. That is what we are trying to achieve with this legislation, so that there is uniformity, clarity, and it is much easier to defend what one has done. In effect, the rules under the legislation create unambiguous guidelines for inventors. A return to the proposal of Senator FEINSTEIN would create the ambiguity we are trying to get away from.

The bottom line is, an inventor who wishes to keep his invention secret must file an application promptly before another person discloses the invention to the public or files a patent for it. An inventor can also share his invention with others. If his activities make the invention publicly available, he must file an application within a year, but his disclosure also prevents any subsequently disclosed prior art from taking away his right to patent.

The bill's proposed section 102 also creates clear guidelines for those who practice in a technology. To figure out if a patent is valid against prior art, all a manufacturer needs to do is look at the patent's filing date and figure out whether the inventor publicly disclosed the invention. If prior art disclosed the invention to the public before the filing date, or if the inventor disclosed the invention within a year of filing but the prior art predates that disclosure, then the invention is invalid. If not, then the patent is valid against a prior art challenge.

Some critics of the first-to-file system also argue that it will be expensive for inventors because they will be forced to rush to file a completed application rather than being able to rely on their invention date and take their time to complete an application. But these critics ignore the possibility of filing a provisional application which requires only a written description of the invention and how to make it.

Once a provisional application is filed, the inventor has a year to file the completed application. Currently, filing a provisional application only costs \$220 for a large entity and \$110 for a small entity.

So this is easily accomplished and quite affordable.

In fact, one of Mr. Quinn's earlier columns, on November 7, 2009, effectively rebuts the notion that relying on invention dates offers inventors any substantial advantage over simply filing a provisional application. Here is what he says:

If you rely on first to invent and are operating at all responsibly you are keeping an invention notebook that will meet evidentiary burdens if and when it is necessary to demonstrate conception prior to the conception of the party who was first to file . . .

[Y]our invention notebook or invention record will detail, describe, identify and date conception so that others skilled in the art will be able to look at the notebook/record and understand what you did, what you knew, and come to believe that you did in fact appreciate what you had. If you have this, you have provable conception. If you have provable and identifiable conception, you also have a disclosure that informs and supports the invention. . . . [And] [i]f the notebook provably demonstrates conception, then it can be filed as a provisional patent application. . . .

In other words, what you would ordinarily have in any event can be used as the provisional application.

In other words, the showing that an inventor must make in a provisional application is effectively the same showing that he would have to make to prove his invention date under the first-to-invent system. A small inventor operating under the first-to-invent rules already must keep independently validated notebooks that show when he conceived of his invention. Under first-to-file rules, the only additional steps the same inventor must take are writing down the same things his notebooks are supposed to prove, filing that writing with the Patent Office, and paying a \$110 fee.

Once the possibility of filing a provisional application is considered, along with the bill's enhanced grace period, it should be clear that the first-to-file system will not be at all onerous for small inventors. Once one considers the bill's clean, clear rules for prior art and priority dates, its elimination of subjective elements in patent law, its new proceeding to correct patents, and its elimination of current patent-forfeiture pitfalls that trap legally unwary inventors, it is clear this bill will benefit inventors both large and small.

So because this issue has been considered from the inception of the debate about the legislation, in all of the testimony and markups in every version of the bill since 2005, is supported by all the industry groups who believe patent reform is necessary, conforms to the rules of all other countries in the world, and provides clear and easily demonstrable evidence of your patent, we believe the first-to-file rule is the best rule—date it from the date you filed your patent rather than this rather confusing notion of first-to-invent, which has not worked especially well, and certainly has not worked well for the small inventor, which is the point, I gather, of the amendment proposed by Senator FEINSTEIN.

I urge my colleagues, if there are questions or confusion about this, those of us who have been involved in this will be happy to try to answer them. I will be happy to be on the Senate floor to discuss it further. But at such time as we have a vote, I hope my colleagues would go along with what the committee did and what all of the versions of the bill have written in the past and support the bill as written and not approve this amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank the Senator from Arizona for his very strong comments and also for his support for this important bill. As you know, this has come through the Judiciary Committee. Senator KYL is a member of that committee, as I am, as well. We appreciate Senator LEAHY's leadership on this bill, as well as all the other Senators who have worked so hard on a difficult bill where there are so many interests. But in the end, what guided us to get this America Invents Act on this floor was the fact that innovation is so important to our economy, that the protection of ideas in America is what built our economy over the years. So I want to thank Senator KYL.

Before we hear from Senator BINGAMAN, who is here on another matter, I just want to support Senator KYL's statements about the need to transition to the first-inventor-to-file system. As I noted before, we have heard from many small inventors and entrepreneurs who support this transition. Independent inventor Louis Foreman has said the first-to-file system will

strengthen the current system for entrepreneurs and small businesses. We have heard from nearly 50 small inventors in more than 20 States who share Mr. Foreman's view.

I ask unanimous consent that a list of those supporters, as well as Mr. Foreman's letter to the Judiciary Committee in support of the America Invents Act, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The following independent inventors posted support for S. 23 on EdisonNation.com:

Krissie Shields, Palm Coast, Florida 32164; Sarkis Derbedrosian, Glendale, CA 91206; Frank White, Randleman, North Carolina; Ken Joyner, Pasadena, CA 91109; Charlie Lumsden, Kula, HI 96790; Timothy J. Montgomery, Altoona, PA 16601; Katherine Hardt, Escanaba, MI 49829; Toni Rey, Houston, TX 77095; Shawn Head, Delaware, OH 43015; Emily Minix, Niceville, Florida; Betsy Kaufman, Houston, Texas; Eric Huber, San Juan Capistrano, CA 92675; Perry Watkins, Dunedin, FL; Jim Hacs, Pueblo, Colorado; Brian Neil Smith, Orlando, FL; Clint Baldwin, Roseburg, Oregon 97471; Paul Wightman, Cedar City, Utah 84721; Shalon Cox, Beverly Hills, CA 90209; Darwin Roth, Jacksonville, Florida 32256; Dorinda Plant, Eatonton, GA 31024.

Don Francis, Vista, CA 92083; Greg Bruce, Galveston, Texas; Sandra McCoy, Longwood, FL 32750; Jerry Bradley, Joliet, IL 60435; Phillip L. Avery, Bethlehem, PA 18015; Julie Brown, Yuma, AZ 85367; Eduardo Negron, Beach Park, IL 60083; Betty Stamps, Greensboro, NC 27407; Victor Hall, Compton, CA; Todd Bouton, Janesville, WI 53548; Denise Sees, Canal Fulton, OH; Kevin McCarty, Antioch, IL 60002; Jerry Vanderheiden, Aurora NE 68818; Sherri English, Savannah, TX; Amy Oh, Portland, OR; Mark Stark, St. Louis, MO 63123; Toni LaCava, Melbourne, Florida 32935; Luis J. Rodriguez, South Orange, NJ 07079; Michael Pierre, Newark, New Jersey; Patricia Herzog-Mesrobian, Milwaukee, Wisconsin.

Derrick L. James, Beloit, WI 53511; Richard J. Yost, Newman Lake, Washington; Ken Espenschied, Cleveland, OH; Roger Brown, North Augusta, SC 29861; Jared Joyce, Bozeman, MT; Jane Jenkins, Clayton, Ohio; Tammy Turner, McDonough, GA; Diane Desilets, North Attleboro, MA; John Nauman, Hollywood, Florida 33202.

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FEBRUARY 14, 2011.  
Hon. PATRICK J. LEAHY,  
*Chairman,*  
Hon. CHUCK GRASSLEY,  
*Ranking Member, U.S. Senate, Committee on  
the Judiciary, Dirksen Senate Office Building,  
Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: First, please accept my congratulations on the overwhelming, bipartisan Judiciary Committee vote on compromise patent reform legislation. I strongly urge you to continue your efforts toward comprehensive reform by pushing for a vote on the Senate floor at the first available opportunity.

Your bill will make independent inventors, such as myself, more competitive in today's global marketplace. America's economic future rests on our ability to innovate new technologies that change the way people work, live and play. Yet, as you know, today's patent system hinders this process, rather than cultivating entrepreneurship and the new ideas needed to create more jobs and foster economic growth.

As executive producer of the Emmy Award-winning series, "Everyday Edisons," and

publisher of Inventors Digest, a long-standing publication serving the independent-inventor community, I am continually in contact with individuals across the country dedicating their lives in search of the next big idea. Some of these efforts bear fruit, while others falter. However, what ensures the continuity of their efforts, are the legal protections afforded under U.S. patent law.

I started my first business as a sophomore in college and twenty years later, I can point to 8 successful start-ups, along with being an integral part of twenty additional ventures. As a result, I have registered ten U.S. patents and my firm has helped develop and file another 400 patents. These experiences have shaped my views on how the current system functions at a practical level for those attempting to translate their inventions into a profitable business endeavor. Let me begin by commending the USPTO for its tireless efforts to make the current system work in an efficient manner. Unfortunately, the USPTO is hampered by a system that is in dire need of reform.

From my perspective, the Judiciary Committee-passed bill helps independent inventors across the country by strengthening the current system for entrepreneurs and small businesses by including the following:

Lower fees for micro-entities;

Shorter times for patent prosecution creating a more predictable system;

First-Inventor-to-File protections to harmonize U.S. law with our competitors abroad while providing independent inventors with certainty;

Stronger patent quality and reliability by incorporating “best practices” into patent application examination and review, making it easier for independent inventors to attract start-up capital; and

Resources for the USPTO to reduce the current patent backlog of 700,000 patents.

Your efforts in the Committee represent a critical milestone for passage of comprehensive reform and highlight an opportunity for progress. I also hope that Committee action paves the way for vigorous bicameral discussions on enacting legislation in the near future.

We cannot afford to wait. The need for these types of common sense reforms dates back to 1966 when the President’s Commission to the Patent System issued thirty-five recommendations to improve the system. Some of these measures have been enacted over the years, but the economic challenges inherent in today’s global market necessitate a broader modernization of the patent system. The 2004 National Research Council of the National Academy of Sciences report echoed this sentiment pointing to how economic and legal changes were putting new strains on the system.

America’s economic strength has always rested on our ability to innovate. While a number of positive economic indicators provide hope for the future, the environment for small businesses remains mixed. Patent modernization is a tangible way to help America’s small entrepreneurs in a fledgling economy. Not only will these reforms help create new jobs and industries, but they will help ensure our economic leadership for years to come.

Please do not hesitate to contact me if I can be of any assistance in helping expedite passage of this critical legislation.

Sincerely,

LOUIS J. FOREMAN,  
Chief Executive Officer.

Ms. KLOBUCHAR. Mr. President, I know Senator BINGAMAN is here to speak.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I appreciate the chance to speak as in morning business.

#### WORLD OIL SUPPLIES

Mr. President, I want to take a few minutes to discuss the increasing oil prices that we are observing each day and the evolving situation in the Middle East and North Africa.

From an oil market perspective, the turmoil in the Middle East changed course just over a week ago, and it changed course when Libya joined the group of countries that are witnessing historic popular uprisings. Libya is the first major energy exporter in the region to experience such an uprising.

At the moment, as much as 1 million barrels per day of Libya’s total 1.8 million barrels per day of oil production is offline, with continued political turbulence threatening to take even more oil offline before order is restored.

It appears that international oil companies, which are responsible for over 40 percent of Libyan oil production, have removed their personnel from the country, and that has led to shutdowns of most fields operated by those international companies.

For the moment, it appears that the Libyan national oil companies themselves are mostly continuing to produce and export oil, although there might be some limited production losses in national oil company production as well.

There is reason to be concerned that the situation in Libya and throughout the region could become worse before it improves. I do not know that it is useful to try to predict the most likely outcome for what is occurring in the country, but the reality is that many of the potential scenarios that have been thought of are not good for the stability of world oil flows.

Fortunately, Saudi Arabia is widely believed to have enough spare oil production capacity to offset any losses in Libyan oil production. The Saudis have already publicly committed to compensating for any Libyan shortfall and very likely have already ramped up production to make good on that promise.

However, the additional Saudi crude oil will not be of the same quality as the lost Libyan barrels of oil, which are light sweet crude. About three-quarters of Libyan exports go to Western Europe, and the refineries in Western Europe generally cannot manage the heavier and sour crudes that come out of the Persian Gulf region. There will be some crude oil dislocation, as higher quality crudes are rerouted to Europe, and incremental Saudi barrels of oil head for refineries that are able to handle the lower grade oil they produce.

Between the lost production in Libya, the crude oil dislocation associated with additional Saudi production, and the prospect of further turmoil in the region, we are now unquestionably facing a physical oil supply disruption that is at risk of getting worse before it gets better.

For this reason, I believe it would be appropriate for the President to be ready to consider a release of oil from our Strategic Petroleum Reserve if the situation in Libya deteriorates further. Any additional oil market disturbance—such as turmoil spreading from Libya to Algeria, or from Bahrain to Saudi Arabia—would clearly put us into a situation where there would be a very strong argument in favor of a sale from the Strategic Petroleum Reserve.

While I do not think high oil prices alone are sufficient justification for tapping the Strategic Petroleum Reserve, I do believe the announcement of a Strategic Petroleum Reserve sale would help to moderate escalating prices.

My recommendation that we stand ready to release oil from the SPR is squarely in the traditional policy we have had in our government for SPR use, going back to the Reagan administration in the 1980s. In testimony before the Committee on Energy and Natural Resources on January 30, 1984, President Reagan’s Secretary of Energy Donald Hodel stated that the administration’s SPR policy in the event of an oil supply disruption was to “go for an early and immediate drawdown.” The SPR would be used to send a signal, a strong signal, to oil markets that the United States would not allow a physical oil shortage to develop.

The SPR policy carried out during the 1990–1991 Desert Storm operation offers an example of this “early and in large volumes” policy in action.

On January 16, 1991, President George H.W. Bush announced that the allied military attack against Iraq had begun. Simultaneously, he announced that the United States would begin releasing SPR stocks as part of an international effort to minimize world oil market disruptions. Less than 12 hours after President Bush’s authorization, the Department of Energy released an SPR crude oil sales notice, and on January 28, 1991, 26 companies submitted offers.

Then-Secretary of Energy Watkins noted:

We have sent an important message to the American people that their \$20 billion investment in an emergency supply of crude oil has produced a system that can respond rapidly and effectively to the threat of an energy disruption.

According to an analysis posted on the Department of Energy’s Web site during the George W. Bush administration:

The rapid decision to release crude oil from government-controlled stocks in the United States and other OECD countries helped calm the global oil market, and prices began to moderate. . . . World oil markets remained remarkably calm throughout most of the war, due largely to the swift release of the Strategic Petroleum Reserve oil.

In recent years, the policy signals surrounding SPR use have not been as clear. Some SPR sales were criticized as efforts to manipulate oil prices. The SPR was then ignored during other oil supply disruptions—including simultaneous oil supply disruptions due to a

strike in Venezuela, political turmoil in Nigeria, and the initiation of the current war in Iraq.

I believe the Reagan administration set the correct course for SPR decisionmaking. The current administration would be well served in considering that example and should be ready, in my view, to make a decision to calm world oil markets should the threat to world oil supplies increase in the coming days and weeks.

Mr. President, 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.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 454 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEE. 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. 115

Mr. LEE. Madam President, I am on the floor to speak again in support of amendment No. 115, which I propose in connection with the patent reform bill, a bill I support and a bill I intend to vote for and a bill that is going to be used as a vehicle for this amendment that calls for the sense of the Senate on support for the need of a balanced budget amendment. I am grateful to have the support of my good friend, the former Governor of West Virginia, now the junior Senator from West Virginia, JOE MANCHIN, who is cosponsoring this amendment with me.

Here is what it does. It calls on us as Senators to come forward and vote on whether we think we should amend the Constitution and submit that to the States for ratification to restrict our power to engage in perpetual deficit spending.

We, as Members of Congress, are authorized, pursuant to article I, section 8, clause 2 to incur debt in the name of the United States. This power has been abused over time to such a degree that we are now almost \$15 trillion in debt. By the end of the decade, we will have amassed annual interest payments that will be approaching \$1 trillion. This threatens every government program under the Sun. Whether you most want to protect Social Security or national defense or any other government program, you should be concerned about

this practice that will threaten the livelihood of so many Americans who depend on these programs one way or another, whether it is to fund their day-to-day existence or fund programs that provide for our safety and security as a nation.

We do have an increased reason to be optimistic about this for a few reasons. First, we have recent polling data showing Americans overwhelmingly support the idea of a balanced budget amendment. Secondly, a recent GAO report shows we could find at least \$100 billion annually in wasteful government spending. This is the type of wasteful Washington spending we ought to have eliminated a long time ago, that we could eliminate and would be forced to eliminate if we, in fact, had a balanced budget amendment.

It would also require us to address issues that will confront our children and grandchildren. As a proud and happy father of three, I can tell you, as difficult as the choices we will have to make may be, I am unwilling, as a father, to pass these problems on to my children and my grandchildren who are yet unborn. I am unwilling to pass along to them a system that mortgages the future of coming generations for the simple purpose of perpetuating government largess and wasteful Washington spending.

All this amendment does is call on Members of the Senate to come forward and say they support the idea. By voting in favor of this amendment, they do not have to embrace any particular balanced budget amendment proposal. But what they do say is that they want the wasteful Washington spending to stop, they want the perpetual deficit spending practice to stop, and they want us to stop the practice of mortgaging the future of coming generations. This is immoral, it is unwise, and it ought to be illegal. Soon it will be. With this amendment, we will set in motion a sequence of events that will lead to just that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I rise this afternoon to express my very strong support for Senator LEE's amendment and the underlying constitutional amendment I hope this body will take up at some point soon. I commend Senator LEE for his leadership on this issue, for offering this amendment now.

I feel a tremendous sense of urgency. I do not think we have time to waste, time to wait, time to kick this can down the road anymore. We have done that too long.

The fact is, a balanced budget amendment to our Constitution would provide the kind of fiscal straitjacket this government clearly needs. If we operated the way many States did, if we operated the way all businesses did, if we operated the way families did and we lived within our means, then maybe this would not be necessary. But it has

become obvious to anybody that we are not living within our means—not even close.

We are running a budget deficit this year of \$1.6 trillion. That is 10 percent of the size of our entire economy—just this year alone. Last year, it was \$1.5 trillion. If we do not do something very serious about this now—not soon, not in the next few years but now—if we do not do something about this now, this is already at unsustainable levels.

In 1988, the total debt as a percentage of our economy was about 40 percent. In 2008, the total debt as a percentage of our economy was about 40 percent. Today it is at about 63 percent, and by October it will be 72 percent. These numbers are staggering, and they are not sustainable. It is already costing us jobs because this huge level of debt and the ever-increasing debt from the ongoing deficits raise real doubts in the minds of investors and entrepreneurs and small business owners what kind of financial future is in store for us. The threat of serious inflation, high interest rates, even a financial disruption grows dramatically as we keep piling on this debt. This is not just speculation or theory. We have seen this with other countries that have gone down this road.

The good news is it is not quite too late; we can do this; we can get our spending under control. And I am absolutely convinced we can have tremendous prosperity and a tremendously robust recovery and the job creation we need if we follow some basic fundamental principles that have always led to prosperity wherever they have been tried.

There are several—I will not go through all of them—but one of the fundamental ones is a government that lives within its means. I would define "means" as keeping a budget that is balanced. This amendment today, of course, only expresses the will of the Senate that we ought to do this. I strongly hope all our colleagues will join Senator LEE in this very constructive amendment.

I yield the floor.

Mr. GRASSLEY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I know personally the extraordinary efforts made by the chairman of the Senate Judiciary Committee to bring this patent reform bill to the floor. I have worked with him in the past, and it has not been an easy task. I know that many times he felt he was close to having the right bill at the right moment, and then it slipped away. But his determination and his capacity to bring people together has resulted in this moment where the bill is before us. And it

is important that it is, not just because of his hard work but because of what it means for this country.

I don't know whether it has formally been done, but this bill is being re-characterized as the America Invents Act instead of the Patent Reform Act because those few words tell a much bigger story. We are talking about the kind of innovation and research in America that will create successful companies and good American jobs, and that is why this bill is important.

It has been a long time—going back to our origins as a nation—since we recognized the right for those who invent things to have some proprietary personal interest in those inventions, and we set up the Patent and Trademark Office for that purpose. Unfortunately, that office of the Federal Government isn't keeping pace with the creativity of our country, and that is why Senator LEAHY has brought this bill to the floor.

This is bipartisan legislation. I commend him for his work on it, and I commend my Republican colleagues for joining him. Senators GRASSLEY, KYL, SESSIONS, and HATCH have also worked diligently on this.

This may not be the simplest area of the law. I can remember that when I was in law school here in town, there was one student—he was the only African-American student in my class, and that goes back to the days of Georgetown Law, Senator LEAHY, when there were few minorities and few women. He was African American. He wore a white shirt and tie to class every day.

I went up to him one day and said: So tell me your background.

He said: Well, I am an engineer, and I want to be a patent lawyer.

And I quickly moved to another table because I realized there wasn't anything we could talk about. I knew nothing about his world. But it is a specialized world, and one in which I am sure he was very successful. Patent law is something that is very hard to explain, and I think that is part of the reason this bill has taken some time to come here.

But economic growth is driven by innovation, and if you have a good idea for a new product in America, you can get a patent and turn that idea into a business. Millions of good American jobs are created this way. The list is endless.

Patents have been the source of great American stories. Joseph Glidden, a farmer from DeKalb, IL, patented barbed wire fence in 1874. It dramatically changed the way ranchers and cattlemen and others were able to do their business as they settled the frontier in America. I might add that the DeKalb High School nickname is "The Barbs" as a consequence of this one discovery. Glidden's invention made him a wealthy man, but his legacy included granting the land for what became Northern Illinois University in DeKalb. Ives McGaffey of Chicago invented and patented one of the first

vacuum cleaners in 1869. Josephine Cochran of Shelbyville, IL, once said, "If nobody else is going to invent a dishwashing machine, I'll do it myself." In 1886, she did it and got a patent for it. The company she created is now known as Whirlpool.

Our patent laws set the rules of the road for American innovation. By giving inventors exclusive rights over their inventions for a term of 20 years, patents provide great incentive for investment. Patents enable inventions to be shared with the public so new innovations can be based upon them.

It has been a long time since we have looked at our patent laws and really updated them. Just think about this, putting it into perspective. It has been over 50 years. And I commend Senator LEAHY for tackling this. It has not been easy. The pace and volume of innovation has quickened a great deal since we looked at this law over 50 years ago, and the Patent and Trademark Office has struggled to keep up.

Over the last few years, Congress has debated how best to modernize our patent law. It has been a tough issue. We have one set of patent laws governing the incredibly diverse range of inventions and industries. In trying to update our laws, we have to be careful not to make changes that benefit some industries but undermine innovation in others. The bill before us strikes the right balance. That is why I voted for it in Committee and support it. It is a product of years of bipartisan negotiation. It is a good compromise. It is consensus legislation passed out of the Judiciary Committee a few weeks ago with a unanimous 15-to-0 vote.

The bill is supported by the Obama administration and his Cabinet officers and a broad and diverse group of stakeholders, all the way from the American Bar Association, to the AFL-CIO, to the Biotechnology Industry Organization. The list is very long.

In my own home State, I went to the major manufacturing companies and said: You look at it because these inventions are your future. You have to be confident that what we do to the law is consistent with new inventions, new innovations, and new jobs not just at your company but at other places.

I am happy to say that those supporting it include the Illinois Tool Works, Caterpillar—the largest manufacturer in my State—Motorola, Monsanto, Abbott, IBM, and PepsiCo.

The bill will improve the ability of the Patent and Trademark Office to award high-quality patents. Right now, there is a backlog of over 700,000 patent applications, which they are struggling to clear. Think about that—700,000 inventions and ideas that are waiting to be legally recognized so that they can go forward in production. This bill will streamline the operations and adjust the user fees to make sure the agency clears the backlog.

The bill takes steps to improve submission of information to the PTO about pending patent applications. I

would note that it keeps user fees low for small startups and individual investors.

In past years, there were some parts of the bill that generated controversy, including provisions relating to damages and venue in patent infringement lawsuits. The good efforts in this bill that have been negotiated have resulted in these provisions no longer being a subject of controversy.

I know we will have some amendments offered on the bill, and I expect we will have a good debate on them. At the end of the day, I expect we will have a strong bipartisan vote in passing this bill. Senator LEAHY is now trying to get this train into the station. There are a lot of people bringing cars here who want to hook on because they know this is an important bill and likely to pass.

There are some areas, I might add, which we did not discuss in committee and which I considered raising in an amendment on the floor but held back. One of them relates to the controversial issue of gene patenting, which I have been learning about recently. It is my considered opinion this is now working its way through the courts and to try to intervene on the floor here would be premature. The courts have to decide whether people can patent genes.

There was a recent story I saw on "60 Minutes" where a company known as Myriad had patented the gene for breast cancer. They have now created a test, incidentally, to determine whether a woman has this gene. The test is in the range of \$4,000 to \$5,000. The actual cost of the test should be much lower, and the obvious question the courts are deciding is, How can you claim ownership of a gene that occurs in nature in human bodies you didn't create? That is the question before the courts. We could have debated it here for a long time and maybe never resolved it, but depending on how the courts come out on the issue, we may visit it again.

I hope the House will take this bill up quickly. I know they want to look it over from their perspective, but we need to pass this. If we are talking about creating jobs in successful, thriving businesses in America, this bill needs to pass.

I thank Chairman LEAHY for his leadership and for his hard work on this issue. I am honored to serve with him on the Senate Judiciary Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I thank the distinguished senior Senator from Illinois, who has been an invaluable member of the Judiciary Committee all the time I have been there. This has been very helpful. I appreciate what he said. I found interesting the list of patents from his home State of Illinois, and I think each one of us can point to some of those with pride. If we are going to stay competitive with the rest of the world, we have to get this bill passed.

It has been more than 60 years since we updated our patent law. We are way behind the rest of the world. We have to be able to compete, so I thank the Senator.

FURTHER MODIFICATION TO AMENDMENT 121, AS MODIFIED

Madam President, I have cleared this with the Senator from Iowa. Notwithstanding the adoption of the Leahy-Grassley amendment No. 121, as modified, I ask unanimous consent the amendment be modified further with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The further modification is as follows:

On page 3 of the amendment, delete lines 8 through 17.

Mr. LEAHY. Madam President, we are down to very few things. I hate to put in another quorum call and then hear from Senators calling they want some time to speak about amendments. I know sometimes we follow the "Dracula" rule, being that we do not legislate until it is dark and Dracula comes out. Maybe, since the days are getting longer, we could do some things during daytime hours. I send out a call, a pleading call: If people want their amendments, come forward, let's have a vote up or down on them and be done with it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. VITTER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 115

Mr. VITTER. Madam President, I rise in strong support of the Lee amendment, which is a sense of the Senate that this body and the House should pass a constitutional amendment requiring a balanced budget. Clearly, I think in the mind of every American, our top domestic challenge is to get hold of our fiscal situation to move us to a sustainable path, to tighten the belt of the Federal Government just like every American family has been doing for many years in this recession.

We are making a start, a real but modest start, in terms of this year's budget. I was happy the Senate followed the lead of the House and passed a 2-week CR today that has substantial cuts, the exact level of cuts as the House passed for the rest of the fiscal year. I support that important start in terms of this year's budget. Of course, we need to finish the job by passing a spending bill for the entire rest of the fiscal year with that level of cuts or more.

That is a start, but it is only a start. The other thing I think we need to do is create reform, a structure that demands that Congress stay on that path to a balanced budget until we get there. I believe the most important

thing we can create to demand that is a straitjacket for Congress, if you will, a balanced budget constitutional amendment. Unfortunately, I think Congress, time and time again over years and decades, has proved we need to put Congress in that straitjacket if we are ever going to get to a sustainable fiscal situation, a balanced budget.

This is not some academic debate. This is about the future of our kids, our grandkids, and our immediate future because we could be put into economic chaos at any time because of our untenable fiscal situation. Forty cents of every \$1 the Federal Government is spending is borrowed money—so much of that money borrowed from the Chinese. This is about whether we are going to remain the most free, most prosperous country in human history. This is about if we are going to remain our own masters or if we are going to have to look to the folks who are lending us all this money, including the Chinese, for consent in terms of how we map our future.

Is that the future we want to hand to our kids? It is certainly not the future I want to hand to my kids. That is what it is all about. Again, it is not far off in the distance. This is an immediate challenge.

This could lead to an immediate economic crisis unless we get ourselves on the path to a balanced budget quickly. Again, step 1 is cuts this year, a budget that is going back to 2008 levels, pre-stimulus, pre-Obama budget, this year. That is step 1.

But step 2 is some sort of important structural reform such as a balanced budget constitutional amendment that puts a straitjacket on Congress, that demands that we get there in a reasonable period of time.

The huge majority of States operate under exactly this type of constitutional amendment. The huge majority of municipalities, towns, cities, other jurisdictions, operate under this sort of constraint. It is hard sometimes. It demands tough choices. In times such as these, in a recession, it demands real cuts.

But guess what. Just like a family does sitting around their kitchen table making their family budget fit reality, States do that, cities do that, towns do that, and Congress should have to do that for the Federal Government. Congress should have to tighten its belt, like families do reacting to their budget reality sitting around the kitchen table.

I think it is perfectly clear we are not going to get there, unless and until we are made to through some sort of mechanism such as the balanced budget constitutional amendment.

Even beyond the deadline imposed by the expiration of the current or any other CR spending bill, we have another looming deadline, which is, whenever the United States Federal Government hits up on the current debt ceiling. That is going to happen

sometime between late March and May is the projection.

I firmly believe it would be enormously irresponsible to address that issue until and unless we put ourselves on this road to reform, until and unless we pass something like a meaningful balanced budget constitutional amendment. So this sense of the Senate is meant as a first step. I applaud Senator LEE for putting it before us as that first step. Let's say yes. Let's say we are going to do it.

Then, of course, most important, let's do it. Let's do it now. The clock is ticking. Let's do it now, well before we reach any crisis point such as coming up on the debt limit I spoke about.

Let's act responsibly, which means acting now. Let's take up the Nation's important business, which is spending and debt. Let's avoid the economic calamity that is threatened if we stay on the current path, which is completely, utterly unsustainable. It is not just me saying that, it is everybody knowing it, including Ben Bernanke, Chairman of the Federal Reserve Board. He testified before us at the Banking Committee yesterday and said exactly the same thing.

Ben Bernanke is not some ideologue. He is not some tea party conservative. But he said yesterday, very clearly, three important things. First of all, the greatest medium and long-term challenge we face as a country is our fiscal posture. Secondly, the fiscal path we are on is completely and utterly unsustainable. Third, while that is a long-term challenge, it poses short-term, immediate consequences.

If we do not get on a sustainable path now, immediately in the short term, we could have immediate short-term consequences, even economic crisis. Let's avoid that. Let's do right by our children. Let's tighten our belt, as American families have been for several years in this recession, and let's demand that we keep on that path with a balanced budget constitutional amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) The Senator from Vermont.

Mr. LEAHY. I ask unanimous consent that an article written for The Hill by the distinguished Secretary of Commerce Gary Locke, dated March 2 of this year, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, it is interesting, I do not want to embarrass the person whom I wanted to speak about at all, but I was interested in listening to my dear friend, Senator DURBIN, speak about his time at Georgetown Law School. Both he and I graduated from the Georgetown Law School. He talked about a classmate of his who was in patent law, and he realized this was a complex subject, one that is not the sort of law that he, Senator DURBIN, was going to go into, any more than I would have.

But I also think of another graduate of Georgetown Law Center who was an engineer, had a degree in engineering, studied patent law, and became one of the most distinguished patent lawyers, litigators in this country, and is now a member of the Federal circuit court of appeals and that is Judge Richard Linn.

It was interesting hearing the Senator from Illinois, himself one of the finest lawyers in this body. My wife Marcella and I had the honor of being out in Chicago with Judge Linn and his wife Patty for a meeting of the Richard Linn American Inn of Court in Chicago. He serves with great distinction. In fact, a major part of this legislation reflects an opinion he wrote.

But I digress. I ask unanimous consent the Senate resume consideration of the Lee amendment No. 115, with the time until 5:15 equally divided between the two leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Lee amendment No. 115; that the Lee amendment be subject to a 60-vote threshold; that upon disposition of the Lee amendment, the Senate resume consideration of the Menendez amendment No. 124; that Senator MENENDEZ be recognized to modify his amendment with the changes at the desk and the amendment, as modified, be agreed to; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; and there be no amendments in order to the amendments prior to the vote.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**MR. LEAHY.** I thank the superb staff for writing that out because I am not quite sure I could have done that on my own.

I had hoped as we began debate on this important bill to modernize America's patent system that the Senate would focus specifically on this measure designed to help create jobs, energize the economy and encourage innovation.

I had hoped that we would consider relevant amendments, and pass the bill. The America Invents Act is a key part of any jobs agenda. We can help unleash innovation and promote American invention, all without adding a penny to the deficit.

This is commonsense, bipartisan legislation. I said at the outset that I hoped the Senate would come together to pass this needed legislation and do so in the finest tradition of the Senate. I thank the Republican manager of the bill and the assistant Republican leader for their support and efforts on this bill.

Unfortunately, we have become bogged down with nongermane, nonrelevant, extraneous discussions and amendments.

Earlier this week, Senators who were focused on our legislative effort and responsibilities joined in tabling an amendment that has nothing to do

with the subject matter of the America Invents Act.

Extraneous amendments that have nothing to do with the important issues of reforming our out-of-date patent system so that American innovators can win the global competition for the future have no place on this important bill. They should not be slowing its consideration and passage.

If America is to win the global economic competition, we need the improvements in our patent system that this bill can bring.

We must now dispose of another such amendment so that we may proceed to final passage of the America Invents Act and help inventors, American businesses and our economic recovery.

I take proposals to amend the Constitution of the United States seriously. I take seriously my oath as a Senator to support and defend the Constitution and to bear true faith and allegiance to it.

Over the years I have become more and more skeptical of recent efforts to amend the design that established the fundamental liberties and protections for all Americans. I believe the Founders did a pretty good job designing our fundamental charter.

I likewise take seriously the standard set in article V of the Constitution that the Congress propose amendments only when a supermajority of the Congress deem it "necessary." While there have been hundreds of constitutional amendments proposed during my service in the Senate, and a number voted upon during the last 20 years, I have been steadfast in my defense of the Constitution.

The matter of a so-called balanced budget amendment to the Constitution is not new to the Senate. Indeed, I believe the first matter Senator HATCH moved through the Judiciary Committee when he chaired it and I served as the ranking member was his proposed constitutional amendment to balance the budget.

I strongly opposed it, but I cooperated with him in his effort to have the committee consider it promptly and vote.

I wish others would show the managers of this bill that courtesy and cooperation and not seek to use this bill as a vehicle for messages on other matters.

The Judiciary Committee has considered so-called balanced budget amendments to the Constitution at least nine times over the last 20 years. The Senate has been called upon to debate those amendments several times, as well, in 1982, 1986, 1992, 1994, 1995 and 1997. Despite the persistent and extraordinary efforts of the senior Senator from Utah, they have not been adopted by the Congress.

The only time the Senate agreed to the proposed constitutional amendment was in 1982. On that occasion, the House of Representatives thought the better of it. On the subsequent five occasions, as Senators came to under-

stand how the proposed amendment undercut the Constitution, it was defeated.

Now another Senator has adopted this cause.

He has proposed a different, even more complicated proposed constitutional amendment. That will require study in order to be understood. It will require working with the chairman of the Judiciary Committee Subcommittee on the Constitution, Civil Rights and Human Rights.

While the new Senator from Utah is a member of the Judiciary Committee and a member of the Constitution subcommittee, he has not consulted with me about his proposal, nor, as far as I know, with the chairman of the subcommittee, the senior Senator from Illinois.

Instead, he preemptively seeks to raise the matter on this important bill, which is designed to create jobs, encourage American innovation and strengthen our economy.

For the last 20 years, the so-called balanced budget amendment has been a favorite slogan for some. For some others of us, we have done the hard work to actually produce a balanced budget and, indeed, a surplus.

Rather than defile the Constitution, we have worked and voted to create a balanced budget and a budget surplus. In 1993, without a single Republican vote to help us, Democrats in the Congress passed a budget that led to a balanced budget and, indeed, to a budget surplus of billions of dollars by the end of the Clinton administration.

That surplus was squandered by the next administration on tax breaks for the wealthy and an unnecessary war that cost trillions but went unpaid for. Those misjudgments were compounded by financial fraud and greed that led to the worst economic recession since the Great Depression. That is what we have been seeking to dig out from under since 2008.

At this time, I ask unanimous consent to have printed in the RECORD a letter received from American Federation of State, County and Municipal Employees, AFSCME, in opposition to the Lee amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AFSCME,

*Washington, DC, March 2, 2011.*

DEAR SENATOR: On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees, I am writing to urge you to oppose Senator Lee's amendment to S. 23, providing that it is the sense of the Senate that Congress should pass and the states should agree to an amendment to the Constitution requiring a Federal balanced budget.

A constitutional balanced budget amendment is a simplistic answer to a complicated issue and would serve only to further weaken our economy and move us away from fiscal responsibility at a time of much economic uncertainty. It would require large, indiscriminate spending cuts during economic downturns, precisely the opposite of what is needed to stabilize the economy and avert recessions.

The immediate result of a balanced budget amendment would be devastating cuts in education, homeland security, public safety, health care and research, transportation and other vital services. Any cuts made to accommodate a mandated balanced budget would fall most heavily on domestic discretionary programs, but ultimately, there would be no way to achieve a balanced budget without cuts in Social Security and other entitlement programs as well. A balanced budget amendment would likely disproportionately affect unemployed and low-income Americans.

There are also serious concerns about the implementation of such an amendment and how it would involve the courts in matters more appropriately resolved by the legislative and executive branches of government. Budgetary decisions should be made by officials elected by the people, not by unelected court officials with no economic or budget expertise.

I urge you to oppose the Lee amendment and to oppose any effort to adopt an amendment to the Constitution requiring a balanced budget.

Sincerely,

CHARLES M. LOVELESS,  
*Director of Legislation.*

Mr. LEAHY. We have stabilized the economic freefall and begun to revive the economy.

Everyone knows that economic growth is the path toward budget balance. Economic growth and winning the future through American innovation is what the bipartisan American Invents Act is all about.

Accordingly, for all these reasons as well as the reasons for which I opposed the efforts to amend the Constitution in 1982, 1986, 1992, 1994, 1995 and 1997, I oppose amendment No. 115.

#### EXHIBIT 1

[From the Hill, Mar. 2, 2011]

#### DELIVERING INNOVATION AND JOBS THROUGH PATENT REFORM

(By Commerce Secretary, Gary Locke)

Today, there are more than 700,000 unexamined patent applications log-jammed at the U.S. Patent and Trademark Office (USPTO). Many of them represent inventions that will come to market and launch new businesses and create new, high-paying jobs.

But without a patent, securing the funds needed to get a business or innovation off the ground is nearly impossible, for both small and large inventors alike.

Patent reform legislation the Senate is considering this week can change that.

And it can build on the progress USPTO Director David Kappos has already made in reducing the time it takes to process the average patent—currently nearly 3 years.

New programs have been introduced to fast-track promising technologies, reforms have been made to help examiners more quickly process applications, and the Patent Office recently announced a plan to give inventors more control over when their patent is examined.

The result? The backlog of patents is decreasing for the first time in years, even as new applications have actually increased 7 percent.

But if the USPTO is to speed the movement of job-creating ideas to the marketplace, it will take more than internal, administrative reforms alone. That's where the patent reform legislation comes in.

Here's what it promises to do: First, it allows the USPTO to set its own fees—a major part of ensuring that the agency has reliable

funding. This will enable the USPTO to hire more examiners and bring its IT system into the 21st century so it can process applications more quickly and produce better patents that are less likely to be subject to a court challenge.

Second, it decreases the likelihood of expensive litigation because it creates a less costly, in-house administrative alternative to review patent validity claims.

Also, the pending legislation would add certainty to court damages awards, helping to avoid excessive awards in minor infringement cases, a phenomenon that essentially serves as a tax on innovation and an impediment to business development.

Finally, patent reform adopts the “first-inventor-to-file” standard as opposed to the current “first-to-invent” standard. First inventor to file is used by the rest of the world, and would be good for U.S. businesses, providing a more transparent and cost-effective process that puts them on a level playing field with their competitors around the world.

There is some concern among some small, independent inventors, who feel like the current system is better for them, but it's our strong opinion that the opposite is true.

Here's why: The cost of proving that one was first to invent is prohibitive and requires detailed and complex documentation of the invention process. In cases where there's a dispute about who the actual inventor is, it typically costs at least \$400,000 in legal fees, and even more if the case is appealed. By comparison, establishing a filing date through a provisional application and establishing priority of invention costs just \$110. The 125,000 provisional applications currently filed each year prove that early filing dates protect the rights of small inventors.

In the past seven years, of almost 3 million applications filed, only 2 patents were granted to small entities that were the second inventor to file but were able to prove they were first to invent. Of those 25, only one patent was granted to an individual inventor who was the second to file. Thus, in the last seven years, only one independent inventor in nearly 3 million patent filings would have gotten a different outcome under the “first-inventor-to-file” system.

Many proposals in this legislation have been debated for a decade, but we now have core provisions with broad support that will undoubtedly add more certainty around the validity of patents; enable greater work sharing between the USPTO and other countries; and help the agency continue with operational changes needed to accelerate innovation, support entrepreneurship and business development, and drive job creation and economic prosperity.

And thanks to the leadership of Senate and House Judiciary Committee Chairmen, Patrick Leahy and Lamar Smith, getting this bipartisan jobs legislation passed is a top priority.

There's a clear case for it. As President Obama said in his State of the Union address, “The first step in winning the future is encouraging American innovation.”

Reforming our patent system is a critical part of that first step.

Speeding the transformation of an idea into a market-making product will drive the jobs and industries of the future and strengthen America's economic competitiveness.

The PRESIDING OFFICER. Under the previous order, all time has now expired.

The question is on agreeing to the Lee amendment No. 115.

Mr. LEAHY. Mr. President, even though I oppose this amendment and

would simply allow it to go for a voice vote because the proponent of the amendment is not even on the floor, I will, to protect his right and notwithstanding his not following the normal policy, 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 assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Ms. LANDRIEU) would vote “no.”

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 30 Leg.]

#### YEAS—58

Alexander	Ensign	McConnell
Ayotte	Emzi	Moran
Barrasso	Graham	Murkowski
Begich	Grassley	Nelson (NE)
Bennet	Hatch	Nelson (FL)
Blunt	Hoover	Paul
Boozman	Hutchison	Portman
Brown (MA)	Inhofe	Risch
Brown (OH)	Isakson	Roberts
Burr	Johanns	Rubio
Carper	Johnson (WI)	Sessions
Chambliss	Kirk	Shelby
Coats	Kohl	Snowe
Coburn	Kyl	Thune
Cochran	Lee	Toomey
Collins	Lieberman	Udall (CO)
Corker	Lugar	Vitter
Cornyn	Manchin	Wicker
Crapo	McCain	
DeMint	McCaskill	

#### NAYS—40

Akaka	Harkin	Reid
Baucus	Inouye	Rockefeller
Bingaman	Johnson (SD)	Sanders
Blumenthal	Kerry	Schumer
Boxer	Klobuchar	Shaheen
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Casey	Levin	Udall (NM)
Coons	Menendez	Warner
Durbin	Merkley	Webb
Feinstein	Mikulski	Whitehouse
Franken	Murray	Wyden
Gillibrand	Pryor	
Hagan	Reed	

#### NOT VOTING—2

Conrad	Landrieu
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The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 40. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Under the previous order, the Senator from New Jersey is recognized.

#### AMENDMENT NO. 124, AS MODIFIED

Mr. MENENDEZ. Mr. President, pursuant to the previous order, I ask that my amendment be modified with the changes that are at the desk.

The PRESIDING OFFICER. Under the previous order, the amendment is so modified.

The amendment, as modified, is as follows:

On page 104, strike line 23, and insert the following:

**SEC. 18. PRIORITY EXAMINATION FOR TECHNOLOGIES IMPORTANT TO AMERICAN COMPETITIVENESS.**

Section 2(b)(2) of title 35, United States Code, is amended—

(1) in subparagraph (E), by striking “; and” and inserting a semicolon;

(2) in subparagraph (F), by striking the semicolon and inserting “; and”; and

(3) by adding at the end the following:

“(G) may, subject to any conditions prescribed by the Director and at the request of the patent applicant, provide for prioritization of examination of applications for products, processes, or technologies that are important to the national economy or national competitiveness without recovering the aggregate extra cost of providing such prioritization, notwithstanding section 41 or any other provision of law.”

**SEC. 19. EFFECTIVE DATE.**

Mr. MENENDEZ. Mr. President, this modified amendment, cosponsored by Senator BENNET, would allow the Patent Office Director to prioritize patents that are important to the national economy or national competitiveness. The amendment will ensure that patents that are vital to our national interests do not languish in any backlog at the Patent Office and that they ultimately promote the national economy and national competitiveness.

My understanding is that by previous agreement the amendment, as modified, is agreed to.

The PRESIDING OFFICER. That is correct. Under the previous order, the amendment, as modified, is agreed to.

Mr. MENENDEZ. Thank you, Mr. President.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the motions to reconsider on the two previous amendments are laid upon the table.

Ms. MIKULSKI. Mr. President, I rise to explain my vote against the managers' amendment to S. 23, the America Invents Act.

I agree wholeheartedly with the chairman of the Judiciary Committee that we must enable our inventors to out innovate and produce the products and jobs of the future.

However, a provision in the managers' amendment would take the Patent and Trademark Office, PTO, off-budget. I cannot support this provision for three reasons.

First, the provision is unnecessary. Proponents argue that it will prevent the diversion of PTO's fees. However, since fiscal year 2005, the Appropriations Committee has rejected the practice of diverting PTO fees for other purposes and instead has consistently

recommended that PTO retain every dollar it collects from inventors. In fact, the Appropriations Committee has on several occasions approved bills to allow PTO to spend up to \$100 million in excess of PTO's appropriation if fee revenue is higher than the appropriations level.

Second, the amendment would reduce oversight. Rather than being subject to the annual appropriations process, this agency—with a budget of more than \$2 billion—would be on autopilot. The underlying bill seeks to reduce the backlog of pending patent applications. Currently, it takes PTO nearly 3 years to process a patent application. The backlog of applications stands at over 700,000. Some progress has been made in this area, thanks to the annual oversight provided in appropriations bills which has succeeded in forcing management reforms that have slowed the growth of PTO's backlog.

The amendment requires PTO to submit annual budget requests and spending plans to Congress. However, this approach eliminates the requirement for an annual legislative vehicle to closely examine and approve expenditures of taxpayer dollars and fee revenue. Instead the amendment would restrict accountability for an agency that struggles to keep up. While our inventors are standing in line for patents, their ideas can be stolen to fuel another country's economy. I am very encouraged by Director Kappos' new leadership at PTO, but much more progress and greater management oversight are still necessary to give American inventors the protections they deserve.

Finally, the amendment may hamper PTO operations in the future. PTO has adequate fee revenue now, but that has not always been the case. As recently as fiscal year 2009, PTO experienced a revenue shortfall due to lower than expected fee collections. To keep PTO's operations whole and to help tackle the patent backlog, we gave PTO a direct appropriation to bridge their financial gap when fees weren't enough. In fact, PTO fee collections have fallen short of appropriations levels by more than \$250 million since fiscal year 2005. Unfortunately, should such a gap occur in future years, the Appropriations Committee would not be poised to step in if PTO's fee collections are not adequate to cover operations.

Again, I applaud the Judiciary Committee, under Chairman LEAHY's leadership, for pushing PTO to continue its progress as part of our Nation's innovation engine. Unfortunately, this amendment will only send PTO drifting on autopilot with little congressional accountability.

AMENDMENT NO. 133

Mr. REID. Mr. President, I support Senator Feinstein's amendment to restore the grace period under current law and eliminate the so-called first-inventor-to-file provisions of the legislation. This is the No. 1 outstanding issue of concern my constituents have

raised with me, particularly small and independent inventors. It is a technical and complex issue, one about which experts in patent law have strong disagreements. But I think the bill would be much better without these provisions.

For shorthand, a lot of people talk about this issue as first-inventor-to-file versus “first-to-invent.” But, in my view, this terminology just confuses the issue. My constituents are most concerned about the loss of the unconditional 1-year grace period under current law. Both a first-to-invent and a first-inventor-to-file system could have the grace period; there is no inherent inconsistency. I am not sure why the two issues have been merged. Frankly, people who talk about priority fights and interferences are completely missing the point. The concerns are all about the grace period.

My constituents tell me that the current law grace period is crucial to small and independent inventors, for numerous reasons. First, it comports with the reality of the inventive process. An idea goes through many trials, errors, and iterations before it becomes a patent-worthy invention. Small inventors in Nevada tell me that sometimes they may have conceived an idea as an improvement to the apple; and it turns out to be a new type of orange. The grace period allows inventors the time to refine their inventions, test them, talk issues through with others, all without worry of losing their rights if these activities result in an accidental disclosure or the development of new “prior art.”

Second, the grace period comports with the reality of small entity financing through friends, family, possible patent licensees, and venture capitalists. The grace period allows small inventors to have conversations about their invention and to line up funding, before going to the considerable expense of filing a patent application.

In fact, in many ways, the 1-year grace period helps improve patent quality—inventors find out which ideas can attract capital, and focus their efforts on those ideas, dropping along the way other ideas and inventions that don't attract similar interest and may not therefore be commercially meaningful.

These inventors therefore believe that the effective elimination of the grace period in the law is therefore a serious blow. They tell me that now they will have to try to file many more applications, earlier in the process. They tell me that the balm of “cheap provisionals” is snake oil, because a provisional still has to meet certain legal standards, meaning that you still have to spend a lot for patent counsel, which is the biggest single expense of filing an application. Because they can't afford to file that many applications, regular or provisional, they will have to give up on some inventions altogether. If that is so, it wouldn't just be bad for them, it would be bad for the creation of innovation in America.

They also are concerned that it will be harder to get VC funding because they will have filed applications on inventions that weren't quite the right ones. The added risk about whether they can ensure that the provisional application will be adequate to provide protection to this slightly modified but commercially more meaningful invention will be enough to scare off already difficult to obtain venture capital funding.

The legislation doesn't turn a blind eye to these problems. It provides a type of grace period, triggered by inventor disclosures. Will this new, significantly more scaled back grace period work? Maybe. I don't know. I can tell you that the independent inventors in Nevada swear by a code of secrecy and nondisclosure until they are far enough along to get patent protection. It would require a sea change in culture to be able to benefit from this very limited inventor's disclosure-triggered grace period.

Further, there are legitimate questions about how this new disclosure provision would work—for instance, what happens when an invention that is disclosed leads to other, different ideas and disclosures that update the state of the art before the application has been filed? How is an inventor going to be able to prove that changes in an “ecosystem of technology” were necessarily derived from her disclosure?

I would also note that I appreciate that PTO Director Kappos has been doing great work in terms of reaching out to small inventors, trying to make things cheaper and more efficient for them; trying to demystify the PTO for them. If any PTO Director could make this work, I feel confident he is the one who can do it.

But, you know what, if it ain't broke, don't fix it. Our current system has helped make America the most innovative country in the world; I will venture to say the most innovative society in world history. Our innovation system is the envy of the world. We don't need to harmonize with them; they are trying to figure out how we do it. This is one area where nothing is broken, and I am very worried about unintended consequence, especially when a lot of the folks arguing about this issue are not even talking about the thing that matters—the grace period.

Accordingly, I support the Feinstein amendment. And I encourage my colleagues to support it too. I am not making this argument as the Senate majority leader, but as the Senator from Nevada—if the current grace period isn't broke, then we absolutely shouldn't fix it with something that my constituents tell me, with alarm, may make it harder for them to patent their innovations.

Mr. ISAKSON. Mr. President, I ask unanimous consent to be recognized as in morning business.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

#### RISK RETENTION

Mr. ISAKSON. Mr. President, I come at the end of a long day for all of us to talk about a subject that is off the subject from the bill on the floor but is one of tremendous importance to the United States and the recovery of our economy.

I want to also point out for the record—and hopefully also for the right people—that we are at a critical point in terms of housing in America, with Dodd-Frank having been passed and newly promulgated rules. It is essential that we don't make the mistakes that led us to the last collapse that caused the tragedy in the housing market in 2007, 2008, and 2009.

In the Dodd-Frank bill, there was an amendment called the qualified residential mortgage, which was offered by Senators LANDRIEU, HAGAN, and myself to ensure that the risk retention provisions of Dodd-Frank would not apply to a well-underwritten, well-qualified loan. Risk retention, as the Chair remembers, is the 5-percent retention requirement of any lender who made a residential mortgage that was not qualified, but they were not specific in their definition of what a qualified mortgage would be. So we took the point to take the historical underwriting standards that have proven to work so well in this country and write them into the Dodd-Frank bill, which were that a mortgage that may be exempted from a risk retention would have to have 20 percent down, and if there was more than 80 percent loan to value, that amount above 80 percent would have to be covered by private mortgage insurance. We required third-party verification of bank deposits, third-party verification of employment, third-party verification of an individual's ability to make the payments and service the debt, credit records, and all the underwriting standards.

As the Chair remembers, what got us into so much trouble from 2000 to 2007 is that we made subprime loans, used stated income, didn't do debt checks or anything else we should have done. We made bad mortgages.

My point is this. There is a committee that has been formed—made up of very distinguished Americans—that is promulgating the rules to carry out the intent of Dodd-Frank. That committee includes Sean Donovan from HUD; Ben Bernanke; Edward DeMarco, Acting Director of the Federal Housing Finance Agency; John Walsh, Acting Comptroller of the Currency; Mary Shapiro, head of the SEC; and Sheila Bair, head of FDIC. That is a very august group. They are in the process of promulgating rules to carry out the intent of Dodd-Frank. The rumors coming out of those negotiations—and I say rumors because I cannot verify it because I am not there. But I know the articles I have read in the papers in the last couple of days send a troubling signal to me.

Just for a few minutes, I wish to make the points that I think are so critical.

No. 1, it is my understanding they are considering memorializing 80 percent as the maximum amount of loan to value for a loan that would fall as a qualified residential mortgage and do not address private mortgage insurance for coverage above 80 percent.

Without getting technical, what that would mean is the only qualified residential mortgage that could be made and not require risk retention would have to have a minimum of a 20-percent downpayment. In the olden days of standard lending in the eighties, seventies, and sixties, when you borrowed more than 80 percent but not over 95 percent, you had private mortgage insurance to insure the top 30 percent of the loan made so the investors had the insurance of knowing, if there was a default, the top portion of that loan, which was the most in terms of loan to value, would be insured and would be paid.

If it is, in fact, correct that this committee is going to recommend a qualified residential mortgage require a 20-percent downpayment and not make provisions for PMI, we will be making a serious mistake because two things will happen. One, very few people will be able to get a home loan in the entry-level market or even in the move-up market because a 20-percent downpayment is significant. Second, by not utilizing PMI, we will be turning our back on 50 years of history in America, where PMI has been used to satisfactorily insure risk and insure qualified lending.

We must remember what happened in terms of the collapse of Freddie Mac and Fannie Mae. What happened was Congress directed they buy a certain percentage of their portfolio in what were called affordable loans, which became subprime securities, which became 13 percent of their portfolio, which brought them down when subprime securities collapsed. If we all of a sudden, through fiat, decide to pass regulations to define a qualified residential mortgage that is so prohibitive we run everybody to FHA, which is exempt, then we will be putting a burden on FHA that is unsustainable and create a situation of another collapse or another inability of the United States to meet housing needs through the private sector and through well underwritten loans.

My reason for coming to the floor tonight is, hopefully, to send a message, before the decisions are made, to be thoughtful in determining what the parameters will be on a qualified residential mortgage. Yes, I do think an 80-percent or less loan should be qualified and avoid risk retention. But a well-paid, well-verified, well-credit-evaluated individual who borrows more than 80 percent but less than 75 should be able to do so and be excluded from the risk retention as long as they have private mortgage insurance covering that top 30 percent of the debt created by that loan.

If you do that, you protect the equity provisions, you protect the investor,

you make the qualified loan, you do not put the country at risk, but most important of all, you do not force everybody to FHA. That is what we are about to do because FHA is, by definition under Dodd-Frank, exempt from risk retention. All other loans are not, except those that will fall under the QRM, qualified residential mortgage. It would be a disaster for the recovery of American housing to force Americans to only one source of money to finance their home and put so much stress on the Federal Housing Administration that it collapses under the burden.

We need to be pragmatic when we look at issues facing housing. We need to be practical in taking Dodd-Frank and making it work for the American people. We need to recognize the value of private mortgage insurance, the value of good, solid underwriting and not put a risk retention in that is so high that we take most American mortgage lenders out of the business, isolated only for a few who dictate and write the parameters they want to write for housing. We are at a critical time in our recovery. Housing has hit the bottom, and it has bounced along the bottom, but it is showing some signs of coming back. Now would be the worst time to send a signal that mortgage money is going to be harder to get, the banks are going to have to hold 5 percent risk retention on even the best of loans and, worst of all, it would give the American people only one alternative for lending; that is, the Federal Housing Administration which, in and of itself, is already under a burden and stressed.

I appreciate the time tonight to bring this message to the floor that as we write the rules to promulgate the intent of the Dodd-Frank bill in terms of residential housing and finance, we be sure we do so in such a way that we meet the demands of a vibrant marketplace rather than restricting it, putting a burden on FHA, and protracting what has already been a long and difficult housing recession.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TEXAS INDEPENDENCE DAY AND THE LETTER FROM COLONEL WILLIAM BARRET TRAVIS

Mrs. HUTCHISON. Mr. President, I rise to read the letter from COL William Barret Travis from the Alamo, something I have done every year since Senator Phil Gramm retired. He read the letter on Texas Independence Day every year after Senator Tower left office. So we have a tradition every Texas Independence Day of a Texas Senator reading the very moving speech from William Barret Travis.

Today is the 175th anniversary of our independence from Mexico.

This past Sunday, I had the honor of participating in the Washington-on-the-Brazos' 175th anniversary celebration of the Texas Declaration of Independence signing. It was a special occasion that brought together almost all the 59 signers' descendants. Thousands of proud Texans came to commemorate this most pivotal event in Texas's legacy of freedom and patriotism.

My great-great-grandfather, Charles S. Taylor, was willing to sign the document that declared Texas free from Mexico. I am humbled to occupy the Senate seat from Texas that was first held by Thomas Jefferson Rusk, who was another signer of the Texas Declaration of Independence.

Those 59 brave men did not just come in and sign a paper. They took great risk. They put their lives, their treasures, and the lives of their families on the line to do this. One hundred seventy-five years later, sometimes you do not think of how hard it was for them to declare this separation from Mexico and know that there was going to be a war fought over it because the Mexican Army was in San Antonio at the Alamo, getting ready to take the Alamo from William Barret Travis and the roughly 180 men who were there who were trying to defend that fortress.

The accounts of the revolution have been some of our most dramatic stories of patriotism in both Texas and America.

We remember the sacrifice of William Barret Travis, Davy Crockett, Jim Bowie, and the others who died bravely defending the Alamo against Santa Anna and his thousands of trained Mexican troops.

They were outnumbered by more than 10 to 1. For 13 days of glory, the Alamo defenders bought critical time for GEN Sam Houston, knowing they would probably never leave the mission alive.

The late Senator John Tower started the tradition of reading a stirring account by Alamo commander William Barret Travis, and Senator Gramm and now I have continued that tradition.

From within the walls of the Alamo, under siege by Santa Anna's Mexican Army of 6,000 trained soldiers, Colonel Travis wrote this letter to the people of Texas and all Americans:

Fellow Citizens and Compatriots: I am besieged with a thousand or more of the Mexi-

cans under Santa Anna. I have sustained a continual Bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded surrender at discretion, otherwise, the garrison is to be put to the sword, if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly over the wall. I shall never surrender our retreat.

Then I call on you in the name of Liberty, of patriotism, of everything dear to the American character, to come to our aid with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due his honor and that of his country—Victory or Death.

—William Barret Travis, Lt. Col.  
Commander.

Steadfast to the end and independent to the core, that is the essence of Texas.

Had Colonel Travis and his men not laid down their lives in the Battle of the Alamo, Sam Houston's victory at San Jacinto just 2 months later would never have been possible. Texas's freedom might not have been won.

It is important that every generation of Texas pause to remember the patriots of the Texas revolution: each soldier who gave his life at the Alamo, Goliad, and San Jacinto; the 59 men who met at Washington-on-the-Brazos, putting their lives in danger by signing that Declaration of Independence and becoming heroes for a cause; and the bravery of the women who gave up an easier life in the East to join the struggle to make Texas the marvelous place it is today.

My great-great-grandmother was one of those brave women. She took her four children in what was called the Runaway Scrape, trying to flee eastward from Nacogdoches, where they lived, to try to escape the advancing Mexican Army and the Indian raids that were happening all over east Texas.

My great-great-grandmother lost all four of her living children during that sad and hard time for Texas. But that was not the last chapter in the revolution. She came back to Nacogdoches, met my great-great-grandfather, who was there signing the Texas Declaration of Independence, and had nine more children.

So the women also were heroes and heroines of this time.

It is my honor to memorialize the Texas legacy of freedom and patriotism in this way.

I ask unanimous consent that my speech at the Washington-on-the-Brazos celebration this past weekend be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### WASHINGTON-ON-THE-BRAZOS CELEBRATION REMARKS

(Delivered February 27, 2011 at Washington-on-the-Brazos Historic Site)

Thank you so much. What a great representative Lois Kolkhorst is for this area

and so fitting to have someone who loves the history. Thank you, Lois, and thank you for that lovely introduction and thank you for this welcome.

I wanted to say especially thank you to the Washington-on-the-Brazos Association and all of the associations that keep our Texas history alive. Thank you from the bottom of our hearts because we are passing it through the generations because of you. Thank you all.

You know it is so special that you have honored all of us, the descendants, on the 175th anniversary, because those 59 brave men did not just come in and sign a paper.

They took great risk. They put their lives, their treasures, and the lives of their families on the line to do it. And sometimes, 175 years later, sometimes we don't think about the risk that they were willing to take.

They were actually elected as delegates by their peers in the little towns throughout Texas because every one of those people wanted to govern themselves.

In Texas, independence is not merely a state of being free from tyranny; it is a spirit instilled within us, anchored in our knowledge that we are part of something truly unique.

Across the nation, Texans have earned the reputation for being exceptionally proud—a little too much, some people think! But Texans earned it; they earned it 175 years ago, and we have passed it from generation to generation.

We are the only state that came in to our nation as a nation, and with that distinction comes a vivid history and a storied past unlike any other.

What some interpret as a brazen stubbornness—we know to be a fierce and steadfast will to live in freedom.

When that will was tested, Texans rose up and rebelled against oppression.

In the time leading up to the Texas Revolution, colonists were living under the centralized power of the Mexican government. Its steel grip on trade, religion, and heavy taxation, conflicted with the yearning for independence that drew the early American settlers to Texas.

The accounts of our revolution have become some of the most dramatic stories of patriotism in both Texas and American history.

We remember the sacrifice of Colonel William Barret Travis, Davy Crockett, Jim Bowie, and the 189 men who died bravely defending the Alamo against Santa Anna and his thousands of trained Mexican troops.

Outnumbered by more than 10 to one, for 13 days of glory, the Alamo defenders bought critical time for General Sam Houston, knowing they would never leave the mission alive.

Had they not laid down their lives in that seminal battle, Sam Houston's victory at San Jacinto just two months later would never have been possible. Texas' freedom might not have been won.

Those who signed the Texas Declaration of Independence, where we stand today, were akin to those who signed the American Declaration of Independence in 1776. They were the leaders of this area. They risked their lives and those of their family when they put pen to paper.

And the 59 Texans who are so ably represented here today were considered traitors to Mexico as they used their voices, their professions, and positions of influence to wage critical battles in the revolution.

My great-great-grandfather, Charles Taylor, was one of these patriots whose principles and will to survive were tested.

In 1836, he was land commissioner in East Texas, responsible for issuing titles and collecting taxes. He served as alcalde, essentially the mayor, of Nacogdoches Territory.

This position of course made him a representative of the government of Mexico, but he was witnessing firsthand the widening rift between Texans and Mexico's emerging autocracy.

As the movement for independence from Mexico began to grow, he sided, of course, with Texas in the dispute with the central government over taxation.

Secretary of War Thomas Rusk asked Taylor to allow the fees entrusted to him to be used to purchase weapons for the Texas army.

He was technically obligated to pass the money to Mexico, so Rusk's request presented him with an ethical dilemma.

But Taylor ultimately agreed, believing that the people who paid the taxes wanted and deserved freedom to govern themselves.

With this money and every penny they could collect all over Texas from the towns everywhere, they were armed for the battle. But remember they had no money for uniforms, they were not formally trained. What they did have was the will to fight for something greater than themselves.

As he prepared his men for the final stand in the fight for freedom at San Jacinto, these were Sam Houston's words, "We view ourselves on the eve of battle. We are nerved for the contest, and must conquer or perish. It is vain to look for present aid: for it is not there. We must now act or abandon all hope! Rally to the standard, and be no longer the scoff of mercenary tongues! Be men, be free men, that your children may bless their father's name."

After the victory at the battle of San Jacinto and Santa Anna's surrender, Secretary of War Rusk wrote the report. I love these words. His description:

"The sun was sinking in the horizon as the battle commenced; but at the close of the conflict, the sun of liberty and independence rose in Texas, never, it is hoped, to be obscured by the clouds of despotism . . . The unerring aim and irresistible energy of the Texas army could not be withstood. It was freemen fighting against the minions of tyranny and the results proved the inequality of such a contest."

I now want to bring attention to another contingent of brave Texans whose involvement in the revolution was significant, but sometimes overlooked: the women. They struggled to keep their families together, or even alive.

One of our state's first historians, Mary Austin Holley, who was the cousin of Stephen F. Austin, chronicled the daring, enterprising nature of Texas' women settlers.

She wrote that these hardy women hunted with their husbands and rode long distances on horseback to attend social events with their ball gowns stuffed in their saddlebags.

During the Texas Revolution, their vigor and free-spiritedness translated to steadfast courage and unshakeable resolve to survive and protect their families in the face of extreme trial.

Thomas Rusk himself wrote, "The men of Texas deserved much credit, but more was due the women. Armed men facing a foe could not but be brave; but the women, with their little children around them, without means of defense or power to resist, faced danger and death with unflinching courage."

The Runaway Scrape of 1836 swept every family in Central and East Texas. My great-great-grandmother, Anna Maria Taylor, was one of the thousands of refugees fleeing eastward from the Mexican advance and the threat of Indian raids.

With her husband, Charles Taylor, attending the convention of delegates right here, Anna Maria, like many of your great-great-grandmothers struggled to escape on foot.

Anna Maria fought to feed her four children. Despite widespread food shortages, she

did everything she could to shield them from seasonal rains and disease.

Tragically, like so many mothers of the time, she lost every one of her four children.

But the trials of the revolution were not the final chapters in their lives.

After the War of Independence ended, Anna Maria and Charles went right back to Nacogdoches, and she bore nine more children.

The families of all of you here today, as descendants, recovered and rebuilt their lives after independence was won, and they started building Texas at the same time.

I inherited Thomas Rusk's world atlas dated 1850 which is now in my office reception room in Washington, DC.

According to the atlas, in 1850, Texas had just over 212,500 people. And we learned just last week that our state's population today is over 25 million.

I think the 59 signers of the Declaration of Independence would be awestruck by this staggering figure. Oh, how far we've come!

When I finish my term, I will bring Thomas Rusk's world atlas back to its rightful home in Texas, to Stephen F. Austin University, which is built on land he owned. There it will be on display for future generations to see.

In order to secure our bright future, we must preserve our rich history.

Each year on March 2, I read William Barret Travis' letter from the Alamo, because it is so stirring and so amazingly brave.

The late Senator John Tower started the tradition of reading it every single year. Senator Phil Gramm continued it, and I took it when Phil retired.

Colonel Travis wrote in that letter, "I shall never surrender or retreat." And displaying the ultimate courage in the face of certain demise, he wrote, "I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country—Victory or Death."

Steadfast to the end and independent to the core—that is the essence of Texas.

Finally . . . the cliff notes to my speech today are:

That we, the descendants of these great 59 men and their wives and all of those who followed, and all of those in these associations who have no descendants but know that Texas is special, it is important that every generation of Texas pause to remember the patriots of the Texas revolution:

Each soldier who gave his life at the Alamo, Goliad, and San Jacinto;

The 59 men who met at Washington-on-the-Brazos, putting their lives in danger by signing that Declaration of Independence and becoming heroes for a cause;

And the bravery of the women who gave up an easier life in the East to join the struggle to make Texas the marvelous place that it is today.

It is our challenge to pass their spirit to our children and our grandchildren. This gathering today and the annual celebration that we have of Texas Independence Day do just that.

Thank you! And God bless Texas!

Mrs. HUTCHISON. I yield the floor.

#### REMEMBERING KATE IRELAND

Mr. McCONNELL. Mr. President, I rise today to honor the life, legacy and extraordinary accomplishments of Ms. Kate Ireland, who passed away peacefully at her home at Foshalee Plantation in northern Florida on February 15, 2011. She was 80. Kate was a prime example of a woman who gave back to

her community through her passion for public service, conservation efforts, and volunteerism. Her tenacious spirit and determination made her one of the most inspiring and hardworking people I have ever had the privilege of knowing, and I am honored to have called her my friend.

Coming from a successful family with a rich tradition of philanthropy and public service, Kate's interest in volunteerism and conservation began at an early age. Her parents, the late Robert and Margaret Ireland, were also avid philanthropists and conservationists who taught Kate to admire and appreciate the beauty of life around her. It was this sense of appreciation that inspired her to hold a lifelong dedication to philanthropy of the arts, education, and health care.

After graduating from St. Timothy's in Baltimore and attending Vassar College for a year, Kate realized that she had another calling in life to fulfill. So, 20-year-old Kate packed her bags and moved to the Commonwealth to volunteer at the Frontier School of Midwifery and Family Nursing, a nursing service to the underserved families of the remote regions around the southeastern Kentucky town of Hyden. Continuing the work of her grandmother and sister, who also volunteered there, Kate served as a courier by looking after the horses and jeeps used by the nurse midwives, tending to the milk cows and pigs that were kept by Frontier, and packing supplies for the nurses for their rounds.

Even early on, Kate's fearless leadership was recognized by her Frontier mentors, as many people looked to her to make sure things got done and done correctly. This "dogged determination," as many who knew her described it, is what moved her to volunteer for the position of director of volunteers for 14 years. Kate's no-nonsense, professional demeanor eventually led her to collect numerous other titles, such as chairman of the Development Committee, vice chairman of the board, and ultimately the title of national chairman of the Board of Governors in 1975, a position she held for 17 years. Respectfully, Kate remains the board's honorary chairman.

Although Kate was an avid traveler with residences in Georgia, Maine and Florida, she remained a guiding force in the Commonwealth for advancements in education and health care for nearly six decades. Kate lent her expertise, advice, hard work and financial support to FNS as well as Hyden Citizens Bank, the Kentucky River Area Development District in which she was chairman, and Berea College, where she was also chairman and trustee.

Kate once said that going to Kentucky had always been in the cards for her. Well, she couldn't have been more right. Because of her generosity and dedication, countless Kentuckians have benefited from education and training programs that she loyally supported and established, such as the Commu-

nity-Based Nurse-Midwifery Education Program, The Mary Breckinridge Chair to support the faculty of Frontier, and the Kate Ireland and Kitty Ernst Scholarships which are awarded to students annually. She was an upstanding woman who dedicated most of her life to serving others. Her impressive accomplishments and pleasant manner left a wide-reaching legacy that forever changed her community, and there is no doubt that the Commonwealth is poorer for her loss. My thoughts go out to her sister, Louise; her dear friend Anne Cundle; and many other friends and family. The Leslie County News recently published an article about Kate and the legacy she left behind. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### A LIFETIME SUPPORTER OF FRONTIER, KATE IRELAND LEAVES A LASTING LEGACY

Miss Kate Ireland, a lifelong philanthropist and a guiding force of the Frontier Nursing Service, passed away on Feb. 15, 2011, at her home in northern Florida. Miss Ireland devoted her life to public service, and her wide-reaching legacy includes her work on behalf of the Frontier Nursing Service and the Frontier School of Midwifery and Family Nursing in Hyden.

Miss Ireland was born in Cleveland, Ohio, in 1930 into a family with a tradition of supporting the vision of Mary Breckinridge. Her grandmother was a donor from the beginning of the City Committees established to support the demonstration of Frontier's nursing service to the underserved families living in the remote regions of Southeastern Kentucky. Her mother was Chairman of the Cleveland Committee. Kate's sister served as a courier in 1938.

Miss Ireland served as courier during the summers of 1951–1954 and as a part-time courier from 1959–1960. In her role as a courier, Kate looked after the horses and jeeps used by the FNS nurse-midwives. She also tended to milk cows and pigs kept by FNS and packed supplies for the nurses for their rounds. Mrs. Breckinridge recognized Kate as a leader, and many people looked to her to get things done. She volunteered as Director of Volunteers for FNS from 1961–1975. For nearly six decades, Miss Ireland lent her expertise, advice, hard work and financial support to help FNS provide healthcare in Leslie County and educate nurse-midwives and nurse practitioners across the globe. In Miss Ireland's biography by David Treadwell, "Full Speed Ahead: with a Twinkle in Her Eye," Kate says of her calling to Frontier that "going to Kentucky had always been in the cards for me."

She was well-known in the Leslie County community. Miss Ireland, a prominent member of Cleveland society, felt passionately about her work in Leslie County. Upon returning there in the early '60s, Miss Ireland built a beautiful home called Willow Bend overlooking Hurricane Creek and the Middle Fork. Although a world traveler with residences in Georgia and Maine, while serving the people of Leslie County, Miss Ireland primarily resided at her home in the community of Wendover with her lifelong friend and companion, Anne Cundle, a former FNS nurse-midwife.

While living in Kentucky, Miss Ireland became involved in local interests such as the LKLP and Hyden Citizens Bank and served as Chairman of the Kentucky River Area De-

velopment District and Trustee and Chairman of Berea College.

In 1963, in recognition of her strong leadership skills, Miss Ireland was elected to the FNS Board of Governors and served in various capacities on the Board until her death. She was Chairman of the Development Committee in 1967; Vice Chairman of the Board in 1968; and National Chairman of the Board of Governors in 1975, a post she held until 1992. In 1997 she was named National Honorary Chairman.

"She was a great mentor and a very determined and forceful woman who had the gift of convincing others to agree to support her in whatever project she was interested in," said Jane Leigh Powell, Chairman of the FNS Board of Governors and a friend of Miss Ireland's for nearly 50 years. "She maintained her interest in Leslie County after moving to Florida and continued to be a very loyal supporter of the FNS."

One example of Kate Ireland's ability to see the potential for Mary Breckinridge's vision for nursing and midwifery was her support for the creation of the Community-Based Nurse-Midwifery Education Program (CNEP). "We clearly would not have the successful, distance education programs that we have today without the support of Kate Ireland," reports Susan Stone, President and Dean of the Frontier School of Midwifery and Family Nursing.

Miss Ireland was better able than many to see that such a program could take the Frontier model of care out to the "wide neighborhoods" of mankind, which it is successfully doing as it prepares thousands of nurse-midwives and nurse practitioners to care for families in rural and underserved areas across the United States and abroad. Her support of distance education continued when, with Mary Breckinridge's cousin, Marvin Breckinridge Patterson, she established the first endowed Chair of Midwifery in the United States, The Mary Breckinridge Chair, to support faculty at the Frontier School. For support of students, she established and endowed the Kate Ireland and Kitty Ernst Scholarships to be awarded to students annually. Her footprints on the future of Frontier School continue to make a lasting impact on faculty and students alike.

In lieu of flowers, Miss Ireland requested donations be made to one of several named organizations or to a charity of your choice. There are several ways to give to Frontier in honor of Miss Ireland:

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#### ESSENTIAL AIR SERVICE PROGRAM

Mr. NELSON of Nebraska. Mr. President, I strongly oppose a provision included in the FAA Air Transportation Modernization and Safety Improvement Act that would eliminate the Essential Air Service Program at those airports boarding 10 passengers or less per day. Essential Air Service, EAS, truly is essential to the communities of Alliance, Chadron and McCook in my home State of Nebraska being impacted by this provision. In all, there are 40 rural airports in several States across the country which would no longer be a part of the EAS Program if this provision is included in any piece of legislation signed into law.

The adoption of this amendment to the FAA bill is bad for Nebraska and bad for rural America. The communities and surrounding areas being served by these airports use them as

economic development tools and rely on having commercial air service in order to stay connected to our Nation's transportation network. The many Nebraskans who have contacted me about this attempt to cut off EAS funding for their rural airports have expressed great concern about how losing EAS support would be devastating to their communities' ability to attract employers and create jobs. During a time when our country is starting to see glimpses of economic recovery, cutting off EAS support for these airports is not the answer.

As a supporter of the EAS Program and someone who always considers the impact any legislation will have on rural Nebraska, I once again express my opposition to this provision and will work to see that it is not included in any final legislation authorizing our Nation's aviation programs.

#### PAY PROHIBITION

Mr. COBURN. Mr. President, I rise to voice my concerns regarding S. 388, a bill to prohibit Members of Congress and the President from receiving pay during government shutdowns. While I believe it is important we in Congress lead by example, I am concerned this bill does not go far enough. Every bill that Senate moves this Congress should send a clear message to the American taxpayer that we are serious about our Nation's finances, the economic struggles being faced by our fellow citizens across the country, and the future of this great country.

If we are going to prohibit pay for Members of Congress and the President, we must also include members of the President's Cabinet, for example.

The bill prohibits retroactive pay for Members of Congress and the President who would not be paid during a government shutdown. This prohibition on retroactive pay should also apply to nonessential Federal Government employees who would be furloughed during a government shutdown. It is unfair to force hard-working Americans to pay the salaries of politicians who have failed to do their jobs or government employees who did not have to report to work because they are non-essential.

It is also my opinion that this legislation encourages Members of Congress to raise the debt ceiling. Clearly Congress does not need any more incentive to borrow and spend money or raise the debt ceiling. Since March of 1996 Congress has raised the debt limit 12 times. In 1995, the gross Federal debt was \$4.92 trillion. Today, the national debt exceeds \$14 trillion. We should not be passing legislation incentivizing more borrowing and debt. If anything, this bill should reduce Members' pay if they increase the debt limit, not the other way around.

I am also concerned with the timing and need for this bill. Prior to the Presidents Day recess, the House of Representatives passed a bill funding

the operations of the Federal Government through the remainder of the fiscal year that included over \$60 billion in spending reductions. Unfortunately, the Senate, which has not passed a single appropriations bill for fiscal year 2011, once again failed to act on this bill. And just today, the House passed a 2-week continuing resolution that the Senate will pass. It is about time for the Senate to do its most basic job—ensuring the continued operations of the Federal Government in a fiscally responsible manner.

With government spending at unsustainable levels, it is imperative that every Member of Congress make hard choices regarding Federal spending and cut waste, fraud, abuse, and duplication at every level of government.

#### ADDITIONAL STATEMENTS

#### TRIBUTE TO MICHAEL SHEPARD

- Mr. BOOZMAN. Mr. President, today I recognize Michael Shepard for his achievement of being named the National Assistant Principal of the Year for his work at Har-Ber High School in Springdale, AR.

In his fourth year as an assistant principal at Har-Ber, Michael is continuously looking for ways to improve educating students. His efforts as the advanced placement coordinator helped secure funding for lead AP instructors for math, English and science. Since taking on the role of AP coordinator the number of students taking AP courses has more than doubled and minority participation has increased tremendously. Going above and beyond, Michael found funds to expand Har-Ber's technological capabilities, allowing students the use of laptops, wireless Internet access, and projection units.

Michael is committed to educating our youth and continues improving his skills to help meet the needs of Springdale students. He recently earned a licensure endorsement in English as a second language to help meet the needs of the district's 8,000 English language learners.

It is the efforts of educators like Michael Shepard that will enable our future generations to reach their full potential and I am proud of his commitment to education and his efforts to improve the lives of students in Arkansas. National Assistant Principal of the Year is a well-deserved honor and I congratulate Michael on this recognition.●

#### TRIBUTE TO COLBY QUALLS

- Mr. BOOZMAN. Mr. President, today I wish to recognize Colby Qualls from Monette, AR, for being selected for participation in the annual U.S. Senate Youth Program.

Created in 1962, the U.S. Senate Youth Program was organized to encourage an understanding of our gov-

ernment with an emphasis of how its three branches work and how elected officials work for their constituents and create policies that impact our Nation and the world. The weeklong visit to Washington, DC, allows students to meet and interact with lawmakers, appointed officials and staff who are involved in crafting legislation and making decisions that influence our laws.

This program brings together some of our Nation's top youth leaders, like Colby, who show a commitment to public service. An outstanding student at Buffalo Island Central High School, Colby excels both in and out of the classroom.

He previously served as student council vice president and treasurer, in addition to his activities with the Future Business Leaders of America as vice president and national convention representative. Colby is captain of Quiz Bowl and all-region MVP; he is president of the 4-H Club and a member of the Buffalo Island Youth Council and the Arkansas Teen Leadership Council. In addition, he participates in many community volunteer activities. Colby plans to attend a top university and aspires to hold public office one day.

Colby is very deserving of this honor. I congratulate him for his determination, dedication, and service and encourage his growth as a leader.●

#### RECOGNIZING MARSHALL UNIVERSITY

- Mr. MANCHIN. Mr. President, today I recognize Marshall University, which this week celebrates its 50th year as a designated "university." Founded in 1837, Marshall is the oldest public institution of higher education in the State of West Virginia. However, the granting of university status to the school formerly known as Marshall College did not occur until March 2, 1961.

The change from "college" to "university" was far more than a shift in nomenclature. Marshall's greatest champions—including Dr. Stewart H. Smith, president of Marshall from 1946 to 1968; State legislators and the local community—had to overcome entrenched beliefs that West Virginia did not need another large university.

Marshall's supporters made a strong case for the school, which was growing in enrollment as well as offering many academic programs and advanced degrees. The institution earned "university status," which recognized its role as an advanced institution of higher learning in the state, and all of West Virginia has benefited as a result.

Marshall University now educates more than 14,000 students at campus locations in Huntington, Point Pleasant, South Charleston, Beckley, Logan and Gilbert, offering degrees at the associate, baccalaureate, master's and doctoral levels. The school boasts 90,000 proud alumni around the world.

For every dollar the State of West Virginia invests in Marshall University, the school generates more than

\$20 in economic impact, resulting in the generation of \$1.5 billion per year in economic impact. This figure has tripled since 2005.

Marshall offers 159 majors and 105 degrees through its 12 colleges. The school has earned a national reputation for its research in biotechnology, forensic science, and medicine, and is currently launching a new School of Pharmacy, which will create good-paying jobs and generate an estimated \$150 million economic impact. The Robert C. Byrd Institute for Advanced Flexible Manufacturing is providing services to all 55 State counties and expertise to 5,250 small and medium-sized manufacturers that employ more than 81,000 individuals across West Virginia. Marshall University's medical and health science schools and departments train hundreds of West Virginians to serve as doctors, nurses, therapists and health technicians each year.

As your U.S. Senator, it is truly my honor to extend my most sincere congratulations to Marshall on its 50th anniversary of becoming a university.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, 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.)

#### CONTINUATION OF THE NATIONAL EMERGENCY ORIGINALLY DECLARED IN EXECUTIVE ORDER 13288 ON MARCH 6, 2003, WITH RESPECT TO THE ACTIONS AND POLICIES OF CERTAIN MEMBERS OF THE GOVERNMENT OF ZIMBABWE AND OTHER PERSONS TO UNDERMINE ZIMBABWE'S DEMOCRATIC PROCESSES OR INSTITUTIONS—PM 6

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniver-

sary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions is to continue in effect beyond March 6, 2011.

The crisis constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions has not been resolved. While some advances have been made in Zimbabwe, particularly on economic stabilization, since the signing of the power-sharing agreement, the absence of progress on the most fundamental reforms needed to ensure rule of law and democratic governance leaves Zimbabweans vulnerable to ongoing repression and presents a continuing threat to peace and security in the region and the foreign policy of the United States. Politically motivated violence and intimidation, and the undermining of the power-sharing agreement by elements of the Zimbabwe African National Union-Patriotic Front party, continue to be of grave concern. For these reasons, I have determined that it is necessary to continue this national emergency and to maintain in force the sanctions to respond to this threat.

The United States welcomes the opportunity to modify the targeted sanctions regime when blocked persons demonstrate a clear commitment to respect the rule of law, democracy, and human rights. The United States has committed to continue its review of the targeted sanctions list for Zimbabwe to ensure it remains current and addresses the concerns for which it was created. We hope that events on the ground will allow us to take additional action to recognize progress in Zimbabwe in the future. The goal of a peaceful, democratic Zimbabwe remains foremost in our consideration of any action.

BARACK OBAMA.  
THE WHITE HOUSE, March 2, 2011.

#### MESSAGES FROM THE HOUSE

##### ENROLLED JOINT RESOLUTION SIGNED

At 12:51 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 44. Joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. INOUYE).●

At 5:27 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 662. An act to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

#### 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-747. A communication from the Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, a report entitled "Commodity Futures Trading Commission Strategic Plan Fiscal Years 2011–2015"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-748. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-749. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Bank Secrecy Act Regulations—Reports of Foreign Financial Accounts" (RIN1506-AB08) received in the Office of the President of the Senate on February 28, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-750. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 911 (d)(4)—2011 Update" (Rev. Proc. 2011-20) received in the Office of the President of the Senate on March 1, 2011; to the Committee on Finance.

EC-751. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tax Consequences of Participation in the Housing Finance Agency (HFA) Hardest Hit Fund and the Department of Housing and Urban Development's (HUD) Emergency Homeowners' Loan Program (EHLPP)" (Notice 2011-14) received in the Office of the President of the Senate on March 1, 2011; to the Committee on Finance.

EC-752. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the 2011 Trade Policy Agenda and 2010 Annual Report of the President of the United States on the Trade Agreements Program; to the Committee on Finance.

EC-753. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Review of Medicare Contractor Information Security Program Evaluations for Fiscal Year 2008"; to the Committee on Finance.

EC-754. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report entitled "Hart-Scott-Rodino Annual Report: Fiscal Year 2010"; to the Committee on the Judiciary.

EC-755. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the activities of the Community Relations Service for Fiscal Year 2010; to the Committee on the Judiciary.

EC-756. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to

law, a report relative to the status of Data Mining Activity in the Department of State; to the Committee on the Judiciary.

EC-757. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled "Inmate Furloughs" (RIN1120-AB44) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2011; to the Committee on the Judiciary.

EC-758. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled "Use of Less-Than-Lethal Force: Delegation" (RIN1120-AB46) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2011; to the Committee on the Judiciary.

EC-759. A communication from the Deputy Associate Director for Management and Administration, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to the vacancy in the position of Deputy Director for Supply Reduction, received during adjournment of the Senate in the Office of the President of the Senate on February 23, 2011; to the Committee on the Judiciary.

EC-760. A communication from the Chief Human Capital Officer, Small Business Administration, transmitting, pursuant to law, a report relative to a vacancy announcement in the position of Chief Counsel For Advocacy, received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Small Business and Entrepreneurship.

EC-761. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA) Quarterly Report to Congress; First Quarter of Fiscal Year 2011"; to the Committee on Veterans' Affairs.

EC-762. A communication from the Director of the Regulations Management Office of the General Counsel, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Hospital and Outpatient Care for Veterans released from Incarceration to Transitional Housing" (RIN2900-AN41) received in the Office of the President of the Senate on March 1, 2011; to the Committee on Veterans' Affairs.

EC-763. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report on Reserve component equipment and military construction requirements; to the Committee on Armed Services.

EC-764. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Government Support Contractor Access to Technical Data" (DFARS Case 2009-D031) received in the Office of the President of the Senate on March 2, 2011; to the Committee on Armed Services.

EC-765. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to pursuing a Joint Service Multi-Year Procurement contract for 352 UH/HH-60M, 140 MH-60R and 62 MH-60S aircraft in the fiscal years 2012 through 2016; to the Committee on Armed Services.

EC-766. A communication from the Director of the Regulatory Management Division,

Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Sewage Sludge Incineration Units" (FRL No. 9272-9) received in the Office of the President of the Senate on February 28, 2011; to the Committee on Environment and Public Works.

EC-767. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units" (FRL No. 9273-4) received in the Office of the President of the Senate on February 28, 2011; to the Committee on Environment and Public Works.

EC-768. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Control Volatile Organic Compound Emissions From Consumer Related Sources" (FRL No. 9269-9) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Environment and Public Works.

EC-769. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of the Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emissions from Industrial Solvent Cleaning Operations" (FRL No. 9268-1) received in the Office of the President of the Senate on February 17, 2011; to the Committee on Environment and Public Works.

EC-770. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois" (FRL No. 9267-8) received in the Office of the President of the Senate on February 17, 2011; to the Committee on Environment and Public Works.

EC-771. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Designation, Reportable Quantities, and Notification; Notification Requirements" (FRL No. 9268-8) received in the Office of the President of the Senate on February 17, 2011; to the Committee on Environment and Public Works.

EC-772. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Update to Manufacturers Incorporated by Reference" (FRL No. 9267-6) received in the Office of the President of the Senate on February 17, 2011; to the Committee on Environment and Public Works.

EC-773. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendment to the Definition of Fuel-Burning Equipment" (FRL No. 9268-2) received in the Office of the President of the Senate on February 17, 2011; to the

Committee on Environment and Public Works.

EC-774. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Kansas: Prevention of Significant Deterioration; Greenhouse Gas (GHG) Permitting Authority and Tailoring Rule Revision; Withdrawal of Federal GHG Implementation Plan for Kansas" (FRL No. 9268-7) received in the Office of the President of the Senate on February 17, 2011; to the Committee on Environment and Public Works.

EC-775. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of Authority to the States of Iowa; Kansas; Missouri; Nebraska; Lincoln-Lancaster County, NE; and City of Omaha, NE, for New Source Performance Standards. . ." (FRL No. 9271-6) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Environment and Public Works.

EC-776. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters. . ." (FRL No. 9272-7) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Environment and Public Works.

EC-777. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, a report relative to a vacancy in the position of Principal Deputy Director of National Intelligence; to the Select Committee on Intelligence.

## 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. LEVIN (for himself and Mr. LEAHY):

S. 430. A bill to modify the naturalization requirements related to physical presence in the United States for alien translators granted special immigrant status, and for other purposes; to the Committee on the Judiciary.

By Mr. PRYOR (for himself and Mr. BOOZMAN):

S. 431. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself, Mr. REID, Mrs. BOXER, and Mr. ENSIGN):

S. 432. A bill to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SESSIONS:

S. 433. A bill to extend certain trade preference programs, and for other purposes; to the Committee on Finance.

By Mr. COCHRAN (for himself and Ms. MIKULSKI):

S. 434. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURR (for himself, Mr. JOHANNS, and Mrs. GILLIBRAND):

S. 435. A bill to amend the Internal Revenue Code of 1986 to increase the exclusion for employer-provided dependent care assistance; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 436. A bill to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself and Mr. BROWN of Massachusetts):

S. 437. A bill to amend the Internal Revenue Code of 1986 to require the Secretary of the Treasury to provide each individual taxpayer a receipt for an income tax payment which itemizes the portion of the payment which is allocable to various Government spending categories; to the Committee on Finance.

By Ms. STABENOW (for herself, Ms. MURKOWSKI, and Ms. COLLINS):

S. 438. A bill to amend the Public Health Service Act to improve women's health by prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE (for himself, Mr. CRAPO, Mr. INHOFE, Mr. KIRK, Mr. CHAMBLISS, Mr. JOHANNS, and Mr. PORTMAN):

S. 439. A bill to provide for comprehensive budget reform in order to increase transparency and reduce the deficit; to the Committee on the Budget.

By Mrs. FEINSTEIN:

S. 440. A bill for the relief of Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 441. A bill for the relief of Esidronio Arreola-Saucedo, Maria Elna Cobain Arreola, Nayely Arreola Carlos, and Cindy Jael Arreola; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 442. A bill for the relief of Robert Liang and Alice Liang; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 443. A bill for the relief of Javier Lopez-Urenda and Maria Leticia Arenas; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 444. A bill for the relief of Shirley Constantino Tan; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 445. A bill for the relief of Jorge Rojas Gutierrez, Olivia Gonzalez Gonzalez, and Jorge Rojas Gonzalez; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 446. A bill for the relief of Ruben Mkoyan, Asmik Karapetian, and Arthur Mkoyan; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 447. A bill for the relief of Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 448. A bill for the relief of Shina Ma "Steve" Li; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 449. A bill for the relief of Joseph Gabra and Sharon Kamel; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 450. A bill for the relief of Jacqueline W. Coats; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 451. A bill for the relief of Claudia Marquez Rico; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 452. A bill for the relief of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia; to the Committee on the Judiciary.

By Mr. BROWN of Ohio (for himself and Mrs. HUTCHISON):

S. 453. A bill to improve the safety of motorcoaches, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY:

S. 454. A bill to amend titles XVIII and XIX of the Social Security Act to prevent fraud, waste, and abuse under Medicare, Medicaid, and CHIP, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 455. A bill to promote development and opportunity with regards to spectrum occupancy and use, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. GILLIBRAND:

S. 456. A bill to amend the Agricultural Marketing Act of 1946 to require monthly reporting to the Secretary of Agriculture of items contained in the cold storage survey and the dairy products survey of the National Agriculture Statistics; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. GILLIBRAND:

S. 457. A bill to allow modified bloc voting by cooperative associations of milk producers in connection with a referendum on Federal milk marketing order reform; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. GILLIBRAND:

S. 458. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish and enforce a maximum somatic cell count requirement for fluid milk; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 459. A bill to amend the Food, Conservation, and Energy Act of 2008 to preserve certain rates for the milk income loss contract program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. RISCH (for himself, Mr.

COBURN, Mr. DEMINT, Mr. LEE, and

Mr. JOHNSON of Wisconsin):

S. 460. A bill to prohibit the Secretary of Education from promulgating or enforcing regulations or guidance regarding gainful employment; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself,

Mrs. BOXER, Mr. MENENDEZ, Mrs.

MURRAY, Mrs. FEINSTEIN, Mr.

WHITEHOUSE, Mr. CARDIN, and Mr.

MERKLEY):

S. 461. A bill to amend the Internal Revenue Code of 1986 to extend financing of the Superfund; to the Committee on Finance.

By Mr. KOHL (for himself, Mr. CASEY,

Mrs. GILLIBRAND, Mr. BLUMENTHAL,

Mr. NELSON of Florida, Ms. MIKULSKI,

and Mr. BROWN of Ohio):

S. 462. A bill to better protect, serve, and advance the rights of victims of elder abuse and exploitation by establishing a program to encourage States and other qualified entities to create jobs designed to hold offenders

accountable, enhance the capacity of the justice system to investigate, pursue, and prosecute elder abuse cases, identify existing resources to leverage to the extent possible, and assure data collection, research, and evaluation to promote the efficacy and efficiency of the activities described in this Act; to the Committee on the Judiciary.

By Mr. BEGICH (for himself, Mr. CARPER, and Mr. LIEBERMAN):

S. 463. A bill to amend part B of title II of the Elementary and Secondary Education Act of 1965 to promote effective STEM teaching and learning; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself, Mr. CASEY, Mr. BLUMENTHAL, and Mr. BROWN of Ohio):

S. 464. A bill to establish a grant program to enhance training and services to prevent abuse in later life; to the Committee on the Judiciary.

By Mrs. GILLIBRAND (for herself and Mr. KOHL):

S. 465. A bill to prevent mail, telemarketing, and Internet fraud targeting seniors in the United States, to promote efforts to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud have on seniors, to educate the public, seniors, and their families, and their caregivers about how to identify and combat fraudulent activity, and for other purposes; to the Committee on the Judiciary.

By Mr. NELSON of Florida:

S. 466. A bill to provide for the restoration of legal rights for claimants under holocaust-era insurance policies; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CARDIN (for himself and Mr. WICKER):

S. Con. Res. 9. A concurrent resolution supporting the goals and ideals of the designation of the year of 2011 as the International Year for People of African Descent; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 3

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3, a bill to promote fiscal responsibility and control spending.

S. 17

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 21

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 21, a bill to secure the United States against cyber attack, to enhance American competitiveness and create jobs in the information technology industry, and to protect the identities and sensitive information of American citizens and businesses.

S. 22

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 22, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the additional standard deduction for real property taxes for nonitemizers.

S. 89

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 89, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 163

At the request of Mr. TOOMEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 163, a bill to require that the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached.

S. 228

At the request of Mr. BARRASSO, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 228, a bill to preempt regulation of, action relating to, or consideration of greenhouse gases under Federal and common law on enactment of a Federal policy to mitigate climate change.

S. 239

At the request of Ms. KLOBUCHAR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 239, a bill to support innovation, and for other purposes.

S. 248

At the request of Mr. WYDEN, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 248, a bill to allow an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act.

S. 274

At the request of Mrs. HAGAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 274, a bill to amend title XVIII of the Social Security Act to expand access to medication therapy management services under the Medicare prescription drug program.

S. 328

At the request of Mr. BROWN of Ohio, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 328, a bill to amend title VII of the Tariff Act of 1930 to clarify that countervailing duties may be imposed to address subsidies relating to fundamentally undervalued currency of any foreign country.

S. 359

At the request of Mr. JOHANNS, the names of the Senator from Indiana (Mr. COATS) and the Senator from Mississippi (Mr. COCHRAN) were added as

cosponsors of S. 359, a bill to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments, and for other purposes.

S. 398

At the request of Mr. BINGAMAN, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Massachusetts (Mr. KERRY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 398, a bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes.

S. 425

At the request of Mr. UDALL of Colorado, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 425, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S.J. RES. 3

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

S.J. RES. 5

At the request of Mr. LEE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S.J. Res. 5, a joint resolution proposing an amendment to the Constitution of the United States requiring that the Federal budget be balanced.

S. CON. RES. 4

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. CON. RES. 7

At the request of Mr. BARRASSO, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Idaho (Mr. CRAPO) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. Con. Res. 7, a concurrent resolution supporting the Local Radio Freedom Act.

AMENDMENT NO. 115

At the request of Mr. LEE, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of amendment No. 115 proposed to S. 23, a bill to amend title 35, United States Code, to provide for patent reform.

AMENDMENT NO. 124

At the request of Mr. MENENDEZ, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of amendment No. 124 proposed to S. 23, a bill to amend title 35, United States Code, to provide for patent reform.

AMENDMENT NO. 129

At the request of Mr. RISCH, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of amendment No. 129 intended to be proposed to S. 23, a bill to amend title 35, United States Code, to provide for patent reform.

AMENDMENT NO. 130

At the request of Mr. RISCH, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 130 intended to be proposed to S. 23, a bill to amend title 35, United States Code, to provide for patent reform.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. REID, Mrs. BOXER, and Mr. ENSIGN):

S. 432. A bill to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, and for other purposes; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise today to discuss the need to restore and protect Lake Tahoe. Lake Tahoe is a national treasure. Her alpine beauty has drawn and inspired people for centuries: artists and poets, John Muir and Mark Twain, and millions of visitors from around the world.

As a girl, I went to Lake Tahoe to ride horses through the woods, bike around the magnificent Basin and swim in the clear blue waters.

Today, I am proud to work with representatives from different ends of the political spectrum to restore Lake Tahoe to that pristine State. For 14 years, we have come together to Keep Tahoe Blue.

That is why today I am reintroducing the Lake Tahoe Restoration Act of 2011, which is cosponsored by Senators HARRY REID, JOHN ENSIGN and BARBARA BOXER.

It would authorize \$415 million over 10 years to improve water clarity, reduce risk of catastrophic wildfire, and restore the environment.

Specifically, it would provide \$248 million over 10 years for the highest priority restoration projects, as established using scientific data. The legislation authorizes at least \$72 million for stormwater management and watershed restoration projects scientifically determined to be the most effective ways to improve water clarity.

This bill also requires prioritized ranking of environmental restoration projects and authorizes \$136 million for State and local agencies to implement these projects.

Now, and this is an important point, this legislation would direct investment to where it is needed most.

For example, today we know the major sources of stormwater runoff that send sedimentation into the lake, degrading water clarity.

So the monies would go to specific projects addressing California state roads, source of 23 percent of urban particle loads; the city of South Lake Tahoe, Calif., 22 percent; Washoe County, Nevada, 17 percent; and so forth.

In this bill, these stormwater projects are targeted to the areas of greatest concern. Priority projects will improve water quality, forest health, air quality and fish and wildlife habitat around Lake Tahoe. In addition, projects that benefit low-income neighborhoods are encouraged.

The bill authorizes \$136 million over 10 years to reduce the threat of wildfire around Lake Tahoe. This would finance hazardous fuels reduction projects, at \$17 million per year, including grants to local fire agencies.

It provides the Forest Service up to \$10 million for fuels projects that have multiple environmental benefits, with an emphasis in restoring Stream Environment Zones.

This is critical because, again, these streams feed into the lake and form a critical link in the ecosystem. We need to pay attention to these stream zones if we hope to restore water clarity.

The bill protects Lake Tahoe from the threat of quagga mussels and other invasive aquatic species. Quagga mussels pose a very serious threat to Lake Tahoe, a threat made more intractable because these mussels have been shown to survive in cold waters. A few years ago University of California scientists reported that they found up to 3,000 Asian clams per square meter at spots between Zephyr Point and Elk Point in Lake Tahoe. The spreading Asian clam population could put sharp shells and rotting algae on the lake's beaches and contribute to the spread other invasive species such as quagga mussels.

The bill would authorize \$20.5 million for watercraft inspections and removal of existing invasive species. It would require all watercraft to be inspected and decontaminated.

One quagga or zebra mussel can lay 1 million eggs in a year. This means that a single boat carrying quagga could devastate the lake's biology, local infrastructure, and the local economy.

The damage that could be inflicted at Lake Tahoe by a quagga infestation has been estimated at tens of millions of dollars annually. The threat to Lake Tahoe cannot be overstated. There were no quagga mussels in Lake Mead 4 years ago. Today there are more than 3 trillion. The infestation is probably irreversible.

But there is some good news. Last summer, scientists placed long rubber mats across the bottom of Lake Tahoe to cut off the oxygen to the Asian clams. Early research suggests these

mats were very effective at killing the clams. And scientists have also discovered how to decontaminate boats and kill quagga mussels.

We can fight off these invaders. But it will require drive and imagination—and the help authorized within this bill.

The bill supports reintroduction of the Lahontan Cutthroat Trout. The legislation authorizes \$20 million over 10 years for the Lahontan Cutthroat Trout Recovery Plan. The Lahontan Cutthroat Trout is an iconic species that has an important legacy in Lake Tahoe.

When John C. Fremont first explored the Truckee River in January of 1844, he called it the Salmon Trout River because he found the Pyramid Lake Lahontan Cutthroat Trout. The trout relied on the Truckee River and its tributaries for their spawning runs in spring, traveling up the entire river's length as far as Lake Tahoe and Donner Lake, where they used the cool, pristine waters and clean gravel beds to lay their eggs. But dams, pollution and overfishing caused the demise of the Lahontan Cutthroat Trout.

Lake Tahoe is one of 11 historic lakes where Lahontan Cutthroat Trout flourished in the past, and it's a critical part of the strategy to recover the species.

The bill funds scientific research. The legislation authorizes \$30 million over 10 years for scientific programs and research which will produce information on long-term trends in the Basin and inform the most cost-effective projects.

The bill prohibiting mining operations in the Tahoe Basin. The legislation would prohibit new mining operations in the Basin, ensuring that the fragile watershed, and Lake Tahoe's water clarity, are not threatened by pollution from mining operations.

The bill increases accountability and oversight. Every project funded by this legislation will have monitoring and assessment to determine the most cost-effective projects and best management practices for future projects.

The legislation also requires the Chair of the Federal Partnership to work with the Forest Service, Environmental Protection Agency, Fish and Wildlife Service and regional and state agencies, to prepare an annual report to Congress detailing the status of all projects undertaken, including project scope, budget and justification and overall expenditures and accomplishments.

This will ensure that Congress can have oversight on the progress of environmental restoration in Lake Tahoe.

The bill provides for public outreach and education. The Forest Service, Environmental Protection Agency, Fish and Wildlife Service and Tahoe Regional Planning Agency will implement new public outreach and education programs including: encouraging Basin residents and visitors to implement defensible space, con-

ducting best management practices for water quality, and preventing the introduction and proliferation of invasive species.

In addition, the legislation requires signage on federally financed projects to improve public awareness of restoration efforts.

The bill allows for increased efficiency in the management of public land. Under this legislation, the Forest Service would have increased flexibility to exchange land with state agencies which will allow for more cost-efficient management of public land. There is currently a checkerboard pattern of ownership in some areas of the Basin.

Under this new authority, the Forest Service could exchange land with the California Tahoe Conservancy of approximately equal value without going through a lengthy process to assess the land.

For example, if there are several plots of Forest Service land that surround or are adjacent to Tahoe Conservancy land, the Tahoe Conservancy could transfer that land to the Forest Service so that it can be managed more efficiently.

This legislation is needed because the "Jewel of the Sierra" is in big trouble. If we don't act now, we could lose Lake Tahoe—and lose it with stunning speed—as climate change increases in severity.

The effects of climate change on Lake Tahoe are already visible. It is making the basin dry and tinder-hot, increasing the risks of catastrophic wildfire. Daily air temperatures have increased 4 degrees since 1911. Snowfall has declined from an average of 52 percent of overall precipitation in 1910 to just 34 percent in recent years.

Climate change has raised Lake Tahoe's water temperature 1.5 degrees in 38 years. That means the cyclical deep-water mixing of the lake's waters will occur less frequently, and this could significantly disrupt Lake Tahoe's ecosystem.

Anyone doubting that climate change poses a considerable threat to Lake Tahoe should read an alarming recent report by the UC Davis Tahoe Environmental Research Center.

It was written for the U.S. Forest Service by scientists who have devoted their professional careers to studying Lake Tahoe. And it paints a distinctly bleak picture of the future for the "Jewel of the Sierra."

Among its findings: The Tahoe Basin's regional snowpack could decline by as much as 60 percent in the next century, with increased floods likely by 2100 and prolonged droughts by 2100.

Even "under the most optimistic projections," average snowpack in the Sierra Nevada around Tahoe will decline by 40 to 60 percent by 2100, according to the report.

This would bankrupt Tahoe's ski industry, threaten the water supply of Reno and other communities, and degrade the lake's fabled water clarity. It would be devastating.

Pollution and sedimentation have threatened Lake Tahoe's water clarity for years. In 1968, the first year UC Davis scientists measured clarity, the lake had an average depth of 102.4 feet. Clarity declined over the next 3 decades, hitting a low of 64 feet in 1997.

There has been some improvement this decade. This year scientists recorded average clarity at 69.6 feet—roughly within the range of the past eight years. But it is a fragile gain.

The University of California Davis report has determined that an all-out attack on pollution and sedimentation is the lake's last hope.

Geoff Schladow, director of the UC Davis Tahoe Environmental Research Center and one of the report's authors, has highlighted the need to restore short-term water quality in Lake Tahoe—while there's still time to do it.

According to the report, "reducing the load of external nutrients entering the lake in the coming decades may be the only possible mitigation measure to reduce the impact of climate change on lake clarity." In other words, the sediment and runoff entering the lake could fuel algal growth, creating a downward spiral in water quality and clarity.

The Lake Tahoe Restoration Act of 2011 would directly fund efforts to address water clarity issues and impacts from climate change.

Last year, the Lake Tahoe Restoration Act of 2010 passed the Senate Environment and Public Works Committee unanimously, but there was not enough time for a floor vote. It is my hope that this legislation can be passed early in the legislative session.

A lot of good work has been done. But there's a lot more work to do, and time is running out.

Mark Twain called Lake Tahoe "the fairest picture the whole world affords." We must not be the generation who lets this picture fall into ruin. We must rise to the challenge, and do all we can to preserve this "noble sheet of water."

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. 432

*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 "Lake Tahoe Restoration Act of 2011".

#### **SEC. 2. FINDINGS AND PURPOSES.**

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 2 and inserting the following:

#### **"SEC. 2. FINDINGS AND PURPOSES.**

"(a) FINDINGS.—Congress finds that—

"(1) Lake Tahoe—

"(A) is 1 of the largest, deepest, and clearest lakes in the world;

"(B) has a cobalt blue color, a biologically diverse alpine setting, and remarkable water clarity; and

"(C) is recognized nationally and worldwide as a natural resource of special significance;

"(2) in addition to being a scenic and ecological treasure, the Lake Tahoe Basin is 1 of the outstanding recreational resources of the United States, which—

"(A) offers skiing, water sports, biking, camping, and hiking to millions of visitors each year; and

"(B) contributes significantly to the economies of California, Nevada, and the United States;

"(3) the economy in the Lake Tahoe Basin is dependent on the protection and restoration of the natural beauty and recreation opportunities in the area;

"(4) the Lake Tahoe Basin continues to be threatened by the impacts of land use and transportation patterns developed in the last century that damage the fragile watershed of the Basin;

"(5) the water clarity of Lake Tahoe declined from a visibility level of 105 feet in 1967 to only 70 feet in 2008;

"(6) the rate of decline in water clarity of Lake Tahoe has decreased in recent years;

"(7) a stable water clarity level for Lake Tahoe could be achieved through feasible control measures for very fine sediment particles and nutrients;

"(8) fine sediments that cloud Lake Tahoe, and key nutrients such as phosphorus and nitrogen that support the growth of algae and invasive plants, continue to flow into the lake from stormwater runoff from developed areas, roads, turf, other disturbed land, and streams;

"(9) the destruction and alteration of wetland, wet meadows, and stream zone habitat have compromised the natural capacity of the watershed to filter sediment, nutrients, and pollutants before reaching Lake Tahoe;

"(10) approximately 25 percent of the trees in the Lake Tahoe Basin are either dead or dying;

"(11) forests in the Tahoe Basin suffer from over a century of fire suppression and periodic drought, which have resulted in—

"(A) high tree density and mortality;

"(B) the loss of biological diversity; and

"(C) a large quantity of combustible forest fuels, which significantly increases the threat of catastrophic fire and insect infestation;

"(12) the establishment of several aquatic and terrestrial invasive species (including bass, milfoil, and Asian clam) threatens the ecosystem of the Lake Tahoe Basin;

"(13) there is an ongoing threat to the Lake Tahoe Basin of the introduction and establishment of other invasive species (such as the zebra mussel, New Zealand mud snail, and quagga mussel);

"(14) the report prepared by the University of California, Davis, entitled the 'State of the Lake Report', found that conditions in the Lake Tahoe Basin had changed, including—

"(A) the average surface water temperature of Lake Tahoe has risen by more than 1.5 degrees Fahrenheit in the past 37 years; and

"(B) since 1910, the percent of precipitation that has fallen as snow in the Lake Tahoe Basin decreased from 52 percent to 34 percent;

"(15) 75 percent of the land in the Lake Tahoe Basin is owned by the Federal Government, which makes it a Federal responsibility to restore environmental health to the Basin;

"(16) the Federal Government has a long history of environmental preservation at Lake Tahoe, including—

"(A) congressional consent to the establishment of the Tahoe Regional Planning Agency with—

"(i) the enactment in 1969 of Public Law 91–148 (83 Stat. 360); and

"(ii) the enactment in 1980 of Public Law 96–551 (94 Stat. 3233);

"(B) the establishment of the Lake Tahoe Basin Management Unit in 1973;

"(C) the enactment of Public Law 96–586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants in the Lake Tahoe Basin;

"(D) the enactment of sections 341 and 342 of the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108–108; 117 Stat. 1317), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) to provide payments for the environmental restoration projects under this Act; and

"(E) the enactment of section 382 of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 3045), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) to authorize development and implementation of a comprehensive 10-year hazardous fuels and fire prevention plan for the Lake Tahoe Basin;

"(17) the Assistant Secretary of the Army for Civil Works was an original signatory in 1997 to the Agreement of Federal Departments on Protection of the Environment and Economic Health of the Lake Tahoe Basin;

"(18) the Chief of Engineers, under direction from the Assistant Secretary of the Army for Civil Works, has continued to be a significant contributor to Lake Tahoe Basin restoration, including—

"(A) stream and wetland restoration;

"(B) urban stormwater conveyance and treatment; and

"(C) programmatic technical assistance;

"(19) at the Lake Tahoe Presidential Forum in 1997, the President renewed the commitment of the Federal Government to Lake Tahoe by—

"(A) committing to increased Federal resources for environmental restoration at Lake Tahoe; and

"(B) establishing the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe Basin;

"(20) at the 2008 and 2009 Lake Tahoe Forums, Senator Reid, Senator Feinstein, Senator Ensign, and Governor Gibbons—

"(A) renewed their commitment to Lake Tahoe; and

"(B) expressed their desire to fund the Federal share of the Environmental Improvement Program through 2018;

"(21) since 1997, the Federal Government, the States of California and Nevada, units of local government, and the private sector have contributed more than \$1,430,000,000 to the Lake Tahoe Basin, including—

"(A) \$424,000,000 from the Federal Government;

"(B) \$612,000,000 from the State of California;

"(C) \$87,000,000 from the State of Nevada;

"(D) \$59,000,000 from units of local government; and

"(E) \$249,000,000 from private interests;

"(22) significant additional investment from Federal, State, local, and private sources is necessary—

"(A) to restore and sustain the environmental health of the Lake Tahoe Basin;

"(B) to adapt to the impacts of changing climatic conditions; and

"(C) to protect the Lake Tahoe Basin from the introduction and establishment of invasive species; and

"(23) the Secretary has indicated that the Lake Tahoe Basin Management Unit has the capacity for at least \$10,000,000 and up to

\$20,000,000 annually for the Fire Risk Reduction and Forest Management Program.

“(b) PURPOSES.—The purposes of this Act are—

“(1) to enable the Chief of the Forest Service, the Director of the United States Fish and Wildlife Service, and the Administrator of the Environmental Protection Agency, in cooperation with the Planning Agency and the States of California and Nevada, to fund, plan, and implement significant new environmental restoration activities and forest management activities to address in the Lake Tahoe Basin the issues described in paragraphs (4) through (14) of subsection (a);

“(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to manage land in the Lake Tahoe Basin and to coordinate on other activities in a manner that supports achievement and maintenance of—

“(A) the environmental threshold carrying capacities for the region; and

“(B) other applicable environmental standards and objectives;

“(3) to support local governments in efforts related to environmental restoration, stormwater pollution control, fire risk reduction, and forest management activities; and

“(4) to ensure that agency and science community representatives in the Lake Tahoe Basin work together—

“(A) to develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program; and

“(B) to provide objective information as a basis for ongoing decisionmaking, with an emphasis on decisionmaking relating to public and private land use and resource management in the Basin.”.

### SEC. 3. DEFINITIONS.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 3 and inserting the following:

#### “SEC. 3. DEFINITIONS.

“In this Act:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

“(2) ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the Assistant Secretary of the Army for Civil Works.

“(3) CHAIR.—The term ‘Chair’ means the Chair of the Federal Partnership.

“(4) COMPACT.—The term ‘Compact’ means the Tahoe Regional Planning Compact included in the first section of Public Law 96–551 (94 Stat. 3233).

“(5) DIRECTOR.—The term ‘Director’ means the Director of the United States Fish and Wildlife Service.

“(6) ENVIRONMENTAL IMPROVEMENT PROGRAM.—The term ‘Environmental Improvement Program’ means—

“(A) the Environmental Improvement Program adopted by the Planning Agency; and

“(B) any amendments to the Program.

“(7) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The term ‘environmental threshold carrying capacity’ has the meaning given the term in article II of the compact.

“(8) FEDERAL PARTNERSHIP.—The term ‘Federal Partnership’ means the Lake Tahoe Federal Interagency Partnership established by Executive Order 13957 (62 Fed. Reg. 41249) (or a successor Executive order).

“(9) FOREST MANAGEMENT ACTIVITY.—The term ‘forest management activity’ includes—

“(A) prescribed burning for ecosystem health and hazardous fuels reduction;

“(B) mechanical and minimum tool treatment;

“(C) road decommissioning or reconstruction;

“(D) stream environment zone restoration and other watershed and wildlife habitat enhancements;

“(E) nonnative invasive species management; and

“(F) other activities consistent with Forest Service practices, as the Secretary determines to be appropriate.

“(10) NATIONAL WILDLAND FIRE CODE.—The term ‘national wildland fire code’ means—

“(A) the most recent publication of the National Fire Protection Association codes numbered 1141, 1142, 1143, and 1144;

“(B) the most recent publication of the International Wildland-Urban Interface Code of the International Code Council; or

“(C) any other code that the Secretary determines provides the same, or better, standards for protection against wildland fire as a code described in subparagraph (A) or (B).

“(11) PLANNING AGENCY.—The term ‘Planning Agency’ means the Tahoe Regional Planning Agency established under Public Law 91–148 (83 Stat. 360) and Public Law 96–551 (94 Stat. 3233).

“(12) PRIORITY LIST.—The term ‘Priority List’ means the environmental restoration priority list developed under section 8.

“(13) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture, acting through the Chief of the Forest Service.

“(14) TOTAL MAXIMUM DAILY LOAD.—The term ‘total maximum daily load’ means the total maximum daily load allocations adopted under section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)).

“(15) STREAM ENVIRONMENT ZONE.—The term ‘Stream Environment Zone’ means an area that generally owes the biological and physical characteristics of the area to the presence of surface water or groundwater.

“(16) WATERCRAFT.—The term ‘watercraft’ means motorized and non-motorized watercraft, including boats, personal watercraft, kayaks, and canoes.”.

### SEC. 4. ADMINISTRATION OF THE LAKE TAHOE BASIN MANAGEMENT UNIT.

Section 4 of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2353) is amended—

(1) in subsection (b)(3), by striking “basin” and inserting “Basin”; and

(2) by adding at the end the following:

#### “(c) TRANSIT.—

“(1) IN GENERAL.—The Lake Tahoe Basin Management Unit shall, consistent with the regional transportation plan adopted by the Planning Agency, manage vehicular parking and traffic in the Lake Tahoe Basin Management Unit, with priority given—

“(A) to improving public access to the Lake Tahoe Basin, including the prioritization of alternatives to the private automobile, consistent with the requirements of the Compact;

“(B) to coordinating with the Nevada Department of Transportation, Caltrans, State parks, and other entities along Nevada Highway 28 and California Highway 89; and

“(C) to providing support and assistance to local public transit systems in the management and operations of activities under this subsection.

“(2) NATIONAL FOREST TRANSIT PROGRAM.—Consistent with the support and assistance provided under paragraph (1)(C), the Secretary, in consultation with the Secretary of Transportation, may enter into a contract, cooperative agreement, interagency agreement, or other agreement with the Department of Transportation to secure operating and capital funds from the National Forest Transit Program.

“(d) FOREST MANAGEMENT ACTIVITIES.—

#### “(1) COORDINATION.—

“(A) IN GENERAL.—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall, as appropriate, coordinate with the Administrator and State and local agencies and organizations, including local fire departments and volunteer groups.

“(B) GOALS.—The coordination of activities under subparagraph (A) should aim to increase efficiencies and maximize the compatibility of management practices across public property boundaries.

#### “(2) MULTIPLE BENEFITS.—

“(A) IN GENERAL.—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall conduct the activities in a manner that—

“(i) except as provided in subparagraph (B), attains multiple ecosystem benefits, including—

“(I) reducing forest fuels;

“(II) maintaining or restoring biological diversity;

“(III) improving wetland and water quality, including in Stream Environment Zones; and

“(IV) increasing resilience to changing climatic conditions; and

“(ii) helps achieve and maintain the environmental threshold carrying capacities established by the Planning Agency.

“(B) EXCEPTION.—Notwithstanding clause (A)(i), the attainment of multiple ecosystem benefits shall not be required if the Secretary determines that management for multiple ecosystem benefits would excessively increase the cost of a project in relation to the additional ecosystem benefits gained from the management activity.

“(3) GROUND DISTURBANCE.—Consistent with applicable Federal law and Lake Tahoe Basin Management Unit land and resource management plan direction, the Secretary shall—

“(A) establish post-project ground condition criteria for ground disturbance caused by forest management activities; and

“(B) provide for monitoring to ascertain the attainment of the post-project conditions.

#### “(e) WITHDRAWAL OF FEDERAL LAND.—

“(1) IN GENERAL.—Subject to valid existing rights and paragraphs (2) and (3), the Federal land located in the Lake Tahoe Basin Management Unit is withdrawn from—

“(A) all forms of entry, appropriation, or disposal under the public land laws;

“(B) location, entry, and patent under the mining laws; and

“(C) disposition under all laws relating to mineral and geothermal leasing.

#### “(2) DETERMINATION.—

“(A) IN GENERAL.—The withdrawal under paragraph (1) shall be in effect until the date on which the Secretary, after conducting a review of all Federal land in the Lake Tahoe Basin Management Unit and receiving public input, has made a determination on which parcels of Federal land should remain withdrawn.

“(B) REQUIREMENTS.—The determination of the Secretary under subparagraph (A)—

“(i) shall be effective beginning on the date on which the determination is issued;

“(ii) may be altered by the Secretary as the Secretary determines to be necessary; and

“(iii) shall not be subject to administrative renewal.

“(3) EXCEPTIONS.—A land exchange shall be exempt from withdrawal under this subsection if carried out under—

“(A) the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351); or

“(B) the Santini-Burton Act (Public Law 96–586; 94 Stat. 3381).

“(f) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The Lake Tahoe Basin Management Unit shall support the attainment of the environmental threshold carrying capacities.

“(g) COOPERATIVE AUTHORITIES.—

“(1) IN GENERAL.—During the 4 fiscal years following the date of enactment of the Lake Tahoe Restoration Act of 2011, the Secretary, in conjunction with land adjustment projects or programs, may enter into contracts and cooperative agreements with States, units of local government, and other public and private entities to provide for fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and similar management activities on Federal land and non-Federal land within the projects or programs.

“(2) REPORT ON LAND STATUS.—

“(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Lake Tahoe Restoration Act of 2011, the Secretary shall submit to Congress a report regarding the management of land in the Lake Tahoe Basin Management Unit Urban Lots Program, including—

“(i) a description of future plans and recent actions for land consolidation and adjustment; and

“(ii) the identification of any obstacles to desired conveyances or interchanges.

“(B) INCLUSIONS.—The report submitted under subparagraph (A) may contain recommendations for additional legislative authority.

“(C) EFFECT.—Nothing in this paragraph delays the conveyance of parcels under—

“(i) the authority of this Act; or

“(ii) any other authority available to the Secretary.

“(3) SUPPLEMENTAL AUTHORITY.—The authority of this subsection is supplemental to all other cooperative authorities of the Secretary.”.

**SEC. 5. CONSULTATION.**

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 5 and inserting the following:

**“SEC. 5. CONSULTATION.**

“In carrying out this Act, the Secretary, the Administrator, and the Director shall, as appropriate and in a timely manner, consult with the heads of the Washoe Tribe, applicable Federal, State, regional, and local governmental agencies, and the Lake Tahoe Federal Advisory Committee.”.

**SEC. 6. AUTHORIZED PROJECTS.**

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 6 and inserting the following:

**“SEC. 6. AUTHORIZED PROJECTS.**

“(a) IN GENERAL.—The Secretary, the Director, and the Administrator, in coordination with the Planning Agency and the States of California and Nevada, may carry out or provide financial assistance to any project or program described in subsection (c) or included in the Priority List under section 8 to further the purposes of the Environmental Improvement Program if the project has been subject to environmental review and approval, respectively, as required under Federal law, article 7 of the Compact, and State law, as applicable. The Administrator shall use no more than 3 percent of the funds provided for administering the projects or programs described in subsection (c) (1) and (2).

“(b) MONITORING AND ASSESSMENT.—All projects authorized under subsection (c) and section 8 shall—

“(1) include funds for monitoring and assessment of the results and effectiveness at the project and program level consistent

with the program developed under section 11; and

“(2) use the integrated multiagency performance measures established under that section.

“(c) DESCRIPTION OF ACTIVITIES.—

“(1) STORMWATER MANAGEMENT, EROSION CONTROL, AND TOTAL MAXIMUM DAILY LOAD IMPLEMENTATION.—Of the amounts made available under section 18(a), \$40,000,000 shall be made available for grants by the Administrator for the Federal share of the following projects:

“(A) Bijou Stormwater Improvement Project in the City of South Lake Tahoe, California.

“(B) Christmas Valley Stormwater Improvement Project in El Dorado County, California.

“(C) Kings Beach Watershed Improvement Project in Placer County, California.

“(D) Lake Forest Stormwater and Watershed Improvement Project in Placer County, California.

“(E) Crystal Bay Stormwater Improvement Project in Washoe County, Nevada.

“(F) Washoe County Stormwater Improvement Projects 4, 5, and 6 in Washoe County, Nevada.

“(G) Upper and Lower Kingsbury Project in Douglas County, Nevada.

“(H) Lake Village Drive-Phase II Stormwater Improvement in Douglas County, Nevada.

“(I) State Route 28 Spooner to Sand Harbor Stormwater Improvement, Washoe County, Nevada.

“(J) State Route 431 Stormwater Improvement, Washoe County, Nevada.

“(2) STREAM ENVIRONMENT ZONE AND WATERSHED RESTORATION.—Of the amounts made available under section 18(a), \$32,000,000 shall be made available for grants by the Administrator for the Federal share of the following projects:

“(A) Upper Truckee River and Marsh Restoration Project.

“(B) Upper Truckee River Mosher, Reaches 1 & 2.

“(C) Upper Truckee River Sunset Stables.

“(D) Lower Blackwood Creek Restoration Project.

“(E) Ward Creek.

“(F) Third Creek/Incline Creek Watershed Restoration.

“(G) Rosewood Creek Restoration Project.

“(3) FIRE RISK REDUCTION AND FOREST MANAGEMENT.—

“(A) IN GENERAL.—Of the amounts made available under section 18(a), \$136,000,000 shall be made available for assistance by the Secretary for the following projects:

“(i) Projects identified as part of the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy 10-Year Plan.

“(ii) Competitive grants for fuels work to be awarded by the Secretary to communities that have adopted national wildland fire codes to implement the applicable portion of the 10-year plan described in clause (i).

“(iii) Biomass projects, including feasibility assessments and transportation of materials.

“(iv) Angora Fire Restoration projects under the jurisdiction of the Secretary.

“(v) Washoe Tribe projects on tribal lands within the Lake Tahoe Basin.

“(B) MULTIPLE BENEFIT FUELS PROJECTS.—

Consistent with the requirements of section 4(d)(2), not more than \$10,000,000 of the amounts made available to carry out subparagraph (A) shall be available to the Secretary for the planning and implementation of multiple benefit fuels projects with an emphasis on restoration projects in Stream Environment Zones.

“(C) MINIMUM ALLOCATION.—Of the amounts made available to carry out subparagraph (A), at least \$80,000,000 shall be made available to the Secretary for projects under subparagraph (A)(i).

“(D) PRIORITY.—Units of local government that have dedicated funding for inspections and enforcement of defensible space regulations shall be given priority for amounts provided under this paragraph.

“(E) COST-SHARING REQUIREMENTS.—

“(i) IN GENERAL.—As a condition on the receipt of funds, communities or local fire districts that receive funds under this paragraph shall provide a 25 percent match.

“(ii) FORM OF NON-FEDERAL SHARE.—

“(i) IN GENERAL.—The non-Federal share required under clause (i) may be in the form of cash contributions or in-kind contributions, including providing labor, equipment, supplies, space, and other operational needs.

“(II) CREDIT FOR CERTAIN DEDICATED FUNDING.—There shall be credited toward the non-Federal share required under clause (i) any dedicated funding of the communities or local fire districts for a fuels reduction management program, defensible space inspections, or dooryard chipping.

“(III) DOCUMENTATION.—Communities and local fire districts shall—

“(aa) maintain a record of in-kind contributions that describes—

“(AA) the monetary value of the in-kind contributions; and

“(BB) the manner in which the in-kind contributions assist in accomplishing project goals and objectives; and

“(bb) document in all requests for Federal funding, and include in the total project budget, evidence of the commitment to provide the non-Federal share through in-kind contributions.

“(4) INVASIVE SPECIES MANAGEMENT.—Of the amounts to be made available under section 18(a), \$20,500,000 shall be made available to the Director for the Aquatic Invasive Species Program and the watercraft inspections described in section 9.

“(5) SPECIAL STATUS SPECIES MANAGEMENT.—Of the amounts to be made available under section 18(a), \$20,000,000 shall be made available to the Director for the Lahontan Cutthroat Trout Recovery Program.

“(6) LAKE TAHOE BASIN PROGRAM.—Of the amounts to be made available under section 18(a), \$30,000,000 shall be used to develop and implement the Lake Tahoe Basin Program developed under section 11.

“(d) USE OF REMAINING FUNDS.—Any amounts made available under section 18(a) that remain available after projects described in subsection (c) have been funded shall be made available for projects included in the Priority List under section 8.”.

**SEC. 7. ENVIRONMENTAL RESTORATION PRIORITY LIST.**

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended—

(1) by striking sections 8 and 9;

(2) by redesignating sections 10, 11, and 12 as sections 16, 17, and 18, respectively; and

(3) by inserting after section 7 the following:

**“SEC. 8. ENVIRONMENTAL RESTORATION PRIORITY LIST.**

“(a) FUNDING.—Subject to section 6(d), of the amounts to be made available under section 18(a), at least \$136,000,000 shall be made available for projects identified on the Priority List.

“(b) DEADLINE.—Not later than February 15 of the year after the date of enactment of the Lake Tahoe Restoration Act of 2011, the Chair, in consultation with the Secretary, the Administrator, the Director, the Planning Agency, the States of California and Nevada, the Federal Partnership, the Washoe

Tribe, the Lake Tahoe Federal Advisory Committee, and the Tahoe Science Consortium shall submit to Congress a prioritized list of all Environmental Improvement Program projects for the Lake Tahoe Basin, regardless of program category.

**“(c) CRITERIA.—**

“(1) IN GENERAL.—The priority of projects included in the Priority List shall be based on the best available science and the following criteria:

“(A) The 5-year threshold carrying capacity evaluation.

“(B) The ability to measure progress or success of the project.

“(C) The potential to significantly contribute to the achievement and maintenance of the environmental threshold carrying capacities identified in the Compact for—

“(i) air quality;

“(ii) fisheries;

“(iii) noise;

“(iv) recreation;

“(v) scenic resources;

“(vi) soil conservation;

“(vii) forest health;

“(viii) water quality; and

“(ix) wildlife.

“(D) The ability of a project to provide multiple benefits.

“(E) The ability of a project to leverage non-Federal contributions.

“(F) Stakeholder support for the project.

“(G) The justification of Federal interest.

“(H) Agency priority.

“(I) Agency capacity.

“(J) Cost-effectiveness.

“(K) Federal funding history.

“(2) SECONDARY FACTORS.—In addition to the criteria under paragraph (1), the Chair shall, as the Chair determines to be appropriate, give preference to projects in the Priority List that benefit existing neighborhoods in the Basin that are at or below regional median income levels, based on the most recent census data available.

“(3) EROSION CONTROL PROJECTS.—For purposes of the Priority List and section 6(c)(1), erosion control projects shall be considered part of the stormwater management and total maximum daily load program of the Environmental Improvement Program. The Administrator shall coordinate with the Secretary on such projects.

**“(d) REVISIONS.—**

“(1) IN GENERAL.—The Priority List submitted under subsection (b) shall be revised—

“(A) every 4 years; or

“(B) on a finding of compelling need under paragraph (2).

**“(2) FINDING OF COMPELLING NEED.—**

“(A) IN GENERAL.—If the Secretary, the Administrator, or the Director makes a finding of compelling need justifying a priority shift and the finding is approved by the Secretary, the Executive Director of the Planning Agency, the California Natural Resources Secretary, and the Director of the Nevada Department of Conservation, the Priority List shall be revised in accordance with this subsection.

“(B) INCLUSIONS.—A finding of compelling need includes—

“(i) major scientific findings;

“(ii) results from the threshold evaluation of the Planning Agency;

“(iii) emerging environmental threats; and

“(iv) rare opportunities for land acquisition.

**“SEC. 9. AQUATIC INVASIVE SPECIES PREVENTION.**

“(a) IN GENERAL.—Not later than 60 days after the date of enactment of the Lake Tahoe Restoration Act of 2011, the Director, in coordination with the Planning Agency, the California Department of Fish and Game, and the Nevada Department of Wildlife, shall

deploy strategies that meet or exceed the criteria described in subsection (b) for preventing the introduction of aquatic invasive species into the Lake Tahoe Basin.

“(b) CRITERIA.—The strategies referred to in subsection (a) shall provide that—

“(1) combined inspection and decontamination stations be established and operated at not less than 2 locations in the Lake Tahoe Basin;

“(2) watercraft not be allowed to launch in waters of the Lake Tahoe Basin if the watercraft—

“(A) has been in waters infested by quagga or zebra mussels;

“(B) shows evidence of invasive species that the Director has determined would be detrimental to the Lake Tahoe ecosystem; and

“(C) cannot be reliably decontaminated in accordance with paragraph (3);

“(3) subject to paragraph (4), all watercraft surfaces and appurtenance (such as anchors and fenders) that contact with water shall be reliably decontaminated, based on standards developed by the Director using the best available science;

“(4) watercraft bearing positive verification of having last launched within the Lake Tahoe Basin may be exempted from decontamination under paragraph (3); and

“(5) while in the Lake Tahoe Basin, all watercraft maintain documentation of compliance with the strategies deployed under this section.

“(c) CERTIFICATION.—The Director may certify State agencies to perform the decontamination activities described in subsection (b)(3) at locations outside the Lake Tahoe Basin if standards at the sites meet or exceed standards for similar sites in the Lake Tahoe Basin established under this section.

“(d) APPLICABILITY.—The strategies and criteria developed under this section shall apply to all watercraft to be launched on water within the Lake Tahoe Basin.

“(e) FEES.—The Director may collect and spend fees for decontamination only at a level sufficient to cover the costs of operation of inspection and decontamination stations under this section.

**“(f) CIVIL PENALTIES.—**

“(1) IN GENERAL.—Any person that launches, attempts to launch, or facilitates launching of watercraft not in compliance with strategies deployed under this section shall be liable for a civil penalty in an amount not to exceed \$1,000 per violation.

“(2) OTHER AUTHORITIES.—Any penalties assessed under this subsection shall be separate from penalties assessed under any other authority.

“(g) LIMITATION.—The strategies and criteria under subsections (a) and (b), respectively, may be modified if the Secretary of the Interior, in a nondelegable capacity and in consultation with the Planning Agency and State governments, issues a determination that alternative measures will be no less effective at preventing introduction of aquatic invasive species into Lake Tahoe than the strategies and criteria.

“(h) FUNDING.—Of the amounts made available under section 6(c)(4), not more than \$500,000 shall be made available to the Director, in coordination with the Planning Agency and State governments—

“(1) to evaluate the feasibility, cost, and potential effectiveness of further efforts that could be undertaken by the Federal Government, State and local governments, or private entities to guard against introduction of aquatic invasive species into Lake Tahoe, including the potential establishment of inspection and decontamination stations on major transitways entering the Lake Tahoe Basin; and

“(2) to evaluate and identify options for ensuring that all waters connected to Lake

Tahoe are protected from quagga and zebra mussels and other aquatic invasive species.

“(i) SUPPLEMENTAL AUTHORITY.—The authority under this section is supplemental to all actions taken by non-Federal regulatory authorities.

“(j) SAVINGS CLAUSE.—Nothing in this title shall be construed as restricting, affecting, or amending any other law or the authority of any department, instrumentality, or agency of the United States, or any State or political subdivision thereof, respecting the control of invasive species.

**“SEC. 10. ARMY CORPS OF ENGINEERS; INTERAGENCY AGREEMENTS.**

“(a) IN GENERAL.—The Assistant Secretary may enter into interagency agreements with non-Federal interests in the Lake Tahoe Basin to use Lake Tahoe Partnership-Miscellaneous General Investigations funds to provide programmatic technical assistance for the Environmental Improvement Program.

**“(b) LOCAL COOPERATION AGREEMENTS.—**

“(1) IN GENERAL.—Before providing technical assistance under this section, the Assistant Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for the technical assistance.

“(2) COMPONENTS.—The agreement entered into under paragraph (1) shall—

“(A) describe the nature of the technical assistance;

“(B) describe any legal and institutional structures necessary to ensure the effective long-term viability of the end products by the non-Federal interest; and

“(C) include cost-sharing provisions in accordance with paragraph (3).

**“(3) FEDERAL SHARE.—**

“(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement under this subsection shall be 65 percent.

“(B) FORM.—The Federal share may be in the form of reimbursements of project costs.

“(C) CREDIT.—The non-Federal interest may receive credit toward the non-Federal share for the reasonable costs of related technical activities completed by the non-Federal interest before entering into a local cooperation agreement with the Assistant Secretary under this subsection.

**“SEC. 11. LAKE TAHOE BASIN PROGRAM.**

“(a) IN GENERAL.—The Administrator, in cooperation with the Secretary, the Planning Agency, the States of California and Nevada, and the Tahoe Science Consortium, shall develop and implement the Lake Tahoe Basin Program that—

“(1) develops and regularly updates an integrated multiagency programmatic assessment and monitoring plan—

“(A) to evaluate the effectiveness of the Environmental Improvement Program;

“(B) to evaluate the status and trends of indicators related to environmental threshold carrying capacities; and

“(C) to assess the impacts and risks of changing climatic conditions and invasive species;

“(2) develops a comprehensive set of performance measures for Environmental Improvement Program assessment;

“(3) coordinates the development of the annual report described in section 13;

“(4) produces and synthesizes scientific information necessary for—

“(A) the identification and refinement of environmental indicators for the Lake Tahoe Basin; and

“(B) the evaluation of standards and benchmarks;

“(5) conducts applied research, programmatic technical assessments, scientific data management, analysis, and reporting related to key management questions;

“(6) develops new tools and information to support objective assessments of land use and resource conditions;

“(7) provides scientific and technical support to the Federal Government and State and local governments in—

“(A) reducing stormwater runoff, air deposition, and other pollutants that contribute to the loss of lake clarity; and

“(B) the development and implementation of an integrated stormwater monitoring and assessment program;

“(8) establishes and maintains independent peer review processes—

“(A) to evaluate the Environmental Improvement Program; and

“(B) to assess the technical adequacy and scientific consistency of central environmental documents, such as the 5-year threshold review; and

“(9) provides scientific and technical support for the development of appropriate management strategies to accommodate changing climatic conditions in the Lake Tahoe Basin.

#### **SEC. 12. PUBLIC OUTREACH AND EDUCATION.**

“(a) IN GENERAL.—The Secretary, Administrator, and Director will coordinate with the Planning Agency to conduct public education and outreach programs, including encouraging—

“(1) owners of land and residences in the Lake Tahoe Basin—

“(A) to implement defensible space; and

“(B) to conduct best management practices for water quality; and

“(2) owners of land and residences in the Lake Tahoe Basin and visitors to the Lake Tahoe Basin, to help prevent the introduction and proliferation of invasive species as part of the private share investment in the Environmental Improvement Program.

“(b) REQUIRED COORDINATION.—Public outreach and education programs for aquatic invasive species under this section shall—

“(1) be coordinated with Lake Tahoe Basin tourism and business organizations; and

“(2) include provisions for the programs to extend outside of the Lake Tahoe Basin.

#### **SEC. 13. REPORTING REQUIREMENTS.**

“Not later than February 15 of each year, the Administrator, in cooperation with the Chair, the Secretary, the Director, the Planning Agency, and the States of California and Nevada, consistent with section 6(c)(6) and section 11, shall submit to Congress a report that describes—

“(1) the status of all Federal, State, local, and private projects authorized under this Act, including to the maximum extent practicable, for projects that will receive Federal funds under this Act during the current or subsequent fiscal year—

“(A) the project scope;

“(B) the budget for the project; and

“(C) the justification for the project, consistent with the criteria established in section 8(c)(1);

“(2) Federal, State, local, and private expenditures in the preceding fiscal year to implement the Environmental Improvement Program and projects otherwise authorized under this Act;

“(3) accomplishments in the preceding fiscal year in implementing this Act in accordance with the performance measures and other monitoring and assessment activities; and

“(4) public education and outreach efforts undertaken to implement programs and projects authorized under this Act.

#### **SEC. 14. ANNUAL BUDGET PLAN.**

“As part of the annual budget of the President, the President shall submit information regarding each Federal agency involved in the Environmental Improvement Program (including the Forest Service, the Environ-

mental Protection Agency, and the United States Fish and Wildlife Service), including—

“(1) an interagency crosscut budget that displays the proposed budget for use by each Federal agency in carrying out restoration activities relating to the Environmental Improvement Program for the following fiscal year;

“(2) a detailed accounting of all amounts received and obligated by Federal agencies to achieve the goals of the Environmental Improvement Program during the preceding fiscal year; and

“(3) a description of the Federal role in the Environmental Improvement Program, including the specific role of each agency involved in the restoration of the Lake Tahoe Basin.

#### **SEC. 15. GRANT FOR WATERSHED STRATEGY.**

“(a) IN GENERAL.—Of the amounts to be made available under section 18(a), the Administrator shall use not more than \$500,000 to provide a grant, on a competitive basis, to States, federally recognized Indian tribes, interstate agencies, other public or nonprofit agencies and institutions, or institutions of higher education to develop a Lake Tahoe Basin watershed strategy in coordination with the Planning Agency, the States of California and Nevada, and the Secretary.

“(b) COMMENT.—In developing the watershed strategy under subsection (a), the grant recipients shall provide an opportunity for public review and comment.

“(c) COMPONENTS.—The watershed strategy developed under subsection (a) shall include—

“(1) a classification system, inventory, and assessment of stream environment zones;

“(2) comprehensive watershed characterization and restoration priorities consistent with—

“(A) the Lake Tahoe total maximum daily load; and

“(B) the environmental threshold carrying capacities of Lake Tahoe;

“(3) a monitoring and assessment program consistent with section 11; and

“(4) an adaptive management system—

“(A) to measure and evaluate progress; and

“(B) to adjust the program.

“(d) DEADLINE.—The watershed strategy developed under subsection (a) shall be completed by the date that is 2 years after the date on which funds are made available to carry out this section.”.

#### **SEC. 8. RELATIONSHIP TO OTHER LAWS.**

Section 17 of The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2358) (as redesignated by section 7(2)) is amended by inserting “, Director, or Administrator” after “Secretary”.

#### **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended by striking section 18 (as redesignated by section 7(2)) and inserting the following:

#### **SEC. 18. AUTHORIZATION OF APPROPRIATIONS.**

“(a) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act \$415,000,000 for a period of 10 fiscal years beginning the first fiscal year after the date of enactment of the Lake Tahoe Restoration Act of 2011.

“(2) USE OF FUNDS.—As of the date of enactment of the Lake Tahoe Restoration Act of 2011, of the funds authorized to be appropriated to be used to carry out sections 6 and 7, the Secretary may use such sums as are necessary to implement projects on the Priority List, to remain available until expended.

“(b) EFFECT ON OTHER FUNDS.—Amounts authorized under this section and any amendments made by this Act—

“(1) shall be in addition to any other amounts made available to the Secretary, Administrator, or Director for expenditure in the Lake Tahoe Basin; and

“(2) shall not reduce allocations for other Regions of the Forest Service, Environmental Protection Agency, or United States Fish and Wildlife Service.

“(c) COST-SHARING REQUIREMENT.—Except as provided in subsection (d) and section 6(c)(3)(E), the States of California and Nevada shall pay 50 percent of the aggregate costs of restoration activities in the Lake Tahoe Basin funded under section 6 or 8.

“(d) RELOCATION COSTS.—Notwithstanding subsection (c), the Secretary shall provide to local utility districts 1/3 of the costs of relocating facilities in connection with—

“(1) environmental restoration projects under sections 6 and 8; and

“(2) erosion control projects under section 2 of Public Law 96-586 (94 Stat. 3381).

“(e) SIGNAGE.—To the maximum extent practicable, a project provided assistance under this Act shall include appropriate signage at the project site that—

“(1) provides information to the public on—

“(A) the amount of Federal funds being provided to the project; and

“(B) this Act; and

“(2) displays the visual identity mark of the Environmental Improvement Program.”.

#### **SEC. 10. CONFORMING AMENDMENTS.**

(a) ADMINISTRATION OF ACQUIRED LAND.—Section 3(b) of Public Law 96-586 (94 Stat. 3384) is amended—

(1) by striking “(b) Lands” and inserting the following:

“(b) ADMINISTRATION OF ACQUIRED LAND.—

“(1) IN GENERAL.—Land”; and

(2) by adding at the end the following:

“(2) INTERCHANGE.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), the Secretary of Agriculture (acting through the Chief of the Forest Service) (referred to in this paragraph as the ‘Secretary’) may interchange (as defined in the first section of Public Law 97-465 (16 U.S.C. 521c)) any land or interest in land within the Lake Tahoe Basin Management Unit described in subparagraph (B) with appropriate units of State government.

“(B) ELIGIBLE LAND.—The land or interest in land referred to in subparagraph (A) is land or an interest in land that the Secretary determines is not subject to efficient administration by the Secretary because of the location or size of the land.

“(C) CONSIDERATION.—In any interchange under this paragraph, the Secretary shall accept land within the Lake Tahoe Basin Management Unit of approximately equal value (as defined in accordance with section 6(2) of Public Law 97-465 (16 U.S.C. 521h)).

“(D) ENVIRONMENTAL ANALYSIS.—For the purposes of any environmental analysis of an interchange under this paragraph, the Secretary shall—

“(i) assume the maintenance of the environmental status quo; and

“(ii) not be required to individually assess each parcel that is managed under the Lake Tahoe Basin Management Unit Urban Lots Program.

“(E) USE OF LAND ACQUIRED BY STATE GOVERNMENT.—In any interchange under this paragraph, the Secretary shall—

“(i) insert in the applicable deed such terms, covenants, conditions, and reservations as the Secretary determines to be necessary to ensure—

“(I) protection of the public interest, including protection of the ecological, scenic, wildlife, and recreational values of the National Forest System; and

“(II) the provision for appropriate access to, and use of, land within the National Forest System;

“(III) that land subject to exchange is monitored for compliance with subclauses (I) and (II); and

“(IV) if the land conveyed under this paragraph is used in a manner that is inconsistent with this section, the land shall, at the discretion of the Secretary, revert to the United States; or

“(ii) reserve a conservation easement to ensure that the land conveyed is managed in accordance with subclauses (I) through (IV) of clause (i).

**(F) DELEGATION OF MONITORING AND ENFORCEMENT BY TRANSFER OF CONSERVATION EASEMENT.—**

“(i) DEFINITION OF ELIGIBLE ENTITY.—In this subparagraph, the term ‘eligible entity’ means—

“(I) a conservation agency of a local government or an Indian tribe;

“(II) the Tahoe Regional Planning Agency; or

“(III) an organization that—

“(aa) is organized for, and at all times since the formation of the organization, has been operated principally for 1 or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

“(bb) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code;

“(cc) is described in paragraph (1) or (2) of section 509(a) of that Code; or

“(dd)(AA) is described in section 509(a)(3) of that Code; and

“(BB) is controlled by an organization described in section 509(a)(2) of that Code.

“(ii) DELEGATION.—Subject to clause (iii), the Secretary may delegate to an eligible entity any monitoring and enforcement duties relating to a conservation easement under this paragraph by transferring title of ownership to an easement to an eligible entity to hold and enforce.

“(iii) RESTRICTION.—The Secretary may delegate monitoring or enforcement duties under clause (ii) if—

“(I) the Secretary retains the right to conduct periodic inspections and enforce the easement;

“(II) the Secretary determines that the transfer will promote protection of ecological, scenic, wildlife, and recreational values;

“(III) the eligible entity assumes the costs incurred in administering and enforcing the easement;

“(IV) the Secretary determines that the eligible entity has the resources necessary to carry out monitoring and enforcement activities; and

“(V) all delegated monitoring and enforcement duties revert to the Secretary if the eligible entity cannot perform the delegated duties, at the discretion of the Secretary.

“(G) TRANSFER OF LAND ACQUIRED BY UNITS OF STATE GOVERNMENT.—Any unit of State government that receives National Forest System land through an interchange under this paragraph shall not convey the land to any person or entity other than the Federal Government or a State government.”.

(b) INTERAGENCY AGREEMENT FUNDING.—Section 108(g) of title I of division C of the Consolidated Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2942) is amended by striking “\$25,000,000” and inserting “\$75,000,000”.

Mr. REID. Mr. President, today I join Senator FEINSTEIN in introducing the Lake Tahoe Restoration Act of 2011 along with Senator ENSIGN and Senator BOXER. Our bill protects Lake Tahoe by

helping federal agencies work more collaboratively with local governments to manage federal lands, preventing catastrophic wildfires, keeping invasive species out of the lake, using sound science to prioritize projects, and leveraging state and local funding. Senator FEINSTEIN has done a lot of work to improve this legislation while maintaining a broad coalition of support and I want to thank her for her good work.

Lake Tahoe is a place of incredible beauty. When Mark Twain first saw Lake Tahoe in 1861, he described it as “a noble sheet of blue water lifted 6,300 feet above the level of the sea, and walled in by a rim of snow-clad mountain peaks that towered aloft full three thousand feet higher still!” He went on to proclaim the view in front of him as surely “the fairest picture the whole earth affords.” I could not agree more.

But for all its beauty, Lake Tahoe Basin is in peril. The famed clarity of the lake declined by over a third during the last 50 years; it is estimated that 25 percent of the trees in the basin are dead or dying; the prized Lahontan cutthroat trout sport fish that once grew to more than 40 pounds are no longer present; and many of the basin’s natural marshes and wetlands have been altered or drained. This perilous decline jeopardizes the 23,000 jobs and \$1.8 billion in annual revenues that Lake Tahoe contributes to the Nevada and California economies.

It became clear to me in the 1990s that a major commitment and coordinated efforts were necessary to turn things around for the health and future of Lake Tahoe and the Lake Tahoe Basin. In 1996, I called then-President Clinton and Vice President Gore and asked if they would come to Lake Tahoe with me so that they could see both the incredible beauty of the place and many threats facing it. When we convened in July 1997, the President and Vice President brought four cabinet secretaries with them and we had a multi-day session on the future of Lake Tahoe. President Clinton promised to make Lake Tahoe a priority—for the people of Nevada, for the people of California, and for the whole country. An executive order and the subsequent Lake Tahoe Restoration Act of 2000 were the result of that commitment.

It would have been difficult to imagine at that first summit how much progress we would be able to make in the last 14 years. The clarity of the lake now appears to have stabilized, thousands of acres of forest lands have been restored, roads and highways across the basin have been improved to limit runoff, and the natural function of many miles of stream zones and riparian areas has been restored. But there is a great deal yet to be done. We offer the Lake Tahoe Restoration Act of 2011 as the next step.

Our bill focuses federal attention on the areas where we can be most effective and it builds on the lessons we have learned since 1997. The basic sum-

mary of the bill is that it authorizes \$415 million over 10 years to improve water clarity, reduce the threat of fire, and restore the environment.

I would like to make a very important point about the federal role in protecting Lake Tahoe. The U.S. Forest Service manages 75 percent of the land surrounding the lake and it is impossible to make real progress in the Lake Tahoe Basin without providing the Forest Service with the tools they need to manage that land. With that in mind, we call on the Forest Service to support the thresholds put forth by the Tahoe Regional Planning Agency, we provide encouragement and funding to work on the restoration of stream environment zones, and we withdraw all Forest Service in the Basin lands from mineral entry in order to minimize soil disturbance. The Forest Service is also granted increased flexibility to exchange land with the states of Nevada and California which will allow for more cost-efficient management of the over 8,000 publicly owned urban parcels spread throughout the Basin. Currently, the Forest Service owns over 3,280 of these urban parcels and there are questions about whether it is in the public interest for the Forest Service to manage these urban lands or whether it would be better to pass them to other responsible entities that could provide more efficient management. We have asked the Forest Service to report to Congress on their plans for improving this part of their program, including any suggestions for how Congress might be able to help. Along with these new authorities and direction for forest management, the bill authorizes \$136 million to reduce the threat of wildfire. This includes work on Forest Service lands as well as work done by local fire agencies. Local communities and fire districts that receive grants from this generous program will provide a 25 percent cash match.

Lake Tahoe is uniquely beautiful and it’s worth fighting to protect it. It is my sincere hope that my grandchildren will see the day when the lake’s clarity is restored to 100 feet or more, when Tahoe’s giant native trout are once again plentiful, and when nearby forests are diverse and healthy. Mark Twain saw something amazing when he crested into the Lake Tahoe Basin. We owe it to ourselves and to subsequent generations to restore as much of that splendor as we can. This bill is the next step in that journey.

By Mr. COCHRAN (for himself and Ms. MIKULSKI):

S. 434. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

Mr. COCHRAN. Mr. President, today I am introducing the Teaching Geography is Fundamental Act. I am pleased to be joined as a cosponsor by my friend, the distinguished Senator from Maryland, Ms. MIKULSKI. The purpose of this bill is to improve geographic literacy among K through 12 students by supporting professional development programs for their teachers that are administered in institutions of higher learning. The bill also assists States in measuring the impact of education in geography.

Ensuring geographic literacy prepares students to be good citizens of both our Nation and the world. John Fahey, who is Chairman and CEO of the National Geographic Society, once stated that, "Geographic illiteracy impacts our economic well-being, our relationships with other nations and the environment, and isolates us from the world." When students understand their own environment, they can better understand the differences in other places, and the people who live in them. Knowledge of the diverse cultures, environment, and distances between states and countries helps our students to understand national and international policies, economies, societies and political structures on a global scale.

To expect that Americans will be able to work successfully with other people around the world, we need to be able to communicate and understand each other. It is a fact that we have a global marketplace, and we need to be preparing our younger generation for competition in the international economy. A strong base of geography knowledge improves these opportunities.

The U.S. Bureau of Economic Analysis reports that in 2010, the overall volume of international trade, as the sum of imports and exports, was over \$4.3 trillion. Geographic knowledge is increasingly needed for U.S. businesses in international markets to understand such factors as physical distance, time zones, language differences and cultural diversity.

Geospatial technology is an emerging career that is now available to people with an extensive background in geography education. Professionals in geospatial technology are employed in federal government agencies, and in the private and non-profit sectors in areas such as agriculture, archeology, ecology, land appraisal, and urban planning and development. It is important to improve and expand geography education so that students in the United States can attain the necessary expertise to fill and retain the estimated 70,000 new jobs that are becoming available each year in the geospatial technology industry.

Former Secretary of State Colin Powell once said, "To solve most of the major problems facing our country today—from wiping out terrorism, to minimizing global environmental problems, to eliminating the scourge of

AIDS—will require every young person to learn more about other regions, cultures, and languages." It is clear to me that we need to do more to ensure that the teachers responsible for the education of our students, from kindergarten through high school graduation, are prepared and trained to teach the skills necessary to solve these problems.

Over the last 15 years, the National Geographic Society has awarded more than \$100 million in grants to educators, universities, geography alliances, and others for the purposes of advancing and improving the teaching of geography. Their models are successful, and research shows that students who have benefitted from this teaching outperform other students. State geography alliances exist in 26 states and the District of Columbia endowed by grants from the Society. But, their efforts alone are not enough.

In my home state of Mississippi, teachers and university professors are making progress to increase geography education in schools through additional professional training. Based at the University of Mississippi, hundreds of geography teachers are members of the Mississippi Geography Alliance. This Alliance conducts regular workshops for graduate and undergraduate students who are preparing to be certified to teach elementary and high school-level geography in our State. These workshops have provided opportunities for model teaching sessions and discussion of best practices in the classroom.

The bill I am introducing establishes a Federal commitment to enhance the education of our teachers, focuses on geography education research, and develops reliable and advanced technology based classroom materials. I hope the Senate will consider the seriousness of the need to make this enhanced investment in geography.

By Mrs. FEINSTEIN:

S. 440. A bill for the relief of Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am reintroducing a private relief bill on behalf of the Buendias, a family who has lived in the Fresno area of California for more than 20 years. The beneficiaries of this bill include Jose Buendia Balderas, his wife, Alicia Aranda de Buendia, and their daughter, Ana Laura Buendia Aranda. I believe this family merits Congress' special consideration.

I would like to start with the story of Jose Buendia, a remarkable father and husband who has embraced the hard work ethic of this country. Many years ago, Jose's father worked as an agricultural worker on the Bracero program.

In 1981, he brought his son to the United States. Jose worked hard, providing financial support to his family in Mexico and working his way up

through jobs in landscaping and construction.

Today, Jose is a valuable employee with Bone Construction, Inc. He has worked with this California-based company for nearly 10 years, developing skills and experience and now serving as a lead foreman. Timothy Bone, the owner of the company, calls Jose a "reliable, hardworking and conscientious" worker.

Jose is married to Alicia, who goes to work season after season in California's labor-intensive agriculture industry. She currently works for a fruit packing company in Reedley, California. Jose and Alicia have raised two outstanding children, Ana Laura, age 22, and Alex, age 20, who have both always excelled in school.

Ana Laura earned a 4.0 GPA at Reedley High School, and was offered an academic scholarship at the University of California, Berkeley. Unfortunately, she could not accept the scholarship because of her undocumented status.

Ana Laura nonetheless persisted. She enrolled at the University of California, Irvine and is on track to graduate this spring with a major in Chicano Studies and Art.

Ana Laura's younger brother, Alex, is a United States citizen. He graduated high school with a 3.85 GPA and now studies engineering at the University of California, Merced. Last spring, he graduated with honors and a scholarship from Reedley College with an Associate of Science degree in Engineering.

Remarkably, the Buendias should have been able to correct their immigration status years ago. Jose should have qualified for legalization pursuant to the Immigration and Reform Control Act of 1986; however, his application was never acted upon because his attorney was convicted of fraudulently submitting legalization and Special Agricultural Worker applications, tainting all of his clients.

The Immigration and Naturalization Service took nearly 7 years to determine that Jose's application contained no fraudulent information, but at that point it was too late. Jose was no longer eligible for relief due to changes in U.S. immigration law.

Still, the Buendia family continued to seek legal status through other means. In 1999, it appeared they had succeeded when an Immigration Judge granted the family cancellation of removal based on the hardship their son, Alex, would face if deported to Mexico. However, the decision was appealed and ultimately overturned. At this point, the Buendias have exhausted their options to remain together as a family here in the United States.

In the more than 20 years of living in California, the Buendias have shown that they are committed to working to achieve the American dream. They have a strong connection to their local community, as active members of the Parent Teachers Association and their

church. They pay their taxes every year, paid off their mortgage, and remain free of debt. They have shown that they are responsible, maintaining health insurance, savings accounts, and retirement accounts.

Moreover, the Buendia children are excellent students pursuing higher education here in the United States. Without this private bill, these young adults will be separated from their family or forced to relocate to a country they simply do not know. I do not believe it is in the Nation's best interest to prevent talented youth raised here in the United States, who have good moral character and outstanding academic records, from realizing their future.

I respectfully ask my colleagues for their support of the Buendia family. I hope the Senate will consider this private relief legislation in the 112th Congress.

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. 440

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

**SECTION 1. PERMANENT RESIDENT STATUS FOR JOSE BUENDIA BALDERAS, ALICIA ARANDA DE BUENDIA, AND ANA LAURA BUENDIA ARANDA.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Jose Buendia Balderas, Alicia Aranda De Buendia, or Ana Laura Buendia Aranda enter the United States before the filing deadline specified in subsection (c), Jose Buendia Balderas, Alicia Aranda De Buendia, or Ana Laura Buendia Aranda, as appropriate, shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or next following fiscal year—

(1) the total number of immigrant visas that are made available to natives of the country of birth of Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda under section 203(a) of the

Immigration and Nationality Act (8 U.S.C. 1153(a)); or

(2) if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda under section 202(e) of such Act (8 U.S.C. 1152(e)).

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

By Mrs. FEINSTEIN:

S. 441. A bill for the relief of Esidronio Arreola-Saucedo, Maria Elena Cobain Arreola, Nayely Arreola Carlos, and Cindy Jael Arreola; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today, I offer private immigration relief legislation to provide lawful permanent resident status to Esidronio Arreola-Saucedo, Maria Elena Cobain Arreola, Nayely Arreola Carlos, and Cindy Jael Arreola. The Arreolas are Mexican nationals living in the Fresno area of California.

Esidronio and Maria Elena have lived in the United States for over 20 years. Two of their five children, Nayely, age 25, and Cindy, age 20, also stand to benefit from this legislation.

The other three Arreola children, Robert, age 19, Daniel, age 15, and Saray, age 14, are United States citizens. Today, Esidronio and Maria Elena and their two eldest children face deportation.

The story of the Arreola family is compelling and I believe they merit Congress' special consideration for such an extraordinary form of relief as a private bill.

The Arreolas are facing deportation in part because of grievous errors committed by their previous counsel, who has since been disbarred. In fact, the attorney's conduct was so egregious that it compelled an immigration judge to write the Executive Office of Immigration Review seeking the attorney's disbarment for his actions in his client's immigration cases.

Esidronio came to the United States in 1986 and was an agricultural migrant worker in the fields of California for several years. As a migrant worker at that time, he would have been eligible for permanent residence through the Seasonal Agricultural Workers SAW program, had he known about it.

Maria Elena was living in the United States at the time she became pregnant with her daughter Cindy. She returned to Mexico to give birth because she wanted to avoid any problems with the Immigration and Naturalization Service.

Because of the length of time that the Arreolas were in the United States, it is likely that they would have qualified for suspension of deportation, which would have allowed them to re-

main in the United States legally. However, their poor legal representation foreclosed this opportunity.

One of the most compelling reasons for my introduction of this private bill is the devastating impact the deportation of Esidronio and Maria Elena would have on their children—three of whom are American citizens—and the other two who have lived in the United States since they were toddlers. For these children, this country is the only country they really know.

Nayely, the oldest, was the first in her family to graduate from high school and the first to graduate college. She attended Fresno Pacific University, a regionally ranked university, on a full tuition scholarship package and worked part-time in the admissions office. She graduated from Fresno Pacific University with a degree in Business Administration and is working on her graduate degree. Nayely recently got married.

At a young age, Nayely demonstrated a strong commitment to the ideals of citizenship in her adopted country. She worked hard to achieve her full potential both through her academic endeavors and community service. As the Associate Dean of Enrollment Services at Fresno Pacific University states in a letter of support, “[T]he leaders of Fresno Pacific University saw in Nayely, a young person who will become exemplary of all that is good in the American dream.”

In high school, Nayely was a member of Advancement Via Individual Determination, AVID, college preparatory program in which students commit to determining their own futures through achieving a college degree. Nayely was also President of the Key Club, a community service organization. Perhaps the greatest hardship to this family, if forced to return to Mexico, will be her lost opportunity to realize her dreams and further contribute to her community and to this country.

Nayely's sister, Cindy, also recently married and has a one-year-old daughter. Neither Nayely nor Cindy are eligible to adjust their status based on their marriages because they grew up in the United States undocumented.

The Arreolas also have other family who are United States citizens or lawful permanent residents of this country. Maria Elena has three brothers who are American citizens, and Esidronio has a sister who is an American citizen. It is also my understanding that they have no immediate family in Mexico.

According to immigration authorities, this family has never had any problems with law enforcement. I am told that they have filed their taxes for every year from 1990 to the present. They have always worked hard to support themselves.

As I previously mentioned, Esidronio was previously employed as a farm worker, but now has his own business in California repairing electronics. His business has been successful enough to

enable him to purchase a home for his family. He and his wife are active in their church community and in their children's education.

It is clear to me that this family has embraced the American dream. Enactment of the legislation I have reintroduced today will enable the Arreolas to continue to make significant contributions to their community as well as the United States.

I ask my colleagues to support this private bill.

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. 441

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

#### SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law or any order, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Arreola Carlos, and Cindy Jael Arreola shall be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for issuance of an immigrant visa or for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255).

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the applications for issuance of immigrant visas or the applications for adjustment of status are filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of immigrant visas to Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Arreola Carlos, and Cindy Jael Arreola, the Secretary of State shall instruct the proper officer to reduce by 4, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Esidronio Arreola-Saucedo, Marina Elna Cobian Arreola, Nayely Arreola Carlos, and Cindy Jael Arreola under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Arreola Carlos, and Cindy Jael Arreola under section 202(e) of such Act (8 U.S.C. 1152(c)).

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

By Mrs. FEINSTEIN:

S. 442. A bill for the relief of Robert Liang and Alice Liang; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to reintroduce private relief legislation for Robert Kuan Liang and his wife, Chun-Mei, “Alice”, Hsu-Liang.

I first introduced a private bill for Robert and Alice in 2003. Since then

this family has only further demonstrated their hard work ethic and commitment to realizing the American dream. I continue to believe that Robert and Alice merit Congress' special consideration and the extraordinary relief provided by private legislation.

Robert and Alice have been living in San Bruno, California, for the last 27 years. Robert is a national and refugee from Laos, and Alice is originally from Taiwan. They have three children who are all United States citizens. I am concerned that forcing Robert and Alice to return to their home countries would tear this family apart and cause immense and unwarranted hardship to them and their children.

Robert and Alice have called California their home since they first entered the United States in 1983. They came here legally on tourist visas. They face deportation today because they remained in the United States past the terms of their visas, and because their attorney failed to handle their immigration case on a timely basis before federal immigration laws changed in 1996.

In many ways, the Liang family represents a uniquely American success story. Robert was born in Laos, but fled the country as a teenager after his mother was killed by Communists. He witnessed many traumatic experiences in his youth, including the attack that killed his mother and frequent episodes of wartime violence. He routinely witnessed the brutal persecution and deaths of others in his village in Laos. In 1975, he was granted refugee status in Taiwan.

Robert and his wife risked everything to come to the United States. Despite the challenges of their past, they built a family in California and established a place for themselves in the local community. They are homeowners. They own a successful business, Fong Yong Restaurant. They file annual income taxes and are financially stable.

Robert and Alice support their three children, Wesley, Bruce, and Eva, who are all American citizens. Wesley is now 18 years old and studying at City College of San Francisco. The younger children, Bruce and Eva, attend schools in the San Bruno area and continue to do well in their classes.

There are many reasons to believe that deporting Robert and Alice would have a harmful impact on the children, who have all of their ties to the United States. Deportation would either break this family apart or force them to relocate to a country entirely foreign to the one they know to be home.

The Immigration Judge who presided over Robert and Alice's case in 1997 also concluded that Robert and Alice's deportation would adversely impact the Liang children.

Moreover, Robert would face significant hurdles if deported, having fled Laos as a refugee more than 27 years ago. The emotional impact of the wartime violence Robert experienced at a young age was traumatic and con-

tinues to strain him. He battles severe clinical depression here in the United States. Robert fears that if he is deported and moves to his wife's home country, Taiwan, he will face discrimination on account of his nationality. Robert does not speak Taiwanese, and he worries about how he would pursue mental health treatment in a foreign country.

Robert and Alice have worked since 1993 to resolve their immigration status. They filed for relief from deportation; however, it took nearly five years for the Immigration and Naturalization Service, INS, to act on the case. By the time their case went through in 1997, the immigration laws had changed and the Liangs were no longer eligible for relief. I supported these changes, set forth in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. But, I also believe there may be situations worthy of special consideration.

Robert and Alice Liang represent one such example. They are long-term residents of the United States. Their children are all U.S. citizens. The Immigration Judge that presided over the appeal of this case determined that Robert and Alice would have qualified for relief from deportation, in light of these positive factors, had the INS given their case timely consideration. Unfortunately, their immigration case took nearly five years to move forward.

A private bill is the only way for both Robert and Alice to remain in the United States together with their family. They have worked extraordinarily hard to make the United States their home. I believe Robert and Alice deserve the relief provided by a private bill.

I respectfully ask my colleagues to support this private relief bill on behalf of the Liangs.

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. 442

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

#### SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law or any order, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Robert Liang and Alice Liang shall be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for issuance of an immigrant visa or for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255).

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the applications for issuance of immigrant visas or the applications for adjustment of status are filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of immigrant visas

to Robert Liang and Alice Liang, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Robert Liang and Alice Liang under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Robert Liang and Alice Liang under section 202(e) of that Act (8 U.S.C. 1152(e)).

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

By Mrs. FEINSTEIN:

S. 443. A bill for the relief of Javier Lopez-Urenda and Maria Leticia Arenas; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to reintroduce a private relief bill on behalf of Javier Lopez-Urenda and Maria Leticia Arenas. Javier and Leticia, originally from Mexico, are the parents of three U.S. citizen children, Bryan, age 17, Ashley, age 13, and Nancy, age 7. This family lives in Fremont, California.

I first introduced a bill for Javier and Leticia in 2009, and I continue to believe they deserve Congress’ special consideration for such an extraordinary form of relief as a private bill. Javier and Leticia are outstanding parents, volunteers, workers, and leaders in their community. Javier and Leticia came to the United States after each suffered the loss of a parent.

Leticia left Mexico at age 17 after her mother died from cancer. Javier came to the United States in 1990, at age 23, several years after the murder of his father in Michoacán, Mexico.

Javier had been living and working in the United States for over 25 years when I first learned about this case. He originally entered the country looking for work to support his extended family. Today, Javier is a Manager at Full Bloom Baking Company in San Mateo, California, where he has been an employee for over 18 years. In fact, Javier was the second employee hired at Full Bloom when the company first began.

Javier’s fellow co-workers at Full Bloom have written compelling letters to me about Javier’s hard work ethic and valuable contributions. The company owners assert that with his help, the company grew to be one of the largest commercial bakeries in the Bay Area, today employing approximately 385 people.

They write that Javier is a mentor to others and maintains a “tremendous amount of ‘institutional knowledge’ that can never be replaced.” One of his co-workers wrote, “Without Javier at the bakery, the lives of hundreds of people will change.”

Javier made attempts to legalize his status in the United States. At one

point, he received an approved labor certification. However, his case could not be finalized due to poor timing and a lengthy immigration process. It took three years, for example, for his labor certification to be approved. By that time, Javier was already in removal proceedings and his case is now closed.

During consideration of Javier’s case, the Ninth Circuit Court of Appeals acknowledged the difficult situation Javier faces. The Court wrote, “We are not unmindful of the unique and extremely sympathetic circumstances of this case. By all accounts, Petitioner has been an exemplary father, employee, and member of his local community. If he were to be deported, he would be separated from his wife, three U.S. citizen children, and the life he has worked so hard to build over the past 17 years. In light of the unfortunate sequence of events leading up this juncture and Petitioner’s positive contributions to society, Petitioner may very well be deserving of prosecutorial grace.”

Unfortunately, the Court ultimately denied the case. Javier and his wife have no additional avenues for adjusting their status. A private bill is the only way for them to remain in the United States.

I believe it is important to consider the potentially harmful impact on Javier and Maria Leticia’s three U.S. citizen children, Bryan, Ashley, and Nancy, should their parents be deported. Bryan, Ashley, and Nancy are all in school in California. Javier owns their home in Fremont. He is the sole financial provider for his wife and children, while also providing some financial support to extended family members in Mexico. Javier and Leticia are good parents and play active roles in their children’s lives. The Principal of Patterson Elementary School described Javier and Leticia as “two loving and supportive parents who are committed to their children’s success.”

All too often, deportation separates U.S. citizen children from their parents. In 2009, the Inspector General of the Department of Homeland Security found that, in the last ten years, at least 108,434 immigrant parents of American citizen children were removed from this country. Other reports show that deporting a parent causes trauma and long-lasting harm to children.

Moreover, the deportation of Javier and Leticia would be a significant loss to the community. Leticia is currently volunteering and training for a job with Bay Area Women Against Rape in Oakland, which provides services to survivors of sexual assault. She is also a certified health promoter and volunteer at Vazquez Health Center in Fremont.

Javier’s community involvement is just as impressive. He has volunteered with the Women’s Foundation of California, Lance Armstrong’s Livestrong Foundation, the Saint Patrick Proto Cathedral Parish, the American Red Cross, and the California AIDS Ride.

Patricia W. Chang, a long-time community leader in California and current CEO of Feed the Hunger, writes: “Asking Mr. Urenda to leave the United States would deprive his children of their father, an upstanding resident of the country. It would deprive the community of an active participant, leader, and volunteer.”

Judy Patrick, President/CEO of the Women’s Foundation of California, states that Javier “is a model participant in this society.”

Clearly, Javier and Leticia have earned the admiration of their community here in the United States. They are the loving parents of three American children. Javier is a valued employee at Full Bloom Baking Company. This family shows great potential, and I believe it is in our Nation’s best interest to allow them to remain here with their children and to continue making significant contributions to California and the Nation as a whole.

I respectfully ask my colleagues to support this private relief bill.

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. 443

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

**SECTION 1. PERMANENT RESIDENT STATUS FOR JAVIER LOPEZ-URENDA AND MARIA LETICIA ARENAS.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Javier Lopez-Urenda and Maria Leticia Arenas shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Javier Lopez-Urenda or Maria Leticia Arenas enter the United States before the filing deadline specified in subsection (c), that alien shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only to an application for issuance of an immigrant visa or an application for adjustment of status that is filed, with appropriate fees, within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Javier Lopez-Urenda and Maria Leticia Arenas, the Secretary of State shall instruct the proper officer to reduce by two, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens’ birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens’ birth under section 202(e) of such Act (8 U.S.C. 1152(e)).

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

**By Mrs. FEINSTEIN:**

S. 444. A bill for the relief of Shirley Constantino Tan; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today, I am introducing a bill for the private relief of Shirley Constantino Tan. Shirley is a Filipina national living in Pacifica, California. She is the proud mother of 14-year-old U.S. citizen twin boys, Jashley and Joreine, and the spouse of Jay Mercado, a naturalized U.S. citizen.

I believe Shirley merits Congress special consideration for this extraordinary form of relief because I believe her removal from the United States would cause undue hardship for her and her family. Shirley faces deportation to the Philippines, which would separate her from her family and jeopardize her safety.

Shirley experienced horrific violence in the Philippines before she left to come to the United States. When Shirley was only 14 years old, her cousin murdered her mother and her sister and shot Shirley in the head. While the cousin who committed the murders was eventually prosecuted, he received a short jail sentence. Fearing for her safety, Shirley fled the Philippines just before her cousin was due to be released from jail. She entered the United States legally on a visitor's visa in 1989.

Shirley's current deportation order is the result of negligent counsel. Shirley applied for asylum in 1995. While her case appeal was pending at the Board of Immigration Appeals, her attorney failed to submit a brief to support her case. As a result, the case was dismissed, and the Board of Immigration Appeals granted Shirley voluntary departure from the United States.

Shirley never received notice that the Board of Immigration Appeals granted her voluntary departure. Shirley's attorney moved offices, did not receive the order, and ultimately never informed her of the order. As a result, Shirley did not depart the United States and the grant of voluntary departure automatically became a deportation order. Shirley learned about the deportation order for the first time on January 28, 2009, when Immigration and Customs Enforcement agents took her into immigration custody.

Because of her attorney's negligent actions, Shirley was denied the opportunity to present her case in U.S. immigration proceedings. Shirley later filed a complaint with the State Bar of California against her former attorney. She is not the first person to file such a complaint against this attorney.

In addition to the hardship that would come to Shirley if she is deported, Shirley's deportation would be a serious hardship to her two United States citizen children, Jashley and Joreine, who are minors.

Jashley and Joreine are currently attending Terra Nova High School in Pacifica, California, where they continue to be excellent students on the honor roll. The children are involved in their school's music program, playing the clarinet and the flute. The children's teacher wrote a letter to me in which she described Shirley's involvement in Jashley and Joreine's lives, referring to Shirley as a “model” parent and describing her active role in the school community. In addition to caring for her two children, Shirley is the primary caregiver for her elderly mother-in-law.

If Shirley were forced to leave the United States, her family has expressed that they would go with Shirley to the Philippines or try and find a third country where the entire family could relocate. This would mean that Jashley and Joreine would have to leave behind their education and the only home they know in the United States.

While Shirley and Jay are legally married under California law at this time, Shirley cannot legally adjust her immigration status through the regular family-based immigration procedures.

I do not believe it is in our Nation's best interest to force this family, with two United States citizen children, to make the choice between being separated and relocating to a country where they may face safety concerns or other serious hardships.

Shirley and her family are involved in their community in Pacifica and own their own home. The family attends Good Shepherd Catholic Church, volunteering for the church and the Mother Theresa of Calcutta's Daughters of Charity. Shirley has the support of dozens of members of her community who shared with me the family's spirit of commitment to their community.

Enactment of the legislation I am introducing on behalf of Shirley today will enable this entire family to continue their lives in California and make positive contributions to their community.

I ask my colleagues to support this private bill.

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. 444

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

**SECTION 1. PERMANENT RESIDENT STATUS FOR SHIRLEY CONSTANTINO TAN.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C.

1151), Shirley Constantino Tan shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Shirley Constantino Tan enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Shirley Constantino Tan, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act (8 U.S.C. 1152(e)).

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

**By Mrs. FEINSTEIN:**

S. 445. A bill for the relief of Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am reintroducing a private relief bill on behalf of Jorge Rojas Gutierrez, his wife, Oliva Gonzalez Gonzalez, and their son, Jorge Rojas Gonzalez. The Rojas family, originally from Mexico, is living in the San Jose area of California.

The story of the Rojas family is compelling, and I believe they merit Congress' special consideration for such an extraordinary form of relief as a private bill.

Jorge and his wife, Oliva, originally came to the United States in 1990 when their son Jorge Rojas, Jr. was just 2 years old. In 1995, they left the country to attend a funeral, and then re-entered the United States on visitor's visas.

The family has since expanded to include two sons, Alexis Rojas, now 18 years old, Matias, now a year old, a daughter Tania Rojas, now age 16, and a granddaughter, Mina Rojas, who is less than a year old.

The Rojas family first attempted to legalize their status in the United

States when an unscrupulous immigration consultant, who was not an attorney, advised them to apply for asylum. Unfortunately, without proper legal guidance, this family did not realize at the time that they lacked a valid basis for asylum. The asylum claim was denied in 2008, leaving the Rojas family with no further options to legalize their status.

Since their arrival in the United States more than 20 years ago, the Rojas family has demonstrated a robust work ethic and a strong commitment to their community in California. They have paid their taxes and worked hard to contribute to this country.

Jorge is a hard-working individual who has been employed by Valley Crest Landscape Maintenance in San Jose, California, for the past 16 years. Currently, he works on commercial landscaping projects. Jorge is well-respected by his supervisor and his peers.

In addition to supporting his family, Jorge has volunteered his time to provide modern green landscaping and building projects at his children's school in California. He is active in his neighborhood association, working with his neighbors to open a library and community center in their community.

Oliva, in addition to raising her three children, has also been very active in the local community. She works to help other immigrants assimilate to American life by acting as a translator and a tutor for immigrant children in local schools and after school programs in Northern California.

Before her youngest son was born, Oliva volunteered with the People Acting in Community Together, PACT, organization, where she worked to prevent crime, gangs and drug dealing in San Jose neighborhoods and schools.

Both Jorge and Oliva are active volunteers with the Second Harvest Food Bank, assisting in distributing food to the needy at a community center.

Perhaps one of the most compelling reasons for permitting the Rojas family to remain in the United States is the impact that their deportation would have on their three children. Two of the Rojas children, Alexis and Tania, are American citizens. Jorge Rojas, Jr. has lived in the United States since he was a toddler.

For Alexis, Tania, and Jorge, this country is the only country they really know.

Jorge Rojas, Jr., who entered the United States as an infant with his parents, recently became a father. He is now 22 years old and working at a job that allows him to support his daughter, Mina. Jorge graduated from Del Mar High School in 2007 and is taking classes at San Jose City College.

Alexis, age 18, graduated from Del Mar High School and is now a student at West Valley College in Saratoga, California. He is interested in studying linguistics. Tania, age 16, still attends Del Mar High School and plans to graduate next year. Their teachers describe

them as "fantastic, wonderful and gifted" students.

It seems so clear to me that this family has embraced the American dream and their continued presence in our country would do so much to enhance the values we hold dear.

When I first introduced this bill, I received dozens of letters from the community in Northern California in support of this family. Enactment of the legislation I have reintroduced today will enable the Rojas family to continue to make significant contributions to their community as well as the United States.

I ask my colleagues to support this private bill.

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. 445

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

**SECTION 1. PERMANENT RESIDENT STATUS FOR JORGE ROJAS GUTIERREZ, OLIVA GONZALEZ GONZALEZ, AND JORGE ROJAS GONZALEZ.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, or Jorge Rojas Gonzalez enters the United States before the filing deadline specified in subsection (c), Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, or Jorge Rojas Gonzalez, as appropriate, shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon granting an immigrant visa or permanent residence to Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the

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

By Mrs. FEINSTEIN:

S. 446. A bill for the relief of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to reintroduce private relief legislation in the 112th Congress on behalf of Ruben Mkoian, Asmik Karapetian, and their son, Arthur Mkoyan. The Mkoian family has been living in Fresno, California, for over 15 years. I continue to believe this family deserves Congress' special consideration for such an extraordinary form of relief as a private bill.

The Mkoian family is originally from Armenia. They decided to leave Armenia for the United States in the early 1990s, following several incidents in which the family experienced vandalism and threats to their well-being.

In Armenia, Ruben worked as a police sergeant on vehicle licensing. At one point, he was offered a bribe to register stolen vehicles, which he refused and reported to his superior, the police chief. He later learned that a co-worker had gone ahead and registered the vehicles at the request of the chief.

Several disturbing incidents occurred after Ruben reported the bribe offer to illegally register vehicles. Ruben's store was vandalized; after he said he would call the police, he received threatening phone calls telling him to keep quiet. At one point, the Mkoians suffered the loss of their home when a bottle of gasoline was thrown into their residence, burning it to the ground. In April 1992, several men entered the family store and assaulted Ruben, hospitalizing him for 22 days.

Ruben, Asmik, and their three-year-old son, Arthur, left Armenia soon thereafter and entered the United States on visitor visas. They applied for political asylum in 1992 on the grounds that they would be subject to physical attacks if returned to Armenia. It took 16 years for their case to be finalized, and the Ninth Circuit Court of Appeals denied their asylum case in January 2008.

At this time, Ruben, Asmik, and Arthur have exhausted every option to remain legally in the United States.

The Mkoians have worked hard to build a place for their family in California. Ruben works as a truck driver for a California trucking company. He has been described as "trustworthy," "knowledgeable," and an asset to the company. Asmik has completed training at a local community college and is now a full-time medical assistant with Fresno Shields Medical Group.

The Mkoians attend St. Paul Armenian Apostolic Church in Fresno. They do charity work to send medical equipment to Armenia. Asmik also teaches

Armenian School on Saturdays at the church.

I would particularly like to highlight the achievements of the Ruben and Asmik's two children, Arthur and Arsen, who were raised in California and have been recognized publicly for their scholastic achievements.

I first introduced a private bill for this family on Arthur's high school graduation day. Despite being undocumented, Arthur maintained a 4.0 grade point average in high school and was a valedictorian for the class of 2008. Arthur, now 20 years old, is in his third year at the University of California, Davis. He is studying biochemistry, maintains excellent grades, and was on the Dean's Merit List again this past quarter.

Arthur's brother, Arsen, is 14 years old and a United States citizen. He is currently a freshman at Bullard High School in Fresno, where he does well in his classes, maintaining a 3.9 grade point average.

I believe Arthur and Arsen are two young individuals with great potential here in the United States. Like their parents, they have demonstrated their commitment to working hard—and they are succeeding. They clearly aspire to do great things here in the United States.

It has been more than 18 years since Ruben, Asmik, and Arthur left Armenia. This family has few family members and virtually no supporting contacts in Armenia. They invested their time, resources, and effort in order to remain in the United States legally, to no avail. A private relief bill is the only means to prevent them from being forced to return to a country that long ago became a closed chapter of their past.

When I first introduced a bill on behalf of the Mkoian family in 2008, I received written endorsements from Representatives George Radanovich, R-CA, and JIM COSTA, D-CA, in strong support of the family. I also received more than 200 letters of support and dozens of calls of support from friends and community members, attesting to the positive impact that this family has had in Fresno California.

I believe that this case warrants our compassion and our extraordinary consideration. I respectfully ask my colleagues to support this private legislation on behalf of the Mkoian family.

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. 446

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

**SECTION 1. PERMANENT RESIDENT STATUS FOR RUBEN MKOIAN, ASMIK KARAPETIAN, AND ARTHUR MKOYAN.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C.

1151), Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Ruben Mkoian, Asmik Karapetian, or Arthur Mkoyan enters the United States before the filing deadline specified in subsection (c), Ruben Mkoian, Asmik Karapetian, or Arthur Mkoyan, as appropriate, shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon granting an immigrant visa or permanent resident status to Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan under section 202(e) of such Act (8 U.S.C. 1152(e)).

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

By Mrs. FEINSTEIN:

S. 447. A bill for the relief of Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am reintroducing private immigration relief legislation to provide lawful permanent resident status to Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and their daughter, Adilene Martinez. This family is originally from Mexico but has been living in California for twenty years. I believe they merit Congress' special consideration for this extraordinary form of relief.

When Jose came to the United States from Mexico, he began working as a busboy in restaurants in San Francisco, California. In 1990, he started working as a cook at Palio D'Asti, an award-winning Italian restaurant in San Francisco.

Jose worked his way through the ranks, eventually becoming Palio's sous chef. His colleagues describe him

as a reliable and cool-headed coworker, and as “an exemplary employee” who not only is “good at his job but is also a great boss to his subordinates.”

He and his wife, Micaela, call San Francisco home. Micaela works as a housekeeper. They have three daughters, two of whom are United States citizens. Their oldest child Adilene, age 22, is undocumented. Adilene graduated from the Immaculate Conception Academy and attended San Francisco City College. She is now studying nursing at Los Medrano College.

The Martinez's second daughter, Jazmin, is a senior at Leadership High School and has applied to attend several Universities in California. Jazmin is a United States citizen and has been diagnosed with asthma. According to her doctor, if the family returns to Mexico, the high altitude and air pollution in Mexico City could be fatal to Jazmin.

The Martinez family attempted to legalize their status through several channels.

In 2001, Jose's sister, who has legal status, petitioned for Jose to get a green card. However, the current green card backlog for siblings from Mexico is long, and it will be many years before Jose will be eligible to legalize his status though his sister.

In 2002, the Martinez family applied for political asylum. Their application was denied. An immigration judge denied their subsequent application for cancellation of removal because he could not find the “requisite hardship” required for this form of immigration relief. Ironically, the immigration judge who reviewed their case found that Jose's culinary ability was a negative factor weighing against keeping the family in the United States, finding that Jose's skills indicated that he could find a job in Mexico.

Finally, Daniel Scherotter, the executive chef and owner of Palio D'Asti, petitioned for legal status for Jose based upon Jose's unique skills as a chef. Even though U.S. Citizenship and Immigration Services approved Jose's work petition, there is a backlog for employment based visas and it may be many years before Jose can get a visa. Until then, he and his family remain subject to deportation.

Jose, Micaela, and their daughter, Adilene, have no other administrative options to legalize their status. If they are deported, they will face a several-year ban from returning to the United States. Jose and Micaela will be separated from their American citizen-children and their community.

The Martinez family has become an integral part of their community in California. They are active in their faith community and their children's schools. They volunteer with community-based organizations and are, in turn, supported by their community. When I first introduced this bill, I received dozens of letters of support from their fellow parishioners, teachers, and members of their community.

The Martinez family truly embraces the American dream. Jose worked his way through the restaurant industry to become a chef and an indispensable employee at a renowned restaurant. Adelene worked hard in high school and is now attending college.

I believe the Martinez family's presence in the United States allows them to continue making significant contributions to their community in California.

I ask my colleagues to support this private bill.

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. 447

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

**SECTION 1. ADJUSTMENT OF STATUS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez shall each be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for adjustment of status to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) upon filing an application for such adjustment of status.

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of permanent resident status to Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of the birth of Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez under section 202(e) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1152(e) and 1153(a)), as applicable.

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

By Mrs. FEINSTEIN:

S. 448. A bill for the relief of Shing Ma “Steve” Li; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am introducing a private relief bill on behalf of Shing Ma “Steve” Li. Steve is a Peruvian national who lives in San Francisco, California. He was brought to the United States as a child and is now a student at City College of San Francisco hoping to become a nurse.

I decided to introduce a private bill on Steve’s behalf because I believe that Steve would suffer undue hardship if he were removed to Peru. Without this legislation, Steve would be separated from his family and his community, and returned to a country he does not know.

Steve was only 12 years old when his parents brought him to the United States. Steve’s parents are Chinese nationals who originally fled China to escape economic oppression and the Chinese government’s policies on reproductive rights. From China, his parents went to Peru, where Steve was born.

The family then sought asylum in the United States, which was denied. Steve was ordered removed to Peru, where he was born, while his parents were ordered removed to China, the country of their nationality. Steve’s parents would not be able to accompany their son to Peru.

Steve’s parents never told him about the asylum denial or the removal orders. Steve did not know that he was in the United States illegally, and he went through all of his teenage years in the United States believing he was legally allowed to be here. He did not learn about his deportation order until one morning this past September when Immigration and Customs Enforcement agents arrived at his home and took him into custody.

All too often, youngsters like Steve are put in the position of being returned to a country they do not know. These young people did not make the choice to come to the United States but were brought to this country by their parents. Many of these young people grew up in America and have little or no memory of the countries they came from. They are hard working young people dedicated to their education. They have stayed out of trouble. Some are valedictorians and honor roll students. Many are community leaders and have an unwavering commitment to serving the United States.

I hoped that the Senate would pass the DREAM Act last year to provide qualified young people the opportunity to contribute to this country and their communities. Unfortunately, the bill fell short of the 60 votes it needed to move forward. I hope the Senate will one day pass the DREAM Act. The legislation I am introducing today will provide one of these youngsters the opportunity give back to the country he calls home.

Steve attended George Washington High School in San Francisco, California. While there, he was enrolled in the Honor’s Program and became very involved in his high school community. Steve was an athlete on the cross country and track team. He worked for the school newspaper as a reporter, editor, and cameraman. Demonstrating his desire to educate his community on health issues, Steve also provided presentations to other students through his high school’s wellness program on the

risks of drinking and driving and sexually transmitted diseases.

Steve graduated high school in 2008 and enrolled at City College of San Francisco to pursue a career in nursing. City College of San Francisco awarded Steve the Goldman Scholarship to cover the cost of his tuition. Steve has continued his active involvement in his community, joining the Asian American Student Success Center, as well as the Science, Technology, Engineering and Mathematics Program, which is a 2-year outreach and educational support program.

Steve continued his commitment to academic achievement when he attended the San Francisco State University Summer Science Institute, which provided a year-long internship to prepare him for a career in health care upon his graduation from college.

Educators working with Steve highlight his potential for giving back to the United States, while Steve’s friends and other community members have contacted me about the impact his compassion and helpfulness has had on the community. Steve’s teachers call him a “great student,” “hard working,” “an exceptional student,” and “goal directed.”

This private bill is an opportunity for Steve to finish his education and remain in the country he considers his only home. If he were forced to relocate to Peru, his education would be cut short, and Steve would be sent to a place where he knows no one. I believe that, by staying in California, Steve will only continue to serve his community and serve this country as a health care professional.

I ask my colleagues to support this private bill.

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. 448

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

**SECTION 1. PERMANENT RESIDENT STATUS FOR SHING MA “STEVE” LI.**

(a) IN GENERAL.—Notwithstanding any other provision of law or any order, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Shing Ma “Steve” Li shall be—

(1) deemed to have been lawfully admitted to, and remained in, the United States; and

(2) eligible for issuance of an immigrant visa or for adjustment of status under section 245 of such Act (8 U.S.C. 1255).

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the applications for issuance of an immigrant visa or for adjustment of status are filed, with appropriate fees, not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa to Shing Ma “Steve” Li, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the birth of Shing Ma “Steve” Li under—

(1) section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)); or

(2) section 202(e) of such Act (8 U.S.C. 1152(e)), if applicable.

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

By Mrs. FEINSTEIN:

S. 449. A bill for the relief of Joseph Gabra and Sharon Kamel; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today, I am reintroducing private relief legislation on behalf of Joseph Gabra and Sharon Kamel, a couple living with their family in Camarillo, California.

Joseph and Sharon are nationals of Egypt who fled their home country over twelve years ago after being targeted for their religious involvement in the Christian Coptic Church in Egypt. They became involved with this church during the 1990s, Joseph as an accountant and project coordinator helping to build community facilities and Sharon as the church's training director in human resources.

Unfortunately, Joseph and Sharon were also subjected to threats and abuse. Joseph was jailed repeatedly because of his involvement with the church. Sharon's family members were violently targeted, including her cousin who was murdered and her brother whose business was firebombed. When Sharon became pregnant with her first child, she was threatened by a member of a different religious organization against raising her child in a non-Muslim faith.

Joseph and Sharon came to the United States legally seeking refuge in November 1998. They immediately notified authorities of their intent to seek protection in the United States, filing for political asylum in May 1999.

However, Joseph, who has a speech impediment, had difficulty communicating why he was afraid to return to Egypt, and one year later their asylum application was denied because they could not adequately establish that they were victims of persecution. Joseph and Sharon pursued the appropriate means for appealing this decision, to no avail.

It should be noted that sometime later Sharon's brother applied for asylum in the United States. He, too, applied on the basis of persecution he and his family faced in Egypt, but his application was approved and he was granted this status in the United States.

There are no other avenues for Joseph and Sharon to pursue relief here in the United States. If they are deported, they will be forced back to a country where they sincerely fear for their safety.

Since arriving in the United States more than twelve years ago, Joseph

and Sharon have built a family here, including four children who are United States citizens: Jessica, age 12, Rebecca, age 11, Rafael, age 10, and Veronica, age 6. Jessica, Rebecca, and Rafael attend school in California and maintain good grades. Veronica is attending kindergarten at Camarillo Heights Elementary School.

Joseph and Sharon worked hard to achieve financial security for their children, and they created a meaningful place for their family in California. Both earned college degrees in Egypt. Joseph, who has his Certified Public Accountant license, has been working in the accounting department for a technology company in California.

Joseph also volunteers for his son's Boy Scout Troop, and has expressed interest in pursuing opportunities as an Arabic language expert here in the United States. Joseph and Sharon carry strong support from friends, coworkers, members of their local church, and other Californians who attest to their good character and community contributions.

I am concerned that the entire family would face serious and unwarranted hardships if forced to relocate to Egypt. For Jessica, Rebecca, Rafael, and Veronica, the only home they know is in the United States. It is quite possible these four American children would face discrimination or worse in Egypt on account of their religion, as was the experience of many of their family members.

Joseph and Sharon have made a compelling plea to remain in the United States. These parents emphasize their commitment to supporting their children and making a healthy and productive place for them to grow up in California. I believe this family deserves that opportunity.

I respectfully ask my colleagues to support this private relief bill on behalf of Joseph Gabra and Sharon Kamel.

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. 449

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

#### SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Joseph Gabra and Sharon Kamel shall each be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for adjustment of status to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) upon filing an application for such adjustment of status.

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of permanent resi-

dent status to Joseph Gabra and Sharon Kamel, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Joseph Gabra and Sharon Kamel under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), or, if applicable, the total number of immigrant visas that are made available to natives to the country of birth of Joseph Gabra and Sharon Kamel under section 202(e) of that Act (8 U.S.C. 1152(e)).

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

By Mrs. FEINSTEIN:

S. 450. A bill for the relief of Jacqueline W. Coats; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I come to the floor to reintroduce private relief legislation on behalf of Jacqueline Coats, a widow living in the San Francisco Bay Area. I rise today to ask my colleagues to support this legislation in the 112th Congress, which would provide Jacqueline with the extraordinary relief I believe she deserves.

Jacqueline came to the United States from Kenya in 2001 on a student visa to study Mass Communications at San Jose State University. In January 2002, based on the advice she received from a college advisor, Jacqueline attempted to transfer to City College of San Francisco, which required her to file for reinstatement. However, the request for reinstatement was denied in October 2002, and Jacqueline's immigration status lapsed the following year.

Jacqueline married Marlin Coats, an American citizen, on April 17, 2006, at San Francisco City Hall. But not even a month after the marriage, on May 13, 2006, Jacqueline's husband died while heroically attempting to save two boys from drowning at Ocean Beach in San Francisco. The two children survived with the help of a rescue crew, but Mr. Coats was caught in a rip tide and died. The sudden and unexpected loss of her husband devastated Jacqueline.

Unfortunately, a loophole in U.S. immigration laws meant that Jacqueline's status in the United States was suddenly in jeopardy due to the death of her husband. Jacqueline and her husband had prepared and signed an application for a green card at their attorney's office just four days before Mr. Coats died. However, the petition did not get filed until after his death, meaning it could no longer be considered valid.

Jacqueline very likely would have received permanent residence in the United States were it not for the abrupt death of Mr. Coats. At the time, Jacqueline received a medal honoring her husband's heroic actions. The San

Francisco Board of Supervisors, the San Francisco Police Department, and the San Francisco chapter of the NAACP all passed resolutions in support of her remaining in the United States.

In 2009, I co-sponsored legislation known as the Fairness to Surviving Spouses Act to address this hole in U.S. immigration laws that creates unnecessary hardship for foreign-born men and women—like Jacqueline—whose immigration status is at risk when the sponsoring U.S. citizen spouse dies. I do not believe our immigration system should penalize individuals whose earnest efforts to become permanent legal residents of this country are cut short when their sponsoring spouse dies.

I was pleased that the President signed the Fairness to Surviving Spouses Act into law as part of a Department of Homeland Security appropriations bill on October 28, 2009. U.S. Citizenship and Immigration Services is now implementing this law, which allows widows of American citizens to continue to petition for permanent residency as long as they can prove that they entered into their marriage in good faith. Jacqueline may be eligible for this form of relief; however, I believe that a private bill remains necessary until this process can be finalized.

Jacqueline has been a hard-working employee for a transit company in Oakland, California, since 2004. She is taking three classes at St. Mary's College, and she remains close with the family of her late husband. For Jacqueline, the Coats family here in the United States has become her own.

Ramona Burton, one of Mr. Coats' siblings, wrote in a letter to me: "She spent her first American Christmas with us, her first American Thanksgiving . . . I can't imagine looking around and not seeing her there. She needs to be there." Another concerned California constituent wrote to me that common fairness, morality and decency" should be the standards by which we view this case. I agree. Despite the tragedy of losing her husband, Jacqueline continues to work hard, take classes, and integrate herself within her community.

Without some form of relief, Jacqueline will be deported to Kenya, a country she has not lived in since she was 21 years old. This is never what her late husband, a citizen of the United States, intended.

I believe Congress should honor this family by granting Jacqueline permanent residency in the United States. I urge my colleagues to give consideration to Jacqueline and to support this private relief immigration bill.

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. 450

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

**SECTION 1. PERMANENT RESIDENT STATUS FOR JACQUELINE W. COATS.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Jacqueline W. Coats shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Jacqueline W. Coats enters the United States before the filing deadline specified in subsection (c), Jacqueline W. Coats shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Jacqueline W. Coats, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Jacqueline W. Coats under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Jacqueline W. Coats under section 202(e) of that Act (8 U.S.C. 1152(e)).

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

By Mrs. FEINSTEIN:

S. 451. A bill for the relief of Claudia Marquez Rico; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I come to the floor today to reintroduce private relief legislation for Claudia Marquez Rico. I first introduced a private bill for Claudia back in 2006. This young woman has lived in California for most of her life. She suffered tremendous hardship after the sudden death of her parents more than ten years ago. I believe she deserves the special relief granted by a private bill.

Claudia was born in Jalisco, Mexico. She was only 6 years old when her parents brought her, and her two younger brothers, to the United States.

Ten years ago, tragedy struck this family. Early in the morning on October 4, 2000, while driving to work, Claudia's parents were killed in a horrific car accident when their vehicle collided with a truck on a rural road.

Suddenly orphaned, Claudia and her siblings were fortunate enough to have a place to go. They were welcomed into the loving home of their aunt, Hortencia, and uncle, Patricio, who are both United States citizens. Hortencia and Patricio are active at Buen Pastor Catholic Church. Patricio is a youth soccer coach. This couple raised the Marquez children as their own, counseling them through the loss of their parents and helping them with their school work. They became the legal guardians of the Marquez children in 2001.

Claudia likely would have resolved her immigration status, were it not for poor legal representation. The death of the Marquez parents meant that Claudia and her siblings should have qualified for special immigrant juvenile status. Congress created this special immigrant status to protect children under extraordinary circumstances and spare them the hardship of deportation when a state court deems the children to be dependents as a result of abuse, abandonment, or neglect. In fact, Claudia's younger brother, Omar, was granted this special immigrant juvenile status, providing him legal permanent residency.

However, the lawyer for the Marquez children failed to secure this relief for Claudia. She has now reached the age of majority without having resolved her immigration status, making her ineligible for this special relief.

It is important to take note that the lawyer who handled this case currently faces charges on numerous counts of professional incompetence and moral turpitude for mishandling immigration cases. The California State Bar accused him of a "despicable and far-reaching pattern of misconduct." The Bar sought to disbar the attorney before he resigned with pending charges.

Claudia deserved a fair chance at resolving her immigration status, but her attorney's egregious behavior stripped her of this opportunity.

Claudia, nonetheless, finished school despite these adverse circumstances. She secured a job in Redwood City, California, and she currently lives with her younger sister, Maribel, in Menlo Park, where they care for their grandfather. Claudia also provides financial support to her two brothers, Jose and Omar, whenever necessary. She is still active in the local community, attending San Clemente Catholic Church in Hayward.

It would be an injustice to add to the Marquez family's misfortune by tearing these siblings apart. Claudia and her siblings have come to rely on each other in the absence of their deceased parents, and Claudia is clearly a central support of this family. Moreover, Claudia has never visited Mexico and has no close relatives in the country. She was so young when her parents brought her to the United States that she has no memories of Mexico.

I am reintroducing a private relief bill on Claudia's behalf because I believe her removal from the United

States would go against our standard of fairness and would only cause additional hardship on a family that already endured so much.

I respectfully ask my colleagues to support this private relief legislation on behalf of Claudia Marquez Rico.

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. 451

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

**SECTION 1. PERMANENT RESIDENT STATUS FOR CLAUDIA MARQUEZ RICO.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Claudia Marquez Rico shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Claudia Marquez Rico enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and, if otherwise eligible, shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Claudia Marquez Rico, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Claudia Marquez Rico under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Claudia Marquez Rico under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Claudia Marquez Rico shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

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

By Mrs. FEINSTEIN:

S. 452. A bill for the relief of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to offer legislation to pro-

vide lawful permanent residence status to Alfredo Plascencia Lopez and his wife, Maria del Refugio Plascencia, Mexican nationals who live in the San Bruno area of California.

I have decided to offer legislation on their behalf because I believe that, without it, this hardworking couple and their five children, all United States citizens, would face extreme hardship. Their children would either face separation from their parents or be forced to leave the only country they know and give up on their education in the United States.

The Plascencias have been in the United States for over 20 years. They worked for years to adjust their status through appropriate legal channels, but poor legal representation ruined their opportunities. The Plascencias’ lawyer refused to return their calls or otherwise communicate with them in any way. He also failed to forward crucial immigration documents, or even notify the Plascencias that he had them. Because of the poor representation they received, Alfredo and Maria only became aware that they had been ordered to leave the United States fifteen days prior to their scheduled deportation.

The Plascencias were shocked to learn of their attorney’s malfeasance, but they acted quickly to secure legitimate counsel and to file the appropriate paperwork to delay their deportation to determine if any other legal action could be taken.

Since arriving in the United States in 1988, Alfredo and Maria have proven themselves a civic-minded couple who share our American values of hard work, dedication to family, and devotion to community.

For over 15 years, Alfredo has been gainfully employed at Vince’s Shellfish, where his dedication and willingness to learn have propelled him from part-time work to a managerial position. He now oversees the market’s entire packing operation and several employees.

The president of the market, in one of the several dozen letters I received in support of Alfredo, referred to him as “a valuable and respected employee” who “handles himself in a very professional manner” and serves as “a role model” to other employees. Others who have written to me praising Alfredo’s job performance refer to him as “gifted,” “trusted,” “honest” and “reliable.”

Maria has distinguished herself as a medical assistant at a Kaiser Permanente hospital in the Bay Area. Not satisfied with working as a maid at a local hotel, she went to school, earned her high school equivalency degree, and improved her skills to become a medical assistant. She is now in a program to become a Licensed Vocational Nurse. She plans to graduate next year and start a nursing program with Kaiser to become a registered nurse.

Several Californians who wrote to me in support of Maria describe her as “re-

sponsible,” “efficient,” and “compassionate.” Kaiser Permanente’s Director of Internal Medicine wrote to say that Maria is “an asset to the community and exemplifies the virtues we Americans extol: hardworking, devoted to her family, trustworthy and loyal, [and] involved in her community. She and her family are a solid example of the type of immigrant that America should welcome wholeheartedly.”

Together, Alfredo and Maria have used their professional successes to realize many of the goals dreamed of by all Americans. They saved up and bought a home. They own a car. They have good health care benefits, and they each have begun saving for retirement. They are sending their daughter, Christina, age 19, to college and plan to send the rest of their children to college as well.

Allowing the Plascencias to remain in the United States would preserve their achievements and ensure that they will be able to make substantive contributions to the community in the future.

In addition, this bill will have a positive impact on the couple’s United States citizen children, who are dedicated to pursuing their educations and becoming productive members of their community.

Christina is the Plascencias’ oldest child. She is 20 years old, working and taking classes at Skyline Community College and the College of San Mateo. She would like to be a paralegal. Erika, age 16, attends Peninsula High School in San Bruno and was recently named Student of the Month. Erika’s teachers praise her abilities and have referred to her as a “bright spot” in the classroom.

Alfredo and Maria also have three young children: Alfredo, Jr., age 14, Daisy, age 9, and Juan-Pablo, age 5.

Removing Alfredo and Maria from the United States would be tragic for their children. The Plascencia children were born in America and through no fault of their own have been thrust into a situation that has the potential to dramatically alter their lives.

It would be especially tragic if Erika, Alfredo, and Daisy have to leave the United States. They are old enough to understand that they are leaving their schools, their teachers, their friends, and their home. They would leave everything that is familiar to them.

The Plascencia family would then be in Mexico without a means for supporting themselves and with no place to live. The children would have to acclimate to a different culture, language, and way of life.

The only other option would be for Alfredo and Maria to leave their children here with relatives. This separation is a choice which no parents should have to make.

I am reintroducing this legislation because I believe that the Plascencias will continue to make positive contributions to their community in California and this country. The Plascencia

children should be given the opportunity to realize their full potential in the United States, with their family intact.

I respectfully ask my colleagues to support this bill.

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. 452

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

**SECTION 1. PERMANENT RESIDENT STATUS FOR ALFREDO PLASCENCIA LOPEZ AND MARIA DEL REFUGIO PLASCENCIA.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Alfredo Plascencia Lopez and Maria Del Refugio Plascencia shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Alfredo Plascencia Lopez or Maria Del Refugio Plascencia enter the United States before the filing deadline specified in subsection (c), Alfredo Plascencia Lopez or Maria Del Refugio Plascencia, as appropriate, shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of immigrant visas or the application for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of immigrant visas or permanent residence to Alfredo Plascencia Lopez and Maria Del Refugio Plascencia, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia under section 202(e) of that Act (8 U.S.C. 1152(e)).

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

By Mr. GRASSLEY:

S. 454. A bill to amend titles XVIII and XIX of the Social Security Act to prevent fraud, waste, and abuse under Medicare, Medicaid and CHIP, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, earlier today the Finance Committee held

a hearing to discuss the serious problems of fraud in Medicare and Medicaid. Over the last 9 years, the Finance Committee has held more than 20 oversight hearings dealing with Medicare and Medicaid fraud. These hearings highlighted the flaws in how the Federal Government administers Medicare and Medicaid. They also stress the need to create disincentives for those who seek to defraud these vital programs.

Every dollar lost to Medicare or Medicaid fraud is a dollar that is not available for beneficiaries. Of course, we ought to be very cognizant of that considering the impending bankruptcy of Medicare. In 2009, the Federal Government spent \$502 billion on Medicare and \$379 billion on Medicaid. It is estimated that between \$40 billion and \$70 billion was lost to fraud that year. However, officials from the Department of Health and Human Services and the Department of Justice announced last month that their health care fraud prevention and enforcement efforts recovered \$4 billion in fraud. So compare that \$4 billion with the \$44 billion to \$70 billion, and it means we still have a very long way to go.

When it comes to public programs such as Medicare and Medicaid, it is clear the Federal Government needs to be more effective in combating waste, fraud, and abuse. The Federal Government has simply made it too easy for bad actors to steal from each of these programs. It says a lot when we hear that organized crime has moved into health care fraud because it is more lucrative than organized crime. Medicare and Medicaid also attract more criminals because the profits of fraud greatly outweigh the consequences if you get caught. Then there are those who don't even get caught.

Taxpayer dollars should only go to bona fide providers and medical suppliers. But the reimbursement system is set up so that the Federal Government pays first and asks questions later. In other words, the system is based on a program we call the pay-and-chase system.

Over the years, Congress has given the executive branch more authority to improve enforcement of fraud, waste, and abuse laws. During health care reform, Senator BAUCUS and I developed a bipartisan set of legislative proposals to combat fraud, waste, and abuse. Many of these proposals are in the bill I introduced in the last Congress, S. 2964, the Strengthening Program Integrity and Accountability in Health Care Act. These provisions did not draw opposition from either side of the aisle.

Tackling fraud, waste, and abuse in health care is one of the areas where there is widespread agreement. But our work does not end with the passage of legislation. Congress needs to keep the pressure on Federal officials to do everything possible to prevent and stop fraud.

There is also more Congress must do in ways of reform to enhance the government's ability to fight this fraud. We need to ensure that phantom doctors, pharmacies, and durable medical equipment suppliers cannot simply bill Medicare millions of dollars in just a few months and then get out of town scot-free. Health and Human Services and the Center for Medicare and Medicaid Services need to use the tools already available to them to make sure claims are legitimate before they are paid.

But even with all of that, we must remain vigilant in our oversight efforts, which is the constitutional responsibility of the legislative branch of government, because tomorrow's criminals will find ways to get around the laws and regulations we put in place today. That is why I am introducing the Strengthening Program Integrity and Accountability in Health Care Act of 2011. This bill contains the remaining proposals from S. 2964 that are necessary to enhance the government's ability to combat Medicare and Medicaid fraud. It builds on reforms we made in the last Congress.

The bill would require the Secretary of Health and Human Services to issue regulations to make Medicare claims and payment data available to the public similar to other Federal spending disclosed through [www.USAspending.gov](http://www.USAspending.gov). This Web site lists almost all Federal spending, but it doesn't include Medicare payments made to physicians. That means virtually every other government program, including even some defense spending, is more transparent, or responds to the citizens' right to know, than spending by the Medicare Program. So that differential between defense spending and most other government programs and what we allow the public to know about the Medicare tax dollars being spent is too big of a gap and one we should not tolerate anymore because a taxpayer dollar spent on Medicare isn't any different from the public's right to know about a taxpayer dollar spent on defense programs. Let's say even for this Senator, with my background in farming and participating in a family farm operation, the public can read in the newspapers of Iowa, as they can for every State, the amount of money a certain Senator—or I shouldn't say Senator—a certain farmer gets from the farm program. It is all taxpayers' dollars.

In addition, this bill also goes on to create a national clearinghouse of information so that we can better detect, prevent, and thereby deter medical identity theft. This is about the Federal Government sharing information it already has in ways that protect the taxpayer and work against those defrauding the system.

The bill would also change Federal laws that require Medicare to pay providers quickly regardless of the risks of fraud, waste, and abuse. Under current law, the government is required to

make payments for what is called a clean claim within 14 to 30 days before interest accrues on the claim. That is not enough time for the limited number of Medicare auditors to determine if a claim is legitimate before a payment has to be made. The result is that this what we call prompt-payment rule requires that Medicare pay bad actors first and ask questions later, which leads to that pay-and-chase system I previously mentioned.

So this bill would add to the tools Congress provided to the executive branch last year to prevent fraudulent payment on the front end. It would extend the time payments must be made if the Secretary of Health and Human Services determines there is a likelihood of fraud, waste, and abuse.

In addition, the bill would expand the Health and Human Services inspector general's authority to exclude an individual from participating in the Federal health care program. I wish to give an example. The inspector general would be able to exclude an individual if the individual had ownership or control interests in an entity at the time the entity engaged in misconduct such as health care fraud. Now, I know that is common sense to the taxpayers of America, but it is not something the inspector general can do today.

I still have other areas my bill addresses, and one is in the area of illegal, unapproved drugs. Just last week, the Los Angeles Times reported that the Food and Drug Administration is struggling to keep unapproved drugs off the market. It reported that "in many cases, the agency doesn't even know what the drugs are or where they are." This is another example of how the Federal reimbursement system creates an incentive for bad actors to get around the rules.

In this case, those rules are the Food and Drug Administration requirements for putting a drug on the market.

Medicaid pays until the Food and Drug Administration identifies a drug or class of drugs as not approved for marketing and then takes formal action.

Under such circumstances, the Federal Government doesn't even have the option to chase after the previous payments.

My bill would stop such payments, unless the State Medicaid Programs first verify with the Food and Drug Administration that the drug is being legally marketed.

Again, that may sound like common sense, but it is something that can't be done without a change in the law.

The changes I am proposing would go a long way to deter those who would defraud our health care system. It also would provide greater protections to the taxpayers.

Fighting fraud, waste, and abuse in Medicare and Medicaid is vital to the sustainability of each program. My bill will help add to the reforms we passed last year. It will fix some of the blatant problems that incentivize and re-

ward waste, fraud, and abuse. Over 100 million Americans rely on Medicare and Medicaid for health insurance.

Right now, these programs, as we all know—every Member of the Senate knows and most of the public knows—these programs are on an unsustainable path. My bill takes necessary steps to move these programs toward sustainability.

I urge my colleagues to support this legislation and help me by cosponsoring it.

By Ms. SNOWE (for herself and Mr. KERRY):

**S. 455.** A bill to promote development and opportunity with regards to spectrum occupancy and use, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today, along with Senator KERRY, to re-introduce comprehensive spectrum reform legislation to modernize our nation's radio spectrum planning, management, and coordination activities. Taking this corrective action will allow us to meet the future telecommunications needs of all spectrum users. For consumers, these fixes will lead to additional choices, greater innovation, lower prices, and more reliable services.

Over the past year, there has been growing concern about a looming radio spectrum crisis. It is not without reason—growth and innovation within spectrum-based services have exploded over the past decade. In particular, the cellular industry has been a prominent driver of this expansion. Currently, there are more than 290 million wireless subscribers in the U.S., and American consumers use more than 6.4 billion minutes of air time per day.

While the foundation for wireless services has been voice communication, more subscribers are utilizing it for broadband through the use of smartphones and netbooks—smartphones actually outsold personal computers in the last quarter of 2010. According to the Pew Research Center, 56 percent of adult Americans have accessed the Internet via a wireless device. ABI Research forecasts there will be 150 million mobile broadband subscribers by 2014—a 2,900 percent increase from 2007. Spectrum is so important that both the Federal Communications Commission and the President have made it a priority to find additional spectrum for wireless broadband so providers have the necessary capacity to meet the growing demand of consumers and businesses alike.

There are constraints however, spectrum is a finite resource, and we cannot manufacture new spectrum. Making matters worse, the government's current spectrum management framework is inefficient and has not kept up with technological advancements. As evidence, the Government Accountability Office, in a series of reports, concluded "the current structure and

management of spectrum use in the U.S. does not encourage the development and use of some spectrum efficient technologies."

The legislation we are re-introducing today fixes the fundamental deficiencies that exist in spectrum management and promotes efforts to improve spectrum efficiency. Specifically, the Reforming Airwaves by Developing Incentives and Opportunistic Sharing, RADIOS, Act tasks the FCC and the National Telecommunications and Information Administration, NTIA, to conduct the fundamental first step of a comprehensive inventory of radio spectrum and to perform much-needed spectrum measurements to determine actual usage and occupancy rates. This data would provide decision makers at the FCC, NTIA, and Congress a clearer, more detailed, and up-to-date understanding of how spectrum is currently being used and by whom—data essential to sound policy decisions and spectrum management.

The bill also requires a cost-benefit analysis of spectrum relocation opportunities to move certain incumbent users and services to more efficient spectrum bands. Many legacy wireless services could employ newer technologies to provide more efficient use of spectrum. The legislation would also establish Wi-Fi hot-spots and allow the installation of wireless antenna systems and base stations, such as femtocells, in all publicly accessible Federal buildings as well as streamline Federal rights-of-way and wireless tower sitings on Federal buildings. Such efforts would improve wireless and broadband coverage for Americans and also result in lower costs to taxpayers since spectrum would be utilized more effectively by Federal agencies.

In addition, my bill requires greater collaboration between the FCC and NTIA on spectrum policy and management related issues, implementation of spectrum sharing and reuse programs, as well as more market-based incentives to promote efficient spectrum use. It also sets a deadline for the creation of the National Strategic Spectrum Plan, which will provide a long-term vision for domestic spectrum use and strategies to meet those needs. While the National Broadband Plan touches on several of these areas, this legislation will provide greater assistance in developing the 21st Century comprehensive spectrum policy necessary to meet the future spectrum needs of all users.

It should be noted the RADIOS Act is intended to complement the National Broadband Plan and the recently announced Presidential Wireless Initiative in promoting more efficient use of spectrum and ensuring that the proper framework is in place to meet America's future telecommunications needs. But it also encourages greater focus on other areas outside the Plan and the Initiative by promoting technological innovation and more robust spectrum management.

Senator KERRY and I envision this legislation to be a supplement to other legislative efforts related to spectrum. And we look forward to working with our colleagues in the Senate and with all stakeholders to advance comprehensive 21st Century spectrum policy necessary to meet the future spectrum needs of all users.

Our Nation's competitiveness, economy, and national security demand that we allocate the necessary attention to this policy shortcoming—it is the only way we will be able to avert a looming spectrum crisis and continue to realize the boundless benefits of spectrum-based services. That is why I sincerely hope that my colleagues will join Senator KERRY and me in supporting this critical legislation.

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By Mr. RISCH (for himself, Mr. COBURN, Mr. DEMINT, Mr. LEE, and Mr. JOHNSON of Wisconsin):

**S. 460.** A bill to prohibit the Secretary of Education from promulgating or enforcing regulations or guidance regarding gainful employment; to the Committee on Health, Education, Labor, and Pensions.

Mr. RISCH. Mr. President, I am pleased to be joined by my colleagues, Senators COBURN, DEMINT, JOHNSON and LEE, in introducing the Education for All Act. This important piece of legislation would preserve educational and economic opportunities for all Americans.

The U.S. Department of Education is proposing new “gainful employment” rules that would deny federal financial aid to students who attend proprietary colleges and vocational certificate programs. These rules would disqualify students from receiving federal education loans if their chosen programs do not meet a complex formula comparing student debt to future earning potential. Why should students be discouraged from attending a school they want or a profession they chose because of Washington bureaucrats?

The bill I am introducing today would prohibit these regulations from going into effect.

The “gainful employment” rules could deny hundreds of thousands of students access to the training and skills development they need to secure a job in today’s troubled economy. There is high demand in some sectors for highly skilled workers and proprietary schools are uniquely qualified to meet the training needs of these employers. It is simply irresponsible for the government to throw roadblocks in front of students and institutions at a time when job creation in America should be the administration’s number one priority.

Further, the “gainful employment” rules will disproportionately harm low-income and minority students. These students often depend more heavily on education loans regardless of the type of institution they attend and take longer to repay.

The rules would also significantly impact health care programs. Nearly

half of all health care workers are trained at proprietary schools. With an aging baby boom population, demand for trained health care providers is already critical and will only get worse. President Obama’s health care law adds to this burden as well. We ought to be expanding educational capacity for health care workers, not enacting regulations that threaten access.

In short, this legislation will preserve educational and economic opportunities for all Americans. I urge all of my colleagues to support this bill.

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. 460

*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 “Education for All Act of 2011”.

#### SEC. 2. GAINFUL EMPLOYMENT.

Notwithstanding any other provision of law, the Secretary of Education may not use any Federal funds to—

(1) implement, administer, or enforce the final regulations on “Program Integrity: Gainful Employment—New Programs” published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed. Reg. 66663 et seq.);

(2) issue a final rule or otherwise implement the proposed rule on “Program Integrity: Gainful Employment” published by the Department of Education on July 26, 2010 (75 Fed. Reg. 43616 et seq.);

(3) implement, administer, or enforce section 668.6 of title 34, Code of Federal Regulations, (relating to gainful employment), as amended by the final regulations published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed Reg. 66832 et seq.); or

(4) promulgate or enforce any new regulation or rule with respect to the definition or application of the term “gainful employment” under the Higher Education Act of 1965 on or after the date of enactment of this Act.

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By Mr. KOHL (for himself, Mr. CASEY, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. NELSON of Florida, Ms. MIKULSKI, and Mr. BROWN of Ohio):

**S. 462.** A bill to better protect, serve, and advance the rights of victims of elder abuse and exploitation by establishing a program to encourage States and other qualified entities to create jobs designed to hold offenders accountable, enhance the capacity of the justice system to investigate, pursue, and prosecute elder abuse cases, identify existing resources to leverage to the extent possible, and assure data collection, research, and evaluation to promote the efficacy and efficiency of the activities described in this Act; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senators BLUMENTHAL, SHERROD BROWN, CASEY, GILLIBRAND, MIKULSKI and BILL NELSON to introduce the Elder Abuse Victims Act of

2011. This legislation creates in the Department of Justice an Office of Elder Justice, OEJ, that will protect America’s seniors by strengthening law enforcement’s response to elder abuse. The OEJ will provide leadership, training materials and other needed information to prosecutors, law enforcement, adult protective services and others, in order to build a robust infrastructure to effectively address elder abuse. Additionally, the bill will encourage states to set up multidisciplinary teams where information and resources are shared in order to better serve the victims of elder abuse.

The plight of vulnerable seniors is a subject of great concern. Elder abuse is often hidden from sight by the victims themselves. Even so, experts conservatively estimate that as many as two million Americans age 65 and older have been injured, exploited, or otherwise mistreated by someone on whom they depend for care or protection.

As Federal policymakers, it is time that we step forward and tackle this challenge with dedicated efforts and more vigorous programs that will make fighting elder abuse as important a priority as ongoing efforts to counter child abuse.

We need to provide assistance to our courts, which would benefit from having access to designated staff that has particular knowledge and expertise in elder abuse. Specialized protocols may be required where victims are unable to testify on their own behalf, due to cognitive impairments or poor physical health. And there is a great need for specialized knowledge that will support successful prosecutions and enhance the development of case law. Today, many state elder abuse statutes lack adequate provisions to encourage wide reporting of abuse and exploitation, more thorough investigations, and greater prosecution of abuse cases.

For the victims of elder abuse, many of whom are physically frail and very frightened, we must do much more. First and foremost, we must be more responsive. Not too long ago, it was difficult to even get an abuse case investigated. While that is starting to change, we have much more work to do. Sometimes, for example, emergency interventions may be needed, particularly if the older person is being harmed at the hands of family members or trusted “friends.” It may be necessary to remove the older adult from his or her home to a temporary safe haven. To do this, we must build a much more robust infrastructure.

This legislation, strongly supported by the Elder Justice Coalition, will go a long way toward improving the ability of law enforcement, prosecutors and other government agencies to respond to abuse of older Americans.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 462

*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 “Elder Abuse Victims Act of 2011”.

**SEC. 2. DEFINITIONS.**

In this Act—

(1) the terms “abuse”, “elder”, “elder justice”, “exploitation”, and “neglect” have the meanings given those terms in section 2011 of the Social Security Act (42 U.S.C. 1397j);

(2) the term “elder abuse” includes neglect and exploitation;

(3) the term “Director” means the Director of the Office appointed under section 3(b);

(4) the term “Office” means the Office of Elder Justice established under section 3(a);

(5) the term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory of possession of the United States; and

(6) the term “task force” means a multidisciplinary task force on elder justice established or designated under section 5(c)(1).

**SEC. 3. OFFICE OF ELDER JUSTICE.**

(a) IN GENERAL.—There is established within the Department of Justice a office to be known as the Office of Elder Justice, which shall address issues relating to elder abuse.

(b) DIRECTOR.—The Office shall be headed by a Director who shall—

(1) be appointed by the President, by and with the advice and consent of the Senate, from among individuals with experience and expertise in elder abuse; and

(2) serve as counsel to the Attorney General on elder justice and elder abuse.

(c) RESPONSIBILITIES.—The Director shall—

(1) create, compile, evaluate, and disseminate materials and information, and provide the necessary training and technical assistance, to assist States and units of local government in—

(A) investigating, prosecuting, pursuing, preventing, understanding, and mitigating the impact of—

(i) physical, sexual, and psychological abuse of elders;

(ii) exploitation of elders, including financial abuse and scams targeting elders; and

(iii) neglect of elders; and

(B) assessing, addressing, and mitigating the physical and psychological trauma to victims of elder abuse;

(2) collect data and perform an evidence-based evaluation to—

(A) assure the efficacy of measures and methods intended to prevent, detect, respond to, or redress elder abuse; and

(B) evaluate the number of victims of elder abuse in each State and the extent to which the needs of the victims are served by crime victim services, programs, and sources of funding;

(3) publish a report, on an annual basis, that describes the results of the evaluations conducted under paragraphs (1) and (2), and submit the report to each Federal agency, each State, and the Committee on the Judiciary and the Special Committee on Aging of the Senate and the Committee on the Judiciary of the House of Representatives;

(4) evaluate training models to determine best practices, create replication guides, create training materials, if necessary, for law enforcement officers, prosecutors, judges, emergency responders, individuals working in victim services, adult protective services, social services, and public safety, medical

personnel, mental health personnel, financial services personnel, and any other individuals whose work may bring them in contact with elder abuse regarding how to—

(A) conduct investigations in elder abuse cases;

(B) address evidentiary issues and other legal issues; and

(C) appropriately assess, respond to, and interact with victims and witnesses in elder abuse cases, including in administrative, civil, and criminal judicial proceedings;

(5) conduct, and update on a regular basis, a study of laws and practices relating to elder abuse, neglect, and exploitation, including—

(A) a comprehensive description of State laws and practices;

(B) an analysis of the effectiveness of State laws and practices, including—

(i) whether the State laws are enforced; and

(ii) if enforced—

(I) how the State laws are enforced; and

(II) how enforcement of the State laws has effected elder abuse within the State;

(C) a review of State definitions of the terms “abuse”, “neglect”, and “exploitation” in the context of elder abuse cases;

(D) a review of State laws that mandate reporting of elder abuse, including adult protective services laws, laws that require the reporting of nursing home deaths or suspicious deaths of elders to coroners or medical examiners, and other pertinent reporting laws, that analyzes—

(i) the impact and efficacy of the State laws;

(ii) whether the State laws are enforced;

(iii) the levels of compliance with the State laws; and

(iv) the response to, and actions taken as a result of, reports made under the State laws;

(E) a review of State evidentiary, procedural, sentencing, choice of remedies, and data retention issues relating to elder abuse, neglect, and exploitation;

(F) a review of State fiduciary laws, including law relating to guardianship, conservatorship, and power of attorney;

(G) a review of State laws that permit or encourage employees of depository institutions (as defined in section 3(c)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(1))) and State credit unions (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)) to prevent and report suspected elder abuse, neglect, and exploitation;

(H) a review of State laws used in civil court proceedings to prevent and address elder abuse;

(I) a review of State laws relating to fraud and related activities in connection with mail, telemarketing, the Internet, or health care;

(J) a review of State laws that create programs, offices, entities, or other programs that address or respond to elder abuse; and

(K) an analysis of any other State laws relating to elder abuse; and

(6) carry out such other duties as the Attorney General determines necessary in connection with enhancing the understanding, prevention, detection, and response to elder abuse.

**SEC. 4. DATA COLLECTION.**

The Attorney General, in consultation with the Secretary of Health and Human Services, shall, on an annual basis—

(1) collect from Federal, State, and local law enforcement agencies and prosecutor offices statistical data relating to the incidence of elder abuse, including data relating to—

(A) the number of elder abuse cases referred to law enforcement agencies, adult

protective services, or any other State entity tasked with addressing elder abuse;

(B) the number and types of cases filed in Federal, State, and local courts; and

(C) the outcomes of the cases described in subparagraphs (A) and (B) and the reasons for such outcomes;

(2) identify common data points among Federal, State, and local law enforcement agencies and prosecutor offices that would allow for the collection of uniform national data;

(3) publish a summary of the data collected under paragraphs (1) and (2);

(4) identify—

(A) the types of data relevant to elder abuse that should be collected; and

(B) what entity is most capable of collecting the data described in subparagraph (A); and

(5) develop recommendations for collecting additional data relating to elder abuse.

**SEC. 5. ELDER VICTIMS GRANT PROGRAM.**

(a) IN GENERAL.—The Director may make grants and provide technical assistance to not more than 15 States to assist the States in developing, establishing, and operating programs designed to improve—

(1) the response to cases of elder abuse in a manner that limits additional trauma to the elder victims; and

(2) the investigation and prosecution of cases of elder abuse.

(b) ELIGIBILITY.—A State is eligible to receive a grant under this section if the State—

(1) has a crime victims compensation program that meets the criteria described in section 1403(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)); and

(2) is in compliance with subsection (c).

**(c) ESTABLISHMENT OF TASK FORCE.**

(1) IN GENERAL.—In order to be eligible to receive a grant under this section, a State shall establish or, subject to paragraph (5), designate a multidisciplinary task force on elder justice that is composed of professionals with knowledge and experience relating to the criminal justice system and issues of elder abuse.

(2) MEMBERSHIP REQUIREMENT.—Except as provided in paragraph (6), a task force shall include—

(A) representatives from law enforcement agencies, such as police officers, sheriffs and deputy sheriffs, detectives, public safety officers, corrections officers, investigators and victims’ service personnel;

(B) a representative from the crime victim compensation program of the State;

(C) judicial and legal officers, including individuals who work on cases of elder abuse;

(D) elder justice and elder law advocates, including local agencies on aging and local public and private agencies and entities relating to elder abuse and other crimes against elders;

(E) health and mental health professionals;

(F) representatives from social services agencies in the State;

(G) representatives from adult protective services; and

(H) family members of victims of elder abuse.

(3) REVIEW AND EVALUATION.—A task force shall—

(A) review and evaluate the investigative, administrative, and judicial responses to cases of elder abuse in the State;

(B) make recommendations to the State based on the review and evaluation conducted under subparagraph (A), including recommendations relating to—

(i) modifying the investigative, administrative, and judicial response to cases of elder abuse, in a manner that—

(I) reduces the additional trauma to the elder victim; and

(II) ensures procedural fairness to the individual accused of elder abuse; and

(ii) experimental, model, and demonstration programs for testing innovative approaches and techniques that may improve the rate of successful prosecution or enhance the effectiveness of judicial and administrative action in elder abuse cases, and which ensure procedural fairness to the accused, including a determination of which programs are most effective; and

(C) submit the recommendations described in subparagraph (B) to the Office.

(4) REPORT.—Not later than 1 year after a State receives grant funds under this section, the State shall submit to the Director a report that includes—

(A) an evaluation of the effectiveness of the grant program;

(B) a list of all laws of the State relating to elder abuse; and

(C) any other information the Director may require.

(5) TASK FORCE ALTERNATIVE.—If determined appropriate by the Director, a State may designate a commission or task force established by a State before January 1, 2011, with membership and functions comparable to those described in paragraphs (2) and (3), as a task force for the purposes of this subsection.

(6) TASK FORCE MEMBERSHIP WAIVER.—The Director may waive, in part, the task force membership requirements under paragraph (2) for a State that demonstrates a need for the waiver.

(d) USE OF FUNDS.—Grant funds awarded under this section may be used to support—

(1) State and local prosecutor offices and courts in elder abuse matters, including—

(A) hiring or paying salary and benefits for employees and establishing or implementing units designated to work on elder justice issues in State prosecutors' offices and State courts; and

(B) hiring or paying salary and benefits for an employee to coordinate elder justice-related cases, training, technical assistance, and policy development for State and local prosecutors and courts;

(2) State and local law enforcement agencies investigating cases of elder abuse; and

(3) adult protective services.

(e) EVALUATION AND REPORT.—Not later than 1 year after the date on which the Director makes available the final funds awarded under a grant under this section, the Director shall—

(1) evaluate the grant program established under this section; and

(2) submit to the appropriate congressional committees a report on the evaluation conducted under paragraph (1), including recommendations on whether the grant program should be continued.

#### SEC. 6. ELDER JUSTICE COORDINATING COUNCIL.

Section 2021(b)(1)(B) of the Social Security Act (42 U.S.C. 1397k(b)(1)(B)) is amended by striking “(or the Attorney General's designee)” and inserting “(or the Director of the Office of Elder Justice)”.

#### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act \$20,000,000 for each of fiscal years 2012 through 2014.

By Mr. KOHL (for himself, Mr. CASEY, Mr. BLUMENTHAL, and Mr. BROWN of Ohio):

S. 464. A bill to establish a grant program to enhance training and services to prevent abuse in later life; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senators BLUMENTHAL,

SHERROD BROWN, and CASEY to introduce the End Abuse in Later Life Act of 2011. This legislation improves the provisions in the existing Violence Against Women Act dealing with abuse in later life by enhancing direct services for victims and increasing the kinds of experts who participate in multidisciplinary training programs.

Abuse in later life is a sad and growing problem in our society. Experts conservatively estimate that 14.1 percent of older Americans have been injured, exploited, or otherwise mistreated by someone on whom they depend for care or protection each year. This type of abuse is especially disturbing because the victims are often physically frail, defenseless, and very frightened.

It is time that we take action on the Federal level to protect older Americans who fall victim to physical, financial, sexual and emotional abuse. We can do this by training law enforcement, prosecutors, governmental agencies, victim advocates, and relevant court officers to recognize and address instances of abuse in later life. This legislation also encourages cross-training of these groups and multidisciplinary collaborative community efforts in order to better serve victims.

By passing this legislation, we will ensure that abuse later in life is given the serious consideration it deserves and make great strides to protect one of the most vulnerable populations in America. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 464

*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 “End Abuse in Later Life Act of 2011”.

#### SEC. 2. ENHANCED TRAINING AND SERVICES TO END ABUSE IN LATER LIFE.

(a) IN GENERAL.—Subtitle H of the Violence Against Women Act of 1994 (42 U.S.C. 14041 et seq.) is amended to read as follows:

#### “Subtitle H—Enhanced Training and Services to End Abuse Later in Life

##### “SEC. 40801. ENHANCED TRAINING AND SERVICES TO END ABUSE IN LATER LIFE.

“(a) PURPOSES.—The purposes of this section are to—

“(1) provide training, consultation, and information on abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect;

“(2) create or enhance direct services to victims of abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect; and

“(3) create or support coordinated community response to abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect.

“(b) DEFINITIONS.—In this section—

“(1) the term ‘exploitation’ has the meaning given the term in the section 2011 of the Social Security Act (42 U.S.C. 1397j);

“(2) the term ‘later life’, relating to an individual, means the individual is 50 years of age or older; and

“(3) the term ‘neglect’ means the failure of a caregiver or fiduciary to provide the goods or services that are necessary to maintain the health or safety of an individual in later life.

“(c) GRANT PROGRAM.—

“(1) GRANTS AUTHORIZED.—The Attorney General, through the Director of the Office on Violence Against Women, may make grants to eligible entities to carry out the activities described in paragraph (2).

“(2) MANDATORY AND PERMISSIBLE ACTIVITIES.—

“(A) MANDATORY ACTIVITIES.—An eligible entity receiving a grant under this section shall use the funds received under the grant to—

“(i) provide training programs to assist law enforcement agencies, prosecutors, agencies of States or units of local government, population-specific organizations, victims service providers, victim advocates, and relevant officers in Federal, Tribal, State, Territorial, and local courts in recognizing and addressing instances of abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect;

“(ii) provide or enhance services for victims of abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect;

“(iii) establish or support multidisciplinary collaborative community responses to victims of abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect; and

“(iv) conduct cross-training for law enforcement agencies, prosecutors, agencies of States or units of local government, attorneys, health care providers, population-specific organizations, faith-based advocates, victims service providers, and courts to better serve victims of abuse in later life, domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect.

“(B) PERMISSIBLE ACTIVITIES.—An eligible entity receiving a grant under this section may use the funds received under the grant to—

“(i) provide training programs to assist attorneys, health care providers, faith-based leaders, or other community-based organizations in recognizing and addressing instances of abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect; and

“(ii) conducting outreach activities and public awareness campaigns to ensure that victims of abuse in later life (including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect) receive appropriate assistance.

“(C) LIMITATION.—An eligible entity receiving a grant under this section may use not more than 10 percent of the total funds received under the grant for an activity described in subparagraph (B)(ii).

“(3) ELIGIBLE ENTITIES.—An entity shall be eligible to receive a grant under this section if—

“(A) the entity is—

“(i) a State;

“(ii) a unit of local government;

“(iii) an Indian Tribal government or Tribal organization;

“(iv) a population-specific organization with demonstrated experience in assisting individuals over 50 years of age;

“(v) a victim service provider with demonstrated experience in addressing domestic violence, dating violence, sexual assault, and stalking; or

“(vi) a State, Tribal, or Territorial domestic violence or sexual assault coalition; and

“(B) the entity demonstrates that the entity is a part of a multidisciplinary partnership that includes, at a minimum—

“(i) a law enforcement agency;

“(ii) a prosecutor’s office;

“(iii) a victim service provider; and

“(iv) a nonprofit program or government agency with demonstrated experience in assisting individuals in later life.

“(4) UNDERSERVED POPULATIONS.—In making grants under this section, the Attorney General shall give priority to proposals providing population-specific services to racial and ethnic minorities and other underserved populations.

“(5) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection \$10,000,000 for each of fiscal years 2012 through 2016.

“(B) REQUIREMENT.—Amounts appropriated pursuant to subparagraph (A) shall remain available until expended and may only be used for the activities described in this subsection.

“(C) ALLOCATION OF FUNDS.—

“(i) ADMINISTRATIVE COSTS.—Of the amount appropriated pursuant to subparagraph (A) in each fiscal year, the Attorney General may use not more than 2.5 percent for administration and monitoring of grants made under this subsection.

“(ii) EVALUATION.—Of the amount appropriated pursuant to subparagraph (A) in each fiscal year the Attorney General may use not more than 5 percent for contracts or cooperative agreements with entities with demonstrated expertise in program evaluation, to evaluate programs under this subsection.

“(d) RESEARCH.—

“(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall conduct research to promote understanding of, prevention of, and response to abuse in later life, including domestic violence, sexual abuse, dating violence, stalking, exploitation, and neglect.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraph (1) \$3,000,000 for each of fiscal years 2012 through 2016.”.

(b) DEFINITION.—Section 4002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)) is amended—

(1) by striking paragraph (9);

(2) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively; and

(3) by inserting before paragraph (2), as redesignated, the following:

“(1) ABUSE IN LATER LIFE.—The term ‘abuse in later life’ means any action against a person who is 50 years of age or older that constitutes the willful—

“(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

“(B) deprivation by a person, including a caregiver, of goods or services with intent to cause physical harm, mental anguish, or mental illness.”.

(c) TECHNICAL AND CONFORMING CORRECTION.—The table of contents in section 2 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1796) is amended in the table of contents by inserting after the item relating to section 40703 the following:

“Subtitle H — Enhanced Training and Services to End Abuse Later in Life

“Sec. 40801. Enhance training and services to end abuse later in life.”.

## SUBMITTED RESOLUTIONS

### SENATE CONCURRENT RESOLUTION 9—SUPPORTING THE GOALS AND IDEALS OF THE DESIGNATION OF THE YEAR OF 2011 AS THE INTERNATIONAL YEAR FOR PEOPLE OF AFRICAN DESCENT

Mr. CARDIN (for himself and Mr. WICKER) submitted the following resolution; which was referred to the Committee on the Judiciary:

#### S. CON RES. 9

Whereas United Nations Resolution 64/169, adopted by the General Assembly on December 18, 2009, designates the year 2011 as the “International Year for People of African Descent”;

Whereas the African Diaspora is expansive, spanning across the globe from Latin America and the Caribbean to Asia, with persons of African descent living on every continent, including Europe;

Whereas the historical bonds and shared experiences that tie the African continent with the world must be recalled;

Whereas the global contributions of people of African descent must be recognized as a means of preserving that heritage;

Whereas the General Assembly of the United Nations adopted Resolution 64/169 with a view to strengthening national actions and regional and international cooperation for the benefit of people of African descent in relation to—

(1) the full enjoyment of economic, cultural, social, civil, and political rights for people of African descent;

(2) the participation and integration of people of African descent in all political, economic, social, and cultural aspects of society; and

(3) the promotion of greater knowledge of, and respect for, the diverse heritage and culture of people of African descent; and

Whereas the Helsinki Final Act resulting from the Conference on Security and Cooperation in Europe in 1975 states that “participating States will respect human rights and fundamental freedoms ( . . . ) for all without distinction as to race, sex, language, or religion;” Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) supports the goals and ideals of the designation of the year of 2011 as the International Year for People of African Descent;

(2) encourages the recognition and celebration of the collective history and achievements made by people of African descent;

(3) reaffirms the importance of inclusion and the full and equal participation of people of African descent around the world in all aspects of political, economic, social, and cultural life;

(4) continues to support bilateral and multilateral efforts to promote democracy, human rights, the rule of law, and the eradication of poverty, hunger, inequality, and social exclusion; and

(5) reaffirms the commitment of Congress to address racism, discrimination, and intolerance in the United States and around the globe.

Mr. CARDIN. Mr. President, I rise today at the close of Black History Month to introduce this concurrent resolution that supports the continued recognition of persons of African descent throughout the year both here and abroad. This resolution commemorates the United Nations designation of 2011 as the International Year for Peo-

ple of African Descent such that we can continue to honor and recognize the contributions of African-Americans and others to our societies beyond Black History Month.

On December 10, 2010, Secretary General Ban Ki-moon launched the International Year for People of African Descent to “promote greater awareness of and respect for the diverse heritage and culture of people of African descent.”

We should view this year not only as an opportunity to celebrate the diversity of our societies, but also to honor the vast contributions persons of African descent make every day to the economic, social and political fabric of our communities—be they in Africa, Latin America, Europe, or right here at home in the United States.

It is also necessary that we recognize the global impact of the slave trade. As Secretary Hillary Clinton noted in her recognition of this year, “[this is a time] to remember our hemisphere’s shameful history of slavery and to reaffirm our commitment to eradicate racism and reduce inequality wherever it lingers.”

All too often, persons of African descent in this country and abroad face discrimination and disadvantage. We must not only do more at home, but also partner with others around the globe to address these problems.

In the Senate, I have led efforts to strengthen the civil rights of African-Americans and others from hate crimes prevention to voting rights. As Co-Chairman of the Helsinki Commission, I have worked to support the ideals enshrined in the 1975 Helsinki Final Act to “respect human rights and fundamental freedoms . . . for all without distinction as to race, sex, language, or religion.”

This has included supporting efforts to raise awareness of the specific situation of the estimated seven to nine million persons of African descent in Europe following increased incidents of hate crimes, racial profiling, and other forms of discrimination amidst economic crisis, national security, and immigration concerns.

As we mark the International Year for People of African Descent, I ask that you join me in my work promoting equality, opportunity, understanding, and respect at home and around the world.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 133. Mrs. FEINSTEIN (for herself, Mr. RISCH, Mr. REID of Nevada, Mr. CRAPO, Mrs. BOXER, and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill S. 23, to amend title 35, United States Code, to provide for patent reform.

SA 134. Mr. ROCKEFELLER (for himself, Mrs. SHAHEEN, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 135. Ms. COLLINS (for herself and Mr. ALEXANDER) submitted an amendment intended to be proposed by her to the bill S. 23,

supra; which was ordered to lie on the table.

SA 136. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 23, supra; which was ordered to lie on the table.

SA 137. Ms. LANDRIEU (for herself and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 117 proposed by Mr. BENNET (for himself and Mr. UDALL of Colorado) to the bill S. 23, supra; which was ordered to lie on the table.

SA 138. Mr. BROWN of Ohio (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 139. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 23, supra; which was ordered to lie on the table.

SA 140. Mrs. BOXER (for herself and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by her to the bill S. 23, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 133.** Mrs. FEINSTEIN (for herself, Mr. RISCH, Mr. REID of Nevada, Mr. CRAPO, Mrs. BOXER, and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; as follows:

On page 2, line 1, strike “**FIRST INVENTOR TO FILE**,” and insert “**FALSE MARKING**.”

On page 2, strike line 2 and all that follows through page 16, line 4.

On page 16, line 5, strike “(1) IN GENERAL.” and insert “(a) IN GENERAL.” and move 2 ems to the left.

On page 16, line 7, strike “(A)” and insert “(1)” and move 2 ems to the left.

On page 16, line 11, strike “(B)” and insert “(2)” and move 2 ems to the left.

On page 16, line 18, strike “(2) EFFECTIVE DATE.” and insert “(b) EFFECTIVE DATE.” and move 2 ems to the left.

On page 16, line 19, strike “subsection” and insert “section”.

On page 16, strike line 22 and all that follows through page 23, line 2.

On page 23, strike line 3 and all that follows through page 31, line 15, and renumber sections accordingly.

On page 64, strike line 18 and all that follows through page 65, line 17.

On page 69, line 10, strike “derivation” and insert “interference”.

On page 69, line 14, strike “derivation” and insert “interference”.

On page 71, line 9, strike “DERIVATION” and insert “INTERFERENCE”.

On page 71, lines 9 and 10, strike “derivation” and insert “interference”.

On page 71, line 14, strike “derivation” and insert “interference”.

On page 72, line 3, strike “derivation” and insert “interference”.

On page 72, line 8, strike “derivation” and insert “interference”.

On page 73, line 1, strike “derivation” and insert “interference”.

On page 73, between lines 5 and 6, insert the following:

(d) CONFORMING AMENDMENTS.—Sections 41, 134, 145, 146, 154, 305, and 314 of title 35, United States Code, are each amended by striking “Board of Patent Appeals and Interferences” each place that term appears and inserting “Patent Trial and Appeal Board”.

On page 73, line 6, strike “(d)” and insert “(e)”.

On page 93, strike lines 6 through 8, and insert the following: by inserting “(other than

the requirement to disclose the best mode)” after “section 112 of this title”

On page 98, strike lines 20 and 21, and insert the following:

#### SEC. 17. EFFECTIVE DATE.

Except as otherwise provided

On page 99, strike lines 1 through 14.

**SA 134.** Mr. ROCKEFELLER (for himself, Mrs. SHAHEEN, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

After section 17, insert the following:

#### SEC. 18. PROHIBITION OF AUTHORIZED GENERICS.

(a) PROHIBITION OF AUTHORIZED GENERICS.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

“(w) PROHIBITION OF AUTHORIZED GENERIC DRUGS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this Act, no holder of a new drug application approved under subsection (c) shall manufacture, market, sell, or distribute an authorized generic drug, directly or indirectly, or authorize any other person to manufacture, market, sell, or distribute an authorized generic drug.

“(2) AUTHORIZED GENERIC DRUG.—For purposes of this subsection, the term ‘authorized generic drug’—

“(A) means any version of a listed drug (as such term is used in subsection (j)) that the holder of the new drug application approved under subsection (c) for that listed drug seeks to commence marketing, selling, or distributing, directly or indirectly, after receipt of a notice sent pursuant to subsection (j)(2)(B) with respect to that listed drug; and

“(B) does not include any drug to be marketed, sold, or distributed—

“(i) by an entity eligible for 180-day exclusivity with respect to such drug under subsection (j)(5)(B)(iv); or

“(ii) after expiration or forfeiture of any 180-day exclusivity with respect to such drug under such subsection (j)(5)(B)(iv).”

(b) CONFORMING AMENDMENT.—Section 505(t)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(t)(3)) is amended by striking “In this section” and inserting “In this subsection”.

**SA 135.** Ms. COLLINS (for herself and Mr. ALEXANDER) submitted an amendment intended to be proposed by her to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_\_. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in division A of this Act shall be treated as referring only to the provisions of that division.

#### DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2011

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2011, for military functions administered by the Department of Defense and for other purposes, namely:

##### TITLE I

###### MILITARY PERSONNEL

###### MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities,

permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$41,042,653,000.

#### MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$25,912,449,000.

#### MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$13,210,161,000.

#### MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$27,105,755,000.

#### RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$4,333,165,000.

#### RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve

training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,940,191,000.

#### RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$612,191,000.

#### RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,650,797,000.

#### NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$7,511,296,000.

#### NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$3,060,098,000.

#### TITLE II

#### OPERATION AND MAINTENANCE OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$33,306,117,000.

#### OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$14,804,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$37,809,239,000.

#### OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$5,539,740,000.

#### OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$36,062,989,000.

#### OPERATION AND MAINTENANCE, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$30,210,810,000: *Provided*, That not more than \$50,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed \$36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than \$31,659,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than \$3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That \$8,251,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

#### OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,840,427,000.

motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,840,427,000.

#### OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,344,264,000.

#### OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$275,484,000.

#### OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$3,291,027,000.

#### OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$6,454,624,000.

#### OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$5,963,839,000.

#### UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the

Armed Forces, \$14,068,000, of which not to exceed \$5,000 may be used for official representation purposes.

**ENVIRONMENTAL RESTORATION, ARMY  
(INCLUDING TRANSFER OF FUNDS)**

For the Department of the Army, \$464,581,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**ENVIRONMENTAL RESTORATION, NAVY  
(INCLUDING TRANSFER OF FUNDS)**

For the Department of the Navy, \$304,867,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**ENVIRONMENTAL RESTORATION, AIR FORCE  
(INCLUDING TRANSFER OF FUNDS)**

For the Department of the Air Force, \$502,653,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**ENVIRONMENTAL RESTORATION, DEFENSE-WIDE  
(INCLUDING TRANSFER OF FUNDS)**

For the Department of Defense, \$10,744,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall,

upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**ENVIRONMENTAL RESTORATION, FORMERLY  
USED DEFENSE SITES  
(INCLUDING TRANSFER OF FUNDS)**

For the Department of the Army, \$316,546,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**OVERSEAS HUMANITARIAN, DISASTER, AND  
CIVIC AID**

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), \$108,032,000, to remain available until September 30, 2012.

**COOPERATIVE THREAT REDUCTION ACCOUNT**

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contracts, \$522,512,000, to remain available until September 30, 2013: *Provided*, That of the amounts provided under this heading, not less than \$13,500,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East and North.

**DEPARTMENT OF DEFENSE ACQUISITION  
WORKFORCE DEVELOPMENT FUND**

For the Department of Defense Acquisition Workforce Development Fund, \$217,561,000.

**TITLE III  
PROCUREMENT  
AIRCRAFT PROCUREMENT, ARMY**

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$5,254,791,000, to remain available for obligation until September 30, 2013.

**MISSILE PROCUREMENT, ARMY**

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,570,108,000, to remain available for obligation until September 30, 2013.

**PROCUREMENT OF WEAPONS AND TRACKED  
COMBAT VEHICLES, ARMY**

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,461,086,000, to remain available for obligation until September 30, 2013.

**PROCUREMENT OF AMMUNITION, ARMY**

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,847,066,000, to remain available for obligation until September 30, 2013.

**OTHER PROCUREMENT, ARMY  
(INCLUDING TRANSFER OF FUNDS)**

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications

and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$8,145,665,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, \$15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of the Army, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

#### AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$16,170,868,000, to remain available for obligation until September 30, 2013.

#### WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$3,221,957,000, to remain available for obligation until September 30, 2013.

#### PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$790,527,000, to remain available for obligation until September 30, 2013.

#### SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical,

long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, \$1,721,969,000.

Carrier Replacement Program (AP), \$908,313,000.

NSSN, \$3,430,343,000.

NSSN (AP), \$1,691,236,000.

CVN Refueling, \$1,248,999,000.

CVN Refuelings (AP), \$408,037,000.

DDG-1000 Program, \$77,512,000.

DDG-51 Destroyer, \$2,868,454,000.

DDG-51 Destroyer (AP), \$47,984,000.

Littoral Combat Ship, \$1,168,984,000.

Littoral Combat Ship (AP), \$190,351,000.

LHA-R, \$942,837,000.

Joint High Speed Vessel, \$180,703,000.

Oceanographic Ships, \$88,561,000.

LCAC Service Life Extension Program, \$83,035,000.

Service Craft, \$13,770,000.

For outfitting, post delivery, conversions, and first destination transportation, \$295,570,000.

In all: \$15,366,658,000, to remain available for obligation until September 30, 2015: *Provided*, That additional obligations may be incurred after September 30, 2015, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

#### OTHER PROCUREMENT, NAVY (INCLUDING TRANSFER OF FUNDS)

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of seven vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$250,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$5,804,963,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, \$15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of the Navy, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

#### PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$731,487,000, to remain available for obligation until September 30, 2013.

contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$1,236,436,000, to remain available for obligation until September 30, 2013.

#### AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$13,483,739,000, to remain available for obligation until September 30, 2013: *Provided*, That none of the funds provided in this Act for modification of C-17 aircraft, Global Hawk Unmanned Aerial Vehicle and F-22 aircraft may be obligated until all C-17, Global Hawk and F-22 contracts funded with prior year “Aircraft Procurement, Air Force” appropriated funds are definitized unless the Secretary of the Air Force certifies in writing to the congressional defense committees that each such obligation is necessary to meet the needs of a warfighting requirement or prevents increased costs to the taxpayer, and provides the reasons for failing to definitize the prior year contracts along with the prospective contract definitization schedule: *Provided further*, That the Secretary of the Air Force shall expand the current HH-60 Operational Loss Replacement program to meet the approved HH-60 Recapitalization program requirements.

#### MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$5,424,764,000, to remain available for obligation until September 30, 2013.

#### PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$731,487,000, to remain available for obligation until September 30, 2013.

**OTHER PROCUREMENT, AIR FORCE  
(INCLUDING TRANSFER OF FUNDS)**

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of two vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$250,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants. Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$17,568,091,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, \$15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of the Air Force, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

**PROCUREMENT, DEFENSE-WIDE  
(INCLUDING TRANSFER OF FUNDS)**

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$4,009,321,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, \$15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of Defense, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

**DEFENSE PRODUCTION ACT PURCHASES**

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), \$34,346,000, to remain available until expended.

**TITLE IV**

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION**

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY**

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$9,710,998,000, to remain available for obligation until September 30, 2012.

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY**

For expenses necessary for basic and applied scientific research, development, test

and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$17,961,303,000 (reduced by \$225,000,000), to remain available for obligation until September 30, 2012: *Provided*, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE**

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$26,742,405,000 (reduced by \$225,000,000), to remain available for obligation until September 30, 2012.

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE**

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$20,797,412,000, to remain available for obligation until September 30, 2012: *Provided*, That of the funds made available in this paragraph, \$3,200,000 shall only be available for program management and oversight of innovative research and development.

**OPERATIONAL TEST AND EVALUATION,  
DEFENSE**

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$194,910,000, to remain available for obligation until September 30, 2012.

**TITLE V**

**REVOLVING AND MANAGEMENT FUNDS**

**DEFENSE WORKING CAPITAL FUNDS**

For the Defense Working Capital Funds, \$1,434,536,000.

**NATIONAL DEFENSE SEALIFT FUND**

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$1,474,866,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract:

*Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in

the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

**TITLE VI**

**OTHER DEPARTMENT OF DEFENSE  
PROGRAMS**

**DEFENSE HEALTH PROGRAM**

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, \$31,382,198,000; of which \$29,671,764,000 shall be for operation and maintenance, of which not to exceed 1 percent shall remain available until September 30, 2012, and of which up to \$16,212,121,000 may be available for contracts entered into under the TRICARE program; of which \$534,921,000, to remain available for obligation until September 30, 2013, shall be for procurement; and of which \$1,175,513,000, to remain available for obligation until September 30, 2012, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than \$10,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

**CHEMICAL AGENTS AND MUNITIONS  
DESTRUCTION, DEFENSE**

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,467,307,000, of which \$1,067,364,000 shall be for operation and maintenance, of which no less than \$111,178,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of \$35,130,000 for activities on military installations and \$76,048,000, to remain available until September 30, 2012, to assist State and local governments; \$7,132,000 shall be for procurement, to remain available until September 30, 2013; and \$392,811,000, to remain available until September 30, 2012, shall be for research, development, test and evaluation, of which \$385,868,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

**DRUG INTERDICTION AND COUNTER-DRUG  
ACTIVITIES, DEFENSE**

**(INCLUDING TRANSFER OF FUNDS)**

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, \$1,156,957,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to

this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

#### OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$306,794,000, of which \$305,794,000 shall be for operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which \$1,000,000, to remain available until September 30, 2013, shall be for procurement.

#### TITLE VII RELATED AGENCIES

##### CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$292,000,000.

##### INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, \$649,732,000.

#### TITLE VIII GENERAL PROVISIONS

**SEC. 8001.** No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

**SEC. 8002.** During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That, in the case of a host nation that does not provide salary increases on an annual basis, any increase granted by that nation shall be annualized for the purpose of applying the preceding proviso: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

**SEC. 8003.** No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

**SEC. 8004.** No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

##### (TRANSFER OF FUNDS)

**SEC. 8005.** Upon determination by the Secretary of Defense that such action is nec-

essary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2011: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

**SEC. 8006.** (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled "Explanation of Project Level Adjustments" in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

**SEC. 8007.** (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2011: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional

defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

**SEC. 8008.** The Secretaries of the Air Force and the Army are authorized, using funds available under the headings "Operation and Maintenance, Air Force" and "Operation and Maintenance, Army", to complete facility conversions and phased repair projects which may include upgrades and additions to Alaskan range infrastructure and training areas, and improved access to these ranges.

##### (TRANSFER OF FUNDS)

**SEC. 8009.** During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

**SEC. 8010.** Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

**SEC. 8011.** None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract

and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

Navy MH-60R/S Helicopter Systems.

SEC. 8012. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8013. (a) During fiscal year 2011, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2012 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2012 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2012.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8014. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8015. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student

and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

SEC. 8016. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) \$10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or

policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

#### (TRANSFER OF FUNDS)

SEC. 8017. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8018. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term "manufactured" shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8020. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, \$15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code,

shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over \$500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

**SEC. 8022.** Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

**SEC. 8023.** During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

**SEC. 8024.** (a) Of the funds made available in this Act, not less than \$30,374,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) \$27,048,000 shall be available from “Operation and Maintenance, Air Force” to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) \$2,424,000 shall be available from “Aircraft Procurement, Air Force”; and

(3) \$902,000 shall be available from “Other Procurement, Air Force” for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

**SEC. 8025.** (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2011 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by

Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2011, not more than 5,750 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2012 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by \$125,000.

**SEC. 8026.** None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

**SEC. 8027.** For the purposes of this Act, the term “congressional defense committees” means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

**SEC. 8028.** During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

**SEC. 8029.** (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the

terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2011. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term “Buy American Act” means chapter 83 of title 41, United States Code.

**SEC. 8030.** During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

**SEC. 8031.** (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term “Indian tribe” means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-1).

**SEC. 8032.** During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$250,000.

**SEC. 8033.** (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for

sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2012 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2012 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2012 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2012: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2012.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8036. Of the funds appropriated to the Department of Defense under the heading “Operation and Maintenance, Defense-Wide”, not less than \$12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8037. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term “Buy American Act” means chapter 83 of title 41, United States Code.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a “Made in America” inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress

that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8038. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8039. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or  
(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee’s place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program;

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats; or

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense.

SEC. 8040. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading “Operation and Maintenance, Defense-Wide” to make grants and supplement other Federal funds in accordance with the guidance provided in the explanatory statement regarding this Act.

#### (RESCISSESS)

SEC. 8041. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

“Procurement of Weapons and Tracked Combat Vehicles, Army, 2009/2011”, \$86,300,000.

“Other Procurement, Army, 2009/2011”, \$147,600,000.

“Aircraft Procurement, Navy, 2009/2011”, \$26,100,000.

“Aircraft Procurement, Air Force, 2009/2011”, \$116,900,000.

“Aircraft Procurement, Army, 2010/2012”, \$14,000,000.

“Procurement of Weapons and Tracked Combat Vehicles, Army, 2010/2012”, \$36,000,000.

“Missile Procurement, Army, 2010/2012”, \$9,171,000.

“Aircraft Procurement, Navy, 2010/2012”, \$184,847,000.

“Procurement of Ammunition, Navy and Marine Corps, 2010/2012”, \$11,576,000.

Under the heading, “Shipbuilding and Conversion, Navy, 2010/2014”: DDG-51 Destroyer, \$22,000,000.

“Other Procurement, Navy, 2010/2012”, \$9,042,000.

“Aircraft Procurement, Air Force, 2010/2012”, \$151,300,000.

“Other Procurement, Air Force, 2010/2012”, \$36,600,000.

“Research, Development, Test and Evaluation, Army, 2010/2011”, \$53,500,000.

“Research, Development, Test and Evaluation, Air Force, 2010/2011”, \$198,600,000.

“Research, Development, Test and Evaluation, Defense-Wide, 2010/2011”, \$10,000,000.

SEC. 8042. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8043. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People’s Republic of Korea unless specifically appropriated for that purpose.

SEC. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8045. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8046. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year

for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

**SEC. 8047.** None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of “commercial items”, as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

**SEC. 8048.** None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

**SEC. 8049.** None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

**SEC. 8050.** (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

**SEC. 8051.** None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

#### (INCLUDING TRANSFER OF FUNDS)

**SEC. 8052.** During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading “Operation and Maintenance, Defense-Wide” may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

**SEC. 8053.** During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

**SEC. 8054.** (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

**SEC. 8055.** Using funds made available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination

under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

**SEC. 8056.** None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

**SEC. 8057.** None of the funds made available in this Act may be used to approve or license the sale of the F-22A advanced tactical fighter to any foreign government: *Provided*, That the Department of Defense may conduct or participate in studies, research, design and other activities to define and develop a future export version of the F-22A that protects classified and sensitive information, technologies and U.S. warfighting capabilities.

**SEC. 8058.** (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50-65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

**SEC. 8059.** (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross

violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

**SEC. 8060.** None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

**SEC. 8061.** None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

**SEC. 8062.** Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

**SEC. 8063.** The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

**SEC. 8064.** During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall

not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

**SEC. 8065.** Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

**SEC. 8066.** None of the funds provided in this Act may be used to transfer to any non-governmental entity ammunition held by the Department of Defense that has a centerfire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

**SEC. 8067.** Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

**SEC. 8068.** None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

**SEC. 8069.** Funds available to the Department of Defense for the Global Positioning System during the current fiscal year, and hereafter, may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

#### (INCLUDING TRANSFER OF FUNDS)

**SEC. 8070.** Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Army", \$147,258,300 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

**SEC. 8071.** Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2011.

**SEC. 8072.** In addition to amounts provided elsewhere in this Act, \$4,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

#### (INCLUDING TRANSFER OF FUNDS)

**SEC. 8073.** Of the amounts appropriated in this Act under the headings "Procurement, Defense-Wide" and "Research, Development, Test and Evaluation, Defense-Wide", \$415,115,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, \$205,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, \$84,722,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, \$58,966,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and \$66,427,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite, of which \$12,000,000 shall be for producing Arrow missile components in the United States and Arrow missile components in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

**SEC. 8074.** None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S.

Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8075. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code, shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code, shall not apply.

SEC. 8076. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2011 until the enactment of the Intelligence Authorization Act for Fiscal Year 2011.

SEC. 8077. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8078. The budget of the President for fiscal year 2012 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP-5 and OP-32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8079. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 8080. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$65,200,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall

make grants in the amounts specified as follows: \$20,000,000 to the United Service Organizations; \$24,000,000 to the Red Cross; \$1,200,000 to the Special Olympics; and \$20,000,000 to the Youth Mentoring Grants Program: *Provided further*, That funds available in this section for the Youth Mentoring Grants Program may be available for transfer to the Department of Justice Youth Mentoring Grants Program.

SEC. 8081. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8082. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8083. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 8084. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed \$100,000,000 under the authority provided by this section: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: *Provided further*, That any funds transferred pursuant to this section shall retain the same period of availability as when originally appropriated: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8085. For purposes of section 7108 of title 41, United States Code, any subdivision of appropriations made under the heading "Shipbuilding and Conversion, Navy" that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in the current fiscal year or any prior fiscal year.

SEC. 8086. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or

other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ-1C Sky Warrior Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8087. Of the funds provided in this Act, \$7,080,000 shall be available for the operations and development of training and technology for the Joint Interagency Training and Education Center and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other Federal agencies, and State and local first responder personnel at the Joint Interagency Training and Education Center.

SEC. 8088. Notwithstanding any other provision of law or regulation, during the current fiscal year and hereafter, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8089. Up to \$15,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8090. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2012.

SEC. 8091. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8092. Notwithstanding any other provision of law, not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of \$130,000,000 or higher.

SEC. 8093. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books:

(1) For procurement programs requesting more than \$20,000,000 in any fiscal year, the P-1, Procurement Program; P-5, Cost Analysis; P-5a, Procurement History and Planning; P-21, Production Schedule; and P-40, Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than \$10,000,000 in any fiscal year, the R-1, RDT&E

Program; R-2, RDT&E Budget Item Justification; R-3, RDT&E Project Cost Analysis; and R-4, RDT&E Program Schedule Profile.

**SEC. 8094.** The Secretary of Defense shall create a major force program category for space for each future-years defense program of the Department of Defense submitted to Congress under section 221 of title 10, United States Code, during fiscal year 2011. The Secretary of Defense shall designate an official in the Office of the Secretary of Defense to provide overall supervision of the preparation and justification of program recommendations and budget proposals to be included in such major force program category.

**SEC. 8095.** (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2011: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

**SEC. 8096.** The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

**SEC. 8097.** For the purposes of this Act, the term "congressional intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

**SEC. 8098.** The Department of Defense shall continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 "Contingency Operations", Annex 1, dated September 2005.

**SEC. 8099.** The amounts appropriated in title II of this Act are hereby reduced by \$1,983,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows: (1) From "Operation and Maintenance, Army", \$700,000,000; and (2) From "Operation and Maintenance, Defense-Wide", \$1,283,000,000.

#### (INCLUDING TRANSFER OF FUNDS)

**SEC. 8100.** During the current fiscal year, not to exceed \$11,000,000 from each of the appropriations made in title II of this Act for "Operation and Maintenance, Army", "Operation and Maintenance, Navy", and "Operation and Maintenance, Air Force" may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

#### (INCLUDING TRANSFER OF FUNDS)

**SEC. 8101.** Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, \$24,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: *Provided further*, That the Office of Management and Budget must approve any transfers made under this provision.

**SEC. 8102.** Funds appropriated by this Act for operation and maintenance may be available for the purpose of making remittances to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

**SEC. 8103.** (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

**SEC. 8104.** (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of \$1,000,000 unless the contractor agrees not to—

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce

any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a "covered subcontractor" is an entity that has a subcontract in excess of \$1,000,000 on a contract subject to subsection (a).

(c) The prohibitions in this section do not apply with respect to a contractor's or subcontractor's agreements with employees or independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

(e) By March 1, 2011, or within 60 days after enactment of this Act, whichever is later, the Government Accountability Office shall submit a report to the Congress evaluating the effect that the requirements of this section have had on national security, including recommendations, if any, for changes to these requirements.

**SEC. 8105.** (a) PROHIBITION ON CONVERSION OF FUNCTIONS PERFORMED BY FEDERAL EMPLOYEES TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act or otherwise available to the Department of Defense may be used to begin or announce the competition to award to a contractor or convert to performance by a contractor any functions performed by Federal employees pursuant to a study conducted under Office of Management and Budget (OMB) Circular A-76.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to the award of a function to a contractor or the conversion of a function to performance by a contractor pursuant to a study conducted under Office of Management and Budget (OMB) Circular A-76 once all reporting and certifications required by section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) have been satisfactorily completed.

**SEC. 8106.** (a)(1) No National Intelligence Program funds appropriated in this Act may be used for a mission critical or mission essential business management information technology system that is not registered with the Director of National Intelligence. A system shall be considered to be registered with that officer upon the furnishing notice of the system, together with such information concerning the system as the Director of the Business Transformation Office may prescribe.

(2) During the current fiscal year no funds may be obligated or expended for a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a business system improvement of more than \$3,000,000, within the Intelligence Community without the approval of the Business Transformation Office, and the designated

Intelligence Community functional lead element.

(b) The Director of the Business Transformation Office shall provide the congressional intelligence committees a semi-annual report of approvals under paragraph (1) no later than March 30 and September 30 of each year. The report shall include the results of the Business Transformation Investment Review Board's semi-annual activities, and each report shall certify that the following steps have been taken for systems approved under paragraph (1):

(1) Business process reengineering.

(2) An analysis of alternatives and an economic analysis that includes a calculation of the return on investment.

(3) Assurance the system is compatible with the enterprise-wide business architecture.

(4) Performance measures.

(5) An information assurance strategy consistent with the Chief Information Officer of the Intelligence Community.

(c) This section shall not apply to any programmatic or analytic systems or programmatic or analytic system improvements.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 8107. Of the funds appropriated in this Act for the Office of the Director of National Intelligence, \$50,000,000, may be transferred to appropriations available to the Central Intelligence Agency, the National Security Agency, and the National Geospatial Intelligence Agency, the Defense Intelligence Agency and the National Reconnaissance Office for the Business Transformation Transfer Funds, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 8108. In addition to funds made available elsewhere in this Act, there is hereby appropriated \$538,875,000, to remain available until transferred: *Provided*, That these funds are appropriated to the "Tanker Replacement Transfer Fund" (referred to as "the Fund" elsewhere in this section): *Provided further*, That the Secretary of the Air Force may transfer amounts in the Fund to "Operation and Maintenance, Air Force", "Aircraft Procurement, Air Force", and "Research, Development, Test and Evaluation, Air Force", only for the purposes of proceeding with a tanker acquisition program: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriations or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of the Air Force shall, not fewer than 15 days prior to making transfers using funds provided in this section, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 8109. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to \$132,200,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the

provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84: *Provided*, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110-417: *Provided further*, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8110. (a) Of the amounts made available in this Act under the heading "Operation and Maintenance, Navy", not less than \$2,000,000, shall be made available for leveraging the Army's Contractor Manpower Reporting Application, modified as appropriate for Service-specific requirements, for documenting the number of full-time contractor employees (or its equivalent) pursuant to United States Code title 10, section 2330a(c) and meeting the requirements of United States Code title 10, section 235.

(b) Of the amounts made available in this Act under the heading "Operation and Maintenance, Air Force", not less than \$2,000,000 shall be made available for leveraging the Army's Contractor Manpower Reporting Application, modified as appropriate for Service-specific requirements, for documenting the number of full-time contractor employees (or its equivalent) pursuant to United States Code title 10 section 2330a(c) and meeting the requirements of United States Code title 10, section 2330a(e) and United States Code title 10, section 235.

(c) The Secretaries of the Army, Navy, Air Force, and the Directors of the Defense Agencies and Field Activities (in coordination with the appropriate Principal Staff Assistant), in coordination with the Under Secretary of Defense for Personnel and Readiness, shall report to the congressional defense committees within 60 days of enactment of this Act their plan for documenting the number of full-time contractor employees (or its equivalent), as required by United States Code title 10, section 2330a.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 8111. In addition to amounts provided elsewhere in this Act, there is appropriated \$250,000,000, for an additional amount for "Operation and Maintenance, Defense-Wide", to be available until expended: *Provided*, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: *Provided further*, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense.

SEC. 8112. In addition to amounts provided elsewhere in this Act, there is appropriated \$300,000,000, for an additional amount for

"Operation and Maintenance, Defense-Wide", to remain available until expended. Such funds may be available for the Office of Economic Adjustment, notwithstanding any other provision of law, for transportation infrastructure improvements associated with medical facilities related to recommendations of the Defense Base Closure and Realignment Commission.

SEC. 8113. Section 310(b) of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 124 Stat. 1871) is amended by striking "1 year" both places it appears and inserting "2 years".

SEC. 8114. The Office of the Director of National Intelligence shall not employ more Senior Executive employees than are specified in the classified annex: *Provided*, That not later than 90 days after enactment of this Act, the Director of National Intelligence shall certify that the Office of the Director of National Intelligence selects individuals for Senior Executive positions in a manner consistent with statutes, regulations, and the requirements of other Federal agencies in making such appointments and will submit its policies and procedures related to the appointment of personnel to Senior Executive positions to the congressional intelligence oversight committees.

SEC. 8115. For all major defense acquisition programs for which the Department of Defense plans to proceed to source selection during the current fiscal year, the Secretary of Defense shall perform an assessment of the winning bidder to determine whether or not the proposed costs are realistic and reasonable with respect to proposed development and production costs. The Secretary of Defense shall provide a report of these assessments, to specifically include whether any cost assessments determined that such proposed costs were unreasonable or unrealistic, to the congressional defense committees not later than 60 days after enactment of this Act and on a quarterly basis thereafter.

SEC. 8116. (a) The Deputy Under Secretary of Defense for Installations and Environment, in collaboration with the Secretary of Energy, shall conduct energy security pilot projects at facilities of the Department of Defense.

(b) In addition to the amounts provided elsewhere in this Act, \$20,000,000, is appropriated to the Department of Defense for "Operation and Maintenance, Defense-Wide" for energy security pilot projects under subsection (a).

SEC. 8117. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay a retired general or flag officer to serve as a senior mentor advising the Department of Defense unless such retired officer files a Standard Form 278 (or successor form concerning public financial disclosure under part 2634 of title 5, Code of Federal Regulations) to the Office of Government Ethics.

SEC. 8118. Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, the Chief of the Air Force Reserve, and the Director of the National Guard Bureau, in collaboration with the Secretary of Agriculture and the Secretary of the Interior, shall submit to the Committees on Appropriations of the House and Senate, the House Committee on Agriculture, the Senate Committee on Agriculture, Nutrition and Forestry, the House Committee on Natural Resources, and the Senate Committee on Energy and Natural Resources a report of firefighting aviation assets. The report required under this section shall include each of the following:

(1) A description of the programming details necessary to obtain an appropriate mix of fixed wing and rotor wing firefighting assets needed to produce an effective aviation

resource base to support the wildland fire management program into the future. Such programming details shall include the acquisition and contracting needs of the mix of aviation resources fleet, including the acquisition of up to 24 C-130Js equipped with the Mobile Airborne Fire Fighting System II (in this section referred to as "MAFFS"), to be acquired over several fiscal years starting in fiscal year 2012.

(2) The costs associated with acquisition and contracting of the aviation assets described in paragraph (1).

(3) A description of the costs of the operation, maintenance, and sustainment of a fixed and rotor wing aviation fleet, including a C-130J/MAFFS II in an Air National Guard tactical airlift unit construct of 4, 6, or 8 C-130Js per unit starting in fiscal year 2012, projected out through fiscal year 2020. Such description shall include the projected costs associated with each of the following through fiscal year 2020:

(A) Crew ratio based on 4, 6, or 8 C-130J Air National Guard unit construct and requirement for full-time equivalent crews.

(B) Associated maintenance and other support personnel and requirement for full-time equivalent positions.

(C) Yearly flying hour model and the cost for use of a fixed and rotor wing aviation fleet, including C-130J in its MAFFS capacity supporting the United States Forest Service.

(D) Yearly flying hour model and cost for use of a C-130J in its capacity supporting Air National Guard tactical airlift training.

(E) Any other costs required to conduct both the airlift and firefighting missions, including the Air National Guard unit construct for C-130Js.

(4) Proposed program management, utilization, and cost share arrangements for the aircraft described in paragraph (1) for primary support of the Forest Service and secondary support, on an as available basis, for the Department of Defense, together with any proposed statutory language needed to authorize and effectuate the same.

(5) An integrated plan for the Forest Service and the Department of the Interior wildland fire management programs to operate the fire fighting air tanker assets referred to in this section.

## TITLE IX

### OVERSEAS CONTINGENCY OPERATIONS

#### MILITARY PERSONNEL

##### MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$11,468,033,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$1,308,719,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$732,920,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on

terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$2,060,442,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$268,031,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$48,912,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", \$45,437,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", \$27,002,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$853,022,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", \$16,860,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### OPERATION AND MAINTENANCE

##### OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$59,212,782,000: *Pro-*

*vided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$8,970,724,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$4,008,022,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$12,989,643,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$9,276,990,000: *Provided*, That each amount in this section is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### OPERATION AND MAINTENANCE, COMBATANT COMMANDER INITIATIVE FUND

(1) Not to exceed \$12,500,000 for the Combatant Commander Initiative Fund, to be used in support of Operation New Dawn and Operation Enduring Freedom.

(2) Not to exceed \$1,600,000,000, to remain available until expended, for payments to reimburse key cooperating nations for logistical, military, and other support, including access provided to United States military operations in support of Operation New Dawn and Operation Enduring Freedom, notwithstanding any other provision of law: *Provided*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the requirement to provide notification shall not apply with respect to a reimbursement for access based on an international agreement: *Provided further*, That these funds may be used for the purpose of providing specialized

training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

**OPERATION AND MAINTENANCE, ARMY RESERVE**

For an additional amount for “Operation and Maintenance, Army Reserve”, \$206,784,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**OPERATION AND MAINTENANCE, NAVY RESERVE**

For an additional amount for “Operation and Maintenance, Navy Reserve”, \$93,559,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**OPERATION AND MAINTENANCE, MARINE CORPS RESERVE**

For an additional amount for “Operation and Maintenance, Marine Corps Reserve”, \$29,685,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**OPERATION AND MAINTENANCE, AIR FORCE RESERVE**

For an additional amount for “Operation and Maintenance, Air Force Reserve”, \$203,807,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD**

For an additional amount for “Operation and Maintenance, Army National Guard”, \$497,849,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**OPERATION AND MAINTENANCE, AIR NATIONAL GUARD**

For an additional amount for “Operation and Maintenance, Air National Guard”, \$417,983,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section

403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**AFGHANISTAN INFRASTRUCTURE FUND  
(INCLUDING TRANSFER OF FUNDS)**

There is hereby established in the Treasury of the United States the “Afghanistan Infrastructure Fund”. For the “Afghanistan Infrastructure Fund”, \$400,000,000, to remain available until September 30, 2012: *Provided*, That such sums shall be available for infrastructure projects in Afghanistan, notwithstanding any other provision of law, which shall be undertaken by the Secretary of State, unless the Secretary of State and the Secretary of Defense jointly decide that a specific project will be undertaken by the Department of Defense: *Provided further*, That the infrastructure referred to in the preceding proviso is in support of the counterinsurgency strategy, requiring funding for facility and infrastructure projects, including, but not limited to, water, power, and transportation projects and related maintenance and sustainment costs: *Provided further*, That the authority to undertake such infrastructure projects is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That any projects funded by this appropriation shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: *Provided further*, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to transfer funds: *Provided further*, That any unexpended funds transferred to the Secretary of State under this authority shall be returned to the Afghanistan Infrastructure Fund if the Secretary of State, in coordination with the Secretary of Defense, determines that the project cannot be implemented for any reason, or that the project no longer supports the counterinsurgency strategy in Afghanistan: *Provided further*, That any funds returned to the Secretary of Defense under the previous proviso shall be available for use under this appropriation and shall be treated in the same manner as funds not transferred to the Secretary of State: *Provided further*, That contributions of funds for the purposes provided herein to the Secretary of State in accordance with section 635(d) of the Foreign Assistance Act from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from the Fund, notify the appropriate committees of Congress in writing of the details of any such transfer: *Provided further*, That the “appropriate committees of Congress” are the Committees on Armed Services, Foreign Relations and Appropriations of the Senate and the Committees on Armed Services, Foreign Affairs and Appropriations of the House of Representatives: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**AFGHANISTAN SECURITY FORCES FUND**

For the “Afghanistan Security Forces Fund”, \$11,619,283,000, to remain available

until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary’s designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That up to \$15,000,000 of these funds may be available for coalition police trainer life support costs: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of \$20,000,000: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**IRAQ SECURITY FORCES FUND**

For the “Iraq Security Forces Fund”, \$1,500,000,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, United States Forces-Iraq, or the Secretary’s designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, and renovation: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of \$20,000,000: *Provided further*, That each amount in this

paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

#### PROCUREMENT

##### AIRCRAFT PROCUREMENT, ARMY

For an additional amount for “Aircraft Procurement, Army”, \$2,720,138,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### MISSILE PROCUREMENT, ARMY

For an additional amount for “Missile Procurement, Army”, \$343,828,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for “Procurement of Weapons and Tracked Combat Vehicles, Army”, \$896,996,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for “Procurement of Ammunition, Army”, \$369,885,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### OTHER PROCUREMENT, ARMY

For an additional amount for “Other Procurement, Army”, \$6,423,832,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### AIRCRAFT PROCUREMENT, NAVY

For an additional amount for “Aircraft Procurement, Navy”, \$1,269,549,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### WEAPONS PROCUREMENT, NAVY

For an additional amount for “Weapons Procurement, Navy”, \$90,502,000, to remain

available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

#### PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for “Procurement of Ammunition, Navy and Marine Corps”, \$558,024,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### OTHER PROCUREMENT, NAVY

For an additional amount for “Other Procurement, Navy”, \$316,835,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### PROCUREMENT, MARINE CORPS

For an additional amount for “Procurement, Marine Corps”, \$1,589,119,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for “Aircraft Procurement, Air Force”, \$1,991,955,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### MISSILE PROCUREMENT, AIR FORCE

For an additional amount for “Missile Procurement, Air Force”, \$56,621,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

#### PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for “Procurement of Ammunition, Air Force”, \$292,959,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

#### OTHER PROCUREMENT, AIR FORCE

For an additional amount for “Other Procurement, Air Force”, \$2,868,593,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

##### PROCUREMENT, DEFENSE-WIDE

For an additional amount for “Procurement, Defense-Wide”, \$1,262,499,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

#### NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, \$850,000,000, to remain available for obligation until September 30, 2013, of which \$250,000,000 shall be available only for the Army National Guard: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

#### MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

##### (INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, \$3,415,000,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: *Provided further*, That the Secretary shall transfer such funds only to appropriations made available in this or any other Act for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That such transferred funds shall be merged with and be available for the same purposes and the same time period as the appropriation to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION****RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY**

For an additional amount for “Research, Development, Test and Evaluation, Army”, \$143,234,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY**

For an additional amount for “Research, Development, Test and Evaluation, Navy”, \$104,781,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE**

For an additional amount for “Research, Development, Test and Evaluation, Air Force”, \$484,382,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE**

For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide”, \$222,616,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**REVOLVING AND MANAGEMENT FUNDS****DEFENSE WORKING CAPITAL FUNDS**

For an additional amount for “Defense Working Capital Funds”, \$485,384,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**OTHER DEPARTMENT OF DEFENSE PROGRAMS****DEFENSE HEALTH PROGRAM**

For an additional amount for “Defense Health Program”, \$1,422,092,000, of which \$1,398,092,000 shall be for operation and maintenance, to remain available until September 30, 2011, and of which \$24,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section

3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE**

For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, \$440,510,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND****(INCLUDING TRANSFER OF FUNDS)**

For the “Joint Improvised Explosive Device Defeat Fund”, \$2,793,768,000, to remain available until September 30, 2013: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**OFFICE OF THE INSPECTOR GENERAL**

For an additional amount for the “Office of the Inspector General”, \$10,529,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**GENERAL PROVISIONS—THIS TITLE**

**SEC. 9001.** Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2011.

**(INCLUDING TRANSFER OF FUNDS)**

**SEC. 9002.** Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to \$4,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the author-

ity in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2011.

**SEC. 9003.** Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or the “Afghanistan Security Forces Fund” provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

**SEC. 9004.** From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan: (a) passenger motor vehicles up to a limit of \$75,000 per vehicle; and (b) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of \$250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

**SEC. 9005.** Not to exceed \$500,000,000 of the amount appropriated in this title under the heading “Operation and Maintenance, Army” may be used, notwithstanding any other provision of law, to fund the Commander’s Emergency Response Program (CERP), for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent, small scale, humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That projects (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed \$20,000,000: *Provided further*, That not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further*, That, not later than 30 days after the end of each month, the Army shall submit to the congressional defense committees monthly commitment, obligation, and expenditure data for the Commander’s Emergency Response Program in Iraq and Afghanistan: *Provided further*, That not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of \$5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

(1) The location, nature and purpose of the proposed project, including how the project is intended to advance the military campaign plan for the country in which it is to be carried out.

(2) The budget, implementation timeline with milestones, and completion date for the proposed project, including any other CERP funding that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustainment of the proposed project, including the agreement with either the host nation, a non-Department of Defense agency of the United States Government or a third party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148).

SEC. 9009. (a) The Secretary of Defense shall submit to the congressional defense committees not later than 45 days after the end of each fiscal quarter a report on the proposed use of all funds appropriated by this or any prior Act under each of the headings Iraq Security Forces Fund, Afghanistan Security Forces Fund, Afghanistan Infrastructure Fund, and Pakistan Counterinsurgency Fund on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates for the accounts referred to in this section of the costs required to complete each such project.

(b) The report required by this subsection shall include the following:

(1) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in subsection (a) were obligated prior to the submission of the report, including estimates for the accounts referred to in subsection (a) of the costs to complete each project.

(2) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in subsection (a) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates for the accounts referred to in subsection (a) of the costs to complete each project.

(3) An estimated total cost to train and equip the Iraq, Afghanistan, and Pakistan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

SEC. 9010. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than \$250,000: *Provided*, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than \$500,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9011. Of the funds appropriated by this Act for the Office of the Director of National Intelligence, \$3,375,000 is available, as specified in the classified annex, for transfer to other departments and agencies of the Federal Government.

SEC. 9012. (a) The Task Force for Business and Stability Operations in Afghanistan may, subject to the direction and control of the Secretary of Defense and with the concurrence of the Secretary of State, carry out projects in fiscal year 2011 to assist the commander of the United States Central Command in developing a link between United States military operations in Afghanistan under Operation Enduring Freedom and the economic elements of United States national power in order to reduce violence, enhance stability, and restore economic normalcy in Afghanistan through strategic business and economic opportunities.

(b) The projects carried out under paragraph (a) may include projects that facilitate private investment, industrial development, banking and financial system development, agricultural diversification and revitalization, and energy development in and with respect to Afghanistan.

(c) The Secretary may use up to \$150,000,000 of the funds available for overseas contingency operations in “Operation and Maintenance, Army” for additional activities to carry out projects under paragraph (a).

SEC. 9013. (a) Not more than 85 percent of the funds provided in this title for Operation and Maintenance may be available for obligation or expenditure until the date on which the Secretary of Defense submits the report under subsection (b).

(b) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on contractor employees in the United States Central Command, including—

(1) the number of employees of a contractor awarded a contract by the Department of Defense (including subcontractor employees) who are employed at the time of the report in the area of operations of the United States Central Command, including a list of the number of such employees in each of Iraq, Afghanistan, and all other areas of operations of the United States Central Command; and

(2) for each fiscal year quarter beginning on the date of the report and ending on September 30, 2012—

(A) the number of such employees planned by the Secretary to be employed during each such period in each of Iraq, Afghanistan, and all other areas of operations of the United States Central Command; and

(B) an explanation of how the number of such employees listed under subparagraph (A) relates to the planned number of military personnel in such locations.

This division may be cited as the “Department of Defense Appropriations Act, 2011”.

**SA 136.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 23, to amend title 35,

United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 21, between lines 2 and 3, insert the following:

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$200,000 to carry out this subsection.

**SA 137.** Ms. LANDRIEU (for herself and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 117 proposed by Mr. BENNET (for himself and Mr. UDALL of Colorado) to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 2, between lines 19 and 20, insert the following:

(3) consider whether the potential locale for the satellite office is in a rural area (as defined in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a))); and

(4) consider whether the potential locale for the satellite office would provide service to an underserved portion of potential patent applicants, such as an area with a high concentration of minority-owned businesses, women-owned businesses, or small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)).

**SA 138.** Mr. BROWN of Ohio (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

**SEC. 19. GAO STUDY ON JOB CREATION.**

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall examine the effects of patent rights on job creation and savings in the United States’ manufacturing sector, including patents granted to inventions arising out of government-supported research.

**SA 139.** Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 17, line 15, strike “to all cases” and all that follows through “on or after” on line 16, and insert the following: “to cases commenced after”.

**SA 140.** Mrs. BOXER (for herself and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by her to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 42, line 19, strike “more than 6” and all that follows through the period on line 22, and insert the following: “either after the period for discovery to be completed in a patent infringement action has ended or after the date set for filing of summary judgement actions in a patent infringement action, whichever comes first.”.

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 2, 2011, at 10 a.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on March 2, 2011, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, March 2, 2011, at 2:30 p.m. in SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 2, 2011, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled “Preventing Health Care Fraud: New Tools and Approaches to Combat Old Challenges.”

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 2, 2011, at 9:30 a.m., to hold a hearing entitled, “National Security & Foreign Policy Priorities in the FY 2012 International Affairs Budget.”

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “Improving Employment Opportunities for People with Intellectual Disabilities” on March 2, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Gov-

ernmental Affairs be authorized to meet during the session of the Senate on March 2, 2011, at 10 a.m. to conduct a hearing entitled “Eliminating the Bottlenecks: Streamlining the Nomination Process.”

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 2, 2011, at 10 a.m. in room SD-226 of the Dirksen Office Building, to conduct a hearing entitled “Helping Law Enforcement Find Missing Children.”

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 2, 2011, at 2:45 p.m. in room SD-226 of the Dirksen Office Building, to conduct a hearing entitled “Judicial Nominations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON VETERANS AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Veterans Affairs be authorized to meet during the session of the Senate on March 2, 2011. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on March 2, 2011, at 2:30 p.m. to conduct a hearing entitled, “Preventing Abuse of the Military’s Tuition Assistance Program.”

The PRESIDING OFFICER. Without objection, it is so ordered.

## SPECIAL COMMITTEE ON AGING

Mr. DURBIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on March 2, 2011, from 2–5 p.m. in Dirksen 106.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed

to executive session to consider the following nominations: Calendar Nos. 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30 and all nominations placed on the Secretary’s desk in the Air Force, Army, Foreign Service, Marine Corps, Navy, and Public Health Service; that the nominations be confirmed en bloc, and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that President Obama be immediately notified of the Senate’s action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

## IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Eric E. Fiel

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. Howard D. Stendahl

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C. section 601:

*To be lieutenant general*

Maj. Gen. Ellen M. Pawlikowski

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Michael J. Basla

## IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Dennis L. Via

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Mark P. Hertling

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Susan S. Lawrence

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. John M. Bednarek

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Francis J. Wiercinski

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

*To be major general*

Brig. Gen. Renaldo Rivera

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brig. Gen. William M. Buckler, Jr.

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brig. Gen. Mark J. MacCarley

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Arlen R. Royalty

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Rhett A. Hernandez

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

*To be brigadier general*

Col. Johnny M. Sellers

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

*To be brigadier general*

Col. Janson D. Boyles

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Vincent K. Brooks

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brigadier General Juan G. Ayala

Brigadier General David H. Berger

Brigadier General William D. Beydler

Brigadier General Mark A. Brilakis

Brigadier General Mark A. Clark

Brigadier General Charles L. Hudson

Brigadier General Thomas M. Murray

Brigadier General Lawrence D. Nicholson

Brigadier General Andrew W. O'Donnell, Jr.

Brigadier General Robert R. Ruark

Brigadier General Glenn M. Walters

NOMINATIONS PLACED ON THE SECRETARY'S

DESK

IN THE AIR FORCE

PN171 AIR FORCE nominations (3) beginning ERWIN RADER BENDER, JR., and end-

ing CATHERINE A. HALLETT, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN172 AIR FORCE nominations (6) beginning DAVID M. CRAWFORD, and ending JAMES H. WALSH, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN173 AIR FORCE nominations (175) beginning RICHARD T. ALDRIDGE, and ending VICKY J. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN216 AIR FORCE nominations (3) beginning STEPHEN L. BUSE, and ending ANGELA P. PETTIS, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN217 AIR FORCE nominations (3) beginning THOMAS J. COLLINS, and ending LINDA A. STOKESCROWE, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN218 AIR FORCE nominations (4) beginning PHILLIP M. ARMSTRONG, and ending RICHARD E. SPEARMAN, JR., which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN219 AIR FORCE nominations (5) beginning LLOYD H. ANSETH, and ending KARL B. ROSS, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN220 AIR FORCE nominations (7) beginning KATHLEEN M. FLARITY, and ending JENNETTE L. ZMAEFF, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN221 AIR FORCE nominations (7) beginning MELINA T. DOAN, and ending FELIPE D. VILLENA, JR., which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN223 AIR FORCE nominations (12) beginning VILLA L. GUILLORY, and ending DANNY K. WONG, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN224 AIR FORCE nominations (14) beginning ALFRED P. BOWLES II, and ending HERMINIGILDO V. VALLE, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN225 AIR FORCE nominations (49) beginning BRIAN F. AGEE, and ending ANITA JO ANNE WINKLER, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN226 AIR FORCE nominations (100) beginning EARL R. ALAMEIDA, JR., and ending DANIEL S. YENCHESKY, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN242 AIR FORCE nominations (7) beginning STEVEN L. ARGIRIOU, and ending ADAM E. TOREM, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN243 AIR FORCE nominations (2) beginning RICHARD C. ALES, and ending DEREK C. UNDERHILL, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

IN THE ARMY

PN150 ARMY nominations (8) beginning MARC T. ARELLANO, and ending HOWARD E. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2011.

PN151 ARMY nominations (6) beginning GREGREY C. BACON, and ending DONNIE J. QUINTANA, which nominations were re-

ceived by the Senate and appeared in the Congressional Record of January 26, 2011.

PN174 ARMY nomination of Sebastian A. Edwards, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN175 ARMY nomination of Gregory R. Ebner, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN176 ARMY nominations (10) beginning CURTIS O. BOHLMAN, JR., and ending ROBERT C. SMOTHERS, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN227 ARMY nomination of Edward J. Benz III, which was received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN228 ARMY nomination of Charles E. Lynde, which was received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN229 ARMY nominations (4) beginning OZREN T. BUNTAK, and ending RUTH NELSON, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN230 ARMY nominations (3) beginning MARCIA A. BRIMM, and ending HEATHER V. SOUTHBY, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN231 ARMY nominations (3) beginning DUSTIN C. FRAZIER, and ending JAN I. MABY, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN232 ARMY nominations (8) beginning ROBERT L. BIERENGA, and ending JOHNNIE M. TOBY, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN233 ARMY nominations (12) beginning DON A. CAMPBELL, and ending KEVIN T. WILKINSON, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

IN THE FOREIGN SERVICE

PN159 FOREIGN SERVICE nominations (103) beginning Irene Arino de la Rubia, and ending Robert Joseph Faucher, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

IN THE MARINE CORPS

PN178 MARINE CORPS nomination of Timothy E. Lemaster, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN180 MARINE CORPS nominations (2) beginning DAX HAMMERS, and ending DAVID STEVENS, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN181 MARINE CORPS nominations (2) beginning RICHARD MARTINEZ, and ending JAMES P. STOCKWELL, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN182 MARINE CORPS nominations (4) beginning WILLIAM FRAZIER, JR., and ending MICHAEL A. NOLAN, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN183 MARINE CORPS nominations (4) beginning DOUGLAS R. CUNNINGHAM, and ending DARREN R. JESTER, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN184 MARINE CORPS nominations (4) beginning JAMES E. HARDY, JR., and ending JAMES C. ROSE, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN185 MARINE CORPS nominations (5) beginning CONRAD G. ALSTON, and ending LEWIS E. SHEMERY, III, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN186 MARINE CORPS nominations (5) beginning DAVID M. ADAMS, and ending MICHAEL C. ROGERS, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN187 MARINE CORPS nominations (6) beginning STEFAN R. BROWNING, and ending STEVE R. TRASK, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN188 MARINE CORPS nominations (7) beginning JOEL T. CARPENTER, and ending RANDAL J. PARKAN, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN189 MARINE CORPS nomination of Roger N. Rudd, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN190 MARINE CORPS nomination of Lowell W. Schweickart, Jr., which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN191 MARINE CORPS nomination of Katrina Gaskill, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN193 MARINE CORPS nominations (2) beginning SEAN J. COLLINS, and ending JOHN L. MYRKA, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN195 MARINE CORPS nominations (3) beginning WILLIAM H. BARLOW, and ending DANNY R. MORALES, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN197 MARINE CORPS nomination of James H. Glass, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN206 MARINE CORPS nominations (3) beginning TIMOTHY M. CALLAHAN, and ending JAMES N. SHELSTAD, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN234 MARINE CORPS nominations (7) beginning ERNEST L. ACKISS, III, and ending THEODORE SILVESTER, III, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN235 MARINE CORPS nominations (74) beginning PHILIP Q. APPLEGATE, and ending JAMES D. WILMOTT, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

#### IN THE NAVY

PN153 NAVY nominations (2) beginning John G. Brown, and ending William A. Mix, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2011.

PN198 NAVY nomination of Richelle L. Kay, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN201 NAVY nominations (2) beginning CHRIS W. CZAPLAK, and ending ANGELA J. TANG, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN202 NAVY nomination of Scott D. Scherer, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN203 NAVY nominations (2) beginning CARLOS E. MOREYRA, and ending WILLIAM N. BRASSWELL, which nominations

were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN204 NAVY nominations (30) beginning DAVID Q. BAUGHIER, and ending JOHN C. WIEDMANN, III, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN238 NAVY nomination of Jeffrey K. Hayhurst, which was received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN239 NAVY nomination of Steven D. Elias, which was received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN241 NAVY nominations (2) beginning Amy R. Gavril, and ending GRANT A. KIDD, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

#### PUBLIC HEALTH SERVICE

PN162 PUBLIC HEALTH SERVICE nominations (232) beginning Eric P. Goosby, and ending Jeffrey L. Sumter, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d-276g, as amended, appoints the following Senator as Chairman of the Senate Delegation to the Canada-U.S. Interparliamentary Group conference during the 112th Congress: the Honorable AMY KLOBUCHAR of Minnesota.

#### ORDERS FOR THURSDAY, MARCH 3, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Thursday, March 3; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks there be a period of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; further, at 11 a.m., the Senate resume consideration of S. 23, the America Invents Act; finally, there be a period of morning business from 2 to 4 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first hour and the Republicans controlling the next hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, Senators should expect rollcall votes in relation to amendments to the America Invents Act to occur throughout the day tomorrow.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Thursday, March 3, 2011, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### RAILROAD RETIREMENT BOARD

WALTER A. BARROWS, OF VIRGINIA, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2014, VICE VIRGIL M. SPEAKMAN, JR., RESIGNED.

##### THE JUDICIARY

NANNETTE JOLIVETTE BROWN, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE STANWOOD R. DUVAL, JR., RETIRED.

WILMA ANTOINETTE LEWIS, OF THE DISTRICT OF COLUMBIA, TO BE JUDGE FOR THE DISTRICT COURT OF THE VIRGIN ISLANDS FOR A TERM OF TEN YEARS, VICE RAYMOND L. FINCH, RETIRED.

NANCY TORRESEN, OF MAINE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MAINE, VICE D. BROCK HORNBY, RETIRED.

##### DEPARTMENT OF JUSTICE

S. AMANDA MARSHALL, OF OREGON, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS, VICE KARIN J. IMMERMUT, TERM EXPIRED.

THOMAS GRAY WALKER, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE GEORGE E. B. HOLDING.

FELICIA C. ADAMS, OF MISSISSIPPI, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS, VICE JAMES MING GREENLEE, TERM EXPIRED.

CLAYTON D. JOHNSON, OF OKLAHOMA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS, VICE TIMOTHY DEWAYNE WELCH, TERM EXPIRED.

ALFRED COOPER LOMAX, OF MISSOURI, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE CHARLES M. SHEER, TERM EXPIRED.

CHARLES F. SALINA, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE PETER A. LAWRENCE, TERM EXPIRED.

##### STATE JUSTICE INSTITUTE

DAVID V. BREWER, OF OREGON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2013, VICE FLORENCE K. MURRAY, TERM EXPIRED.

##### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

*To be ensign*

BRIAN J. ADORNATO  
SCOTT E. BROO  
BART O. BUSSLER  
MICHAEL E. DOIG  
BRIAN E. ELLIOT  
JUSTIN E. ELLIS  
GILLIAN L. FAUSTINE  
PHILIP J. O. KLAJON  
DAMIAN C. MANDA  
JESSE P. MILTON  
GAYLORD C. NOBLITT IV  
LINDSEY L. NORMAN  
JENNIFER L. WEGENER  
ERIC G. YOUNKIN

#### CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, March 2, 2011:

## IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. ERIC E. FIEL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. HOWARD D. STENDAHL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. ELLEN M. PAWLICKOWSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. MICHAEL J. BASLA

## IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. DENNIS L. VIA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. MARK P. HERTLING

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. SUSAN S. LAWRENCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. JOHN M. BEDNAREK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. FRANCIS J. WIERCIŃSKI

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be major general*

BRIG. GEN. RENALDO RIVERA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. WILLIAM M. BUCKLER, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. MARK J. MACCARLEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. ARLEN R. ROYALTY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. RHETT A. HERNANDEZ

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be brigadier general*

COL. JOHNNY M. SELLERS

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be brigadier general*

COL. JANSON D. BOYLES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. VINCENT K. BROOKS

## IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIGADIER GENERAL JUAN G. AYALA  
BRIGADIER GENERAL DAVID H. BERGER  
BRIGADIER GENERAL WILLIAM D. BEYDLER  
BRIGADIER GENERAL MARK A. BRILAKIS  
BRIGADIER GENERAL MARK A. CLARK  
BRIGADIER GENERAL CHARLES L. HUDSON  
BRIGADIER GENERAL THOMAS M. MURRAY  
BRIGADIER GENERAL LAWRENCE D. NICHOLSON  
BRIGADIER GENERAL ANDREW W. O'DONNELL, JR.  
BRIGADIER GENERAL ROBERT R. RUARK  
BRIGADIER GENERAL GLENN M. WALTERS

## IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH ERWIN RADER BENDER, JR. AND ENDING WITH CATHERINE A. HALLETT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH DAVID M. CRAWFORD AND ENDING WITH JAMES H. WALSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH RICHARD T. ALDRIDGE AND ENDING WITH VICKY J. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH STEPHEN L. BUSE AND ENDING WITH ANGELA P. PETTIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH THOMAS J. COLLINS AND ENDING WITH LINDA A. STOKESCROWE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH PHILLIP M. ARMSTRONG AND ENDING WITH RICHARD E. SPEARMAN, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH LLOYD H. ANSETH AND ENDING WITH KARL B. ROSS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH KATHLEEN M. FLARITY AND ENDING WITH JENNETTE L. ZMAEFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH MELINA T. DOAN AND ENDING WITH FELIPE D. VILLENA, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH VILLA L. GUILLORY AND ENDING WITH DANNY K. WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH ALFRED P. BOWLES II AND ENDING WITH HERMINIGILDO V. VALLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN F. AGEE AND ENDING WITH ANITA JO ANNE WINKLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH EARL R. ALAMEIDA, JR. AND ENDING WITH DANIEL S. YENCHESKY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH STEVEN L. ARGIRIOU AND ENDING WITH ADAM E. TOREM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH RICHARD C. ALES AND ENDING WITH DEREK C. UNDERHILL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

## IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH MARC T. ARELLANO AND ENDING WITH HOWARD E. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE

AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2011.

ARMY NOMINATIONS BEGINNING WITH GREGREY C. BACON AND ENDING WITH DONNIE J. QUINTANA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2011.

ARMY NOMINATION OF SEBASTIAN A. EDWARDS, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF GREGORY R. EBNER, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH CURTIS O. BOHLMAN, JR. AND ENDING WITH ROBERT C. SMOOTHERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

ARMY NOMINATION OF EDWARD J. BENZ III, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF CHARLES E. LYNDE, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH OZREN T. BUNTAK AND ENDING WITH RUTH NELSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

ARMY NOMINATIONS BEGINNING WITH MARCIA A. BRIMM AND ENDING WITH HEATHER V. SOUTHBY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

ARMY NOMINATIONS BEGINNING WITH DUSTIN C. FRAZIER AND ENDING WITH JAN I. MABY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

ARMY NOMINATIONS BEGINNING WITH ROBERT L. BIERENGA AND ENDING WITH JOHNNIE M. TOBY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

ARMY NOMINATIONS BEGINNING WITH DON A. CAMPBELL AND ENDING WITH KEVIN T. WILKINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

## IN THE MARINE CORPS

MARINE CORPS NOMINATION OF TIMOTHY E. LEMASTER, TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH DAX HAMMERS AND ENDING WITH DAVID STEVENS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATIONS BEGINNING WITH RICHARD MARTINEZ AND ENDING WITH JAMES P. STOCKWELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATIONS BEGINNING WITH WILLIAM FRAZIER, JR. AND ENDING WITH MICHAEL A. NOLAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATIONS BEGINNING WITH DOUGLAS R. CUNNINGHAM AND ENDING WITH DARREN R. JESTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATIONS BEGINNING WITH JAMES E. HARDY, JR. AND ENDING WITH JAMES C. ROSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATIONS BEGINNING WITH CONRAD G. ALSTON AND ENDING WITH LEWIS E. SHEMERY III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATIONS BEGINNING WITH DAVID M. ADAMS AND ENDING WITH MICHAEL C. ROGERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATIONS BEGINNING WITH STEPHEN R. BROWNING AND ENDING WITH STEVE R. TRASK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATIONS BEGINNING WITH JOEL T. CARPENTER AND ENDING WITH RANDAL J. PARKAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATION OF ROGER N. RUDD, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF LOWELL W. SCHWEIKART, JR., TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF KATRINA GASKILL, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATIONS BEGINNING WITH SEAN J. COLLINS AND ENDING WITH JOHN L. MYRKA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATIONS BEGINNING WITH WILLIAM H. BARLOW AND ENDING WITH DANNY R. MORALES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATION OF JAMES H. GLASS, TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH TIMOTHY M. CALLAHAN AND ENDING WITH JAMES N. SHELSTAD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATIONS BEGINNING WITH ERNEST L. ACKISS III AND ENDING WITH THEODORE SILVESTER III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

MARINE CORPS NOMINATIONS BEGINNING WITH PHILIP Q. APPLEGATE AND ENDING WITH JAMES D. WILMOTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH JOHN G. BROWN AND ENDING WITH WILLIAM A. MIX, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2011.

NAVY NOMINATION OF RICHELLE L. KAY, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH CHRIS W. CZAPLAK AND ENDING WITH ANGELA J. TANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

NAVY NOMINATION OF SCOTT D. SCHERER, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH CARLOS E. MOREYRA AND ENDING WITH WILLIAM N. BRASSWELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

NAVY NOMINATIONS BEGINNING WITH DAVID Q. BAUGHIER AND ENDING WITH JOHN C. WIEDMANN III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE

AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

NAVY NOMINATION OF JEFFREY K. HAYHURST, TO BE CAPTAIN.

NAVY NOMINATION OF STEVEN D. ELIAS, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH AMY R. GAVRIL AND ENDING WITH GRANT A. KIDD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH IRENE ARINO DE LA RUBIA AND ENDING WITH ROBERT JOSEPH FAUCHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

## EXTENSIONS OF REMARKS

PAT KELLY

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 2011

Mr. HOYER. Mr. Speaker, I rise to honor Pat Kelly, one of the longest-serving employees in the history of the House of Representatives. Pat retired yesterday after more than 53 years of outstanding public service.

Pat comes from a family that has always placed a high premium on public service. Her father, Edward, was a New York City Court justice; her mother, Edna, was a Member of the House of Representatives. Even further back, Pat can trace her family's history of service to a grandfather who was appointed Postmaster of Brooklyn, New York, by President Woodrow Wilson.

In her decades in the House, Pat worked as a research assistant, a legislative assistant for three Members of Congress and the House Rules Committee, and the Editor of the House Daily Digest. Pat served in that most recent role from 1999 to her retirement. She has seen more than half a century of history being made first-hand—and more importantly, she has helped shaped that history, through her diligence, hard work, and deep experience. For more than 53 years, Pat Kelly made herself indispensable to the House, and she will be greatly missed.

HONORING EVIE DAVIS

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 2011

Mr. ENGEL. Mr. Speaker, public service is a noble profession when done honestly and well. Those who work in government, serving the people, do so with pride of accomplishment in the knowledge that they are helping to make life easier for those they serve.

Evie Davis, the District Manager of the West Nyack Social Security office began her career with the Social Security Administration 40 years ago, in October of 1970, at the Northeastern Program Service.

She held a variety of positions of increasing responsibility, rising to District Manager of the White Plains office in 1990. She served there for eleven years before moving across the Hudson River to her current position in Rockland County.

She has served on many committees and workshops in furtherance of helping the SSA better help its clients, including the workgroup on the Limited-English Speaking Population. She has also served on the Advisory Committee of the Offices for the Aging in both Westchester and Rockland Counties.

She has always prided herself on her service to the Social Security Administration and the people it serves, touching the lives of vir-

tually all of America's families in one way or another. She derived great fulfillment from her role in managing and always strove to contribute to a satisfying work environment. For her dedication and her abilities she has received many awards, including the Associate Commissioner's Citation.

Evie and her husband Mark are about to celebrate their 35th wedding anniversary. They have two sons, Eric and Jarrod and twin baby granddaughters.

I congratulate Evie Davis for her 40 years of public service in helping people. She has earned our thanks and praise for the good work she has done for so many years in making our lives and the lives of those around us better and more fulfilling.

HONORING THE LIFE OF EUGENE AARON BONACCI

**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 2011

Mr. ACKERMAN. Mr. Speaker, I rise today to commemorate the life and service of Eugene Aaron Bonacci, a decorated veteran of the United States Navy, loving son, brother, partner, and friend to many. Tragically, Eugene passed away unexpectedly last month at the all too early age of 33.

Eugene devoted his too short life to his family and country. After graduating from Roslyn High School in 1996, he enlisted in the United States Navy. The military proved an ideal career choice. His intelligence, patriotism, selflessness, and drive to succeed in all he endeavored were a perfect fit for the Navy. It was no surprise to those who knew Eugene best that he would be highly decorated for his service. Eugene earned the Navy Achievement Medal, Blue Jacket Award, National Defense Service Medal, Joint Services Medal, Global War on Terrorism Medal, Good Conduct Medal, Navy Pistol Expert Medal, and Rifleman Marksmanship Ribbon.

Following his time in the Navy, Eugene enrolled at Pennsylvania State University, where he studied security and risk analysis. It was Eugene's difficulty obtaining full-tuition benefits for his education under the Post 9/11 G.I. Bill that inspired him and his mother, Leslie Blei, to become tireless advocates of the Post 9/11 G.I. Bill Improvements Act. When the bill passed and was signed into law by President Obama, Eugene, selfless as always, cited his mother's advocacy as a factor for passage of the bill.

Eugene's professional accomplishments were numerous. His personal attributes were the most significant though. Eugene was loved by his family and loved them in return, including his partner Elizabeth Rockey. His large extended family was the source of his strength.

Eugene's life was cut short, but as his father Eugene Bonacci II says, Eugene was blessed with a meaningful life. In a final act of compas-

sion that embodied Eugene's selflessness, he donated his organs, which doctors estimated could save and improve the lives of numerous people.

For his service to country, advocacy for veterans, and devotion to his family and friends, I ask all of my colleagues in the House of Representatives to join me in honoring Eugene Aaron Bonacci.

IN HONOR AND REMEMBRANCE OF LINDA ROMANIK

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 2011

Mr. KUCINICH. Mr. Speaker, I rise to remember Linda Romanik. She was a labor leader who was dedicated to her fellow workers, her family, and her community, and a former member of my Congressional Staff. I am saddened to report that Linda passed away recently after a short illness.

Linda was born on July 31, 1949, in Cleveland, Ohio. Early in her childhood she moved to Wickliffe, Ohio, and graduated from Wickliffe High School in 1967. Soon afterward, she began her employment with Bailey Controls in Wickliffe.

At the time, the workers at Bailey had no labor representation. In 1971, Linda helped form an organizing committee. As a result of her efforts, the workers at Bailey Controls organized Local 1741 of the United Auto Workers (UAW). She served on the Local 1741 committee from 1985 until 1996 and was the committee's Vice President from 1990 through 1993. Linda was also active on the UAW's Community Action Program (CAP) for the Ashland-Geauga-Lake region from 1976 until 1981 and was its chair from 1981 through 1988.

In 1996, Linda worked tirelessly on my Congressional campaign. When we won the election that year, I asked Linda to join my staff as a caseworker and labor liaison. She served the people of Ohio's 10th Congressional District with enthusiasm and distinction. She helped me set up my District offices and worked closely with constituents who needed personal help and with local labor leaders who needed my attention on many issues.

Linda resigned from my staff in 1998 to take on greater challenges in the labor movement. She became the UAW's CAP coordinator in 1998 and International Representative for the UAW's Regions 2 and 2B in 2004. She retired in 2010 after more than 35 years of service with the UAW. She served on the board of the United Labor Agency and was its Recording Secretary. She stayed active with Local 1741 and its successor, Local 70 after the merger of the two locals in 2005. Linda was also a long-time member of the Lake County Democratic Women's Club.

Linda was also a caring mother and wife. She spent 30 loving years married to her husband John, for whom she cared dearly. She

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

also raised her two children, John and Andrea, with warmth and kindness and was the proud grandmother of Carter.

Mr. Speaker and colleagues, please join me in remembering Linda Romanik, an advocate for the public good who served this House with distinction, who made the workplace a better place for workers, and who was dedicated to her community and family.

**CELEBRATING TAIWAN'S 20TH ANNIVERSARY OF THE STRAIT EXCHANGE FOUNDATION**

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Mr. RANGEL. Mr. Speaker, in the last two and a half years, through Taiwan's Straits Exchange Foundation (SEF) and Mainland China's Association for Relations Across the Strait Strait (ARATS), Taiwan and Mainland China have held several rounds of talks and concluded many economic and trade agreements, most important of which was the Economic Cooperation Framework Agreement (ECFA) inked last June 29 in Chongqing China.

ECFA boosts Taiwan's economy and creates tens of thousands of job opportunities. Further, the agreement will help Taiwan's economy to benefit from regional integration and develop new international markets while attracting foreign direct investments in Taiwan. In addition to the economic benefits for both Taiwan and the Chinese mainland, the signing of this agreement has significantly eased tensions across the Taiwan Strait. The two sides are now linked by more than 300 direct flights per week. Mainland China is Taiwan's largest trading partner with cross-strait trade totaling close to \$110 billion in 2009, according to Taiwan statistics.

Clearly, the Straits Exchange Foundation is to be congratulated on its 20th anniversary for its good work. SEF has brought prosperity and peace to the Taiwan Strait. As we celebrate the successes of the SEF, we know much lies ahead for the SEF and the ARATS. For instance, the people in Taiwan and the international community continue to have strong concerns about China's military expansion and deployments.

So far, China has yet to renounce the use of force regarding Taiwan and China's military build-up across the Taiwan Strait continues unabated with more than 1,100 missiles pointed in Taiwan's direction. Although tensions have abated and there seems to be no danger of China using force against Taiwan, China's military deployments worry policymakers in both Taipei and Washington.

While the United States is happy to see rapprochement between the two sides, it is my opinion that to ensure Taiwan's future, we must help Taiwan develop the confidence to resist any outside aggression. We should and must continue to stand by our commitment to provide Taiwan with defense articles and defense services. Our recent decision to notify Congress of the approval of arms sales to Taiwan worth \$6.4 billion is an indication of our commitment to meet the obligations spelled out in the Taiwan Relations Act (TRA). This has been a U.S. policy followed by successive Administrations for more than 30 years.

Again, I congratulate the leaders of Taiwan's SEF, Taiwan's Mainland Affairs Council (MAC) and ROC President Ma Ying-jeou for their vision and hard work in improving cross-strait relations. Together they have restored U.S. trust and reversed the deterioration in cross-strait relations that took place prior to May 2008.

**HONORING TREVOR BAYNE**

**HON. JOHN J. DUNCAN, JR.**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Mr. DUNCAN of Tennessee. Mr. Speaker, I wish today to honor a rising star in motor-sports.

On February 20, 2011, Knoxville native Trevor Bayne raced into NASCAR history by becoming the youngest driver ever to win the Daytona 500.

It was only his second sprint Cup race ever.

The night before his victory, Trevor celebrated his twentieth birthday. Little did he know that the next day, his childhood dream would come true.

Trevor's love of racing began when his father bought him a go-kart when he was 5 years old, and he never looked back.

As a boy, his hero was NASCAR legend Jeff Gordon. Until Sunday, Gordon was the youngest driver ever to win the Daytona 500, an honor that now belongs to Trevor.

Just before heading to Victory Lane, Trevor said four words that summed up his historic feat: "Are you kidding me?"

Because of his overnight success, Trevor is fast becoming one of the most popular young drivers in his sport, but he is much more than that.

Trevor is a young man who puts his faith before winning and his family ahead of individual accomplishments.

Mr. Speaker, Knoxville and the State of Tennessee are very proud of 2011 Daytona 500 Champion Trevor Bayne, and I urge my Colleagues and other readers of the RECORD to join me in recognizing this extraordinary young man.

**COMMENDING THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**

**HON. ILEANA ROS-LEHTINEN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to commend the Eleventh Judicial Circuit of Florida for 100 years of dedicated service to our South Florida community. For a century, it has amassed a distinguished history of honorable service to the people of Miami-Dade County. I have the great privilege of representing the 18th Congressional District of Florida which falls within the boundaries of the Eleventh Judicial Circuit.

The Eleventh Judicial Circuit is the largest circuit in the state of Florida and the fourth largest trial court in the United States. The circuit is one of 20 in the state. The Eleventh Judicial Circuit's jurisdiction consists of Miami-Dade County, Florida, and has 123 circuit and

county court judges presiding and over 14,000 attorneys serving a county wide population of over 2.5 million people. The court's philosophy is written on a placard that appears above the bench in each courtroom with the words, "We Who Labor Here Seek Only Truth."

When Florida entered into statehood in 1845, the state was served by only four judicial circuits: North, South, East, and West. The Southern Circuit spanned thousands of square miles, covering Dade, Monroe, Hillsborough, and Benton counties, and was served by only one circuit judge. The judge had the daunting task of traveling by train, boat, or horse across thousands of square miles to serve the entire circuit. In 1868, Florida's legislature replaced the four compass point circuits with seven numbered circuits. A constitutional amendment added an eighth circuit in 1902.

Florida's growing population soon created a need for additional circuits; so in 1910, the people of the State of Florida amended their constitution to give the legislature the authority to create additional judicial circuits as needed. After considering several plans to restructure the state circuit court system, the legislature expanded the system to 11 circuits in 1911. The Eleventh Judicial Circuit was one of the state's three new circuits.

Originally, the Eleventh Judicial Circuit served the counties of Dade, Palm Beach, and Monroe. At the time, Dade County had a population of roughly 12,000 people and was growing steadily. The first judge of the Eleventh Judicial Circuit was Livingstone Wellesley Bethel, a first generation immigrant raised in Key West, who spent almost 40 years of his life in public service. Judge Bethel served the people of Florida in many capacities including mayor of Key West, Lieutenant Governor of Florida, United States Attorney for the Southern District of Florida, and county and circuit judge.

Our country was built on the foundation that all men are created equal and with certain unalienable rights: life, liberty, and the pursuit of happiness. Our founding fathers took care to protect these and other fundamental rights, establishing a three branch federal government and state governments. They recognized the importance and need for a judicial system to provide checks and balances in order to protect the rights of citizens, stating in the preamble of our Constitution, "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America." A foundation of our judicial system is "equal justice under law." Our federal and state courts work tirelessly to protect the rights of all Americans and are dedicated to carrying out the mandates of our Constitution.

From its modest beginnings in 1911, the Eleventh Judicial Circuit has grown to be one of our nation's most highly respected and important legal jurisdictions. The Eleventh Judicial Circuit is celebrating its rich history and legacy through centennial celebrations that include special artwork, a reenactment of the historic 1930 Al Capone perjury trial, and an overview of the civil rights movement in the Eleventh Judicial Circuit. The Eleventh Judicial Circuit is one of busiest and most prestigious

jurisdictions in our nation, and is recognized as a beacon of justice. The circuit fully embodies the commitment of our nation to provide "equal justice under law." For the last 100 years, the men and women presiding over the Eleventh Judicial Circuit have served the people of South Florida with honor and distinction. I thank the judges, attorneys, and staff of the Eleventh Judicial Circuit for their commitment to justice and the rule of law.

The current members of the court are:

CIRCUIT COURT JUDGES OF THE ELEVENTH JUDICIAL

CIRCUIT

Barbara Areces; Antonio Arzola; Jerald Bagley; Jennifer D. Bailey; Mary Barzee Flores; Scott M. Bernstein; Stanford Blake; Beth Bloom; Joel H. Brown, Chief Judge; Beatrice Butchko; Marcia B. Caballero; Gisela Cardonne Ely; Jeri B. Cohen; Yvonne Colodny; Jorge E. Cueto; Abby Cynamon; Maria Espinosa Dennis; Reemberto Diaz; Amy Steele Donner; Ronald Dresnick; Pedro P. Jr. Echarte; Spencer Eig; Joseph P. Farina; Ivan F. Fernandez; Jose L. Fernandez; Leon M. Firtel; Gill S. Freeman; Darrin P. Gayles; Michael A. Genden; Mindy S. Glazer; Stacy D. Glick; Monica Gordo; Milton Hirsch; Jacqueline Hogan Scola; Julio Jimenez; Sandy Karlan; Maria M. Korvick; Maxine Cohen Lando; Lester Langer; Mark King Leban; Cindy S. Lederman; Ellen Leesfield; Peter R. Lopez; Valerie R. Manno Schurr; Antonio Marin; Bronwyn C. Miller; David C. Miller; Celeste H. Muir; Dennis J. Murphy; Victoria Platzer; Orlando A. Prescott; Israel Reyes; Jose M. Rodriguez; Rosa I. Rodriguez; Jorge Rodriguez-Chomat; Arthur L. Rothenberg; Samantha Ruiz-Cohen; Maria I. Sampedro-Iglesia; Migna Sanchez-Llorens; George A. Sarduy; Nushin G. Sayfie; John Schlesinger; Marc Schumacher; Lawrence A. Schwartz; Robert N. Jr. Scola; Bernard S. Shapiro; Victoria S. Sigler; Scott J. Silverman; Bertila Soto; William Thomas; John W. Thornton Jr.; Marisa Tinkler Mendez; Daryl E. Trawick; Dava J. Tunis; Ellen Sue Venzer; and Diane V. Ward.

MIAMI-DADE COUNTY COURT JUDGES OF THE ELEVENTH

JUDICIAL CIRCUIT

Victoria R. Brennan; Don S. Cohn; Joseph I. Jr. Davis; Victoria del Pino; Robin Faber; Rosa C. Figarola; Mary J. Francis; Gloria Gonzalez-Meyer; Michaelle Gonzalez-Paulson; Wendell M. Graham; Andrew S. Hague; Eric Hendon; Charles K. Johnson; Carroll J. Kelly; Lawrence D. King; Shelley J. Kravitz; Luise Krieger-Martin; Myriam Lehr; Steve Leifman; Norma S. Lindsey; Patricia Marino Pedraza; Cristina Miranda; Edward Newman; Maria D. Ortiz; Ana M. Pando; Gladys Perez; Catherine M. Pooler; Judith Rubenstein; Nuria Saenz; Caryn C. Schwartz; Jacqueline Schwartz; Sheldon R. Schwartz; Fred Seraphin; Lourdes Simon; Samuel J. Slom; Rodney Smith; Linda Singer Stein; Teretha Lundy Thomas; Lisa S. Walsh; Deborah White-Labora; and Andrea R. Wolfson.

SENIOR JUDGES OF THE ELEVENTH JUDICIAL CIRCUIT

Mercedes Armas Bach; Eli Breger; Philip Cook; Robert M. Deehl; Charles D. Edelstein; Richard Y. Feder; Eugene J. Fierro; Ronald Friedman; Seymour Gelber; Norman S. Gerstein; Marvin H. Gillman; William E. Gladstone; Leonard E. Glick; Jon I. Gordon; Edward S. Klein; Judith L. Kreeger; Barbara S. Levenson; Richard V. Margolius; Robert H. Newman; Thomas K. Petersen; Steven D. Robinson; Jeffrey Rosinek; Alan R. Schwartz; Martin Shapiro; Roger A. Silver; Stuart M. Si-

mons; Raphael Steinhardt; Herbert Stettin; and David L. Tobin.

Ride for the brand.  
Talk less and say more.  
Remember that some things aren't for sale.  
Know where to draw the line.

I am proud to share in the celebration of LTG Oates' military career, recognizing both his extraordinary leadership of JIEDDO and his distinguished military service.

IN RECOGNITION OF LIEUTENANT  
GENERAL MICHAEL L. OATES

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Mr. HUNTER. Mr. Speaker, I rise today to recognize the service of Lieutenant General Michael L. Oates, the Director of the Joint Improvised Explosive Device Defeat Organization (JIEDDO), who will retire from service on July 1, 2011.

LTG Oates has honorably served his country for more than three decades. Since graduating from the United States Military Academy at West Point in 1979, LTG Oates has commanded troops from Company to Division level. He is a veteran of Desert Shield and Desert Storm and served three tours in Iraq in support of Operation Iraqi Freedom, serving as the Chief of Staff to the Deputy and Chief Operating Officer, Coalition Provisional Authority, as the Deputy Commanding General (Operations) 101st Airborne Division (Air Assault) and the Commanding General, 10th Mountain Division/Multi-National Division-Center. Among his many decorations, LTG Oates has been awarded the Distinguished Service Medal, the Legion of Merit, and the Bronze Star Medal.

As a Member of the House Armed Services Committee, I have supported LTG Oates' mission to provide the necessary training, equipment, and analytical capabilities necessary to protect our service men and women from the threats posed by IEDs. Having served in both Iraq and Afghanistan myself, I have experienced firsthand the dangers that IEDs pose to our troops. Under Oates' leadership, JIEDDO has made significant strides to combat those dangers by not only reducing the effectiveness of the IEDs, but also by helping to eliminate the enemy networks that seek to use these devices to harm our troops.

His approach on Capitol Hill brought a high degree of candor, integrity, and focus. Few missions are as important as JIEDDO's efforts to defeat the IED as a weapon of strategic influence and LTG Oates carried out that mission superbly, executing our counter-IED (C-IED) support to the Afghanistan surge and significantly reducing the effectiveness of IEDs. Also under his leadership, JIEDDO improved its processes and control measures to reduce wasteful spending, improve transparency to Congress, and demonstrate a greater level of accountability.

I have gotten to know Lieutenant General Michael Oates well during his tenure at JIEDDO. He is an inspiring leader, a teacher, and a Texan. The philosophy he instilled in his staff and demonstrated by example in his daily work come from James P. Owen's book, "Cowboy Values." As he concludes his military career and rides off to face even tougher endeavors, he takes Owen's "Code of the West," with him:

Live each day with courage.  
Take pride in your work.  
Always finish what you start.  
Do what has to be done.  
Be tough, but fair.  
When you make a promise, keep it.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Mr. SMITH of Washington. Mr. Speaker, on Monday, February 28, 2011, I was unable to be present for recorded votes. Had I been present, I would have voted "yes" on rollcall vote No. 148 (on the motion to suspend the rules and pass H.R. 394, as amended), "yes" on rollcall vote No. 149 (on the motion to suspend the rules and pass H.R. 347, as amended), and "yes" on rollcall vote No. 150 (on the motion to suspend the rules and pass H.R. 368, as amended).

CELEBRATING 50 YEARS OF  
MARSHALL UNIVERSITY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Mr. RAHALL. Mr. Speaker, while Marshall University is the oldest public institution of higher education in West Virginia, tracing its founding to 1837, it took nearly 125 years of sustained growth before the normal school established on a knoll in rural Cabell County would truly come of age.

Compared to the news that seems to grab attention nowadays, it is probably difficult for today's students to understand the significance of the granting of university status to the former Marshall College. But 50 years ago, the designation as a state university meant far more than just a name.

Video footage and still photographs shot on Marshall's campus the day the news broke that the West Virginia Legislature had passed the university bill depict a student body that celebrated as if the football team had won a national championship. A special edition of The Parthenon hailed, "We are now Marshall 'U'!" Crowds gathered as "College" was symbolically chipped off one of Marshall's state highway historical markers. Students taped over the word "college" on the team sweatshirts they proudly wore. Cheering and running across campus, they acted as if a war had just ended. And, in essence, that is exactly what had happened. March 2, 1961, marked the end of a multi-year battle for Marshall's official recognition as an advanced higher learning institution in the state of West Virginia.

In his book, "Marshall University: An Institution Comes of Age, 1837–1980," Marshall historian Dr. Charles H. Moffatt noted that in 1961, university status would make Marshall the first university located in the vast stretches of central Appalachia between Lexington, Kentucky, and Lexington, Virginia, and between

Athens, Ohio, and Knoxville, Tennessee. At the time, many states had only one state university, as was the case here, with West Virginia University in Morgantown being the sole university among a handful of higher education institutions in the Mountain State.

Dr. Stewart H. Smith, president of Marshall from 1946 to 1968 and for whom Smith Hall is named, fought many years for his beloved college to earn university status by engaging legislators, backed by strong local support, and working on a public front to change attitudes about a second university in West Virginia. Many thought the state should support only one large university, fearing another would drain resources from West Virginia University.

Smith argued that Marshall had earned university status because of the number of academic programs and advanced degrees offered, as well as the growth in enrollment. Smith, local legislators and area leaders said the change in status would not only help Marshall recruit more students and retain better faculty, it also would result in more federal funding and private donations, and help to bring more businesses to the state.

By 1960, following the establishment of Marshall's College of Applied Sciences, a request was made to the state Board of Education to accord the institution university status. The board approved the request in October 1960, and the battle for a change in State Code to make it official began.

Smith had strong support from Huntington-area legislators, and he joined them in carrying the fight to lawmakers from across the state and to the governor's office. He unified the Huntington campus and, along with the elected officials and other Marshall supporters, they persevered. The so-called Marshall bill passed the West Virginia Senate on February 16, 1961, and cleared the House of Delegates shortly after. Governor W.W. Barron signed the bill and dedicated a brand-new Gullickson Hall at the same time during a ceremony on Marshall's Huntington campus on March 2, 1961.

As he put his pen to the paper, Governor Barron said, "It is my privilege and pleasure to place my signature on legislation to change the name of this splendid educational institution from Marshall College to Marshall University. It is my sincere wish that Marshall's future will be resplendent with new pride and progress . . . which I am convinced will aid all of West Virginia."

The university and city celebrated. It was a turning point in the university's history and set the stage for what has indeed been a new generation of pride and progress as Marshall has grown to serve more West Virginians than ever.

Dramatic changes have occurred in the 50 years since. Enrollment has more than tripled and the campus infrastructure has been completely transformed. The Marshall community experienced unimaginable devastation with the plane crash in 1970 and witnessed an incredible rebirth through the 1990s, a story that was retold with a star-studded motion picture in 2006.

Marshall now offers 159 majors and 105 degrees through its 12 colleges. The university boasts the nation's finest graduate program in forensic science, and a top-ranked School of Medicine and transportation research institute. Marshall has developed a reputation for bio-

science research and has in recent years established new programs in engineering, physical therapy and health informatics. Marshall also is launching a new School of Pharmacy, expected to field its first class of students in fall 2012.

The state's investment in Marshall has more than paid off, tripling in the past few years under current President Stephen J. Kopp's leadership. The most recent economic impact study, completed in 2010, conservatively estimates that Marshall returns \$20 for every state dollar invested in the university, and helps to create more than 6,000 jobs.

Kopp has overseen more than \$200 million in new capital projects and major building renovation. Since 2005, Marshall has launched 10 new high-demand degree majors or programs and doubled its research grant funding.

Marshall's impact will grow even more, as the university expects record enrollment in fall 2011 and more than \$50 million in planned infrastructure improvements and new buildings over the next few years.

This growth would not have been possible without the vision and leadership more than 50 years ago from Dr. Smith and local legislators who recognized the need for Marshall to become a university. And, while there has been tremendous positive change since 1961, Marshall's mission will always be to serve the people of West Virginia and the entire region.

A hundred years ago, Professor Walter Raleigh addressed the meaning of the university. He said, "We owe an enormous debt to those who went before us; we can pay it, or a part of it, only to those who come after us. We must pass on our inheritance; and if we really can make here and there, as no doubt we can, some additions and improvements, to compensate the irrecoverable depredations of time and mortality, we are happy indeed. Anyhow, here is work enough for a University, and motive enough to urge us on to the work."

A hundred, indeed, hundreds of years hence, Marshall University will continue passing on our inheritance as long as we give it the support and encouragement it so nobly deserves.

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#### FINANCIAL TIMES CRITICIZES REPUBLICAN ASSAULT ON SEC AND CFTC

#### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Mr. FRANK of Massachusetts. Mr. Speaker, in a very thoughtful editorial on February 24th, the Financial Times, a widely-respected voice of a responsible free market approach to the economy, expressed strong criticism of the reductions in the budget requests that were made for the Securities Exchange Commission and the Commodities Futures Trading Commission. These two agencies were given significantly enhanced responsibilities in the recently passed financial reform bill, and the Republican budget means that, most glaringly but not exclusively, derivatives will continue to lurk in the shadows of the financial system with their great potential for harm when improperly governed.

The Financial Times, not given to radical thought, closed this editorial by noting that "If

the Republicans want another financial crisis, they are going about it the right way."

Mr. Speaker, few public policy issues are as important to us as avoiding the disaster of another financial crisis and its consequent plunging of the economy as a whole into deep recession and so I ask that his important editorial from the Financial Times be printed here.

[From the Financial Times, Feb. 24, 2011]

#### EDITORIAL: FUNDING REGULATORS

The Dodd-Frank financial regulation law passed in July 2010 was a far-reaching effort to promote financial stability. Whether the legislation can achieve that goal, though, depends on how it is implemented. On this, there are some worrying signs. The House of Representatives has voted to cut funding by a third to the Commodity Futures Trading Commission. It also stripped \$25m from the Securities and Exchange Commission. Squeezing two of the most important regulators jeopardises the progress made in creating a safer financial system.

Too much regulation did not cause the financial crisis. In the last decade, the SEC and CFTC have anyway been stretched. Over that time, the industry's complexity and size have grown. Technology has also changed the way markets operate, and regulators are as yet inadequately equipped with tools to monitor that change.

Even if the remit of these two bodies had not expanded, therefore; to cut their budgets would be ill-advised. To do so when Dodd-Frank has added to their tasks, is irresponsible. The White House understands this: the proposed 2012 budget would nearly double the CFTC's funds and increase the SEC financing by a fifth.

It is imperative that the SEC and CFTC are properly resourced. They are already behind schedule in writing the regulatory detail. This strain is particularly acute for the CFTC, which is taking on a proportionately greater burden under Dodd-Frank: previously unregulated derivatives fall largely under the CFTC's purview.

The current funding model is not the only option. User fees could be a viable alternative to congressional financing. Some other financial regulators already self-fund; the SEC partly does so. The futures industry has lobbied against this model for the CFTC. What matters most, however, is that regulators receive enough funding without strings attached.

The pressure to cut the SEC and CFTC budgets is part of the Republican war on the White House. Dodd-Frank is not perfect, but it improves on what came before. It cannot work, however, if politicians do not support regulators' efforts. If the Republicans want another financial crisis, they are going about it the right way.

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#### HONORING LANCE CORCORAN

#### HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Mr. DENHAM. Mr. Speaker, I rise today to honor the life of Mr. Lance Corcoran. Mr. Corcoran worked for the California Correctional Peace Officers Association and was an influential individual in California's state correctional system. He passed away on Sunday, February 27, 2011. Mr. Corcoran is survived by his wife Christine and his three sons, Ian, Michael and Dylan.

Mr. Corcoran served as the Chief Communication Officer for the California Correctional

Peace Officers Association. He worked for the statewide organization representing the 33,000 men and women who worked in the state's correctional facilities. For over twenty years, Mr. Corcoran served as a union officer for the California Department of Corrections. Starting out as a Correctional Officer at Susanville in 1986, he was quickly promoted due to his commitment to improving the California correctional facilities and the lives of his fellow Peace Officers.

In 1994, Mr. Corcoran served as the President of the California Correctional Center Chapter within the California Correctional Peace Officers Association and also served on the Board of Directors. His leadership and determination not only made the California Correctional Peace Officer Association one of the largest and most prestigious law enforcement associations in the state but also made it highly influential. He continued to improve the Association by serving two terms as the Executive Vice President for the California Correctional Officers Association.

Mr. Corcoran directed the legislative operation of the California Correctional Peace Officers Association as the Chief of Governmental Affairs in 2005 before taking on the position of Chief Communications Officer for the Association. Not only was Mr. Corcoran an advocate for the rights of Peace Officers but also for the families impacted by crime. Mr. Corcoran was an active member of the California Crime Victims Coalition and served on the advisory board for the Doris Tate Crime Victims Bureau.

The passion of Mr. Corcoran to represent the California Correctional Peace Officers Association was unrelenting. He actively worked with determination to protect the rights of the men and women who worked for the California Department of Corrections. Few people have the passion and determination that Mr. Corcoran had. Mr. Corcoran always had a smile on his face and had an unparalleled sense of humor. He was not only an advocate for the Peace Officers, but was also their friend. He worked diligently and with compassion to ensure that all California Corrections Officers were treated fairly. Mr. Corcoran has left an influential impact on the California Correctional Peace Officers Association and on the State of California.

Mr. Speaker, I rise today to honor the life of Lance Corcoran for his service and dedication to the California Department of Corrections and to the State of California. I invite my colleagues to join me in honoring Lance Corcoran.

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**IN HONOR OF AIRMAN 1ST CLASS  
COREY C. OWENS**

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**HON. MIKE ROSS**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 2011

Mr. ROSS of Arkansas. Mr. Speaker, I rise today to honor a true patriot who died in service to this great country. On February 17, 2011, Airman 1st Class Corey C. Owens, USAF, died of a non-combat related incident at Al Asad Air Base in Iraq in support of Operation New Dawn.

Airman 1st Class Owens, 26, of San Antonio, Texas, was assigned to the 47th Security

Forces Squadron, Laughlin Air Force Base, Texas, and was on his second deployment to southwest Asia. His father resides in Story, Arkansas.

Although I never had the honor of meeting Airman 1st Class Owens, it is clear by the outpouring of praise from his colleagues, friends and family that he was well liked and well respected by all who knew him. In fact, local news reported that when Laughlin Air Base held a memorial service on February 28, they had trouble finding a space large enough.

Airman 1st Class Owens is survived by his current wife, Misty Owens; his two daughters, Xiya and Xoe Owens from his first marriage; his father, Steve Owens of Story, Ark.; his mother, Chris Owens of Springfield, Ill.; two sisters, Ann Kusterbeck of Princeton, Tex., and Sandra Owens of Springfield, Ill.; two uncles, two aunts, two nieces, one nephew and several cousins.

When we think of true heroes, we think of brave Americans like Airman 1st Class Owens who risk everything to defend freedom and serve this great country. We will always be grateful for his selfless sacrifice and he will be deeply missed by all who knew him. My thoughts and prayers go out to his parents and the rest of his family and friends during this very difficult time. We are who we are as a nation because of patriots like Airman 1st Class Owens.

Today, I ask all Members of Congress to join me as we honor the life of Airman 1st Class Corey Owens and his legacy, as well as each man and woman in our Armed Forces, and all of those in harm's way supporting their efforts, who give the ultimate sacrifice in service to this great country. We owe them our eternal gratitude.

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**INTRODUCTION OF THE MOTORCOACH ENHANCED SAFETY ACT**

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**HON. JOHN LEWIS**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 2011

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to reintroduce the Motorcoach Enhanced Safety Act.

Four years ago, a horrific accident occurred in my congressional district when a bus carrying the Bluffton University men's baseball team crashed on Interstate 75 in Atlanta, Georgia, en route to a tournament in Florida.

Twenty-nine people were injured on that terrible day, but seven others—Zachary Arend, David Betts, Scott Harmon, Cody Holp, Tyler Williams and Jean and Jerome Niemeyer died that terrible day. They were all treated at various hospitals—Atlanta Medical Center, Piedmont Hospital, and Grady Memorial Hospital.

The entire nation was shocked by the tragedy, and I was floored when my office received a phone call from one of the surgeons who treated the victims. Dr. Jeffrey Salomone, an Associate Professor of Surgery at Emory University School of Medicine, and Deputy Chief of Surgery at Grady Hospital was outraged. He felt that the injuries would have been less severe, and that more lives may have been saved had the victims not been ejected from the motorcoach bus. It was an accident that had been seen time and time again in emergency rooms across the country,

and Dr. Salomone couldn't understand why the government had not acted.

Well last year, Congress almost did. The sponsors of the Senate-companion to this legislation—Sens. SHERROD BROWN and KAY BAILEY HUTCHISON—worked tirelessly to move the Motorcoach Enhanced Safety Act through the Committee process and onto the Floor. In the House, the Chairmen of both the Transportation and Infrastructure Committee and the Energy and Commerce Committee expressed interest and empathy on this issue. Secretary LaHood coordinated discussion groups and drafted a preliminary proposal to address motorcoach safety.

Simply said, Mr. Speaker, Congress needs to act. This bill addresses the most common-sense of issues and has always enjoyed bipartisan support. The U.S. used to be a leader on safety and standards issues, but now we're falling behind. The proposals laid out in this legislation bring our nation's motorcoach industry into the 21st century. I hope that all my colleagues will cosponsor this important bill, and that the victims and their families will celebrate its signage into law this year.

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**NATIONAL PEACE CORPS WEEK/  
PEACE CORPS 50TH ANNIVERSARY**

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**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 2011

Ms. LEE of California. Mr. Speaker, I would like to take the opportunity to honor the Peace Corps during this National Peace Corps Week.

I would also like to thank Congressman GARAMENDI, a returned Peace Corps volunteer himself, for his leadership in organizing this special order on this historic occasion.

Today, March 1, 2011 the Peace Corps celebrates its 50th anniversary. It is with the historic contributions of this organization in mind, that I proudly acknowledge the important work of more than two hundred thousand Peace Corps volunteers since the agency's inception in 1961.

It is not surprising that year in and year out Americans are eager to do even more. While more than 13,000 Americans apply annually to serve their country in Peace Corps, serious budget constraints provide placements for roughly 30 percent of applicants.

President Obama has rightly called for doubling the size of the Peace Corps in order to meet this demand, as well as the overwhelming need for additional volunteers around the globe.

This is a pledge that we must keep.

I am proud to report that California has been and continues to be the largest producer of Peace Corps volunteers with more than 1,100 people currently serving abroad.

My home District, California's 9th Congressional District, can be called home by more than 20 current volunteers who have committed themselves to the Peace Corps mission of world peace and friendship through service.

The University of California, Berkeley located in my district has consistently received top or near top honors for producing the most Peace Corps Volunteers, producing 92 volunteers in 2010 alone.

In fact, UC Berkeley has contributed over 3,400 volunteers to the Peace Corps Program since 1961.

Through volunteer work abroad in fields including health education, food security, local business development, education about HIV/AIDS, and agricultural and environmental improvement, the work of the Peace Corps improves people's lives.

At the same time, this vital work enhances the credibility of the United States abroad, fostering the exchange of ideas, and uniting cultures around values of peace, tolerance, and prosperity.

That is why I have introduced H.R. 384, The Peace Stamp for the Peace Corps Act, which calls for the introduction of a semi-postal Peace Stamp, which will sell at a slightly higher rate than the normal 44 cents, in order to create additional revenues for the Peace Corps.

What better time to celebrate the legacy and significance of this great organization with a semi-postal stamp than on the occasion of the Peace Corps' historic 50th anniversary.

I encourage my colleagues to join as co-sponsors of H.R. 384, which most importantly, would generate additional resources for the work of the Peace Corps through the generous support of the American people.

There is no denying the impact of U.S. foreign assistance programs around the world, and the Peace Corps is a perfect example of our nation's will to promote peaceful relations, the exchange of ideas, and to assist and empower those who are most in need.

Before I finish, it should be noted that the Peace Corps enjoys bipartisan support in Congress, not the least of which from our four Returned Peace Corps Volunteers currently serving in the House: Reps. GARAMENDI, FARR, PETRI, and HONDA.

I would also like to take a moment to recognize a man who embodied the Peace Corps' mission of 'peace and friendship through service', and that is Sargent Shriver.

Mr. Shriver, who passed away this January, was a true public servant who dedicated his life to promoting justice and creating opportunity not only in America but throughout the world.

In his work and personal life, and most notably as the first Director of the Peace Corps, Mr. Shriver's dedication to this cause has come to define generations of U.S. volunteers working at home and abroad for the betterment of society through the offering of a steady, helping hand.

During National Peace Corps Week we salute past and present Volunteers who selflessly serve abroad in support of the Peace Corps' vital mission.

Today we say happy 50th anniversary to the Peace Corps, and should similarly rededicate ourselves to supporting and strengthening the Peace Corps program for ours and future generations.

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**IN HONOR OF RICHARD "DICK" GODDARD**

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**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Richard "Dick" Goddard, longtime Cleveland-area meteorologist, animal rights advocate, author and cartoonist

on the occasion of his fiftieth anniversary in broadcasting and 80th birthday.

Born on February 24, 1931, Dick, an Akron, Ohio native, graduated from Green High School. He first entered the field of meteorology as a member of the U.S. Air Force, 6th Weather Squadron, where he served our country during the Korean War. After his return to Ohio, he enrolled at Kent State University, where he graduated in 1960 with a bachelor of arts in drama and broadcasting.

He began his career in broadcasting with Cleveland-area station KYW-TV on May 1, 1961. After the station moved to Philadelphia, Dick remained in Cleveland, becoming the chief meteorologist at WJW-TV where he has remained for forty-five years. Dick also became the statistician for the Cleveland Browns, a position he still holds. In these roles, he has become a community leader and local celebrity, hosting public events and founding the area's annual Woollybear Festival.

Dick is one of the Cleveland area's most famous and effective advocates for animal welfare. For example, to help an animal shelter find new homes for its indigent dogs, he features several adoptable dogs during every Friday evening newscast. He has single-handedly raised the level of awareness of animal rights and has done Northeast Ohio a great service.

Mr. Speaker and Colleagues, please join me in honor and recognition of Dick Goddard for his contributions to the Cleveland area and to our nation. The longevity of his public service in Cleveland shows a strong commitment to the vitality of Northeast Ohio, and his tireless work for animal rights has helped to save or improve the lives of countless needy animals. He has been nothing short of inspirational, and he continues to be a leader and role model in our community.

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**MAYOR OLIVE STEPHENS—A LIFE-LONG COMMITMENT TO SERVICE**

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**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Mr. BURGESS. Mr. Speaker, today I rise to recognize a very special citizen of the 26th District of Texas, Olive Stephens. Mrs. Stephens has enjoyed a long life of public service with 10 years as Councilwoman and 38 years as the Mayor of Shady Shores whose population is about 2,700. At 94 years of age, Mayor Stephens says it's time to pass the torch.

Olive Stephens has made a remarkable impact on the town during her reign of service. She was there to support the incorporation of Shady Shores in 1960. This prevented its absorption from surrounding cities and since then, five separate city landmarks bear her name including a street, the city council chambers, and an elementary school. For many years, in an effort to keep from increasing taxes for citizens, fundraisers were held to help fund the fire department, road maintenance, and the general fund. Ceramics sales, fish fries, bar-b-ques, chili suppers, and yard sales are all examples of how Mayor Stephens led her citizens in ingenuity and resourcefulness.

Olive was known for her tenacity and has left us with many memorable quotes, but I think one of her more recent in regard to her stepping down is a relevant one, "Well, I've left you without any debt and money in the bank, so let's see if we can keep it that way." Her longevity and integrity are not in short supply as she will continue participation in the community she helped build. She is truly an inspirational community leader. I thank Mayor Stephens for her lifelong commitment to service. I am proud to represent her in Congress.

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**IN RECOGNITION OF ROBERT MORRIS**

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**HON. PETE SESSIONS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Mr. SESSIONS. Mr. Speaker, I rise today to recognize Mr. Robert Morris, a dedicated community and home building industry leader.

After graduating from San Diego State University, Mr. Morris became actively involved with builders associations—first, serving as a volunteer with the Building Industry Association of San Diego and then joining the staff as the Director of Membership and later on as the Executive Vice President. Mr. Morris' strong belief in community service was emphasized shortly after his arrival in the great State of Texas in 1994. He sought and gained opportunities to become involved with various civic organizations, serving on boards such as the Fannie Mae Dallas Advisory Council and the North Central Texas Customer Advisory Board.

With his extensive experience and passion for the building industry, Mr. Morris established his presence as the Executive Vice President and Chief Executive Officer of the Home Builders Association (HBA) of Greater Dallas. In this role, Mr. Morris also qualified for two home building industry professional designations, the Certified Aging in Place Specialist (CAPS) and the Certified Green Professional (CGP) and continued to expand his knowledge by participating in the National Association of Homebuilders Officers Council Excellence in Learning Program. The HBA and the industry greatly benefitted from his vision, extensive experience, and wealth of wisdom. Mr. Morris has received numerous awards and honors, including the prestigious Texas Association of Builders' Presidential Service Award and the Seldon Hale Lifetime Accomplishment Award.

I know his dedication and leadership will be greatly missed at the HBA. I wish Bob and his wife, Pam, all the best in their future endeavors. Mr. Speaker, I ask my esteemed colleagues to join me in congratulating Mr. Morris on his retirement and his many achievements in the home building industry.

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**HONORING JACK CRISTIL FOR HIS STORIED CAREER AT MISSISSIPPI STATE UNIVERSITY**

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**HON. GREGG HARPER**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Mr. HARPER. Mr. Speaker, I am pleased to honor Jack Cristil of Tupelo, Mississippi for his

contribution to sports radio and television broadcasting, and specifically the state of Mississippi through his dedicated service as a Mississippi State University (MSU) announcer. For 58 years, Cristil has been at the microphone broadcasting across the radio airwaves for Mississippi State football and basketball games.

Cristil began his career calling minor league baseball games in Tennessee and Alabama and later moved to Clarksdale, Mississippi to call high school football games. In 1953, Cristil was hired by MSU's Athletic Director C.R. "Dudy" Noble as the voice of the Bulldogs and Mississippi State football games. Four years later, in 1957, Cristil began to broadcast MSU basketball games as well.

Cristil is a recipient of the Ronald Reagan Lifetime Achievement award, the Southeastern Conference (SEC) Broadcaster of the Year in 1988 and a 21-time winner of the Mississippi Broadcaster of the Year. Additionally, he was a recipient the Chris Shenkel Award in 1997 by the College Football Hall of Fame as well as being a 1991 inductee to the Mississippi Sports Hall of Fame.

On February 23, 2011, Cristil announced that due to urgent health reasons he would call his final Mississippi State University basketball game the following Saturday. Last weekend, millions of sports fans nationwide were privileged to listen briefly to Cristil's final broadcast during the Mississippi State versus the University of Tennessee basketball game when ESPN announcers went silent for a few moments allowing Cristil's live radio feed to broadcast over national television.

Cristil was known for his commitment to journalistic professionalism in his broadcasts as well as his unique and trademark expressions such as, "You can wrap this game in maroon and white!" and "Welcome to a sunbathed Scott Field at Davis Wade Stadium on the beautiful campus of Mississippi State University!"

To quote a story from the Jackson, Mississippi newspaper, The Clarion-Ledger, the following is a great representation of Cristil's attitude and personality:

"Of a State—Alabama football game when Bob Hope was on tour and doing a show that night in Tuscaloosa, unbeknownst to Cristil. Bear Bryant's boys, as usual, were beating up on State when somebody came by the visitors' radio booth and whispered to Cristil, 'Hope is available at halftime if you want him.' Responded Cristil, 'Fellow, I need some hope right now.' But Bob Hope did come by and did do the interview. 'One of the best halftime guests I ever had,' Cristil says. 'Funny and smart.'"

In his career, Cristil has broadcast over 1,500 basketball games and 636 football games, which is nearly 63 percent and 55 percent, respectively, of all of Mississippi State's games.

Mr. Speaker, please join me in honoring Jack Cristil's broadcasting career and service to Mississippi State University by saying as Jack Cristil would say: "You can wrap it in maroon and white!"

#### A TRIBUTE TO FAY DOUGLAS-LANE

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Ms. Fay Douglas-Lane for her service to and excellence in the practice of nursing.

Fay was born in Kingston, Jamaica. Her extensive nursing career began at the University Hospital of the West Indies' School of Nursing, where she received certification in both medical and surgical wards. Throughout her life, Fay provided critical services to her community as a nurse, mentor and volunteer to those in need.

Fay began her career in 1983, as an Operating Room nurse at SUNY Downstate Medical Center. For nearly nine years she served in this capacity. She left Downstate Medical Center for a brief period, but returned in 1994. When Fay returned, she served in supervisory roles until her promotion to Associate Nursing Director in 2003. Fay has a unique understanding of perioperative nursing; her expertise was instrumental to the healthcare team at SUNY. Among her accomplishments, Fay championed and facilitated the Team STEPPS Program, an evidence based teamwork system designed to improve quality, safety and efficiency for perioperative services. Fay retired from Downstate Medical Center on December 31, 2010.

Fay has always been committed to achieving excellence in the practice of nursing. She was involved in the Brooklyn Chapter of the Association of Operating Room Nurses, including two separate terms as President. She also served as mentor to numerous Registered Nurses, Operating Room Technicians, Nursing Assistants, and Resident Physicians.

Fay was not consumed by hospital work. She devoted time to assisting teachers and staff at P.S. 397, a children's elementary school in Brooklyn, NY, and has been actively involved in the Parent Teacher Association of Erasmus Hall High School in Brooklyn. Fay also spent significant time volunteering. In 1986, she worked with a team of doctors and nurses to care for the poor and needy in Jamaica, West Indies. In 1998, she contributed her time and service to the People United to Save Our Children Community Choir.

Fay has a strong commitment to her faith. In March of 2000, she received a certificate for Outstanding Christian Services from Berean Baptist Church in Brooklyn. In December 2010, she was ordained a deacon at Berean Baptist Church, where she has been a member for over twenty years.

Mr. Speaker, I urge my colleagues to join me in recognizing Ms. Fay Douglas-Lane.

#### HONORING JACK CRISTIL FOR HIS 58 YEAR CAREER AS THE VOICE OF THE MISSISSIPPI STATE BULLDOGS

#### HON. ALAN NUNNELEE

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Mr. NUNNELEE. Mr. Speaker, today is a memorable night throughout the State of Mis-

sissippi and indeed throughout the South-eastern Conference, when the Mississippi State University Bulldogs tip off in Fayetteville, Arkansas. The thing that will make this game memorable is that Jack Cristil will not be behind the microphone.

For the past 58 years, as Mississippi State fans tuned in to listen to basketball or football games, they heard the distinctive voice of Jack Cristil. However, due to declining health, Mr. Jack called his last game over the weekend.

He began his career in the golden age of radio, and learned to paint a picture with words as he recounted the events on the field or court, when no other medium was available. The first day on the job, Mississippi State Athletic Director Dudy Noble told him, "You tell that radio audience what the score is and who's got the ball and how much time is left and you cut out the bull."

Throughout his 58 years, he never veered from that advice. His commitment to professionalism and excellence at his craft led him to develop a style that all Mississippians, including those from rival schools, respected. Long before Fox News, he was fair and balanced, and reported the games in that manner.

His distinct style has influenced several generations of sports fans, as they could expect to hear the introduction of a six foot tall sophomore (pronounced with its proper three syllables) wearing maroon pants, a white jersey with maroon numerals, and maroon headgear. He truly was the Voice of the Bulldogs.

Over the years, he has been recognized by numerous organizations including receiving an award named after another famous sportscaster, the Ronald Reagan Lifetime Achievement Award from the National Association of Sportscasters and Sportswriters. He also was inducted into the Mississippi State University Sports Hall of Fame in 2003, named Mississippi Sportscaster of the Year 21 times and the recipient of the SEC Broadcaster of the Year award in 1988.

Tonight, the game will go on, and the broadcast will be in capable hands, but Mr. Cristil, we will miss you.

#### CONGRATULATING INTEL SCIENCE TALENT SEARCH FINALIST AND SEMIFINALISTS IN NEW YORK'S 2ND DISTRICT

#### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Mr. ISRAEL. Mr. Speaker, I rise today to honor a number of talented and dedicated high school students in my district who were chosen to be Semifinalists in the Intel Science Talent Search (STS) as well as one who was named as a Finalist. These students are the future of our nation's research and I am so proud to recognize them today.

Jonathan Aaron Goldman attends Plainview-Old Bethpage John F. Kennedy High School in Plainview, NY, and Intel has named him a STS Finalist for his research project "Evidence for Link between Native Reading Language and Internal/External Scanning Processes." Jonathan will come to Washington, D.C. in March to participate in a final judging session

and will compete for the top award of \$100,000. While in D.C., he will display his work to the public as well as meet with notable scientists and the other 39 Intel STS Finalists. Being recognized as a Finalist is an extraordinary honor and I know Jonathan will be successful in his future endeavors.

I also want to recognize the Intel STS Semifinalists from my district. Long Island is fortunate to have so many quality schools with dedicated teachers who guide talented students to success. The following students were chosen from among 1,744 entrants to receive a \$1,000 award for their outstanding research. In addition, their schools receive \$1,000 to further excellence in scientific education. I am impressed not just by their scientific knowledge but also by their superior commitment to the scientific process. These young students represent the bright future of American innovation, science and research and I look forward to hearing more from them in the future:

Kendra Cornejo, Norman Cao, and Sharon Mary Varghese of Brentwood High School; Arpon Paul Raksit and Marni Jordyn Wasserman of Commack High School; Rachel Paula Gerber of Half Hollow Hills High School East and Dianna Hu of Half Hollow Hills High School West, both in Dix Hills; Jonathan Michael Nachman of Plainview who attends North Shore Hebrew Academy High School in Great Neck; Pamela Anne Wax of Harborfields High School in Greenlawn; Ishwarya Ananthabhotla of Kings Park High School; Adam Joshua Getzler, Jonathan Aaron Goldman, Jonathan Abraham Goldman, and Alexander Herbert Kushner of Plainview-Old Bethpage John F. Kennedy High School; and Gary Scott Rosenblatt, Karen Sikka, Harris Jacob Weber, and Deanna Ruxi Zhu of Syosset High School.

#### PERSONAL EXPLANATION

##### HON. JAMES A. HIMES

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Mr. HIMES. Mr. Speaker, I was unable to be present to cast my vote on one amendment to H.R. 1. I wish the RECORD to reflect my intention had I been able to vote.

Had I been present for rollcall No. 125, I would have voted "aye."

#### HONORING JOHN FEASTER

##### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to John Alfred Feaster as he celebrates his 80th birthday. A celebration will be held in Burton Michigan on March 19th in honor of the occasion.

John Alfred Feaster graduated from Arkansas A&M College in 1954 with a degree in economics. He served in the U.S. military during the Korean War and was honorably discharged with the rank of corporal in 1956. A year later he married the former Lillian Battle in Flint Michigan. Mr. Feaster worked at AC Spark Plug retiring in 1991 and he is a member of UAW Local 651.

As an active member of Quinn Chapel AME Church, Mr. Feaster has served as President of the Laymen Organization, on the Steward Board, on the Trustee Board, in the Men's Fellowship, in the Men's Choir, and the Chancel Choir. He was initiated into Alpha Phi Alpha Fraternity on December 17, 1952 and is a lifetime member. He is currently active with the Epsilon Upsilon Lambda (Flint Grad) chapter of the Fraternity. Mr. Feaster is also a lifetime member of the Flint Chapter of the NAACP.

Mr. Speaker, I ask the House of Representatives to join me in congratulating John Alfred Feaster as he celebrates his 80th birthday. I would like to extend to him my best wishes for a delightful day and may the coming year be filled with happiness and good health.

#### "DON'T CUT GLOBAL HEALTH CARE"

##### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Ms. SCHAKOWSKY. Mr. Speaker, recently Dr. Ellen Chadwick, a pediatric infectious disease specialist from Wilmette Illinois, warned about the severe consequences that would arise from cuts in critical global health initiatives, especially those that protect the lives and well-being of children. In her letter to the editor, which appeared on February 24 in the Chicago Tribune, she lays out the many reasons why we need to continue our modest contributions to the President's Emergency Plan for AIDS Relief (PEPFAR) program and the Global Fund to Fight AIDS, TB and Malaria.

As Dr. Chadwick points out, the United States spends less than one quarter of one percent of our budget on global health assistance, but the benefits we obtain are enormous. She writes that our funding "saves lives, preserves families and communities, and builds extraordinary good will toward America." It is also an investment in global and national security, since global health crises such as the AIDS epidemic can destabilize entire regions.

Like Dr. Chadwick, I believe that we can achieve our fiscal goals without jeopardizing the lives of children around the world and without creating global insecurity. As a member of the President's National Commission on Fiscal Reform and Responsibility, I put forward my own plan to achieve deficit reduction. My plan maintains global health funding and protects the middle-class and the poor here at home. Instead, it reduces the deficit by restoring economic prosperity, cutting unnecessary weapons systems and wasteful spending in the Department of Defense, raising revenues from those who can afford to pay more, and eliminating waste and other inefficiencies in government.

I hope that my colleagues will take a moment to read Dr. Chadwick's letter and, after doing so, will reject the harsh cuts to global health included in H.R. 1.

[From the Chicago Tribune, Feb. 24, 2011]

"DON'T CUT GLOBAL HEALTH CARE"

(By Dr. Ellen Chadwick)

As a pediatric infectious diseases specialist, I am gravely concerned about federal budget cuts passed by the House that will

have a devastating impact on a group that cannot speak for themselves in the halls of Congress—poor children in sub-Saharan Africa. The House version of the annual federal funding bill ravages global health programs, reducing their funding by more than \$1 billion, with most cuts targeting the President's Emergency Plan for AIDS Relief (PEPFAR) program and the Global Fund to Fight AIDS, TB and Malaria. Other programs that contribute to maternal and child health in developing countries are also affected. Cutting these precious resources will be measured in lives lost, as cuts will mean fewer HIV-infected pregnant women tested and treated for HIV, fewer infants treated to prevent HIV and more HIV-infected children without access to care, support and education. Finally, these cuts will result in growth of the population of children orphaned by AIDS, already estimated to be 16 million globally. Meanwhile, these cuts will make little difference in our budget deficit.

The investments Americans make in global health see incredible, tangible results measured in lives saved. In 2010 alone, the PEPFAR program provided more than 600,000 HIV-positive pregnant women with antiretroviral treatment, allowing more than 114,000 babies to be born HIV-free. The Global Fund has provided this treatment to an additional 1 million mothers, and HIV treatment to more than 3 million HIV-infected people around the world. What is more, for every dollar we invest in the Global Fund, our international neighbors contribute an additional two, making our leadership that much more important and rewarding. After 30 years of AIDS, we are finally beginning to believe in the promise of an AIDS free generation in the hardest hit regions of the world.

The House's proposed funding cuts stand to decimate these important programs, with deadly consequences. According to PEPFAR estimates, 400,000 men, women and children would be dropped from lifesaving treatment. Another 414,000 supported by the Global Fund would be without medicines, representatives there estimate. More than 32,000 babies could be infected with HIV every year due to reduction in services to prevent mother-to-child transmission. Without treatment, one-half of these HIV-infected infants will not live to see their second birthday.

Even without these cuts, the unmet need is already great. Children in sub-Saharan Africa lack the same access to treatment that adults get—for example, in Uganda 43 percent of infected adults have access to medication while only 18 percent of infected children have access. Children with HIV are also especially vulnerable to tuberculosis, making treatment of both infections particularly difficult.

Over the past several years, I have conducted clinical research and provided training to clinicians in Africa to increase capacity to care for kids. I have cared for many infants and children with HIV/AIDS. With antiretroviral treatment, I watch these children quickly spring back to life. Even more rewarding is the satisfaction of the new mother who is told that her child is not HIV-infected because treatment from pregnancy through the breastfeeding period has protected her child. U.S. support for global health—only one quarter of 1 percent of our federal budget—saves lives, preserves families and communities, and builds extraordinary good will toward America.

The House of Representatives will not have the final word on cuts to global health. The Senate will take up the budget next, and can and must refuse to embrace these draconian cuts. I hope that Illinois' two distinguished senators will lead the charge in protecting the mothers and children in Africa whose well-being depends upon their actions.

## PERSONAL EXPLANATION

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 2011

Mr. SMITH of Washington. Mr. Speaker, on Friday, February 18, 2011, during consideration of H.R. 1, the Full Year Continuing Appropriations Act for Fiscal Year 2011, I recorded an erroneous vote on amendment number 569, offered by Mr. Issa of California. I intended to vote "no" on rollcall vote number 133.

## TRIBUTE TO MRS. CAROLE KENDRICK SPIVEY THOMAS

**HON. PAUL C. BROUN**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 2011

Mr. BROUN of Georgia. Mr. Speaker, I rise today to honor a powerful and effective teacher, Mrs. Carole Kendrick Spivey Thomas, of Eatonton, Georgia.

Mrs. Thomas, married to David H. Thomas and a mother of four, graduated from Mercer University with a degree in English. After graduation, she began a teaching career at her alma mater, Putnam County High School. In 1971 she moved to Gatewood Schools, where she has continued as an excellent educator for the past 40 years. She earned a Specialist Degree and life teaching certificate in Library Education from the University of Georgia and has also served as the school librarian.

Since 1985, Mrs. Thomas has led the middle school trip to Washington, D.C., giving students the opportunity to explore the sights of our Nation's capital and learn about the representative democracy in the United States. She has made the trip a memorable experience for the students, providing them the opportunity to see firsthand the landmarks and places they previously had only read about in books.

In Mrs. Thomas' teaching career, more than half a century teaching career, she has consistently shown her students how much she cares about their education and self-improvement. Whether she is analyzing literature, reviewing projects for her students, or organizing literary competitions, Mrs. Thomas' dedication to her students and enthusiasm for her work are evident and to be highly commended.

Mr. Speaker, I am honored to recognize Carole Thomas' service and dedication to the students of my district and congratulate her on celebrating over 50 years of teaching excellence.

## CELEBRATING TEXAS' INDEPENDENCE DAY

**HON. JOE BARTON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 2011

Mr. BARTON of Texas. Mr. Speaker, I rise today in celebration of Texas' Independence Day which occurred 175 years ago and to commemorate the occasion I would like to

share with the House, the Texas Declaration of Independence signed on this day in the year 1836.

The Unanimous Declaration of Independence made by the Delegates of the People of Texas in General Convention at the town of Washington on the 2nd day of March 1836

When a government has ceased to protect the lives, liberty and property of the people, from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted, and so far from being a guarantee for the enjoyment of those inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression.

When the Federal Republican Constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated central military despotism, in which every interest is disregarded but that of the army and the priesthood, both the external enemies of civil liberty, the ever-ready minions of power, and the usual instruments of tyrants.

When, long after the spirit of the constitution has departed, moderation is at length so far lost by those in power, that even the semblance of freedom is removed, and the forms themselves of the constitution discontinued, and so far from their petitions and remonstrances being regarded, the agents who bear them are thrown into dungeons, and mercenary armies sent forth to force a new government upon them at the point of the bayonet.

When, in consequence of such acts of malfeasance and abdication on the part of the government, anarchy prevails, and civil society is dissolved into its original elements. In such a crisis, the first law of nature, the right of self-preservation, the inherent and inalienable rights of the people to appeal to first principles, and take their political affairs into their own hands in extreme cases, enjoins it as a right towards themselves, and a sacred obligation to their posterity, to abolish such government, and create another in its stead, calculated to rescue them from impending dangers, and to secure their future welfare and happiness.

Nations, as well as individuals, are amenable for their acts to the public opinion of mankind. A statement of a part of our grievances is therefore submitted to an impartial world, in justification of the hazardous but unavoidable step now taken, of severing our political connection with the Mexican people, and assuming an independent attitude among the nations of the earth.

The Mexican government, by its colonization laws, invited and induced the Anglo-American population of Texas to colonize its wilderness under the pledged faith of a written constitution, that they should continue to enjoy that constitutional liberty and republican government to which they had been habituated in the land of their birth, the United States of America.

In this expectation they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced in the late changes made in the government by General Antonio Lopez de Santa Anna, who having overturned the constitution of his country, now offers us the cruel alternative, either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

It has sacrificed our welfare to the state of Coahuila, by which our interests have been continually depressed through a jealous and

partial course of legislation, carried on at a far distant seat of government, by a hostile majority, in an unknown tongue, and this too, notwithstanding we have petitioned in the humblest terms for the establishment of a separate state government, and have, in accordance with the provisions of the national constitution, presented to the general Congress a republican constitution, which was, without just cause, contemptuously rejected.

It incarcerated in a dungeon, for a long time, one of our citizens, for no other cause but a zealous endeavor to procure the acceptance of our constitution, and the establishment of a state government.

It has failed and refused to secure, on a firm basis, the right of trial by jury, that palladium of civil liberty, and only safe guarantee for the life, liberty, and property of the citizen.

It has failed to establish any public system of education, although possessed of almost boundless resources, (the public domain,) and although it is an axiom in political science, that unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty, or the capacity for self-government.

It has suffered the military commandants, stationed among us, to exercise arbitrary acts of oppression and tyranny, thus trampling upon the most sacred rights of the citizens, and rendering the military superior to the civil power.

It has dissolved, by force of arms, the state Congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the seat of government, thus depriving us of the fundamental political right of representation.

It has demanded the surrender of a number of our citizens, and ordered military detachments to seize and carry them into the Interior for trial, in contempt of the civil authorities, and in defiance of the laws and the constitution.

It has made piratical attacks upon our commerce, by commissioning foreign desperadoes, and authorizing them to seize our vessels, and convey the property of our citizens to far distant ports for confiscation.

It denies us the right of worshipping the Almighty according to the dictates of our own conscience, by the support of a national religion, calculated to promote the temporal interest of its human functionaries, rather than the glory of the true and living God.

It has demanded us to deliver up our arms, which are essential to our defence, the rightful property of freemen, and formidable only to tyrannical governments.

It has invaded our country both by sea and by land, with intent to lay waste our territory, and drive us from our homes; and has now a large mercenary army advancing, to carry on against us a war of extermination.

It has, through its emissaries, incited the merciless savage, with the tomahawk and scalping knife, to massacre the inhabitants of our defenseless frontiers.

It hath been, during the whole time of our connection with it, the contemptible sport and victim of successive military revolutions, and hath continually exhibited every characteristic of a weak, corrupt, and tyrannical government.

These, and other grievances, were patiently borne by the people of Texas, until they reached that point at which forbearance ceases to be a virtue. We then took up arms in defence of the national constitution. We appealed to our Mexican brethren for assistance. Our appeal has been made in vain. Though months have elapsed, no sympathetic response has yet been heard from the Interior. We are, therefore, forced to the melancholy conclusion, that the Mexican

people have acquiesced in the destruction of their liberty, and the substitution therfor of a military government; that they are unfit to be free, and incapable of self government.

The necessity of self-preservation, therefore, now decrees our eternal political separation.

We, therefore, the delegates with plenary powers of the people of Texas, in solemn convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and declare, that our political connection with the Mexican nation has forever ended, and that the people of Texas do now constitute a free, Sovereign, and independent republic, and are fully invested with all the rights and attributes which properly belong to independent nations; and, conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the decision of the Supreme arbiter of the destinies of nations.

Signed,

Richard Ellis, President of the Convention and Delegate from Red River.

Charles B. Stewart, Tho. Barnett, James Collinsworth, Edwin Waller, Asa Brigham, John S. D. Byrom, Francis Ruis, J. Antonio Navarro, Jesse E. Badgett, Wm D. Lacy, William Menifee, Jn. Fisher, Matthew Caldwell, William Motley, Lorenzo de Zavala, Stephen H. Everett, George W. Smyth, Elijah Stapp, Claiborne West, Wm. B. Scates, M. B. Menard, A. B. Hardin, J. W. Burton, Thos. J. Gazley, R. M. Coleman, Sterling C. Robertson, Geo. C. Childress, Bailey Hardeman, Rob. Potter, Thomas Jefferson Rusk, Chas. S. Taylor, John S. Roberts, Robert Hamilton, Collin McKinney, Albert H. Latimer, James Power, Sam Houston, David Thomas, Edwd. Conrad, Martin Farmer, Edwin O. Legrand, Stephen W. Blount, Jms. Gaines, Wm. Clark, Jr., Sydney O. Pennington, Wm. Carroll Crawford, Jno. Turner, Benj. Briggs Goodrich, G. W. Barnett, James G. Swisher, Jesse Grimes, S. Rhoads Fisher, John W. Moore, John W. Bower, Saml. A. Maverick (from Bejar), Sam P. Carson, A. Briscoe, J. B. Woods, H. S. Kimble, Secretary.

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#### HONORING THE LIVES OF VETERANS KERRY DUDKEWIC, ARNOLD BOCKSEL, AND SEAMUS BYRNE

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#### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Mr. ISRAEL. Mr. Speaker, I rise today to honor the lives of three veterans who passed away this past weekend.

Mr. Kerry Dudkewic of Smithtown, NY, was 62 years old and a Vietnam veteran and lost his battle with cancer on Friday, February 25, 2011. This past January he was finally given confirmation from the VA that his many ailments were indeed connected to his service and were caused by exposure to Agent Orange. Kerry knew he was very sick and wanted his wife to obtain survivor benefits upon his death. Kerry's commitment to serving others was exhibited throughout his life and I am so grateful I was able to help him in return before his passing.

Mr. Arnold A. Bocksel of Syosset, NY, was a 97-year-old WWII veteran and passed away on Sunday, February 27, 2011, of natural causes. Arnold survived the Bataan Death March and three and a half years in a Japanese prison camp. Arnold was awarded sev-

eral medals, including the Bronze Star and the Prisoner of War Medal. Arnold suffered from service-related injuries and in 2010 he was awarded a check from the VA to make his home handicapped-accessible. Arnold was truly a hero and I was so proud to help get him the support he earned and deserved.

Finally, Mr. Seamus Byrne of Smithtown, NY, was tragically struck by a car and killed on Sunday, February 27, 2011, while walking home with his wife Michelle after celebrating his 33rd birthday with friends. Seamus served with the New York Army National Guard Fighting 69th Infantry Regiment and was awarded a Purple Heart for injuries sustained while serving in Afghanistan. I am so saddened by this, knowing Seamus was finally getting his life back in order after his injuries and knowing his family was finally getting their husband and dad back to normal. Seamus is survived by his 10-year-old son Seamus, his 3-year-old daughter Ashley, and his wife, who is a nurse and tried to save him after he was struck.

Again, I am honored to have had these great men in our community and am grateful for the service they provided to our nation.

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#### HONORING THE STATE OF TEXAS

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#### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Mr. HENSARLING. Mr. Speaker, today I would like to recognize the State of Texas on the 175th anniversary of the signing of the Declaration of Independence of the Republic of Texas.

Texas Independence Day commemorates the adoption of the Texas Declaration of Independence from Mexico on March 2, 1836. Sixty delegates from across Texas signed the declaration. Its language in many ways parallels our nation's 1776 Declaration of Independence.

Only six days before the signing of Texas' declaration, 150 patriots under the command of Colonel William Barret Travis made their last stand against Santa Anna's Mexican army at the Alamo. Though vastly outnumbered, the Alamo patriots were committed to the cause of liberty for Texas. On February 24th, Colonel Travis dispatched arguably the most historic letter in Texas history, calling for reinforcements. "I shall never surrender or retreat. Then, I call on you in the name of Liberty, of patriotism, and everything dear to the American character, to come to our aid with all dispatch," pleaded Travis.

The strength of character and commitment to freedom displayed by Colonel Travis and his men has endured in the hearts of every Texan throughout our 175 years as a Republic. It is this spirit that makes Texas great, and has allowed us to weather challenging times. More than ever, I think we could use a lot more of that undeniably Texas spirit and determination in Washington.

It is with great pleasure I take the time to recognize the great State of Texas on this monumental occasion.

TEXAS INDEPENDENCE DAY—175 YEARS AGO

#### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Mr. POE of Texas. Mr. Speaker, I rise today to honor the unique history of the great state of Texas.

Today, March 2, marks Texas Independence Day.

On this day, 175 years ago, Texas declared its independence from Mexico and its dictator, Santa Anna, the 19th century Muammar Gadhafi.

In 1836, in the small farm village of Washington-on-the-Brazos, 54 Texians, as they called themselves in those days, gathered to do something bold and courageous: Sign the Texas Declaration of Independence and once and for all "declare that the people of Texas do now constitute a free, sovereign, and independent republic."

As these determined delegates met to declare independence, Santa Anna and 6,000 enemy troops were marching on an old beat-up Spanish mission that we now call the Alamo, where Texas defenders stood defiant, stood determined.

They were led by a 27-year-old lawyer by the name of William Barrett Travis.

The Alamo and its 186 Texans were all that stood between the invaders and the people of Texas.

And behind the cold, dark, damp walls of that Alamo, Commander William Barrett Travis sent the following letter to Texas requesting aid.

Here is what this appeal said in part: "To all the people of Texas and Americans throughout the world, I am besieged by a thousand or more of the enemy under Santa Anna. I have sustained a continual bombardment and cannon fire for over 24 hours, but I have not lost a man. The enemy has demanded surrender at its discretion; otherwise the fort will be put to the sword. I have answered that demand with a cannon shot, and the flag still waves proudly over the wall. I shall never surrender or retreat. I call upon you in the name of liberty and patriotism and everything dear to our character to come to our aid with all dispatch. If this call is neglected, I am determined to sustain myself for as long as possible and die like a soldier who never forgets what is due his honor and that of his country. Victory or death."—William Barrett Travis, Colonel, Texas Army.

After 13 days of glory at the Alamo, Commander Travis and his men sacrificed their lives on the altar of freedom March 6, 1836.

However, those lives would not be lost in vain. Their determination did pay off, and because heroes like Travis, Davy Crockett and Jim Bowie held out so long, Santa Anna's forces took such great losses they became battered and demoralized.

As Travis said, "Victory will cost them more dearly than defeat."

The Alamo defenders were from every State and 13 foreign countries.

They were black, brown, and white. Their ages were 16 through 67, and they were all volunteers.

They were mavericks, revolutionaries, farmers, shopkeepers, and freedom fighters; and

they came together to fight for something they believed in: freedom and independence.

General Sam Houston, in turn, had the time he needed to devise a strategy to rally other Texas volunteers to ultimately defeat Santa Anna in the Battle of San Jacinto on April 21, 1836.

The rest is Texas history.

The war was over, and the Lone Star flag was visible all across the broad, bold, brazen plains of Texas.

Texas remained a nation for 9 years and claimed land that now includes part of New Mexico, Oklahoma, Colorado, Kansas, Wyoming, even up to the Canadian border.

In 1845, Texas was admitted to the Union by only one vote when a Louisiana Senator changed his mind.

By Treaty with the United States, Texas may divide into five States, and the Texas flag is to fly even with the U.S. flag and not below it.

Freedom has a cost. It always does. It always will.

And as we pause to remember those who lost their lives so that Texas could be a free Nation, we cannot forget those Americans that are currently fighting in lands across the seas for the United States' continued freedom and liberty today.

Texas Independence Day is a day of pride and reflection in the Lone Star State.

It is a day we remember to pay tribute to heroes like William Barrett Travis, Jim Bowie, Davy Crockett, Jim Bonham, Sam Houston, and the rest of the volunteers who fought the evil tyrant and terrorist Saint Anna. It was an effort to make Texas free, and that effort was successful.

My first grandson is named Barrett Houston in honor of William Barrett Travis and General Sam Houston.

So, today, we remember that Texas was a glorious nation once and won freedom and independence because some fierce volunteers fought to the death for liberty over tyranny.

On this Texas Independence Day, let us not forget those brave men and women in our military that are fighting to preserve and uphold our freedom from a new world threat of terrorism.

Mr. Speaker, I hope that the Congress and the country will join in celebrating this Texas Independence Day.

In Colonel Travis' final letter and appeal for aid, he signed off with three words that I leave with you now: "God and Texas." "God and Texas" and the rest, as they say, is Texas history.

And that's just the way it is, Mr. Speaker.

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#### HONORING CORINNE GRAYSON-THOMAS

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#### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Mr. ENGEL. Mr. Speaker, Corinne Grayson-Thomas was born in New York City to William and Anna Grayson and attended NYC Public Schools until her family moved to Runyon Heights in Yonkers, New York. She was the first African American woman to graduate from Roosevelt High School, in 1932. She attended City College of New York, majoring in History

and Science, while focusing on political issues, as well as justice and equality. With the war coming, she made the decision to leave college after 3 years and go to work.

She joined Gimbel's Department Store in 1944, became the first African-American Sales Representative, and she remained there until she retired in 1975. She was also the first woman of color to become an Avon Sales Representative and worked with the company for 40 years. Ms. Thomas was very successful as a Team Leader, receiving many awards from the company and being featured in the 1996 February Edition of Essence Magazine in the Avon Ad "Black Has Never Been More Beautiful."

Corinne joined the Terrace City Chapter #26 Order Eastern Star under the affiliation of her father, Worshipful Master William Grayson. After serving as Worthy Matron in 1970, she had several appointments from the Grand Chapter, which included the Grand Marshall in the East and District Deputy Grand Matron. She is an honorary member of Poinsettia Chapter in Spring Valley and a Past Commandress of the Order of Cyrenes.

She was a member of the Nepperhan Community Center for many years and served on the Board of Directors and as president for 5 years (1960–1965). Ms. Thomas was a member of the Social Bridge Club and is an avid bowler in the Runyon Heights Seniors League. She is also a frequent contributor to the Runyon Heights Community Newsletter.

She is widowed and has one daughter, Jean Ann; 2 grandsons, Jathan and Michael and one Great Grand-daughter, Katherine Corinne and has 3 siblings, Muriel, Carol and Gerald.

She believes in spreading love and has spent her whole life doing just that. Her favorite Bible Chapter is 1 Corinthians 13, and the scripture that echoes this principle is "And now these three remain: faith, hope and love. But the greatest of these is love."

I join the Terrace City Chapter in honoring Corinne Grayson-Thomas for her many contributions to the betterment of her community.

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#### RECOGNIZING THE 150TH ANNIVERSARY OF COLORADO BECOMING A TERRITORY

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#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Mr. COFFMAN of Colorado. Mr. Speaker, I rise today to commemorate the 150th Anniversary of Colorado becoming a territory of the United States on February 28th, 2011.

The territory was organized as a result of the Pike's Peak Gold Rush of 1858 through 1861. Given its name from the discovery of gold in the foothills of the mountain named for its explorer, Zebulon Pike, this gold rush resulted in a large movement of miners and prospectors to the area in search of their fortunes.

As the initial gold deposits were collected, settlers moved westward into the Rocky Mountains to search for additional deposits, forming camps wherever they were discovered. Denver became the central supply town for these prospectors. More permanent mines emerged and settlers understood the vast

wealth this mineral rich country held, and sought to establish a more concrete set of laws and government.

Colorado officially became a territory of the United States through the signature of President James Buchanan on February 28th, 1861.

The Colorado Territory was formed amid the furor of succession of southern states and matured during our Civil War. Our great state is now a destination for Americans and foreign travelers who come to behold our natural beauty and engage in our superior recreational activities.

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#### RECOGNIZING THE 50TH ANNIVERSARY OF THE PEACE CORPS

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#### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 2, 2011*

Ms. RICHARDSON. Mr. Speaker, I rise today to recognize the 50th Anniversary of the Peace Corps and praise the generations of volunteers who have passed through the program, sharing American ideals with the world and promoting a greater understanding of world cultures on the part of Americans.

Mr. Speaker, there are currently 8,655 Peace Corps volunteers serving abroad, and the largest portion of them, 1,134, come from my home state of California. Right now, there are 336 volunteers from the Los Angeles-Long Beach Metropolitan Area, which encompasses my District. In fact, I am proud to say there only two metropolitan areas that produce more volunteers than my congressional district.

Since the beginning of the program, California has produced over 27,000 Peace Corps volunteers, who, driven by the same pioneering spirit for which California is famous, selflessly contributed a significant portion of their lives to serving others. My alma mater, UCLA, has produced 92 volunteers, ranking it among the top 10 universities that inspire recent graduates to join the program. I salute them all and thank them for the sacrifices they make every day to make the world a better place.

The history of the Peace Corps is tied to its founder, John F. Kennedy, when he was then a candidate for President. On October 14, 1960, he gave a speech at the University of Michigan and lingered afterwards with a group of students, the conversation lasting long into the night. During that meeting, they discussed the idea of a government program whereby young Americans would be sent to developing nations to aid in local projects, mostly centering on education, health, and agriculture. President Kennedy kept this idea and 50 years ago he signed Executive Order 10924, establishing the Peace Corps. It was one of his first acts as President.

Peace Corps volunteers are expected to work for 27 months, during which time they live and work in a developing nation with minimal comforts. After a training period, volunteers are placed in schools, community groups, and with other organizations that lack the capacity to acquire professional staff with specialized skills. Volunteers live on a small stipend and must adapt to the unique challenges posed by living in a different place with different cultures.

Volunteers started arriving in five countries through 1962. In just under six years under the leadership of its first Director, Sargent Shriver, the Peace Corps developed programs in 55 countries with a volunteer count of more than 15,000. As of now, over 200,000 Americans have served in 139 developing countries. Whole families have served in the program, which leads me to believe that the Peace Corps is an American institution, its value time-tested and its image recognized on a global scale.

As a Member of Congress dedicated to strengthening American security, at home and abroad, I can think of no other American program that does better work to promote peace and goodwill at the grassroots level among everyday people in the world's developing countries. Every Peace Corps volunteer is an ambassador, living simply and building lasting relationships with their community partners, day in and day out. Some of these partners have gone on to serve their own countries internationally as diplomats. Many more become teachers, businesspeople, and local leaders who invest in their country, continuing and improving upon the work inspired by a Peace Corps volunteer. In making more friends around the globe and helping people take the lead in solving their own problems through collaborative means, the Peace Corps makes the world safer.

Mr. Speaker, in addition to building institutional capacity and promoting a positive model of Americans abroad, the Peace Corps has a third component: It educates Americans about the world beyond our shores and promotes long-term cross-cultural understanding. Returned Peace Corps volunteers will talk about their experiences and offer insights into the cultures of their host countries for the rest of their lives. They will seek out public forums and encourage others interested in making the journey. They will possess a perspective of the world, and of its inhabitants, unattainable by any other means. They will also continue to

serve the public interest. In this way, the Peace Corps improves America as it does any other country.

Mr. Speaker, since the age of 6 I have wanted to work for others, and though I was a little girl at the time, I was touched by the energy of President Kennedy and came of age as the Peace Corps flourished. The spirit of service has never left me. The ideals of the Peace Corps fell across a generation, and to all those volunteers who heeded the call, I thank you for your service.

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INTRODUCTION OF IMPROVING  
COMPACT-IMPACT ASSISTANCE  
FOR EDUCATION

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**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 2011

Ms. BORDALLO. Mr. Speaker, I rise today to re-introduce a bill to expand the Federal Impact Aid Program to reimburse schools for the costs of educating students from the Freely Associated States (FAS), residing in the United States, including the territories. This legislation was H.R. 4695 in the 111th Congress and it enjoyed bipartisan support. Impact Aid was originally authorized by the Elementary and Secondary Education Act in 1965 to compensate local school districts for the costs of educating federally connected children. Examples of these kinds of students include those whose parents live on military bases, live on Indian lands, or are the children of accredited foreign diplomats. However, the Impact Aid Program does not compensate local schools for the costs incurred by educating students from the FAS.

The United States entered into the Compacts of Free Association with the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau and

under the Compacts, citizens of these countries can enter the United States without a visa. Thus, children whose parents are citizens of the FAS are in schools in the states and territories under a special immigration category and are federally connected just as children of military families are similarly federally connected. This legislation would provide a means for the federal government to provide assistance to impacted local education authorities.

Mr. Speaker, the economic downturn has forced many local school districts to cut education budgets. This is a longstanding issue for affected jurisdictions and they need this to be redressed now more than ever. I will continue to make this, and all unreimbursed compact-impact funds, a priority in the 112th Congress. I would like to thank Mr. FALEOMAVAEGA, Mr. SABLAR, Mr. PIERLUISI, Mr. HONDA, and Ms. HANABUSA for their support as original co-sponsors. I will work with these co-sponsors to pass this bill.

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OUR UNCONSCIONABLE NATIONAL DEBT

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**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,172,957,589,856.62.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$3,534,531,843,562.80 since then.

This debt and its interest payments we are passing to our children and all future Americans.

**SENATE COMMITTEE MEETINGS**

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 3, 2011 may be found in the Daily Digest of today's RECORD.

**MEETINGS SCHEDULED****MARCH 4**

9:30 a.m.  
Joint Economic Committee  
To hold hearings to examine the employment situation for February 2011.

SH-216

**MARCH 8**

9:30 a.m.  
Armed Services  
To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SH-219 following the open session.

SD-G50

## Veterans' Affairs

To hold joint hearings to examine the legislative presentation from Veterans of Foreign Wars.

345, Cannon Building

10 a.m.  
Banking, Housing, and Urban Affairs  
To hold hearings to examine the nominations of Peter A. Diamond, of Massachusetts, to be a Member of the Board of Governors of the Federal Reserve System, and Katharine G. Abraham, of Iowa, and Carl Shapiro, of California, both to be a Member of the Council of Economic Advisers, Executive Office of the President.

SD-538

## Budget

To hold hearings to examine the report of the National Commission on Fiscal Responsibility and Reform.

SD-608

## Energy and Natural Resources

To hold hearings to examine the nomination of Peter Bruce Lyons, of New Mexico, to be Assistant Secretary of Energy for Nuclear Energy.

SD-366

## Finance

To hold hearings to examine if the tax system supports economic efficiency, job creation and broad-based economic growth.

SD-215

Homeland Security and Governmental Affairs  
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee  
To hold hearings to examine State Department training, focusing on investing in the workforce to address 21st century challenges.

SD-342

10:30 a.m.

Appropriations  
To hold hearings to examine proposed budget estimates for fiscal year 2012.

SH-216

Commerce, Science, and Transportation  
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold hearings to examine implementation of the "Magnuson-Stevens Fishery Conservation and Management Act".

SR-253

2:30 p.m.

Commerce, Science, and Transportation  
To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Department of Transportation.

SR-253

Homeland Security and Governmental Affairs  
To hold hearings to examine the nomination of Heather A. Higginbottom, of the District of Columbia, to be Deputy Director of the Office of Management and Budget, Executive Office of the President.

SD-342

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

**MARCH 9**

10 a.m.

Budget

To hold hearings to examine distribution and efficiency of spending in the tax code.

SD-608

Finance

To hold hearings to examine the President's 2011 trade agenda.

SD-215

Judiciary

To hold an oversight hearing to examine the Department of Homeland Security.

SD-226

Small Business and Entrepreneurship

Business meeting to mark up the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Reauthorization Act of 2011.

SR-428A

2:15 p.m.

Environment and Public Works

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Federal Highway Administration.

SD-406

2:30 p.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the state of the housing market.

SD-538

Commerce, Science, and Transportation

To hold hearings to examine realizing NASA's potential, focusing on programmatic challenges in the 21st century.

SR-253

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine new tools for curbing waste and fraud in Medicare and Medicaid.

SD-342

3 p.m.

Appropriations

Department of the Interior, Environment, and Related Agencies Subcommittee  
To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of the Interior.

SD-124

**MARCH 10**

9:30 a.m.

Armed Services

To hold hearings to examine on the current and future worldwide threats to the national security of the United States; with the possibility of a closed session in SH-219 following the open session.

SD-G50

Energy and Natural Resources

To hold hearings to examine S. 398, to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and S. 395, to repeal certain amendments to the Energy Policy and Conservation Act with respect to lighting energy efficiency.

SD-366

Appropriations

Transportation and Housing and Urban Development, and Related Agencies Subcommittee  
To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of Transportation.

SD-138

10 a.m.

Homeland Security and Governmental Affairs  
To hold hearings to examine the nomination of Carolyn N. Lerner, of Maryland, to be Special Counsel, Office of Special Counsel.

SD-342

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

3 p.m.

Homeland Security and Governmental Affairs  
To hold hearings to examine information sharing in the era of WikiLeaks, focusing on balancing security and collaboration.

SD-342

**MARCH 15**

10:15 a.m.

Judiciary

To hold hearings to examine the "Freedom of Information Act", focusing on ensuring transparency and accountability in the digital age.

SD-226

**MARCH 16**

9:30 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations from AMVETS, Jewish War Veterans, Military Officers Association of America, Gold Star Wives, Blinded Veterans Association, Non Commissioned Officers

Association, Iraq and Afghanistan Veterans of America, Fleet Reserve Association.

SDG-50

MARCH 30

10:30 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations from Paralyzed Veterans of America, Air Force Sergeants Association, Military Order of the Purple Heart, National Association of State Directors of Veterans Affairs, Wounded Warrior Project, Vietnam Veterans of America, The Retired Enlisted Association, American Ex-Prisoners of War.

SD-106

MARCH 31

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Army in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program.

SD-G50

APRIL 5

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Northern Command and U.S. Southern Command in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program;

with the possibility of a closed session in SVC-217 following the open session.

SD-G50

APRIL 12

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Pacific Command and U.S. Forces Korea in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SH-219 following the open session.

SD-106

*Wednesday, March 2, 2011*

# *Daily Digest*

## HIGHLIGHTS

Senate passed H.J. Res. 44, Further Continuing Appropriations.

## Senate

### *Chamber Action*

*Routine Proceedings, pages S1077–S1169*

**Measures Introduced:** Thirty-seven bills and one resolution were introduced, as follows: S. 430–466, and S. Con. Res. 9. **Pages S1119–20**

#### **Measures Passed:**

**Authorizing Committee Expenditures:** Senate agreed to S. Res. 81, authorizing expenditures by committees of the Senate for the periods March 1, 2011, through September 30, 2011, and October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013. **Pages S1078–83**

**Further Continuing Appropriations:** By 91 yeas to 9 nays (Vote No. 29), Senate passed H.J. Res. 44, making further continuing appropriations for fiscal year 2011. **Pages S1088–89**

#### **Measures Considered:**

**Patent Reform Act—Agreement:** Senate continued consideration of S. 23, to amend title 35, United States Code, to provide for patent reform, taking action on the following amendments proposed thereto: **Pages S1089–S1114**

Adopted:

Bennet/Udall (CO) Modified Amendment No. 117, to establish additional USPTO satellite offices. **Pages S1089, S1092–93**

Kirk/Pryor Amendment No. 123, to provide a fast lane for small businesses within the U.S. Patent and Trademark Office to receive information and support regarding patent filing issues. **Pages S1089, S1093**

Menendez Modified Amendment No. 124, to provide for prioritized examination for technologies important to American competitiveness. **Pages S1089, S1111–12**

Rejected:

By 58 yeas to 40 nays (Vote No. 30), Lee Amendment No. 115, to express the sense of the Senate in support of a balanced budget amendment to the

Constitution. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, was not agreed to).

**Pages S1089, S1107–11**

Pending:

Leahy Amendment No. 114, to improve the bill. **Page S1089**

Bennet Amendment No. 116, to reduce the fee amounts paid by small entities requesting prioritized examination under Three-Track Examination.

**Page S1089**

Feinstein Amendment No. 133, to strike the first inventor to file requirement.

**Pages S1093–98, S1104–07, S1112–14**

A unanimous-consent agreement was reached providing that notwithstanding the Tuesday, March 1, 2011 adoption of the Leahy-Grassley Modified Amendment No. 121, that the amendment be further modified. **Page S1109**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 11 a.m., on Thursday, March 3, 2011. **Page S1167**

#### **Appointments:**

**Canada-U.S. Interparliamentary Group:** The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appointed the following Senator as Chairman of the Senate Delegation to the Canada-U.S. Interparliamentary Group conference during the 112th Congress: Senator Klobuchar. **Page S1167**

**Message from the President:** Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the continuation of the national emergency originally declared in executive order 13288 on March 6, 2003, with respect to the actions and policies of certain members of the

Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM-6)

**Page S1118**

**Nominations Confirmed:** Senate confirmed the following nominations:

4 Air Force nominations in the rank of general.

13 Army nominations in the rank of general.

11 Marine Corps nominations in the rank of general.

Routine lists in the Air Force, Army, Foreign Service, Marine Corps, Navy, and Public Health Service.

**Pages S1165–67, S1167–69**

**Nominations Received:** Senate received the following nominations:

Walter A. Barrows, of Virginia, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2014.

Nannette Jolivette Brown, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Wilma Antoinette Lewis, of the District of Columbia, to be Judge for the District Court of the Virgin Islands for a term of ten years.

Nancy Torresen, of Maine, to be United States District Judge for the District of Maine.

S. Amanda Marshall, of Oregon, to be United States Attorney for the District of Oregon for the term of four years.

Thomas Gray Walker, of North Carolina, to be United States Attorney for the Eastern District of North Carolina for the term of four years.

Felicia C. Adams, of Mississippi, to be United States Attorney for the Northern District of Mississippi for the term of four years.

Clayton D. Johnson, of Oklahoma, to be United States Marshal for the Northern District of Oklahoma for the term of four years.

Alfred Cooper Lomax, of Missouri, to be United States Marshal for the Western District of Missouri for the term of four years.

Charles F. Salina, of New York, to be United States Marshal for the Western District of New York for the term of four years.

David V. Brewer, of Oregon, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2013.

A routine list in the National Oceanic and Atmospheric Administration.

**Page S1167**

**Messages from the House:**

**Page S1118**

**Executive Communications:**

**Pages S1118–19**

**Additional Cosponsors:**

**Pages S1120–21**

## Statements on Introduced Bills/Resolutions:

**Pages S1121–45**

## Additional Statements:

**Pages S1117–18**

## Amendments Submitted:

**Pages S1145–64**

## Authorities for Committees to Meet:

**Page S1165**

**Record Votes:** Two record votes were taken today. (Total—30)

**Pages S1089, S1111**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 6:45 p.m., until 10 a.m. on Thursday, March 3, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1167.)

## Committee Meetings

(Committees not listed did not meet)

## APPROPRIATIONS: DEPARTMENT OF HOMELAND SECURITY

*Committee on Appropriations:* Subcommittee on Homeland Security concluded a hearing to examine proposed budget estimates for fiscal year 2012 for the Department of Homeland Security, after receiving testimony from Janet Napolitano, Secretary of Homeland Security.

## APPROPRIATIONS: DEPARTMENT OF STATE AND FOREIGN OPERATIONS

*Committee on Appropriations:* Subcommittee on State, Foreign Operations, and Related Programs concluded a hearing to examine proposed budget estimates for fiscal year 2012 for the Department of State and Foreign Operations, after receiving testimony from Hillary Rodham Clinton, Secretary of State.

## DEPARTMENT OF ENERGY BUDGET

*Committee on the Budget:* Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2012 for the Department of Energy, after receiving testimony from Steven Chu, Secretary of Energy.

## THE FUTURE OF AMERICAN MANUFACTURING

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine the future of American manufacturing, focusing on maintaining America's competitive edge, after receiving testimony from Representative Hoyer; and Gary Locke, Secretary of Commerce.

**DEPARTMENT OF THE INTERIOR BUDGET**

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2012 for the Department of the Interior, after receiving testimony from Ken Salazar, Secretary of the Interior.

**ENVIRONMENTAL PROTECTION AGENCY BUDGET**

*Committee on Environment and Public Works:* Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2012 for the Environmental Protection Agency, after receiving testimony from Lisa P. Jackson, Administrator, Environmental Protection Agency.

**PREVENTING HEALTH CARE FRAUD**

*Committee on Finance:* Committee concluded a hearing to examine preventing health care fraud, focusing on new tools and approaches to combat old challenges, after receiving testimony from Peter Budetti, Deputy Administrator and Director, Center for Program Integrity, Centers for Medicare and Medicaid Services, and Daniel R. Levinson, Inspector General, both of the Department of Health and Human Services.

**INTERNATIONAL AFFAIRS BUDGET**

*Committee on Foreign Relations:* Committee concluded a hearing to examine national security and foreign policy priorities in the fiscal year 2012 International Affairs Budget, after receiving testimony from Hilary Rodham Clinton, Secretary of State.

**STREAMLINING THE NOMINATIONS PROCESS**

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine eliminating bottlenecks, focusing on streamlining the nominations process, after receiving testimony from Clay Johnson III, Commission to Reform the Federal Appointments Process, Austin, Texas; Max Stier, Partnership for Public Service, Washington, D.C.; and Robert Dove, former Parliamentarian of the United States Senate, Falls Church, Virginia.

**MILITARY'S TUITION ASSISTANCE PROGRAM**

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine preventing abuse of the Military's Tuition Assistance Program, focusing on the military's oversight of schools receiving Tuition Assistance funds and the extent of military coordination with accrediting agencies and the Department of Education in its oversight activities, after receiving testimony

from Senator Harkin; Robert L. Gordon III, Deputy Assistant Secretary of Defense for Military Community and Family Policy; George A. Scott, Director, Education, Workforce, and Income Security, Government Accountability Office; and Kathryn McMurtry Snead, Servicemembers Opportunity Colleges, Atlanta, Georgia.

**IMPROVING EMPLOYMENT OPPORTUNITIES**

*Committee on Health, Education, Labor, and Pensions:* Committee concluded a hearing to examine improving employment opportunities for people with intellectual disabilities, after receiving testimony from Lynnae Rutledge, Commissioner, Rehabilitation Services Administration, Department of Education; Sharon Lewis, Commissioner, Administration on Developmental Disabilities, Administration for Children and Families, Department of Health and Human Services; Joan K. Evans, Wyoming Department of Workforce Services Director, Cheyenne; Randy Lewis, Walgreens, Co., Deerfield, Illinois; David Egan, Booz Allen Hamilton, Vienna, Virginia; and William E. Kiernan, University of Massachusetts Boston Institute for Community Inclusion.

**MISSING CHILDREN**

*Committee on the Judiciary:* Committee concluded a hearing to examine helping law enforcement find missing children, after receiving testimony from Kevin L. Perkins, Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation, Department of Justice; Patty Wetterling, Jacob Wetterling Resource Center, St. Paul, Minnesota; Ernie Allen, National Center for Missing and Exploited Children, Alexandria, Virginia; James J. Keightly, Keightly and Ashner LLP, Washington, D.C.; and Thea M. Pirnat, Fairfax County Police Criminal Investigations Bureau Child Exploitation Unit, Fairfax, Virginia.

**NOMINATIONS**

*Committee on the Judiciary:* Committee concluded a hearing to examine the nominations of Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit, Kevin Hunter Sharp, to be United States District Judge for the Middle District of Tennessee, who was introduced by Senators Alexander and Corker, Roy Bale Dalton, Jr., to be United States District Judge for the Middle District of Florida, who was introduced by Senators Nelson (FL) and Rubio, and Claire C. Cecchi, and Esther Salas, both to be United States District Judge for the District of New Jersey, both introduced by Senators Lautenberg and Menendez, after the nominees testified and answered questions in their own behalf.

## DEPARTMENT OF VETERANS AFFAIRS BUDGET

*Committee on Veterans' Affairs:* Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2012 for the Department of Veterans Affairs, focusing on the Independent Budget, after receiving testimony from Eric K. Shinseki, Secretary, Robert A. Petzel, Under Secretary for Health, Michael Walcoff, Acting Under Secretary for Benefits, Steve L. Muro, Acting Under Secretary for Memorial Affairs, Roger W. Baker, Assistant Secretary for Information and Technology, and W. Todd Grams, Acting Assistant Secretary for Management, all of the Department of Veterans Affairs; Carl Blake, Paralyzed Veterans of America, Joseph A. Violante, Disabled American Veterans, Raymond C. Kelley, Veterans of Foreign Wars, and Tim Tetz, The American Legion, all of Washington, D.C.; Christina M. Roof, AMVETS, Lanham, Maryland; and Maryann D. Hooker, Delaware VA Medical Cen-

ter, Wilmington, on behalf of the American Federation of Government Employees (AFL-CIO).

## ENDING ELDER ABUSE

*Special Committee on Aging:* Committee concluded a hearing to examine ending elder abuse, neglect and financial exploitation, including challenges state Adult Protective Services programs face in identifying, investigating, and resolving elder abuse cases, after receiving testimony from Kay E. Brown, Director, Education, Workforce, and Income Security, Government Accountability Office; Kathleen M. Quinn, National Adult Protective Services Association, and Marie-Therese Connolly, Woodrow Wilson International Center for Scholars, both of Washington, D.C.; Mark Lachs, New York Presbyterian Health Care System, New York, New York; Bonnie Brandl, National Clearinghouse on Abuse in Late Life, Superior, Colorado; and Mickey Rooney, Los Angeles, California.

# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 24 public bills, H.R. 867–890; and 4 resolutions, H. Res. 136–139 were introduced. **Pages H1523–24**

**Additional Cosponsors:** **Page H1525**

**Reports Filed:** Reports were filed today as follows:

H.R. 525, to amend the Public Health Service Act to enhance and increase the number of veterinarians trained in veterinary public health (H. Rept. 112–22);

H.R. 528, to require the submission of a report to the Congress on parasitic disease among poor Americans (H. Rept. 112–23); and

H.R. 570, to amend the Public Health Service Act to enhance the roles of dentists and allied dental personnel in the Nation's disaster response framework, and for other purposes (H. Rept. 112–24). **Page H1523**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Yoder to act as Speaker pro tempore for today. **Page H1457**

**Recess:** The House recessed at 10:32 a.m. and reconvened at 12 noon. **Page H1462**

**Small Business Paperwork Mandate Elimination Act of 2011—Rule for Consideration:** The House agreed to H. Res. 129, the rule providing for consid-

eration of H.R. 4, to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, by a yea-and-nay vote of 252 yeas to 175 nays, Roll No. 157, after the previous question was ordered by a yea-and-nay vote of 243 yeas to 185 nays, Roll No. 156.

**Pages H1465–73, H1480–81**

**Surface Transportation Extension Act of 2011:** The House passed H.R. 662, to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, by a recorded vote of 421 ayes to 4 noes, Roll No. 160.

**Pages H1473–80, H1482–94**

Rejected the Polis motion to recommit the bill to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 181 ayes to 246 noes with 2 voting “present”, Roll No. 159. **Pages H1491–93**

Agreed to:

Mica amendment (printed in H. Rept. 112–20) that makes three technical changes to correct drafting errors in the bill (by a yea-and-nay vote of 422 yeas with none voting “nay”, Roll No. 158). **Pages H1490–91**

H. Res. 128, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of

256 yeas to 169 nays, Roll No. 155, after the previous question was ordered without objection.

Pages H1473–80

**Meeting Hour:** Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow. **Page H1481**

**Committee on Transportation and Infrastructure—Communication:** Read a letter from Chairman Mica wherein he transmitted a copy of a resolution, related to the General Services Administration's FY 2011 Capital Investment and Leasing Program, adopted by the Committee on Transportation and Infrastructure on February 16, 2011. **Pages H1481–82**

**Presidential Message:** Read a message from the President wherein he notified Congress of the continuation beyond March 6, 2011 of the national emergency with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions—referred to the Committee on Foreign Affairs and ordered printed (H. Rept. 112–12). **Page H1501**

**Senate Message:** Message received from the Senate today appears on page H1462.

**Senate Referral:** S. 388 was held at the desk.

Page H1462

**Quorum Calls—Votes:** Four yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H1479, H1480, H1480–81, H1490–91, H1493, H1493–94. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 7:56 p.m.

## *Committee Meetings*

### AGRICULTURE, RURAL DEVELOPMENT, FDA

*Committee on Appropriations:* Subcommittee on Agriculture, Rural Development, FDA, and Related Agencies Appropriations held a hearing on FY 2012 Budget Request. Testimony was heard from Phyllis K. Fong, Inspector General, Department of Agriculture.

### COMMERCE, JUSTICE, SCIENCE

*Committee on Appropriations:* Subcommittee on Commerce, Justice, Science, and Related Agencies Appropriations held a hearing on Patent and Trademark Office FY 2012 Budget Request. Testimony was heard from David Kappos, Under Secretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office.

### DEFENSE

*Committee on Appropriations:* Subcommittee on Defense, held a hearing on Department of Defense Budget Review. Testimony was heard from Robert Gates, Secretary of Defense; ADM Michael Mullen, Chairman of the Joint Chiefs of Staff; and Robert Hale, Under Secretary of Defense, Comptroller.

### ENERGY AND WATER DEVELOPMENT

*Committee on Appropriations:* Subcommittee on Energy and Water Development, and Related Agencies Appropriations held a hearing on Department of Energy, Defense Nuclear Nonproliferation and Naval Reactors FY 2012 Budget Requests. Testimony was heard from Thomas D'Agostino, Under Secretary for Nuclear Security, Anne Harrington, Deputy Administrator for Defense Nuclear Nonproliferation; and ADM Kirkland H. Donald, Deputy Administrator for Naval Reactors.

### FINANCIAL SERVICES AND GENERAL GOVERNMENT

*Committee on Appropriations:* Subcommittee on Financial Services and General Government Appropriations held a hearing on the Election Assistance Commission. Testimony was heard from Curtis Crider, Inspector General, Election Assistance Commission.

### HOMELAND SECURITY

*Committee on Appropriations:* Subcommittee on Homeland Security Appropriations held a hearing on Department of Homeland Security. Testimony was heard from Janet Napolitano, Secretary of Homeland Security.

### INTERIOR, ENVIRONMENT

*Committee on Appropriations:* Subcommittee on Interior, Environment, and Related Agencies Appropriations held a hearing on Major Management Challenges at the EPA. Testimony was heard from David C. Trimble, Acting Director, Natural Resources and Environment, GAO; and Arthur A. Elkins, Jr., Inspector General, EPA.

### MILITARY CONSTRUCTION, VETERANS AFFAIRS

*Committee on Appropriations:* Subcommittee on Military Construction, Veterans Affairs, and Related Agencies Appropriations held a hearing on FY 2012 Budget Request. Testimony was heard from GEN James N. Mattis, Commander, Central Command, USMC.

### FY 2012 BUDGET—ARMY

*Committee on Armed Services:* Held a hearing on the FY 2012 national defense authorization budget request from the Department of the Army. Testimony was

heard from John McHugh, Secretary of the Army; and GEN George W. Casey, Jr., Chief of Staff, USA.

## STRATEGIC FORCES

*Committee on Armed Services:* Subcommittee on Strategic Forces held a hearing on the status of U.S. Strategic Forces. Testimony was heard from Gen. Robert Kehler, Commander, Strategic Command, USAF; James N. Miller, Principal Deputy Under Secretary of Defense for Policy, DOD; and public witnesses.

## MEDICAID AND MEDICARE

*Committee on Energy and Commerce:* Subcommittee on Oversight and Investigations held a hearing entitled “Waste, Fraud, and Abuse: A Continuing Threat to Medicare and Medicaid.” Testimony was heard from the following Department of Health and Human Services officials: John Spiegel, Director of Medicare Program Integrity, Centers for Medicare and Medicaid Services; Gerald T. Roy, Deputy Inspector General for Investigations, Office of the Inspector General; Omar Perez, Assistant Special Agent in Charge, Office of Inspector General; and Kathleen King, Director, Health Care Division, GAO.

## MONETARY POLICY AND THE ECONOMY

*Committee on Financial Services:* Held a hearing on monetary policy and the state of the economy. Testimony was heard from Ben S. Bernanke, Chairman, Federal Reserve Board of Governors.

## SMALL FINANCIAL INSTITUTIONS AND SMALL BUSINESSES

*Committee on Financial Services:* Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled “The Effect of Dodd-Frank on Small Financial Institutions and Small Businesses.” Testimony was heard from public witnesses.

## INEFFECTIVE FORECLOSURE MITIGATION

*Committee on Financial Services:* Subcommittee on Insurance, Housing and Community Opportunity held a hearing entitled “Legislative Proposals to End Taxpayer Funding for Ineffective Foreclosure Mitigation Programs.” Testimony was heard from Neil M. Barofsky, Special Inspector General for the Troubled Asset Relief Program, Office of the Inspector General; David Stevens, Assistant Secretary for Housing and Commissioner of the Federal Housing Administration, HUD; Mercedes M. Marquez, Assistant Secretary, Community Planning and Development, HUD; and Katie Jones, Analyst in Housing Policy, CRS, Library of Congress.

## AL-QAEDA IN THE ARABIAN PENNINSULA

*Committee on Homeland Security:* Subcommittee on Counterterrorism and Intelligence held a hearing en-

titled “Terrorist Threat to the U.S. Homeland—Al Qaeda in the Arabian Peninsula (AQAP).” Testimony was heard from public witnesses.

## COMMITTEE FUNDING

*Committee on House Administration:* Continued a hearing on Committee Funding for the 112th Congress.

## FY 2012 BUDGET—FISH AND WILDLIFE SERVICES; AND THE OFFICE OF INSULAR AFFAIRS

*Committee on Natural Resources:* Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs held an oversight hearing on the Department of the Interior spending for the U.S. Fish and Wildlife Service and the Office of Insular Affairs and the President’s Fiscal Year 2012 budget request for the U.S. Fish and Wildlife Service and the Office of Insular Affairs. Testimony was heard from Togiola Tulafono, Governor of American Samoa; Tom Bussanich, Director, Budget and Grants Management Division, Office of Insular Affairs, Department of the Interior; and Rowan Gold, Acting Director, Fish and Wildlife Service, Department of the Interior.

## BUREAU OF RECLAMATION AND GEOLOGICAL SURVEY’S WATER RESOURCES

*Committee on Natural Resources:* Subcommittee on Water and Power held an oversight hearing on examining the spending, priorities and the missions of the Bureau of Reclamation and the U.S. Geological Survey’s Water Resources program. Testimony was heard from the following Department of the Interior officials: Mike L. Connor, Commissioner, Bureau of Reclamation; and William Werkheiser, Associate Director for Water, Geological Services.

## LEAVING IRAQ

*Committee on Oversight and Government Reform:* Subcommittee on National Security, Homeland Defense, and Foreign Operations held a hearing on U.S. Military Leaving Iraq: Is the State Department Ready? Testimony was heard from Patrick Kennedy, Under Secretary for Management, Department of States; Alexander Vershbow, Assistant Secretary of Defense, International Security Affairs, DOD; Frank Kendall, Principal Under Secretary of Defense Acquisition, Technology and Logistics, DOD; Stuart Bowen, Jr. Inspector General, Iraq Reconstruction; and the following Commission on Wartime Contracting officials: Grant Green, Commissioner; and Michael Thibault, Co-Chair.

## LOOMING CRISIS AT USPS

*Committee on Oversight and Government Reform:* Subcommittee on Federal Workforce, U.S. Postal Service

and Labor Policy held a hearing on Pushing the Envelope: The Looming Crisis at USPS. Testimony was heard from Patrick Donahoe, Postmaster General and CEO, Postal Services; Ruth Goldway, Postal Regulatory Commission; Phil Herr, Director, Physical Infrastructure Issues, GAO; and public witnesses.

#### FY 2012 BUDGET—NASA

*Committee on Science, Space, and Technology:* Held a hearing on the National Aeronautics and Space Administration FY 2012 Budget Request. Testimony was heard from Charles F. Bolden, Jr., Administrator, NASA.

#### FY 2012 BUDGET—SMALL BUSINESS

*Committee on Small Business:* Held a hearing on the Small Business Administration FY 2012 Budget Request. Testimony was heard from Karen Mills, Administrator, Small Business Administration.

#### FY 2012 BUDGET—EPA

*Committee on Transportation and Infrastructure:* Subcommittee on Water Resources and Environment held a hearing on Review of the FY 2012 Budget and Priorities of the Environmental Protection Agency: Impacts on Jobs, Liberty, and the Economy. Testimony was heard from Nancy Stoner, Acting Assistant Administrator, Office of Water, EPA; and Mathy Stanislaus, Assistant Administrator, Office of Solid Waste and Emergency Response, EPA.

### Joint Meetings

No joint committee meetings were held.

### COMMITTEE MEETINGS FOR THURSDAY, MARCH 3, 2011

(Committee meetings are open unless otherwise indicated)

#### Senate

*Committee on Agriculture, Nutrition, and Forestry:* to hold an oversight hearing to examine the implementation of Title VII of the “Wall Street Reform and Consumer Protection Act”, 2:30 p.m., SR-328A.

*Committee on Appropriations:* Subcommittee on Transportation and Housing and Urban Development, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of Housing and Urban Development, 10 a.m., SD-138.

Subcommittee on Legislative Branch, to hold hearings to examine proposed budget estimates for fiscal year 2012 for the Office of the Architect of the Capitol, and the Office of Compliance, 2:30 p.m., SD-138.

*Committee on Armed Services:* to hold hearings to examine the nomination of General Martin E. Dempsey, USA for reappointment to the grade of general and to be Chief of

Staff, United States Army, Department of Defense, 9:30 a.m., SD-106.

*Committee on the Budget:* to hold hearings to examine the President’s proposed budget request for fiscal year 2012 for the Department of Transportation, 10 a.m., SD-608.

*Committee on Energy and Natural Resources:* to hold hearings to examine the President’s proposed budget request for fiscal year 2012 for the USDA Forest Service, 9:30 a.m., SD-366.

*Committee on Foreign Relations:* to hold hearings to examine navigating a turbulent global economy, focusing on implications for the United States, 2:30 p.m., SD-419.

*Committee on the Judiciary:* business meeting to consider S. 193, to extend the sunset of certain provisions of the USA PATRIOT Act, S. 49, to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads, S. 222, to limit investor and homeowner losses in foreclosures, and the nominations of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit, Mae A. D’Agostino, to be United States District Judge for the Northern District of New York, Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit, John A. Kronstadt, to be United States District Judge for the Central District of California, Vincent L. Briccetti, to be United States District Judge for the Southern District of New York, Arenda L. Wright Allen, to be United States District Judge for the Eastern District of Virginia, and Michael Francis Urbanski, to be United States District Judge for the Western District of Virginia, and Timothy J. Feighery, of New York, to be Chairman of the Foreign Claims Settlement Commission of the United States, Department of Justice, 10 a.m., SD-226.

*Committee on Small Business and Entrepreneurship:* to hold hearings to examine exploring minority access to capital and contracting opportunities, 10 a.m., SR-428A.

*Select Committee on Intelligence:* to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH-219.

#### House

*Committee on Appropriations:* Subcommittee on Commerce, Justice, Science, and Related Agencies Appropriations, on NASA FY 2012 Budget Request, 10 a.m., 2362-A Rayburn.

Subcommittee on Interior, Environment, and Related Agencies Appropriations, oversight hearing on FY 2012 Budget Oversight, 9:30 a.m., 2359 Rayburn.

Subcommittee on State, Foreign Operations and Related Agencies Appropriations, oversight of the State Department and foreign operations programs, 1 p.m., HT-2, the Capitol.

*Committee on Armed Services:* hearing on the FY 2012 national defense authorization budget requests from the U.S. Central Command and the U.S. Special Operations Command, 1 p.m., 2118 Rayburn.

Subcommittee on Readiness, hearing on Are We Ready? An Independent Look at the Required Readiness Posture of U.S. Forces, 10 a.m., 2212 Rayburn.

*Committee on Education and the Workforce*, Subcommittee on Workforce Protections, hearing on Examining Recent Regulatory and Enforcement Actions of the Mine Safety and Health Administration, 10 a.m., 2175 Rayburn.

*Committee on Energy and Commerce*, Subcommittee on Commerce, Manufacturing, and Trade, hearing entitled “Made in America: Innovations in Job Creation and Economic Growth,” 10 a.m., 2322 Rayburn.

Subcommittee on Health, hearing entitled “FY 2012 HHS Budget and the Implementation of Public Laws 111–148 and 111–152,” 9:30 a.m., 2123 Rayburn.

*Committee on Financial Services*, to consider the following measures: the HAMP Termination Act; the FHA Refinance Program Termination Act; the NSP Termination Act; and the Emergency Mortgage Relief Program Termination Act, 10 a.m., 2128 Rayburn.

*Committee on Foreign Affairs*, hearing on Reforming the United Nations: Lessons Learned, 10 a.m., 2172 Rayburn.

*Committee on Homeland Security*, hearing entitled “The President’s FY 2012 Budget Request for the Department of Homeland Security,” 10 a.m., 311 Cannon.

*Committee on Natural Resources*, oversight hearing on Department of the Interior Spending and the President’s Fiscal Year 2012 Budget Proposal, 10 a.m., 1324 Longworth.

*Committee on Oversight and Government Reform*, hearing on the Refuse of the Federal Spending Binge: How U.S. Taxpayers are Paying Double for Failing Government Programs, 9:30 a.m., 2154 Rayburn.

*Committee on Science, Space, and Technology*, hearing on the Department of Energy FY 2012 Research and Development Budget Request, 10 a.m., 2318 Rayburn.

*Committee on Veterans’ Affairs*, Subcommittee on Economic Opportunity, hearing on Veterans Employment and Training Service’s Budget and State Grant Program, 10 a.m., 334 Cannon.

*Committee on Ways and Means*, Subcommittee on Select Revenue Measures, to meet for organizational purposes; followed by a hearing on Small Businesses and Tax Reform, 9 a.m., 1100 Longworth.

*Permanent Select Committee on Intelligence*, executive, on Ongoing Intelligence Activities, 10 a.m., 304–HVC.

*Next Meeting of the SENATE*  
10 a.m., Thursday, March 3

*Next Meeting of the HOUSE OF REPRESENTATIVES*  
10 a.m., Thursday, March 3

Senate Chamber

**Program for Thursday:** After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will continue consideration of S. 23, Patent Reform Act, and there will be a period of morning business from 2 to 4 p.m.

House Chamber

**Program for Thursday:** Consideration of H.R. 4—Small Business Paperwork Mandate Elimination Act of 2011 (Subject to a Rule).

**Extensions of Remarks, as inserted in this issue**

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