The House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC, April 6, 2011.

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

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

MORNING-HOUR DEBATE

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

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

RECOGNIZING FIFTH ANNIVERSARY OF JOSHUA’S HEART FOUNDATION

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

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

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

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

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

RAPE IN THE MILITARY

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

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

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

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

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

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

Earlier this year, 17 servicemembers, 15 of them women, filed a lawsuit against the Federal Government accusing the Pentagon of ignoring their own cases of sexual assault. Today, I want to tell you about one of those, Technical Sergeant Mary Gallagher.

She deployed to Iraq in 2009 as a member of the Air National Guard. Her allegations are as follows. Now I’m warning you, some of the language is graphic.

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

You know, we in Congress do something really well—we hold hearings, and then we do nothing. Congress becomes an accomplice in these crimes.

On November 7, the coworker began to stalk Technical Sergeant Gallagher. He tried to break into her room, claiming she didn’t know what she was missing. He telephoned her repeatedly. She again reported her coworker’s threatening behavior to command but was...
advised that they could do nothing because it was a “he said, she said” situation.

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

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

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

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

VOTE “NO” ON THE “DIRTY AIR ACT”

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

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

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

This radical bill also halts a measure that would save American families thousands of dollars a year in fuel costs and make America more energy independent. We must make our policy decisions based on science, not on politics. I would urge my colleagues to vote against this dirty air act today.
U.S. MANUFACTURING AND CHINA'S CURRENCY MANIPULATION

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

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

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

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

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

The strategy should also evaluate what policy changes are needed to promote more domestic production. We should seek the input from companies that currently choose to make their products overseas, and we should consider ways to incentivize U.S. production through our tax structure. And, finally, the manufacturing strategy should establish clear metrics of success over the short, medium and long term. Our manufacturing sector has declined over the last several decades, and it won't be rebuilt overnight. But if we are going to reclaim our spot as a leader in manufacturing, we are going to have to have our own roadmap for the United States manufacturing industry.

The second thing we should do to help U.S. manufacturing is address China's currency manipulation. By devaluing the yuan, China makes their exports cheaper and U.S. imports more expensive. This is unfair, and it creates an unlevel playing field that forces U.S. businesses to close their doors here in the United States. We cannot wait any longer to take action. Diplomacy has not worked, so we must seek legislative action.

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

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

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

ONE-WEEK CONTINUING RESOLUTION/2012 BUDGET

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

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

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

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

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

Rather than compromise with President Obama, with the Democrats in the Senate and the House, Republicans are threatening, once again, to shut down government as they did in 1995. Now they tell us that they will back off on their threat but only if we pass a partisan, 1-week spending bill that triples the ransom to keep the government open. In other words, this bill contains three times the weekly cuts of the last week's bill. It also takes all cuts from only a small slice of the budget.

Frankly, Madam Speaker, that makes this latest bill a mockery of fiscal responsibility, especially because it leaves entirely untouched for the rest of the year what the Secretary of Defense himself has called the Pentagon's "culture of endless money." This partisan patch contradicts Republicans' own promises to put everything on the table when these spending bills are up. Listen to their own words, as reported by the Associated Press on January 23: "The House's new majority leader, Representative Eric Cantor of
Virginia, has said defense programs could join others on the cutting board.’’ But, of course, they haven’t done that.

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

Congressman Mike Pence, on January 7, said: ‘‘If we are going to put our fiscal house in order, we have to be able to look at defense. We need a strong defense. I am a supporter of a strong defense. But to take those dollars off the table is irresponsible and inconsistent with the representations that our Republican friends have made. These words are sounding very hollow, however, today. Why are Republicans breaking their word, Madam Speaker? Because, in my opinion, they know that the only way to get their conference to support this spending cut is to take away a year of defense spending left untouched and a divisive social policy provision as well, which is what they said they would not do.

What we need to do is sit down and over the next 72 hours, now, and not the next 48 hours, frankly, come to compromise. That’s our job. ‘‘My way or the highway’’ is never going to get it done.

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

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

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

Rather than using our debt as an excuse to pass a naked partisan agenda, we need to take a bipartisan approach that puts everything on the table:

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

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

**NO JOBS AGENDA**

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

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

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

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

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

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

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

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

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

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

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

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

But the Republican plan is to demonize poor people and union workers. Take a good look at Wisconsin. You’d think all the problem in Wisconsin was because of school teachers. Now, that blaming everyone else for the economic disaster is simply to avoid the admission of what they have done. The Republicans are trying for a third time to impose their intolerance and everyone-for-themselves economics on the American people.

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

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

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

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

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

I saw a lot of words in their budget proposal. But one that I don’t believe is going to happen is ‘‘Afghanistan.’’ The war in Afghanistan, in addition to having cost us more than 1,500 American lives, is costing the taxpayers nearly $7 billion a month and is
proving to be a crashing failure. This war is in its 10th year, and we still haven't vanquished the Taliban. We still haven't brought a stable democracy to Afghanistan. And we still haven't trained the Afghans to take responsibility for their own security.

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

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

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

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

THE FIRST AMENDMENT

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

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

And I am pleased that people, including General Petraeus and others, condemned the irresponsibility of the Koran burning, but there needs to be even greater condemnation of the notion that in any way justifies murder. That includes a kind of condemnation, in my judgment, of the President of Afghanistan, our increasing-1ingly unimpressive ally. Mr. Karzai, who, I believe, added to the furor there by insisting that the man who burned the Koran should have been prosecuted. Well, under American law, he was not prosecuted. He should not have been. The right to do obnoxious things is a very important part of the First Amendment.

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

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

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

CONGRESSMAN PAUL RYAN'S BUDGET

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

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

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

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

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

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

But I do know some things we can't afford. We can't afford to leave middle-class families can't pay their bills, we can't afford to keep spending billions in subsidies for Big Oil and giveaways for special interests. At a time when our senior population is growing, we can't afford to slash funding for nursing homes. And do we have the money to do that?

Mr. DEFAZIO. Yesterday, PAUL RYAN and the Republicans want to cut waste and reduce the middle class. The Republicans want to cut waste and reduce the middle class.
and their health insurance coverage. It's very interesting.

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

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

But in Paul Ryan's view of the world, that's a success. Why is it a success? Well, because insurance company profits are up very dramatically. So what if people are paying twice as much for their policies and they have more and more exclusions every year? There's another little problem with his proposal. Other than the fact that this is not a competitive industry, they are allowed to collude, red-line people. They are allowed to get together and collude and drive up prices. They are allowed to get together and collude and decide which States they will go into or get out of to help their sister and brother companies make more profits. He would do nothing about that. That system would continue.

Then there's the little problem that he would repeal so-called Obamacare. Well, one of the things I think most Americans liked about that legislation was it prohibits insurance companies from refusing to sell you a policy because you were sick once. That's called a preexisting condition. It also prohibits insurance companies from taking away your policy the day you get sick, which is another little problem with his proposal. Other than the fact that this is not a competitive industry, they are allowed to collude, red-line people. They are allowed to get together and collude and drive up prices. They are allowed to get together and collude and decide which States they will go into or get out of to help their sister and brother companies make more profits. He would do nothing about that. That system would continue.

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

Then there's the little problem that he would repeal so-called Obamacare. Well, one of the things I think most Americans liked about that legislation was it prohibits insurance companies from refusing to sell you a policy because you were sick once. That's called a preexisting condition. It also prohibits insurance companies from taking away your policy the day you get sick, which is another little problem with his proposal. Other than the fact that this is not a competitive industry, they are allowed to collude, red-line people. They are allowed to get together and collude and drive up prices. They are allowed to get together and collude and decide which States they will go into or get out of to help their sister and brother companies make more profits. He would do nothing about that. That system would continue.

In Paul Ryan's world, those things are back, preexisting condition exclusions.

Guess what. Aging is a preexisting condition. Go out today, if you're 55 years old and you've been sick once in your life, and try to buy at any reasonable price a private health insurance policy. In Paul Ryan's world, market discipline will take care of that. It's doing a massive shifting of costs onto seniors, the kind of thing that drove seniors into bankruptcy back in the 1950s and 1960s and had their poverty rate at 20 percent. That's why we have prepaid health care in this country, so that seniors wouldn't be driven out of their homes and into bankruptcy in their later years when most people require more health care. In Paul Ryan's world, the heck with that.

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

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

So he would repeal so-called ObamaCare. He goes out of his way to say, we're going to kill a lot of seniors or drive them into bankruptcy, just like the days before we had Medicare. If one looks at the other Republican creation of the last decade, Medicare Part D—you know, that thing where we helped seniors with their pharmaceutical costs, with their drug prescriptions—that wasn't done through Medicare; it was done through the private insurance industry. It cost three-quarters of a trillion dollars, $650 billion—650 thousand million dollars—over 10 years. Borrowed money. That's Paul Ryan's work. That's the future. We're going to give the money to the insurance companies. Good work, Paul.

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 12 o'clock and 50 minutes a.m.), the House stood in recess until noon.

AFTER RECESS

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

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

PRAYER

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

Heavenly Father, we thank You for this day, for truly this is the day that the Lord has made, and we will rejoice and be glad in it.
every area of life when, along with his wife, Carol, he founded the Plantation Worship Center in the cafeteria of a local elementary school in south Florida with only 11 members. Now known as The Faith Center Ministries, the church makes its home in the former Sunrise Theater, where its more than 8,000 members embrace a mission of “Reaching the World for Jesus.”

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

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

PAY OUR TROOPS; DON'T SHUT DOWN GOVERNMENT

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

Mrs. HARTZLER. Madam Speaker, I rise today on behalf of men and women in uniform who won't get paid if Senator HARRY REID continues to refuse to give permission to address the House for 1 minute and to revise and extend his remarks.

Mr. MCGOVERN. Madam Speaker, we are 1 day closer to a government shutdown, and the Republican leadership continues their obstinate crusade against our everyday Americans. If their insistence on draconian cuts and their blind allegiance to a government shutdown weren't bad enough, their 2012 budget decimates SNAP and Medicaid, food and health care assistance programs for the most vulnerable people in America.

Republicans continue their efforts to balance the budget on the backs of the poor, and we must not stand for that. But Americans from all walks of life are saying enough. Over 23,000 people—members of churches, mosques, and synagogues; union members and white collar workers; clergy and laypeople—are fasting in opposition to the draconian Republican budget cuts.

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

I urge my Republican colleagues, stop your attack on the poor. Stop your assault against the poor. You could read more about their efforts at www.hungerfast.org.

LEGAL AUTHORITY FOR WAR IN THE NAME OF HUMANITY?

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

Mr. POE of Texas. Madam Speaker, the United States is engaged in a new concept of warfare in which the United States go to war only when it is in our national security interest. The Obama Doctrine is “war in the name of humanity.” Secretary Gates said military intervention in Libya is not necessary for our national interest. So now we drop bombs in countries when we self-righteously decide the ruler is mean to his people. Is this a lawful reason, a legal reason for war in Libya?

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

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

GOVERNMENT SHUTDOWN

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

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

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

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

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

SAN RAMON VALLEY HIGH SCHOOL

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

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

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

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

I urge my colleagues to listen to the thoughts and ideas of the students at San Ramon Valley High School and the young people throughout our country.
Mr. YODER. Madam Speaker, I rise today to express the great concern that many of us have over the potential impact a government shutdown will have on our men and women serving overseas. Recent Department of Defense memos have stated that in the event of a shutdown, our troops will be required to continue to serve our country, but they and their families will receive no compensation.

Madam Speaker, the House has passed H.R. 1, which would protect these military families from being left in the cold and would keep the government running while making essential reductions in spending. As we wait for action on that legislation from the Senate, our troops and their families hang in the balance. We cannot allow this Washington process to threaten the operational readiness of our military and dishonor the service of our soldiers. Our men and women in uniform are bravely putting themselves in harm's way in service to our country. We cannot let them down. We owe this to our troops.

THE REPUBLICAN BUDGET

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

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

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

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

NOTES FROM THE WARSHINGTON UNDERGROUND

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

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

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

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

COMMEMORATING TWO POLISH ANNIVERSARIES

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

Mr. RICHMOND. Madam Speaker, today I rise to stand with the Polish people as they commemorate two horrific events in this Saturday, April 30.

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

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

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

The Polish people over the past year and through the course of history have been unwavering in their resilience and patriotism in the face of adversity. Their courage is admirable and inspiring. On this day, we stand in solidarity as they commemorate two occasions of great loss.
April 6, 2011

CONGRESSIONAL RECORD – HOUSE

H237

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

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

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

HONORING BOB YOUNG

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

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

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

GOVERNMENT SHUTDOWN

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

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

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

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

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

REPUBLICANS NOT SENDING THE RIGHT MESSAGE

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

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

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

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

DEVASTATING ANTI-CHOICE BILL

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

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

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

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

MISPLACED PRIORITIES IN CONTINUING RESOLUTION

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

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

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

Today, the wealthiest Americans in this country have 40 percent of our Nation’s wealth and are making more than a quarter of our national income. But this budget will cut their top tax rate by 25 percent. In other words, if you’re making a million dollars, you’re going to get a tax break of up to $150,000. If you’re making a billion dollars a year, which more than two dozen of the hedge fund managers in this country do make, you will get a $25 million tax break per year. That’s not what we should be about.

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

NO GOVERNMENT SHUTDOWN

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

Mr. JACKSON of Illinois. Madam Speaker, I move that the House do now adjourn. The SPEAKER pro tempore. The question is on the motion to adjourn. The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

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

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

[Roll No. 229]

NAYS—367

Latta
Levin
Levin (CA)
Lewis (GA)
Lipinski
Lobiondo
Loebsack
Lofgren, Zoe
Lucas
Lucyt-Lemieux
Lujan
Lumvisit
Lumumba
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McClintock
McColler
McDermott
McHenry
McInkley
McMorris
McNulty
Meehler
Meeks
Murphy (PA)
Nunes

ANDREW OF H. RES. 203

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the subject of the Union for consideration of the bill (H.R. 900) to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, or to provide for any right to such action, or any right to any cause of action against any person for such emission, or for any relief with respect to such emissions, or any right to transfer or assign such right.

Providing for Consideration of H.R. 910, Energy Tax Prevention Act of 2011

Mr. SESSIONS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 203 and ask for its immediately consideration. The Clerk read the resolution, as follows:

Providing for Consideration of H.R. 910, Energy Tax Prevention Act of 2011

Mr. SESSIONS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 203 and ask for its immediately consideration. The Clerk read the resolution, as follows:

H. RES. 203

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2b of rule XVIII, declare the House resolved into the Committee of the Whole House on the subject of the Union for consideration of the bill (H.R. 900) to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, or to provide for any right to such action, or any right to any cause of action against any person for such emission, or for any relief with respect to such emissions, or any right to transfer or assign such right.
Ms. POLIS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

Mr. SESSIONS. Madam Speaker, 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.

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

The SPEAKER pro tempore. The gentleman from Texas (Mr. Sessions) is recognized for 1 hour.

Mr. SESSIONS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. Sessions), 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.

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas for 1 hour?

There was no objection.

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

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

This legislation, introduced by the chairman of the Energy and Commerce Committee, the gentleman from Michigan (Mr. Foxx), has gone through regular order. The previous question was held on this issue. H.R. 910 was marked up in the Energy and Commerce Committee, and the chairman of the Rules Committee, the gentleman, Mr. DREIER, provided for a structured amendment process. The previous question shall be considered ordered on the bill or to the Committee of the Whole. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a separate vote in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill, the House shall be reconvened, and such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as laid on the table in the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. Sessions) is recognized for 1 hour.

Mr. SESSIONS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. Sessions), 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.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas for 1 hour?

There was no objection.

Mr. SESSIONS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. Sessions), 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.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas for 1 hour?

There was no objection.

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

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas for 1 hour?

There was no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas for 1 hour?

There was no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas for 1 hour?

There was no objection.

Mr. SESSIONS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. Sessions), 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.

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas for 1 hour?

There was no objection.

Mr. SESSIONS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. Sessions), 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.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas for 1 hour?

There was no objection.

Mr. SESSIONS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. Sessions), 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.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas for 1 hour?

There was no objection.

Mr. SESSIONS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. Sessions), 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.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas for 1 hour?

There was no objection.

Mr. SESSIONS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. Sessions), 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.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas for 1 hour?

There was no objection.

Mr. SESSIONS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. Sessions), 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.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas for 1 hour?

There was no objection.

Mr. SESSIONS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. Sessions), 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.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas for 1 hour?

There was no objection.

Mr. SESSIONS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. Sessions), 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.
It would help ensure that this Nation does not lose millions of more jobs and does not threaten the intent of the Clean Air Act.

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

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

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

I reserve the balance of my time.

Mr. POLIS. Madam Speaker, I thank my friend for yielding proof and logic. I yield myself such time as I may consume.

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

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

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

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

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

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

For this reason, 250 groups—including the American Heart Association, the American Public Health Association and many others—sent a letter to Congress urging us to reject measures that would block or delay the U.S. Environmental Protection Agency from doing its job to protect all Americans from life-threatening air pollution.

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

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

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

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

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

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

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

I support this rule and the underlying legislation.

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

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

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

The United States is in an energy crisis. It’s a national security issue. And what is the administration’s energy plan? Let’s not drill here. Let’s not drill there. We can’t drill in ANWR. We can’t drill in any new lands in the United States. We are certainly not going to go to Africa, and buy their crude oil. Now, that doesn’t make any sense to me.

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

And that’s just the way it is. Mr. POLIS. Madam Speaker, it is my honor to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Is it true that the Speaker pro tempore, Madam Speaker, has a parliamentary inquiry?

Mr. POLIS. Madam Speaker, it is my honor to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).
I was just curious. I had an amendment before the Rules Committee. I noticed you waived germaneness on other questions. I had an amendment submitted that would simply ensure that the bill accurately accomplished what its title states. My amendment would have struck everything in the bill except the title, Energy Tax Prevention Act, and replaced it with language that actually prevented the EPA from imposing an energy tax.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. WELCH. I thank the gentleman. Mr. NUGENT. Similarly, the rule that was provided by H. Res. 203 and the underlying legislation, H.R. 910.

When I talk to people in Florida’s Fifth District about what we are doing in the Chicago area, we say that the current administration has an exclusive committee of the United States Congress, which has a distinguished career as a sheriff in Florida and who is a distinguished member of the Rules Committee, the gentleman from Florida (Mr. NUGENT). Mr. NUGENT. I thank the gentleman from Texas. Mr. SESSIONS.

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

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

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

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

Mr. WELCH. I thank the gentleman.

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

Mr. POLIS. I yield to the gentleman. Mr. BARTON of Texas. A tax is a burden.

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

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

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

Mr. QUIGLEY. Madam Speaker, we spend a lot of time these days talking about costs—costs of regulation, costs of repeal, costs of implementation. Conveniently missing from this discussion are the human costs: lives lost, those altered by heart attacks, asthma, and brain damage due to fine particulate matter in our air and mercury in our water.

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

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

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

Yet you deny that global warming and you don't believe climate change is manmade, you can't argue with these numbers. So if you want to talk costs, let's talk costs. Fisk and Crawford power plants cost Chicagoans $500 million per year. They cost Chicagoans 2,800 asthma attacks per year. And Fisk and Crawford power plants cost Chicagoans $750 million to $1 billion in only 8 of the 50 plus years.

We know from records and from ice samples and tree rings and things like this of the past that we have had CO₂ up in the thousands parts per billion in the past. So how 350 has become the magic number is beyond me.

In any event, let me simply say, the bill before us doesn't change one sentence in the Clean Air Act. It does not gut the Clean Air Act. It does not in any way prevent enforcement of the criteria pollutants that are regulated by the Clean Air Act. It simply says that greenhouse gases are not to be regulated under the Clean Air Act. And the reason it says that is that greenhouse gases are different than the criteria pollutants that are regulated under the Clean Air Act. First of all, greenhouse gases by definition are necessary for life.

As I stand here, Madam Speaker, and speak, I am creating, as I breathe in and out through the respiratory process, CO₂. So under the dictates of today's EPA, I am a mobile source polluter, because I am breathing. I am creating CO₂, carbon dioxide, is necessary for life. Greenhouse gases are necessary to protect the environment. They have the ability to prevent heat from escaping into outer space, and that is what creates the temperature zone that allows life.

The radical environmentalists who think CO₂ is a pollutant have decided amongst themselves—I don't know how they have done it—but they have decided that the magic number for CO₂ in the atmosphere should be about 350 parts per billion. We are currently at about 380 parts per billion.

We know from records and from ice samples and tree rings and things like this of the past that we have had CO₂ up in the thousands parts per billion in the past. So how 350 has become the magic number is beyond me.

In any event, let me simply say, the bill before us doesn't change one sentence in the Clean Air Act. It does not gut the Clean Air Act. It does not in any way prevent enforcement of the criteria pollutants that are regulated by the Clean Air Act. It simply says that greenhouse gases are not to be regulated under the Clean Air Act. And the reason it says that is that greenhouse gases are different than the criteria pollutants that are regulated under the Clean Air Act. First of all, greenhouse gases by definition are necessary for life.

As I stand here, Madam Speaker, and speak, I am creating, as I breathe in and out through the respiratory process, CO₂. So under the dictates of today's EPA, I am a mobile source polluter, because I am breathing. I am creating CO₂, carbon dioxide, is necessary for life. Greenhouse gases are necessary to protect the environment. They have the ability to prevent heat from escaping into outer space, and that is what creates the temperature zone that allows life.

The radical environmentalists who think CO₂ is a pollutant have decided amongst themselves—I don't know how they have done it—but they have decided that the magic number for CO₂ in the atmosphere should be about 350 parts per billion. We are currently at about 380 parts per billion.

We know from records and from ice samples and tree rings and things like this of the past that we have had CO₂ up in the thousands parts per billion in the past. So how 350 has become the magic number is beyond me.

In any event, let me simply say, the bill before us doesn't change one sentence in the Clean Air Act. It does not gut the Clean Air Act. It does not in any way prevent enforcement of the criteria pollutants that are regulated by the Clean Air Act. It simply says that greenhouse gases are not to be regulated under the Clean Air Act. And the reason it says that is that greenhouse gases are different than the criteria pollutants that are regulated under the Clean Air Act. First of all, greenhouse gases by definition are necessary for life.

As I stand here, Madam Speaker, and speak, I am creating, as I breathe in and out through the respiratory process, CO₂. So under the dictates of today's EPA, I am a mobile source polluter, because I am breathing. I am creating CO₂, carbon dioxide, is necessary for life. Greenhouse gases are necessary to protect the environment. They have the ability to prevent heat from escaping into outer space, and that is what creates the temperature zone that allows life.

The radical environmentalists who think CO₂ is a pollutant have decided amongst themselves—I don't know how they have done it—but they have decided that the magic number for CO₂ in the atmosphere should be about 350 parts per billion. We are currently at about 380 parts per billion.
we've been collecting data on these pollutants.

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

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

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

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

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

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

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

Yesterday, our Republican friends unveiled their budget proposal. That budget takes extreme, right-wing trickle-down economics to new levels. They want to eviscerate Medicaid by turning it into a block grant program. They want to cut food stamps, education, infrastructure, environmental protection, and medical research, programs which actually create jobs and improve the lives of American working families.

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

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

For the life of me, I can't understand why the people who caused the recession be allowed to keep everything while others are asked to bail them out. We all want to reduce the deficit, Madam Speaker. How about ending our occupation in Afghanistan? How about ending subsidies for multinational oil companies and agribusiness? How about just hedge fund managers to pay a fair tax rate?

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

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

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

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

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

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

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

However, Global warming hysteria is truly the environmentalists' dream come true. It is the perfect storm of demons and perils, and the ideal scare campaign for those who would establish global governance.

And he goes on, "We are daily told of an alleged 'consensus' on the issue—a concept actually foreign to science—and global warming alarmists want to force this—this was a physicist who wants to control our lifestyles without anyone being allowed to question their cause."

And he says, "Nowhere is Horner more brilliant than in convincing the reader of the odious concept of consensus taking root regarding climate science. Now, this was a physicist who wants to control the global warming industry assail sci-

entists and other experts with ad hominem campaigns to discredit them. History is 'full of efforts to stifle innovation by reference to unchallengeable authority of consensus.' Galileo and Copernicus come quickly to mind."

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

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

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

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

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

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

THE TRUTH, STILL INCONVENIENT

By Paul Krugman

So the joke begins like this: An economist, a lawyer and a professor of marketing walk into a room. What's the punch line? They
were three of the five “expert witnesses” Re-
publicans called for last week’s Congres-
sional hearing on climate science.
But the joke actually ended up being on the Re-
publicans, who had targeted one of the two actual
scientists they invited to testify off script.
Prof. Richard Muller of Berkeley, a physi-
cist who has gotten into the climate skeptic
game, has been leading the Berkeley Earth
Surface Temperature project, an effort par-
tially financed by none other than the Koch
Foundation. And climate deniers—who claim
that researchers at NASA and other groups
analyzing climate trends have massaged and
distorted the data—had been hoping that the
Berkeley project would conclude that global
warming is a myth.
Instead, however, Professor Muller re-
ported that his group’s preliminary results
find a global warming trend “very similar to
that reported by the prior groups.”
For years now, large numbers of prominent
scientists have been warning, with increas-
ing urgency, that if we continue with busi-
ness as usual, the results will be very bad,
and perhaps could be catastrophic. But if you’re
going to assert that they are in fact wrong,
you have a moral responsibility to approach the topic with high seriousness
and never let your opponents change your
mind. If the scientists are right, you’ll be doing a great deal
of damage.
Instead, however, Professor Muller re-
ported that his group’s preliminary results
find a global warming trend “very similar to
that reported by the prior groups.”
For years now, large numbers of prominent
scientists have been warning, with increas-
ing urgency, that if we continue with busi-
ness as usual, the results will be very bad,
and perhaps could be catastrophic. But if you’re
going to assert that they are in fact wrong,
you have a moral responsibility to approach the topic with high seriousness
and never let your opponents change your
mind. If the scientists are right, you’ll be doing a great deal
of damage.
Instead, however, Professor Muller re-
ported that his group’s preliminary results
find a global warming trend “very similar to
that reported by the prior groups.”
For years now, large numbers of prominent
scientists have been warning, with increas-
ing urgency, that if we continue with busi-
ness as usual, the results will be very bad,
and perhaps could be catastrophic. But if you’re
going to assert that they are in fact wrong,
you have a moral responsibility to approach the topic with high seriousness
and never let your opponents change your
mind. If the scientists are right, you’ll be doing a great deal
of damage.
Instead, however, Professor Muller re-
ported that his group’s preliminary results
find a global warming trend “very similar to
that reported by the prior groups.”
For years now, large numbers of prominent
scientists have been warning, with increas-
ing urgency, that if we continue with busi-
ness as usual, the results will be very bad,
and perhaps could be catastrophic. But if you’re
going to assert that they are in fact wrong,
you have a moral responsibility to approach the topic with high seriousness
and never let your opponents change your
mind. If the scientists are right, you’ll be doing a great deal
of damage.
Instead, however, Professor Muller re-
ported that his group’s preliminary results
find a global warming trend “very similar to
that reported by the prior groups.”
For years now, large numbers of prominent
scientists have been warning, with increas-
ing urgency, that if we continue with busi-
ness as usual, the results will be very bad,
and perhaps could be catastrophic. But if you’re
going to assert that they are in fact wrong,
you have a moral responsibility to approach the topic with high seriousness
and never let your opponents change your
mind. If the scientists are right, you’ll be doing a great deal
of damage.
Instead, however, Professor Muller re-
ported that his group’s preliminary results
find a global warming trend “very similar to
that reported by the prior groups.”
For years now, large numbers of prominent
scientists have been warning, with increas-
ing urgency, that if we continue with busi-
ness as usual, the results will be very bad,
and perhaps could be catastrophic. But if you’re
going to assert that they are in fact wrong,
you have a moral responsibility to approach the topic with high seriousness
and never let your opponents change your
mind. If the scientists are right, you’ll be doing a great deal
of damage.
Instead, however, Professor Muller re-
ported that his group’s preliminary results
find a global warming trend “very similar to
that reported by the prior groups.”
For years now, large numbers of prominent
scientists have been warning, with increas-
ing urgency, that if we continue with busi-
ness as usual, the results will be very bad,
and perhaps could be catastrophic. But if you’re
going to assert that they are in fact wrong,
you have a moral responsibility to approach the topic with high seriousness
and never let your opponents change your
mind. If the scientists are right, you’ll be doing a great deal
of damage.
Instead, however, Professor Muller re-
ported that his group’s preliminary results
find a global warming trend “very similar to
that reported by the prior groups.”
For years now, large numbers of prominent
scientists have been warning, with increas-
ing urgency, that if we continue with busi-
ness as usual, the results will be very bad,
and perhaps could be catastrophic. But if you’re
going to assert that they are in fact wrong,
you have a moral responsibility to approach the topic with high seriousness
and never let your opponents change your
mind. If the scientists are right, you’ll be doing a great deal
of damage.
Instead, however, Professor Muller re-
ported that his group’s preliminary results
find a global warming trend “very similar to
that reported by the prior groups.”
For years now, large numbers of prominent
scientists have been warning, with increas-
ing urgency, that if we continue with busi-
ness as usual, the results will be very bad,
and perhaps could be catastrophic. But if you’re
going to assert that they are in fact wrong,
you have a moral responsibility to approach the topic with high seriousness
and never let your opponents change your
mind. If the scientists are right, you’ll be doing a great deal
of damage.
Madam Speaker, I rise in opposition to this rule. The Federal Government is now 6 months into fiscal year 2011 without a budget. We've created no new jobs and, in fact, have put tens of thousands of people out of work. All that is about to change, along with continuing resolution to continuing resolution. That's no way to run a government, let alone the most powerful Nation in the world.

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

Instead of such sham political posturing, this body would be far wiser to bring to a vote the House-passed Moran-Tester bill, which pretends that global warming isn't really happening. It will block EPA's modest attempts to limit the growth of greenhouse gas emissions that are endangering the public's health and our children's future.

Having abdicated our responsibility to do our job, to pass a budget, we should not continue to receive a paycheck. It is simply a matter of fairness. Madam Speaker. If all Americans are going to feel the pain of a government shutdown, then we should make sacrifices, too. The Moran-Tester bill would suspend Members' pay in the event of a shutdown. The Senate passed it unanimously, and so should we. It's the right thing to do for our country and the right thing to do for the American people.

So just consider the scene where Members of Congress will have to forgo the essential services that the Federal Government provides on a daily basis, it is unconscionable that Members of Congress will have to lose their pay.

Now, some have argued for self-centered reasons that the Moran-Tester bill is unconstitutional, but that's simply a smokescreen, Madam Speaker. They know perfectly well that the courts decide matters of constitutionality. Further, we know that the only individuals with standing before the courts will be the very Members of Congress who would be voting to shut down the government. So just consider the scene where Members of Congress would be arguing before the courts their right to be paid while millions forgo their pay.

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

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

And I would like to quote what he said, if I can, because I think it's very interesting: "At a time when we've been reminded how easily instability in the world can affect our economy, drilling for new jobs and, in fact, have put tens of thousands of people out of work. All that is about to change, along with continuing resolution to continuing resolution. That's no way to run a government, let alone the most powerful Nation in the world.

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

Instead of such sham political posturing, this body would be far wiser to bring to a vote the House-passed Moran-Tester bill, which pretends that global warming isn't really happening. It will block EPA's modest attempts to limit the growth of greenhouse gas emissions that are endangering the public's health and our children's future.

Having abdicated our responsibility to do our job, to pass a budget, we should not continue to receive a paycheck. It is simply a matter of fairness. Madam Speaker. If all Americans are going to feel the pain of a government shutdown, then we should make sacrifices, too. The Moran-Tester bill would suspend Members' pay in the event of a shutdown. The Senate passed it unanimously, and so should we. It's the right thing to do for our country and the right thing to do for the American people.

So just consider the scene where Members of Congress will have to lose their pay. So we've all been asked, Madam Speaker, just to consider the scene where Members of Congress would be arguing before the courts their right to be paid while millions forgo their pay.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. WITMER. I ask, Madam Speaker, just to consider the scene where Members of Congress would be arguing before the courts their right to be paid while millions forgo their pay.
The House is expected to take up legisla-
tion next week that would reverse a court
decision that said using pesticides in compliance with
federal pesticide regulations means a permit
that said using pesticides in compliance with
federal pesticide regulations means a permit
is not required under the Clean Water Act.

At a recent meeting, House Oversight and Government Reform
Committee Darrell Issa (R–Calif.) said the bill is a reaction to a decision by the
Environmental Protection Agency (EPA) to announce a new permitting
process for pesticides that takes the court
ruling into account.

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

The bill is a reaction to a decision by the
8th Circuit Court of Appeals in the case Na-
tional Cotton Council v. EPA. According to
the Transportation and Infrastructure Com-
mittee, that decision vacated an EPA rule
that said using pesticides in compliance with
federal pesticide regulations means a permit
is not required under the Clean Water Act.

CHAMBER TO HOST DISCUSSION ON REGULATORY
PROCESS

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

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

STATE DEPARTMENT, WORLD BANK LOOK TO
BOOST WATER SECURITY

The State Department will mark World
Water Day by expanding cooperation with the World Bank. Secretary of State Hillary
Rodham Clinton will sign a memorandum of
understanding that the Environmental Protection Agency
was Congressmen and Senators consid-
ered essential employees?"

I responded that we had a bill, Senate
bill 388, that would make sure that
Members of Congress don't get paid in the event of a government shutdown. For my three
granddaughters and their generation,
they live in a fact-free zone when the
government and science is a blind goddess.

"Into Ignorance: Vote to Overturn an
Aspect of Climate Science Marks a
Worrying Trend in U.S. Congress."

Madam Speaker, time and time again
we've heard our colleagues cry wolf and
out Texas, and Texas moving to become
the leading wind provider in the country.
Those wind turbines could be
built in our State. Solar energy could
be expanding in our State. But a cli-
mate of uncertainty to which this bill
adds even more will interfere with the
start-ups, with the new ideas that keep
us at the forefront of creating clean
debate, instead of sending all those jobs
over to China and other parts of the
world.

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

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

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

I would like to submit into the
record a Nature editorial entitled,
"Worrying Trend in U.S. Congress."

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

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

Rather than discussing ridiculous
and already disprotable and refuted
claims of cow flatulence and other ele-
ts, or discussing ridiculous
and already disprotable and refuted
claims of cow flatulence and other ele-
ts, or discussing ridiculous
and already disprotable and refuted
claims of cow flatulence and other ele-
ts, or discussing ridiculous
and already disprotable and refuted
claims of cow flatulence and other ele-
ts, I would like to submit into the
record a Nature editorial entitled,
"Worrying Trend in U.S. Congress."

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

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

Rather than discussing ridiculous
and already disprotable and refuted
claims of cow flatulence and other ele-
ts, or discussing ridiculous
and already disprotable and refuted
claims of cow flatulence and other ele-
ts, or discussing ridiculous
and already disprotable and refuted
claims of cow flatulence and other ele-
ts, or discussing ridiculous
and already disprotable and refuted
claims of cow flatulence and other ele-
ts, I would like to submit into the
record a Nature editorial entitled,
"Worrying Trend in U.S. Congress."

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

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

Rather than discussing ridiculous
and already disprotable and refuted
claims of cow flatulence and other ele-
ts, or discussing ridiculous
and already disprotable and refuted
claims of cow flatulence and other ele-
ts, or discussing ridiculous
and already disprotable and refuted
claims of cow flatulence and other ele-
ts, or discussing ridiculous
and already disprotable and refuted
claims of cow flatulence and other ele-
ts, or discussing ridiculous
and already disprotable and refuted
claims of cow flatulence and other ele-
ts, I would like to submit into the
record a Nature editorial entitled,
"Worrying Trend in U.S. Congress."

That's exactly what happened when the
EPA tackled the acid rain problem.
Polluters claimed new safeguards
would end their industries, increase the
price of consumer goods, and cause
massive job loss. In reality, acid rain
has been dramatically reduced and the
limits on pollution were met faster and
at roughly a tenth of the cost that indus-
tory estimated—without driving
consumer prices up.
CONGRESSIONAL RECORD — HOUSE  H2347

April 6, 2011

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

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

Since 1970, the economic benefits of the Clean Air Act have been shown to outweigh all costs associated with the law, and the economic benefits of the Clean Air Act are expected to reach nearly $1 trillion—exceeding costs by more than $30 billion. That’s why a number of business organizations representing over 60,000 firms wrote to President Obama and congressional leaders urging them to support the EPA’s mission and to reject efforts to block, delay or weaken implementation of the Clean Air Act. In their letters, the groups note that studies consistently show that the economic benefits of implementing the act far exceed the costs of controlling air pollution.

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

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

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

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

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

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

There was no objection.

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

[From Nature]

INTO IGNORANCE

VOTE TO OVERTURN AN ASPECT OF CLIMATE SCIENCE MARKS A WORRYING TREND IN U.S. CONGRESS

As Nature went to press, a committee of the US Congress was poised to pass legislation that would overturn a scientific finding on the dangers of global warming. The Republican-sponsored bill is intended to prevent the Environmental Protection Agency (EPA) from regulating greenhouse-gas emissions, which the agency declared a threat to public welfare in 2007. That assessment served as the basis for regulation, so repealing the “endangerment finding” would eliminate its authority over greenhouse gases.

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

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

“The US Congress has entered the intellectual wilderness.” Perhaps, but the legislation is fundamentally anti-science, just as the rhetoric that supports it is grounded in willful ignorance. As such, it fits within a broader pattern of attacks on scientific expertise.

When one of the two actual scientists testifying before the committee hearings held since the G.O.P. retook control of the House—namely, where do they find these people?

One can only assume that Congress will contribute to global warming. It was yet another blow to the shrinking minority of moderates in both parties. One can only assume that Congress will find its way at some point, pressured by voters to reject modern science and contribute to global warming. It was yet another blow to the shrinking minority of moderates in both parties.

One of the scientists testifying before Whitfield’s subcommittee was Christopher Field, director of the Carnegie Institution’s global ecology department in Stanford, California. Field generously hoped that his testimony at last week’s hearing took place “in the spirit of a genuine effort to find common ground in the best interests of the country.”

One day that hope will be justified.

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

THE TRUTH, STILL INCONVENIENT

(By Paul Krugman)

So the joke begins like this: An economist, a lawyer and a professor of marketing walk into a room. What’s the punch line? They wanted to know what the Republicans were hoping that the legislation they were pushing forward with its entire rationale for reducing greenhouse-gas emissions where it can, while looking for ways to work with Congress in other areas. Rising interest in energy security, a co-benefit of the greenhouse-gas and fuel-efficiency standards for vehicles that were announced by the last administration, would apply to the rest of the world. Work with the United States where possible, but don’t wait for a sudden change of tenor in Washington.

One of the scientists testifying before Whitfield’s subcommittee was Christopher Field, director of the Carnegie Institution’s global ecology department in Stanford, California. Field generously hoped that his testimony last week’s hearing took place “in the spirit of a genuine effort to find common ground in the best interests of the country.”

One day that hope will be justified.

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

THE TRUTH, STILL INCONVENIENT

(By Paul Krugman)

So the joke begins like this: An economist, a lawyer and a professor of marketing walk into a room. What’s the punch line? They wanted to know what the Republicans were hoping that the legislation they were pushing forward with its entire rationale for reducing greenhouse-gas emissions where it can, while looking for ways to work with Congress in other areas. Rising interest in energy security, a co-benefit of the greenhouse-gas and fuel-efficiency standards for vehicles that were announced by the last administration, would apply to the rest of the world. Work with the United States where possible, but don’t wait for a sudden change of tenor in Washington.

One of the scientists testifying before Whitfield’s subcommittee was Christopher Field, director of the Carnegie Institution’s global ecology department in Stanford, California. Field generously hoped that his testimony last week’s hearing took place “in the spirit of a genuine effort to find common ground in the best interests of the country.”

One day that hope will be justified.
has improved over the same period. I am not making this up.

Oh, and the marketing professor, in proving a list of past cases of ‘‘analogies to the AIDS argument adopting manmade global warming’’—presumably intended to show why we should ignore the worriers—includes problems such as acid rain and the ozone hole that have been contained precisely, thanks to environmental regulation.

But back to Professor Muller. His climate-skeptic credentials are pretty strong: he has denounced both Al Gore and my colleague Tom Friedman as ‘‘exaggerators,’’ and he has participated in a number of attacks on climate science. Among the worst was his attempt to smear British climate researchers. Not surprisingly, then, climate deniers had high hopes that his new book would support their position.

You can guess what happened when those hopes were dashed.

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

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

For years now, large numbers of prominent scientists have been warning, with increasing urgency, that if we continue with business as usual, the results will be very bad, perhaps catastrophic. They could be wrong. But if you’re going to assert that they are in fact wrong, you have a moral responsibility to approach the topic with high seriousness.

But if you’re going to assert that they are in fact wrong, you have a moral responsibility to approach the topic with high seriousness and an open mind. After all, if the scientists are right, you’ll be doing a great deal of damage.

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

But it’s terrifying to realize that this kind of cynical careerism—for that’s what it is—has penetrated so deeply. And the first thing about climate change until catastrophe is already upon us.

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

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

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

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

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

I applaud my colleagues for coming down to help defeat this bill. I encourage a ‘‘yes’’ vote on the rule.

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

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

An Amendment to H. Res. 203 Offered by Mr. POLIS of Colorado

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

SEC. 2. Immediately upon adoption of this resolution the Speaker shall direct consideration of the House the bill (S. 203) to prohibit Members of Congress and the President from receiving pay during Government shutdowns, thus depriving the Office of the Speaker or her designee. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the ranking minority member of the Committee on House Administration; and (2) one motion to recommit.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of S. 203.

(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 Really Matters

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 in 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 order 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 previous question vote in their own manual: ‘‘All points of order on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority’s agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

The Speaker pro tempore. The question is on ordering the previous question. The question was taken; and the Speaker pro tempore announced that the ayes had appeared to have it. Mr. POLIS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 203, if ordered; and approval of the journal, if ordered. The result was taken by electronic device, and there were—yeas 266, nays 158, not voting 8, as follows: [Roll No. 230]
MESSRS. CRITZ, INSELLE, MS. BASS OF CALIFORNIA, AND MS. WOOLEY changed their vote from "aye" to "nay."

MESSRS. CLEAVER, RUSH, WATT, SCOTT OF VIRGINIA, JACKSON OF ILLINOIS, RICHMOND, CUMMINGS, MS. CHU, AND MS. BASS OF CALIFORNIA changed their vote from "nay" to "aye."

So the previous question was ordered.

The SPEAKER pro tempore (Mr. WOOLERY) said the question was taken; and the Speaker pro tempore announced that the ayes had appeared to have it.
So the resolution was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### THE JOURNAL

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

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

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

Mr. MCGOVERN. Mr. Speaker, on rollcall No. 229 on a motion to adjourn, I am not recorded because I was absent. Had I been present, I would have voted, “yea.”

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

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

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

### GENERAL LEAVE

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

The SPEAKER pro tempore (Mr. NUGENT). Is there objection to the request of the gentleman from Michigan? There was no objection.

### ENERGY TAX PREVENTION ACT OF 2011

The SPEAKER pro tempore. Pursuant to House Resolution 203 and rule XVLIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 910.
House on the state of the Union for the consideration of the bill (H.R. 910) to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes, with Mr. WOMACK in the chair.

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

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

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

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

The threat is not real. It does not actually exist. It is not a menace to health and welfare. It is an economic threat to our economy. It is a threat to our health and welfare. It is the only real threat to our health and welfare.

The real threat to our health and welfare is an endangered public health and welfare. That is the only threat to our health and welfare. That is the real threat.

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

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

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

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

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

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

So let’s pass this bill today and get the American economy back on track. I reserve the balance of my time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I urge all Members to oppose this legislation.

I reserve the balance of my time.

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

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

Mr. BARTON. Mr. Chairman, I thank the distinguished chairman.

I rise in strong support of this bill.

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

What it does do is prevent the EPA from using the Clean Air Act to regulate CO₂ as a criteria pollutant under the Clean Air Act. In 1990, when we passed the Clean Air Act amendments back in 1990, I was a co-sponsor of the bill. I worked on the bill in committee, voted for it on the floor.

So I am a supporter of a strong Clean Air Act.

CO₂ is not a criteria pollutant under the Clean Air Act. It was never intended to be. It’s only because of a 5–4 Supreme Court decision that said the EPA had to make a decision whether it should be, and then a very flawed EPA endangerment finding, when President Obama became the President, that we have an EPA authority, tenuous as it is, to regulate CO₂ under the Clean Air Act.

What this bill does is take us back to the original Clean Air Act and say we’re going to regulate the criteria pollutants. But greenhouse gases and CO₂, which Americans are aware of, are not one of those criteria pollutants.

What are the purported benefits of regulating CO₂? According to numerous
studies, in terms of the amount of reduction in CO2 by the year 2100, which is 90 years away, 89 years away, we would see a reduction of about 3 parts per billion if we regulated CO2 from the current 380 to 390 parts per billion, see a reduction in temperature by about 0.006 to 0.015 of a degree centigrade, and we would see a reduction in sea-level rise by about 0.007 of a centimeter. In other words, if we spend up to $100 billion a year to regulate CO2, we get no reduction in parts per billion, we get no reduction in temperature, and we get no reduction in sea level. But we do get a huge cost to the economy every year.

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

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

The Environmental Protection Agency (EPA) is proposing to regulate carbon dioxide emissions under the Clean Air Act. Reports from the U.S. Chamber of Commerce and even the Senate Committee on Environment and Public Works estimate that the cost of these proposed regulations will be about $78 billion per year.

The regulations will affect industries, farms, hospitals, office buildings, and hotels to name just a few. The regulations will adversely affect our ability to produce energy and structural materials.

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

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

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

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

Mr. MARKEY. I thank the gentleman.

I rise in opposition to the dirty air act, which overturns the scientific finding that pollution is harming our people and our planet. But as long as Republicans are making an ideological decision to overturn scientific reality, I wonder if the Republicans could offer an amendment overturning inconvenient geological reality as well.

Let’s tell the United States Geological Survey that Congress doesn’t believe that the United States only has 2 percent of the world’s oil as well.

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

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

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

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

I would urge passage of this legislation.

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

Mr. MARKEY. I thank the gentleman.

I rise in opposition to the dirty air act, which overturns the scientific finding that pollution is harming our people and our planet. But as long as Republicans are making an ideological decision to overturn scientific reality, I wonder if the Republicans could offer an amendment overturning inconvenient geological reality as well.
decade. Domestic natural gas production is at an all-time high. But we will never be able to drill our way out of this problem.

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

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

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

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

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

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

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

So if you are concerned about the economy and you are concerned about jobs, this is the perfect bill to support. Mr. WAXMAN. Mr. Chairman, I yield 1½ minutes to my colleague, the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I rise in strong opposition to the dirty air bill. Once again the House is considering legislation that has little to no chance of becoming law. Meanwhile, the public waits for a leadership. But the leadership of this House isn't listening. The only job they seem interested in is the one they want EPA not to do: protect the public's health. It is not surprising that many of our Nation's biggest polluters have asked for this bill. It lets them keep polluting.

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

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

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

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

Let's urge our colleagues to vote "no" on this test vote.

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

Ms. GARDNER. Mr. Chairman, I rise today in support of H.R. 910, the Energy Tax Prevention Act. Without this bill, the EPA is going to outsource jobs and business with greenhouse gas regulations, not to mention placing huge financial burdens on consumers who will see energy prices skyrocket as a result of complying with EPA's costly regulations. We will lose new energy jobs, not new jobs. We need to be spending taxpayer dollars on energy jobs, not on energy regulations.

However, what I want to talk about today is how it relates to rural America. Agriculture and the Midwestern states are important to me. I yield 2 minutes to my colleague, the gentleman from West Virginia (Mr. RAHALL).

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

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

Mr. Chairman, I don't think anybody in this body is for dirty air or dirty
Nobody in human history has ever won carbon pollution. It is time to wake up. Are not sleeping who are restricting Chinese are not sleeping while they uncomfortable beds of denial, and get to workrica to wake up, get up out of our com-

slumbering while our children are rid-

ing in the face of disastrous pollution, it would suggest that we are a nation

ica to wake up, get up out of our com-

slumbering while our children are rid-

ing in the face of disastrous pollution, it would suggest that we are a nation

ica to wake up, get up out of our com-

slumbering while our children are rid-

ing in the face of disastrous pollution, it would suggest that we are a nation
Dakota (Mr. BERG).

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

Mr. BERG. Mr. Chairman, this bill is a starting point to lowering energy costs. This bill encourages private sector investment and will grow jobs. North Dakota is a leader in energy development. However, overreaching EPA regulations threaten not only energy producers but consumers as well.

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

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

I firmly support the Energy Tax Prevention Act.

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

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

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

On December 7, 2009, the EPA issued its endangerment finding. The finding was based on a 200-page synthesis of major scientific assessments authored by not only the Intergovernmental Panel on Climate Change, but also by the U.S. Global Change Research Program, the U.S. Navy, the U.S. Department of Agriculture, the National Research Council, NOAA, NASA, the U.S. Fish and Wildlife Service, the CDC, the U.S. Geological Survey, the National Snow and Ice Data Center, and others.

The EPA’s scientific basis for the finding was extensively reviewed by, among others, a group of leading scientists from federal agencies.

In order to limit the number of industrial sources that would be subject to regulation, the EPA issued its “Tailoring Rule” last May which raised the Clean Air Act statutory threshold to the largest industrial sources of greenhouse gas permitting only for the largest industrial sources of greenhouse gas emissions from 200/250 tons to 100,000 tons per year.

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

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

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

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

So I ask my colleagues on the other side of the aisle to provide leadership on this front. Let’s address carbon in a fair way in a way that is not full of inaccuracies that attack sound science. Most telling of the EPA’s irrational regulatory approach is how it has to worry about what the EPA is doing and whether they will be sued by outside groups to further regulate these industries or move up already announced dates for rulemaking.

This Congress has the power to be 100% in control of giving our manufacturing base the regulatory certainty it needs. Cap and Trade legislation will not pass this Congress, but I believe a solution can be found for controlling carbon emissions by using nuclear and natural gas to generate electricity.

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

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

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

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

During a recent Agriculture Committee hearing, the EPA Administrator said agriculture is currently exempt from the proposed regulations because the EPA has targeted only the largest greenhouse gas emitters. This doesn’t provide any certainty to our farmers and ranchers, especially since, in a recent interview, Lisa Jackson was
Mr. CONNOLLY of Virginia. I thank Mr. WAXMAN. Mr. Chairman, I now yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

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

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

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

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

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

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

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

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

I rise in strong support of this legislation.

Despite President Obama stating that he would prefer Congress to take the lead in determining how to handle greenhouse gases, what do you know? The Environmental Protection Agency has begun their own plan to regulate greenhouse gases. American voters spoke in November, and they clearly rejected the cap-and-trade agenda that was offered in this Congress last year and that was not taken up in the United States Senate. Now we, ourselves, are faced with the need to act. So unless Congress acts to stop the EPA, this administration and the Environmental Protection Agency will enact their own cap-and-trade-like agenda.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. PETERSON. Mr. Chairman, I rise today in support of H.R. 910. We recently held a hearing in the Agriculture Committee with folks from the EPA and from people in agriculture, and the message that we heard was pretty clear from agriculture that they believe the EPA needs to be reined in, not only as regards this bill, but other measures that are being considered within the EPA as well. What this bill will do is hit a pause button on the EPA’s current efforts to regulate greenhouse gases, and that’s exactly what people in agriculture think we need.

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

These proposed regulations we’re seeing from EPA could potentially get in the way of what agriculture producers are already doing when it comes to conservation of our natural resources. American farmers and ranchers rely on these resources to provide the world’s food supply and are committed to preserving them for the next generation.

The EPA claims to be operating in an open and transparent manner, but the agency is sending mixed messages. At the hearing mentioned earlier, we were told that agriculture is currently exempt from proposed regulations. Yet press reports have quoted...
At home in West Virginia, the EPA is making it much more expensive to turn on our lights and drive to work; that's not the way to get our economy back on track.

This legislation is of particular importance to my constituents in West Virginia. The EPA's regulations will disproportionately affect our State's economy. West Virginia powers the Nation. Our energy providers provide thousands of good-paying jobs, and coal alone provides over half of our Nation's electricity and over 95 percent of the power in my State.

I strongly urge my colleagues to vote in favor of H.R. 910 to stop the EPA's regulatory overreach and job-killing strategies.

Mr. WAXMAN. Mr. Chairman, I yield myself 1 minute.

I want to clarify some statements that have been made that are absolutely inaccurate.

There may be Members who are unhappy about EPA regulations as they hear from their constituents, but that is not what is involved in this bill today.

This bill would stop EPA from regulating as it relates to carbon emissions; and EPA has undertaken this because of a scientific finding that carbon emissions are causing a danger to public health and the environment.

EPA, under the Clean Air Act, has a wide range of possible regulations, but EPA has decided that they would restrict their regulations only to large new sources or expansion of existing sources of pollution of 100,000 tons per year, and that is all.

The CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. Mr. Chairman, I yield myself another 30 seconds.

So we heard these claims that they are going to come in and regulate in areas where they're not seeking to regulate, that they're in fact doing it. A new source, emitting 100,000 tons of pollution, is equivalent to burning a train car load of coal per day.

We hear concern from people from the coal-burning States, but they're not threatened unless there are new sources of that magnitude. The oil companies are not going to be regulated unless they are going to build a new source of that magnitude. Maybe they are fearful about other regulations, but that is no reason to support this bill.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the chairman of the Energy and Power Subcommittee, the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. On this tailoring rule that was adopted by EPA saying that they would regulate only those emitters of 100,000 tons or more per year, that is in direct violation of the language of the Clean Air Act, which says they have to regulate anything 150 to 250 tons per year.

Lawsuits have already been filed against the EPA of violating the Clean Air Act, and there is a strong sense that the tailoring act would be ruled illegal. And if it is, as Gina McCarthy said, they would have to regulate everything in society, including small farms, small businesses, everyone. They do not have the manpower to do it. If that's what she stated, it would cost the enforcing agencies alone $24 billion, and that's not including the money that industries and others would have to spend to comply with the new regulations. So the statement that they are going to be impacted is certainly not settled.

Mr. WAXMAN. Mr. Chairman, I yield myself 1 minute.

I want to refute the statements that have just been made.

There is a court doctrine allowing EPA to design regulations that are tailored according to administrative necessity, and they need not go beyond that.

The complaint on the other side is there is a wide-ranging regulation, but there is not. And there will be an amendment offered by Representatives Kind and Owens to restrict the regulations by law to what the EPA is implementing.

And I hope the gentleman that spoke just now will vote for that amendment. But whether it passes or not, EPA can tailor its regulation, and they ought not complain about a regulation that's not being proposed. They don't want even the minimal one that EPA is implementing.

If we don't legislate and we don't regulate, we're going to make it much, much worse and costlier to correct later on. I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I rise in support of this legislation.

For me, this debate is not about whether or not climate change is occurring, nor is it about preventing the politically directed policies that Congress should have to reduce greenhouse gas emissions and allow us to have a low-carbon producing economy.

I, for one, think that climate change is real and a problem that needs to be addressed with practical solutions that have attainable goals to reduce emissions and provide certainty in our economy. I also believe that the Clean Air Act has truly benefited our Nation and should never be weakened—rather, strengthened.

However, agencies should not be able to regulate what has not been legislated. Doing so does not solve problems. It creates even more uncertainty as it opens up the agency's rules to endless challenges and Orwellian policies. And I am committed to finding a workable solution to achieve clean air, help address global warming, and preserve the economic competitiveness of
Finally, this bill overturns scientific findings that carbon pollution endangers the environment and human health, which has been confirmed by all of the world’s leading scientists. A partisan majority can pass whatever program they want. But it cannot legislate the facts out of existence, facts that as recently as a few years ago were accepted in both parties. What changed? The science or the politics? Mr. HOYER, I urge my colleagues to oppose this bill, which recklessly endangers our air, our health, our climate, and our energy independence.

Mr. UPTON. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. MURPHY), a member of the committee.

Mr. MURPHY of Pennsylvania. Okay. Here we go. When we discussed the cap-and-trade bill, it worked sort of like the Seinfeld show. George Costanza comes to Jerry and says, “You know what we should do with this show, what it should be about?” Jerry says, “What?” George says, “It’s about nothing.” Here’s how the bill works: Factory A has something coming out of its smokestack; Factory B doesn’t. So Factory B sells their “nothing” to Factory A. Factory A adds that cost to the cost of their products. Sooner or later, they raise costs of electricity, rail, costs of their products. They can’t make it in America any more. America figured this out long ago, and they said we’re going to see energy prices go up, we’re going to see jobs and income go down. We don’t want it to work this way. We want clean air, clean land, and clean water. But the way these things are working is not what’s going to make it happen.

So the American people say don’t export our jobs. We don’t support our factories, don’t export our manufacturing and then end up importing emissions from other countries. It’s a global problem. It’s something we have to deal with. But having the EPA do this in the United States without working with Congress isn’t the way to make this happen.

Let’s come up with a real solution here but not continue on down this road of exporting our jobs to other countries.

Mr. WAXMAN. I continue to reserve my time.

Mr. UPTON. Mr. Chairman, if I might just enter in a brief colloquy with my friend, the gentleman from California.

Mr. HOYER. I’m well aware of the same amount of time left. I have allocated my time; I presume you have as well. My remaining speakers are meeting someplace, and I’m prepared to close and yield back if you are, unless somebody comes in and doesn’t expeditiously.

Is it the same for you?

Mr. WAXMAN. I find myself in the same position. I am prepared to close and yield back my time, unless one of our Members shows up unexpectedly.

Mr. UPTON. Fine.

Mr. WAXMAN. Mr. Chairman and my colleagues, I have before me a letter from the United States Environmental Protection Agency. We asked them very specific questions, and one was whether this would establish a back-door cap-and-trade program. They said, one, EPA has not adopted a cap-and-trade program to address greenhouse gas emissions; two, EPA is not considering or evaluating a cap-and-trade program to address these emissions under existing Clean Air Act authority; and they further went on to say they anticipated that they would do a cap-and-trade program. None of the five programs that they have adopted or are considering adopting to limit harmful pollutions are cap-and-trade programs.

So when we hear Members get up and say, oh, they’re about to adopt a cap-and-trade program because Jerry Seinfeld’s show might lead you to that conclusion, it is not, according to Lisa Jackson, the head of EPA, their intent.

EPA, under the law, is required to look at the science. Once they determined that carbon is a pollutant that causes harm to public health and the environment, they could, under their powers, fashion the regulation in a modest way, which is exactly what they’ve done. The regulations that they are implementing can be met through greater efficiency in these new sources that would emit such large amounts of carbon. That is a reasonable thing to do because it is beneficial for the industries to be more efficient.

We have found over the years, under the Clean Air Act, when sources of pollution, industries, reduce their pollution, they become more efficient and more competitive. That’s what will happen as a result of the regulations that are being implemented. Let us not tie EPA’s hands and say they cannot deal with this subject.

For those who deny the science, I disagree with you. But if you’re wrong, it’s been a long time since a bipartisan strategy will come into effect to reduce these emissions. Buy at least an insurance policy to reduce these dangerous pollutants so that we can avoid some of the terrible consequences of greenhouse gas emissions and climate change, which are already evident in this country and around the world.

I urge my colleagues to oppose this bill. Vote “no.”

I yield back the balance of my time.
They have been debating it now for a couple of weeks. And it's interesting to me that a number of the amendments on the amendment tree in the Senate by different Democratic sponsors—in fact, I would confess that the EPA has run amok because they, too, might not be fully supportive of this legislation, they too are supporting a 2-year time-out to the EPA, to tell them to stop. They're not ready for this.

I supported, I voted for the Clean Air Act back in 1990. And I think most of my colleagues then, it was a strong majority that supported that. It allows the EPA to regulate 188 different contaminants. They do that. This bill does not weaken that work by the EPA.

There was an issue then that the Senate included in their version of the bill something that did regulate greenhouse gases. And when it went to conference with the House, John Dingell was then chairman of the conference committee. He pushed forward. This did not get to the Senate floor, and in fact the Clean Air Act then ended up without regulating greenhouse gases.

We had a huge debate in the last Congress on cap-and-trade. Speaker Pelosi had an 86-vote margin here in the House. And when it passed by seven votes. So you switch four votes, it goes the other way. But despite that passage in June of 2009, the Senate did not take that legislation up. Didn't go through subcommittee, full committee, never got to the Senate floor, and it died with the conclusion of the 110th Congress.

What we are saying is that the Congress, elected leaders here, should decide what is regulated. We know from the testimony that we had in committee we may lose as many as 1.5 million jobs. So you switch four votes, it goes the other way. But despite that passage in June of 2009, the Senate did not take that legislation up. Didn't go through subcommittee, full committee, never got to the Senate floor, and it died with the conclusion of the 110th Congress.

And what's going to happen? What's going to happen to those jobs? They're going to leave this country, and they're going to go to other places like, let's face it, India and China, where neither country has nearly the environmental laws that we have today. We are going to continue to enforce, to see the Clean Air Act enforced. This does not weaken that act. We just say we're not ready to regulate greenhouse gases, not when we have an unemployment rate where it is today—Michigan much higher than the national average—knowing that it's going to cost a lot of jobs.

So I would urge my colleagues to support this legislation. It tells the EPA, no, you are not going to do this.
people who are working in today's EPA and this is really serious.

When Administrator Jackson testified before the House Agriculture Committee she stated, “One notion is that EPA intends to regulate the emissions from cows—what is commonly referred to as the cow burp.” The truth is that the EPA is proposing to reduce greenhouse gas emission in a responsible, careful manner and we have even exempted agricultural sources from regulation.” When the Administrator testified before the Energy and Power Subcommittee of the Energy and Commerce Committee, she was asked to clarify if she would exempt agriculture from these regulations and she said she would—twice over. I appreciate her willingness to exempt this very important industry, because not exempting agriculture would have a dramatic impact on the Nebraska economy. My concern is that Administrator Jackson does not have the legal authority to unilaterally exempt agriculture; and even if she does, that industry is only one law suit away from being regulated, due to citizen law suits. I have no doubt that the Sierra Club, PETA, the Natural Resource Defense Council, the U.S. Humane Society, or some other group will sue either individually or together with regards to greenhouse gases on farms.

The EPA’s own figures on agriculture state that 37,000 farms are above the threshold of being a “major source” of greenhouse gas emissions. The Clean Air Act explicitly states that “major sources” must obtain a Title V operating permit. This could have a direct impact on many operations within agriculture, including corn, wheat, grain, cattle, and hog operations. This overreach is going to cause the cost of production to rise and will also cause an indirect impact on bringing goods to market by helping to increase energy costs.

While I appreciate Administrator Jackson’s willingness to exempt us from the cow tax, I think it is more important that we pass H.R. 910 and get it to the President for his signature, in order to guarantee that none of our energy is taxed.

With only the passage of H.R. 910 will we end EPA’s over reach on this issue.

Mr. Chair, emboldened by their electoral victories last fall, my Republican colleagues have embarked on a campaign to weaken or repeal many of the landmark laws that have protected the public’s health and the environment.

The first opening shots at the Environmental Protection Agency (EPA) were fired through amendments to legislation (H.R. 1) to complete the fiscal 2011 budget.

More than 22 anti-environmental and anti-conservation riders, that suspend agencies from taking action to implement provisions in Federal law, were added to bill on the House floor during the week of February 13th.

Fortunately, the Senate rejected the House bill, bringing us down a path to where we are today in a high stakes showdown whose outcome looks even more likely to result in a government-wide shutdown.

But, instead of sitting down to try to work out a budget, we are here on the House floor debating a bill to overturn a scientific finding.

EPA determined through its December 2009 endangerment finding that greenhouse gases endanger the public health.

Today’s House floor action is reminiscent of the Catholic Church’s response to Galileo Galilei’s publication of his famous work, Dialogue Concerning the Two Chief World Systems, which stated that the sun was the center of the universe.

It was not until October 31, 1992 when Pope John Paul II expressed his regret for how the Galileo affair was handled by the Catholic Church. Unfortunately, climate change does not afford us the luxury of time to amend our policies decades from now.

Climate change is upon us and the longer we delay, question the science and fail to take even modest action to curb future growth, the costlier the consequences will be.

Today’s legislation is a cynical attempt to pretend climate change is not occurring and restrict the one agency authorized by law to do something about it.

History will neither reflect kindly on those who reject science in the pursuit of short-term economic and political gain.

I urge my colleagues to oppose this bill.

Mr. PRICE of North Carolina. Mr. Chair, I rise in opposition to H.R. 910. While cynically called the Energy Tax Prevention Act by its sponsors, the bill could more aptly be named the “Dirty Air Act”.

This legislation would overturn EPA’s scientific finding that greenhouse gases endanger human health and welfare, which stemmed from a 2007 Supreme Court decision, and prevent the EPA from using the Clean Air Act—now or in the future—to limit greenhouse gas pollution from power plants and other industrial sources.

This reckless and misguided attack on our environment and public health will allow more pollution into the air we breathe and threaten the health of Americans across the country.

Supporters of the bill claim that setting standards for greenhouse gases under the Clean Air Act will cost jobs and undermine the competitiveness of America’s manufacturers. But the argument that clean air somehow poses a hazard to the economy is as ridiculous now as it was in the 1970s, when the major polluters used it to try and stop enactment of landmark environmental laws. Rolling back the EPA’s authority to limit pollution—when we won’t even create a single job. It will simply undo 40 years of progress toward a cleaner environment and better public health.

In fact, the very provisions of the Clean Air Act that this bill attacks have a forty-year track record of delivering cleaner air and improved health, along with the benefits of enormous growth in the economy. In its first 20 years, the Clean Air Act prevented an estimated 200,000 premature deaths. Some 1.7 million tons of toxic emissions have been removed from our air each year. Innovations spurred by the Act have made our cars up to 95 percent cleaner today than they were in the past.

EPA economists estimate that the total benefits of the Clean Air Act amount to 30 times its costs.

In my view, this legislation is really serious.

I urge my colleagues to support the Environmental Protection Agency’s (EPA’s) attempt to regulate greenhouse gas emissions. I believe Congress must retain the authority to develop climate change policy that reduces emissions, improves energy efficiency, and encourages clean energy technology, including clean coal, while also protecting and creating jobs, keeping energy costs affordable, and preserving our economic recovery. I am not convinced EPA’s current path will achieve those goals.

While I do not agree with all aspects of this legislation, I support H.R. 910, to ensure Congress has the ability to develop a practical climate change policy at the appropriate time. I ask my colleagues to join me in supporting this legislation.

Mr. PENCE. Mr. Chair, I rise in support of the Energy Tax Prevention Act of 2011, which would prohibit the EPA from regulating greenhouse gas emissions under the Clean Air Act.

While gas prices averaging $3.70 per gallon, up from $3.50 a month ago, up nearly a dollar from a year ago, and with unemployment rates continuing at heartbreaking levels, the last thing the American people need is a national energy tax that will only drive up the price at the pump, but drive even more American jobs to places like India and China. According to a study conducted by the Heritage Foundation, an annual energy tax of more than $800,000 should the Congress fail to act in preventing the EPA from moving ahead with their global warming agenda.

Yet the Obama EPA seems intent on implementing policies that will not only drive up the price at the pump, but drive even more American jobs to places like India and China. According to a study conducted by the Heritage Foundation, an annual energy tax of more than $800,000 should the Congress fail to act in preventing the EPA from moving ahead with their global warming agenda.

In this difficult economy, the federal government must make affordable, domestic energy production a top priority, and House Republicans are doing just that.

I applaud the work of my colleagues in developing an all-of-the-above energy solution.
that will create jobs and end our dependence on foreign sources of energy.

But Congress first must stop the EPA’s assault on working families, small businesses and family farms by rejecting this backdoor national energy tax.

Mr. STEAK, Mr. Chair, I rise today in strong opposition to weakening the Clean Air Act and ignoring the very real threat posed by global warming. Republicans might like to teach creationism in schools and demonize science, but the fact is that climate change is man-made, is happening now, and threatens our way of life. Failure to act is unacceptable.

The Obama Administration is taking small but important steps toward regulating only the largest sources of greenhouse gases. This legislation would end that progress. The Environmental Protection Agency (EPA) is exercising its Clean Air Act authority as recognized by the conservative Supreme Court in Massachusetts v. EPA. The Upton-Inhofe bill (H.R. 910) would not only undermine the Clean Air Act, it would also take the unprecedented step of overturning a scientific finding by the EPA that global policies endanger America’s health and environment.

At a time of rising gas prices and oil related conflicts around the world, this legislation would further increase our dependence on oil and other fossil fuels. This bill would take us back to a pre-Energy policy that has made our country addicted to fossil fuels and imported oil.

Rather than sticking our heads in the sand, Congress needs to implement a comprehensive energy policy that puts a price on carbon pollution and invests in the energy sources of the future. We could start by ending taxpayer subsidies for giant oil companies and corn ethanol, but I doubt that bill will be on the floor anytime soon.

The Republican attack on science and logic will not create a single job or protect a single American’s health. All it will do is appease the radical fringe of their party. I urge all my colleagues to vote no.

Mr. SENSENBRENNER. Mr. Chair, I rise today in strong support of H.R. 910, the Energy Independence and Security Act, which is a commonsense legislation that will help economic recovery efforts and reduce energy prices.

It is troubling to see the Obama Administration continue to advocate for policies that will inhibit job creation in this country, and also raise prices of goods and services for every American. We should not move forward with imposing regulations that will slow the current economic recovery.

Over the last few months, my colleagues on the other side of the aisle have borrowed the Republican playbook of the past couple of years when the Democrats had control and asked, “Where are the jobs?” I have found this quite humorous considering that since Republicans have taken over leadership of the House, we have been actively working to rein in excess government waste and pass legislation to make it more affordable to do business in this country. But, setting that aside, we should all be able to agree that without passage of the Energy Tax Prevention Act, the answer to their question will be: not in the U.S.

We must not continue to allow the EPA to move forward in regulating all sectors of our economy. It is a simple fact that by imposing costly regulations on American businesses, it will ultimately force these companies to reduce jobs, or in the worst case scenario, move operations overseas. Additionally, while some may feel that industries can afford to pay more to comply with the slew of EPA regulations that have already been implemented, or will soon be implemented, these extra costs will ultimately be passed onto the American consumer.

The EPA’s reliance on the Intergovernmental Panel on Climate Change (IPCC) assessment reports should be cause for alarm. Global warming has been a political scandal, and other information that has come to light, there are many serious questions as to the legitimacy of the process used by the IPCC to base their conclusions. It would seem to me that since the EPA relied heavily on questionnable conclusions by the IPCC, it is essential for Congress to pass H.R. 910 so we may go back and reexamine our greenhouse gas policy.

Like most Americans, I believe that there can be a proper balance between economic prosperity and environmental sustainability. Everyone wants clean air and clean water, and no one wants sky-high electric and tax bills. I have long argued that the key to our energy independence is through technological innovation. The federal government to support technological innovation is to incentivize it through research and development grants and tax credits. Excessive regulations cannot assure technological breakthroughs, especially expensive and onerous mandates like cap-and-trade proposals in the previous Congress.

With the recent spike in gas prices, we need to do all we can to decrease the cost of doing business. H.R. 910 is the first in a series of legislative proposals that Republicans are looking at the EPA and reduce the regulatory burdens that businesses and consumers face. I strongly support passage of this important legislation, and urge a “yes” vote.

Mr. CONNIE. Mr. Chair, today I rise in strong opposition to H.R. 910, the Republican Majority’s so-called “Energy Tax Prevention Act.” I think a more accurate title would be the “Science Ignorance Appreciation Act” or “Fossil Energy Dependence Act.”

Today’s legislation unilaterally invalidate the Environment Protection Agency’s findings that carbon dioxide and other air pollutants pose a threat to public health and environment. Even more egregiously, the bill prohibits the EPA to regulate man-made greenhouse gases in spite of verified independent scientific research that shows that climate change poses an existential threat to our way of life.

The proposal is nothing more than censorship of government scientists who simply want to protect human and environmental health. There is an overwhelming scientific consensus that global warming is directly due to man-made behavior. In recent years we have begun to witness this science first hand, as extreme droughts, floods, blizzards, hurricanes and other natural disasters have begun to affect areas unaccustomed to such events. We cannot ignore the science and evidence.

If we pass this flawed legislation, we will lose an incredible opportunity to create the new market forces necessary to stimulate innovation in clean energy technology such as wind, solar, and other clean energy programs.

The Energy Tax Prevention Act deliberately delays the day that America will be freed from its addiction to foreign oil. As we have seen with the recent instability in the Middle East, there are dramatic downsides to our current energy dependence strategy.

I urge my colleagues to vote for unchecked pollution and global warming. It is a vote against scientific consensus and a clean energy future.

Mr. KUNINICH. Mr. Chair, I rise in strong opposition to H.R. 910, the Dirty Air Act. That this bill is taken seriously enough to receive a vote in the United States House of Representatives is embarrassing. This bill not only requires Members of Congress to ignore thousands of the world’s best scientists and over four decades of peer reviewed research, but it requires Congress to assert that it is more qualified to judge the entire body of science. It is an assault on science, on reason, and on common sense. Americans expect better from their elected leaders.

No amount of fossil fuel company spin, lobbying and campaign contributions can change the fact that global warming is happening. But they can make important changes to global warming; The longer we wait to substantively and aggressively act, the faster global warming will happen, the more fiercely it will happen, and the less control we will be able to exert over it.

We are also throwing away badly needed opportunities. Failing to control global warming pollution means we fail to provide needed impetus to make the transition to clean energy. We are voting to turn our back on the opportunity to reclaim the mantle of global leader on clean energy from China and now, Germany. We are voting to turn our back on the opportunity to revitalize our manufacturing sector which has been ailing in cities like Cleveland for decades. We are voting to turn our back on the opportunity to create millions of new jobs and boost our economy. We are voting to turn our back on the opportunity to reduce air pollution that kills tens of thousands of people every year, who are disproportionately from communities of color and low-income.

We are voting to turn our back on the opportunity to support scientific consensus and a clean environment. We are voting to turn our back on the opportunity to turn our back on the opportunity to create millions of new jobs and boost our economy. We are voting to turn our back on the opportunity to reduce air pollution that kills tens of thousands of people every year, who are disproportionately from communities of color and low-income. We are voting to turn our back on the opportunity to support scientific consensus and a clean environment. We are voting to turn our back on the opportunity to turn our back on the opportunity to create millions of new jobs and boost our economy. We are voting to turn our back on the opportunity to reduce air pollution that kills tens of thousands of people every year, who are disproportionately from communities of color and low-income.

We are voting to turn our back on the opportunity to support scientific consensus and a clean environment.

It is an assault on science, on reason, and on qualified to judge the entire body of science. Americans expect better from their elected leaders.

It is time for us to cast a vote in favor of future generations instead of merely invoking them to try to justify inhumane budget cuts. I urge my colleagues to vote “no” on this bill.

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

The CHAIR. All time for general debate has expired.

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

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

H.R. 910

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

SECTION 1 SHORT TITLE. This Act may be cited as the “Energy Tax Prevention Act of 2011.”
SEC. 2. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

"(a) DEFINITION.—In this section, the term 'greenhouse gas' means any of the following:

(1) Water vapor.
(2) Carbon dioxide.
(3) Methane.
(4) Nitrous oxide.
(5) Sulfur hexafluoride.
(6) Sulfur dioxide.
(7) Perfluorocarbons.
(8) Any other substance subject to, or proposed to be subject to, regulation, action, or consideration under this Act to address climate change.

(b) LIMITATION ON AGENCY ACTION.—

"(1) IN GENERAL.—The Administrator may not, under this Act, promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas to address climate change.

"(2) AIR POLLUTANT DEFINITION.—The definition of "air pollutant" in section 601 does not include a greenhouse gas. Notwithstanding the previous sentence, such definition may include a greenhouse gas for purposes of addressing health or air quality rather than climate change.

"(2) EXCEPTIONS.—(Paragraph (1) does not prohibit the following:


(B) Implementation and enforcement of section 211(c).

(C) Statutorily authorized Federal research, development, and demonstration programs addressing climate change.

(D) Implementation and enforcement of title VI to the extent such implementation or enforcement only involves one or more class I substances or class II substances (as such terms are defined in section 601).

(E) Implementation and enforcement of section 821 (42 U.S.C. 7651k note) of Public Law 101-548 (commonly referred to as the 'Clean Air Act Amendments of 1990').

(3) INAPPLICABILITY OF PROVISIONS.—Nothing listed in paragraph (2) shall cause a greenhouse gas to be subject to part C of title I (relating to prevention of significant deterioration of air quality) or considered an air pollutant for purposes of title V (relating to permits).

(4) AGENCY ACTIONS.—The following rules and actions (including any supplement or revision to such rules and actions) are exempt from all legal effect:


(C) ‘Reconsideration of Implementation Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs’, published at 75 Fed. Reg. 17004 (April 2, 2010) and the memorandum from Stephen L. Johnson, Administrator, to EPA Regional Administrators, concerning EPA’s Interpretation of Regulations that Define, Under EPA-Supported Title V, the Control Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program’ (December 18, 2008).


(8) Action To Ensure Authority To Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 82254 (December 30, 2010).


(12) Exception in paragraph (2), any other Federal action under this Act occurring before the date of enactment of this section that applies a stationary source permitting requirement or an emissions standard for a greenhouse gas to address climate change.

(13) STATE ACTION.—

(A) NO LIMITATION.—This section does not limit or otherwise affect the authority of a State to adopt, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas.

(14) Exception.—

(I) RULE.—Notwithstanding subparagraph (A), any provision described in clause (ii) is not deemed to be a part of Federal law.

(II) is not deemed to be stricken from the plan described in clause (i)(I) or the program or permit described in clause (i)(II), as applicable.

(15) PROVISION DEFINED.—For purposes of clause (i), the term ‘provision’ means any provision that—

(I) is contained in a State implementation plan under section 110 and authorizes or requires a limitation or other requirement for, the emission of a greenhouse gas to address climate change; or

(II) is part of an operating permit program under title V, or a permit issued pursuant to title V, and authorizes or requires a limitation on the emission of a greenhouse gas to address climate change.

(16) AGENCY ACTIONS.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(i).

SEC. 3. PREVAILING ONE NATIONAL STANDARD FOR AUTOMOBILES.

Section 209(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

(14) With respect to standards for emissions of greenhouse gases (as defined in section 300) for model year 2017 or any subsequent model year new motor vehicles and new motor vehicle engines—

(A) the Administrator may not waive application of subsection (a); and

(B) no waiver granted prior to the date of enactment of this paragraph may be construed to waive the application of subsection (a).

SEC. 4. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) there is established scientific concern over warming of the climate system based upon evidence of observations of increases in global average air and ocean temperatures, widespread melting of snow and ice, and rising global average sea level;

(2) addressing climate change is an international issue, involving complex scientific and economic considerations;

(3) the United States has a role to play in resolving global climate change matters on an international basis; and

(4) Congress should fulfill that role by developing policies that do not adversely affect the American economy, energy supplies, and employment.

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 112-54. Notice of such amendments may be offered only in the order printed in the report, by a Member designated in the report, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. JACKSON LEE OF TEXAS

The CHAIR. The amendment, no amendment No. 1 printed in House Report 112-54.

Ms. J JACKSON LEE of Texas. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike sections 2 and 3 of the bill, redesignate section 4 of the bill as section 3, and insert after section 1 the following section:

SEC. 2. STUDY AND REPORT.

(a) STUDY.—In the interest of protecting national security, the Administrator of the Environmental Protection Agency shall conduct a study to determine—

(1) the long term impacts of the Environmental Protection Agency having no authority to regulate emissions of greenhouse gases;

(2) if there are alternatives to ensure compliance with the Clean Air Act; and

(b) REPORT.—No later than 60 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to Congress a report on the results of the study under subsection (a), including any findings and recommendations.

The CHAIR. Pursuant to House Resolution 203, the gentleman from Texas (Ms. J JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Ms. J JACKSON LEE of Texas. I want to thank the ranking member of the
full committee for reading a very important letter into the Record that the EPA has no intention to manipulate or to utilize cap-and-trade as part of their responsibilities. This is not a cap-and-trade initiative or legislation. It has nothing to do with cap-and-trade.

In fact, I think the whole concept of this Energy Tax Prevention Act is muddled and befuddled. I don’t understand it. I practiced oil and gas law for almost 15 or 20 years. I come from Houzz to realize the difficulties that we have in the industry and understanding the industry. But I also am cognizant that this majority, my good friend on the other side that represents that, they are interested in adhering to the Constitution.

And I don’t know why they have not studied the Supreme Court decision in Massachusetts versus EPA that clearly indicates, even though this was motor vehicle emissions that they were talking about, but it held that greenhouse gases, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, carbon dioxide, methane, nitrous oxide, we should not regulate water vapor, eliminating the EPA authority, finding we have no authority to regulate emissions of greenhouse gases, widely viewed as contributing to climate change, constitute air pollutants, and therefore that phrase as utilized under the Clean Air Act and the EPA has jurisdiction to regulate under the Clean Air Act.

As we view what we are doing is trying to bash a long-standing process rather than coming up with better ideas. I think my amendment brings about a better idea, because energy is a national issue and part of what this amendment poses to do is to ask serious questions about the impact of eliminating the EPA authority, finding a way to work through this question: What would be the long-term impact? Because the legislation that is now written by my friends on the other side of the aisle is telling the United States of America, in conflict with the United States Supreme Court decision—and let me just hold up a visual, the Constitution, which is what this majority says they are basing their whole legislative agenda on.

Well, we have constitutional authority. And they are now telling us that we should not regulate water vapor, carbon dioxide, methane, nitrous oxide, sulfur hexa fluoride, hydrofluorocarbons, perfluorocarbons, and any other substance. I don’t hear a scream and cry of the industry. I do hear the idea that there are burdens that will come upon the industry that we should address.

So the amendment that I have that I am asking for real consideration on the basis of a national security question, how will we provide for resources that are in oil and gas and are looking at alternatives. They have whole sections that are addressing the question of alternative fuels. Why are we raising a bill that has no sense of direction in what it is trying to do and to eliminate an oversight that is protecting the American public in their quality of life and also doesn’t speak to how we work with the industry to actually make sure that we check these emissions but as well provide the opportunity for domestic growth and domestic energy growth?

I ask my colleagues to support this amendment.

I reserve the balance of my time.

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

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

Mr. UPTON. I just want to say to my friend from Texas that with regard to the hue and cries of folks that support this legislation, not a lot of businesses in this series of letters of support for our legislation from the American Electric Power to the Farm Bureau, the Iron and Steel Institute, Americans for Tax Reform, American Public Power, Business Roundtable, Chamber of Commerce, Metalcasters Alliance, Multi-Traders Letters, auto dealers, Realtors, manufacturers, National Association of Manufacturers, cattlemen, Mining Association, petrochemical, Rural Electric Cooperative, and on and on.

LETTERS OF SUPPORT

AF & PAPER Statement

American Coalition for Clean Coal Electricity Press Statement

American Electric Power Press Statement

American Farm Bureau Federation Press Statement

American Iron and Steel Institute Press Statement

Americans for Prosperity Press Statement

Americans for Clean Energy and Air Quality Press Statement

API–ACC Coalition Letter

American Public Power Association Business Roundtable Letter

Chamber of Commerce Cornwall Alliance

Freedom Action Press Release

Industrial Energy Consumers of America Press Statement

Metalcasters Alliance

Midwest Power Coalition

Multi-Traders Letters

NACS

National Automobile Dealers Association

National Association of Realtors

National Association of Manufacturers

National Association of Manufacturers Press Statement

National Cattlemen’s Beef Association

National Center for Public Policy Research

National Mining Association Press Statement

National Petrochemical & Refiners Association

National Rural Electric Cooperative Association

NRECA Press Statement

Nucor

Southern Company

Steelgram—Support H.R. 910

Teso Corporation

The Brick Industry

The Fertilizer Institute

Valero Energy Corporation

AMERICAN FOREST & PAPER ASSOCIATION, WASHINGTON, DC.

AF & PAPER STATEMENT ON THE ENERGY TAX PREVENTION ACT (H.R. 910)

WASHINGTON.—American Forest & Paper Association President and CEO Donna Harman today issued the following statement regarding the Energy Tax Prevention Act (H.R. 910) as introduced in the U.S. House of Representatives by Energy and Commerce Committee Chairman Fred Upton (R–MI), Agriculture Committee Ranking Member Collin Peterson (D–MN), Transportation and Infrastructure Committee Ranking Member Nick Rahall (D–WV), and Energy and Power Subcommittee Chairman Ed Whitfield (R–KY).

“I applaud the introduction of this bi-partisan legislation to bring a halt to regulation of greenhouse gases through the Clean Air Act. There is broad agreement that the Clean Air Act is the wrong tool to regulate greenhouse gases. The Clean Air Act does not serve to impose high costs and business uncertainty related to new investments in the manufacturing sector. Congress, not EPA, should decide energy policy; in particular, issues related to investments in renewable energy, including biomass.

“The Greenhouse Gas regulations are the latest example of those that would hamper job growth and put obstacles in the way of American business to compete in the global marketplace. Inexplicably, this is happening at a time when parts of the Administration are promoting the need for more exports and job creation.”

“I commend Energy and Commerce Committee Chairman Fred Upton (R–MI), Agriculture Committee Ranking Member Collin Peterson (D–MN), Transportation and Infrastructure Committee Ranking Member Nick Rahall (D–WV), and Energy and Power Subcommittee Chairman Ed Whitfield (R–KY) for introducing this legislation. We look forward to working with Congress on this very important issue.”

AMERICAN COALITION FOR CLEAN COAL ELECTRICITY, ALEXANDRIA, VA.

HOUSE, SENATE INTRODUCE LEGISLATION TO STOP EPA REGULATIONS

ALEXANDRIA, VA.—The American Coalition for Clean Coal Electricity today praised the introduction in the U.S. House and Senate of bipartisan legislation that would ensure the authority to regulate emissions of greenhouse gases rests with Congress, and not the EPA. The bills were introduced by House Energy and Commerce Committee Chairman Fred Upton and Senate Environment and Public Works Ranking Member James Inhofe.

“The EPA’s sweeping regulations will affect the lives of millions of Americans, from their electricity bills to the economy as a whole. Given this wide-ranging impact, it is important that Congress—not the EPA—address greenhouse gas emissions in a manner that takes into consideration both environmental and economic impacts,” said Steve Miller, president and CEO of ACCE.

“The bills would eliminate EPA’s authority to regulate greenhouse gases under the Clean Air Act, which is ill-suited for that task. The legislation introduced today would leave in place all of the essential provisions of the Clean Air Act.

EPA’s proposed regulations on greenhouse gas emissions could have a dramatic impact
on jobs and the economy. A recent analysis by the American Council for Capital Formation concluded that uncertainty caused by these regulations could, by 2014, result in the loss of between $55 billion to $75 billion in investment in the economy and that this could result in the loss of between 476,000 and 1.4 million jobs.

At a time when Americans are struggling with high energy costs, the EPA’s proposed regulations could make electricity more expensive and the affordability of coal-fired electricity has helped moderate increases in energy costs, and continued reliance on coal can help the U.S. recover economically and American businesses to compete globally,” said Miller. “We thank Chairman Upton and Senator Inhofe for their leadership on this critical issue as well as Members of Congress from both parties who have agreed to be initial co-sponsors of the bill.”

AMERICAN ELECTRIC POWER,
Columbus, OH, March 3, 2011.
Hon. FRED UPTON,
Chairman, House Committee on Energy and Commerce, U.S. House of Representatives, Rayburn House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN UPTON: I am writing today to express American Electric Power’s strong support for the Energy Tax Prevention Act of 2011.

When the Clean Air Act was originally enacted, it was not the expectation of Congress that the Act would regulate greenhouse gases. In fact, the Act was designed to regulate ambient air quality and hazardous air pollutants, and the EPA Administrator Jackson has acknowledged this fact in testimony before Congress.

The president stated that congressional action is a better way to address the issue than EPA regulation. We agree. The Energy Tax Prevention Act recognizes this and places the responsibility for regulations—both in Congress. We commend you for introducing this bill and look forward to working with you on it.

Sincerely,
BOB STALLMAN,
President.

Hon. FRED UPTON,
Chairman, House Committee on Energy and Commerce, U.S. House of Representatives, Rayburn House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN UPTON: The American Farm Bureau Federation (AFBF) strongly supports the Energy Tax Prevention Act of 2011 that you plan to introduce in the House of Representatives.

This bill would preempt regulation of greenhouse gases (GHG) by the Environmental Protection Agency (EPA) based on climate change considerations. The bill would not affect previously enacted or proposed rules regarding emissions from mobile sources.

The regulation of GHG does not fit within the current framework of the Clean Air Act. Unlike other regulated pollutants, where Clean Air Act thresholds are sufficient to regulate the largest emitters, GHG regulation at statutorily required, thresholds holds the prospect of costly and burdensome Title V permits on farms, ranches, schools, hospitals and some large residences.

Farmers and ranchers will be particularly disadvantaged under such a regulatory scheme. The costs incurred by utilities, refiners and manufacturers to comply with GHG regulations could make electricity more expensive and the afforability of coal-fired electricity has helped moderate increases in energy costs, and continued reliance on coal can help the U.S. recover economically and American businesses to compete globally,” said Miller. “We thank Chairman Upton and Senator Inhofe for their leadership on this critical issue as well as Members of Congress from both parties who have agreed to be initial co-sponsors of the bill.”

AMERICAN ELECTRIC POWER,
Columbus, OH, March 3, 2011.
Hon. FRED UPTON,
Chairman, House Committee on Energy and Commerce, U.S. House of Representatives, Rayburn House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN UPTON: I am writing today to express American Electric Power’s strong support for the Energy Tax Prevention Act of 2011.

When the Clean Air Act was originally enacted, it was not the expectation of Congress that the Act would regulate greenhouse gases. In fact, the Act was designed to regulate ambient air quality and hazardous air pollutants, and the EPA Administrator Jackson has acknowledged this fact in testimony before Congress.

The president stated that congressional action is a better way to address the issue than EPA regulation. We agree. The Energy Tax Prevention Act recognizes this and places the responsibility for regulations—both in Congress. We commend you for introducing this bill and look forward to working with you on it.

Sincerely,
BOB STALLMAN,
President.

Hon. FRED UPTON,
Chairman, House Committee on Energy and Commerce, U.S. House of Representatives, Rayburn House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN UPTON: The American Farm Bureau Federation (AFBF) strongly supports the Energy Tax Prevention Act of 2011 that you plan to introduce in the House of Representatives.

This bill would preempt regulation of greenhouse gases (GHG) by the Environmental Protection Agency (EPA) based on climate change considerations. The bill would not affect previously enacted or proposed rules regarding emissions from mobile sources.

The regulation of GHG does not fit within the current framework of the Clean Air Act. Unlike other regulated pollutants, where Clean Air Act thresholds are sufficient to regulate the largest emitters, GHG regulation at statutorily required, thresholds holds the prospect of costly and burdensome Title V permits on farms, ranches, schools, hospitals and some large residences.

Farmers and ranchers will be particularly disadvantaged under such a regulatory scheme. The costs incurred by utilities, refiners and manufacturers to comply with GHG regulations could make electricity more expensive and the afforability of coal-fired electricity has helped moderate increases in energy costs, and continued reliance on coal can help the U.S. recover economically and American businesses to compete globally,” said Miller. “We thank Chairman Upton and Senator Inhofe for their leadership on this critical issue as well as Members of Congress from both parties who have agreed to be initial co-sponsors of the bill.”

AMERICAN ELECTRIC POWER,
Columbus, OH, March 3, 2011.
Hon. FRED UPTON,
Chairman, House Committee on Energy and Commerce, U.S. House of Representatives, Rayburn House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN UPTON: I am writing today to express American Electric Power’s strong support for the Energy Tax Prevention Act of 2011.

When the Clean Air Act was originally enacted, it was not the expectation of Congress that the Act would regulate greenhouse gases. In fact, the Act was designed to regulate ambient air quality and hazardous air pollutants, and the EPA Administrator Jackson has acknowledged this fact in testimony before Congress.

The president stated that congressional action is a better way to address the issue than EPA regulation. We agree. The Energy Tax Prevention Act recognizes this and places the responsibility for regulations—both in Congress. We commend you for introducing this bill and look forward to working with you on it.

Sincerely,
BOB STALLMAN,
President.

Hon. FRED UPTON,
Chairman, House Committee on Energy and Commerce, U.S. House of Representatives, Rayburn House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN UPTON: The American Farm Bureau Federation (AFBF) strongly supports the Energy Tax Prevention Act of 2011 that you plan to introduce in the House of Representatives.

This bill would preempt regulation of greenhouse gases (GHG) by the Environmental Protection Agency (EPA) based on climate change considerations. The bill would not affect previously enacted or proposed rules regarding emissions from mobile sources.

The regulation of GHG does not fit within the current framework of the Clean Air Act. Unlike other regulated pollutants, where Clean Air Act thresholds are sufficient to regulate the largest emitters, GHG regulation at statutorily required, thresholds holds the prospect of costly and burdensome Title V permits on farms, ranches, schools, hospitals and some large residences.

Farmers and ranchers will be particularly disadvantaged under such a regulatory scheme. The costs incurred by utilities, refiners and manufacturers to comply with GHG regulations could make electricity more expensive and the afforability of coal-fired electricity has helped moderate increases in energy costs, and continued reliance on coal can help the U.S. recover economically and American businesses to compete globally,” said Miller. “We thank Chairman Upton and Senator Inhofe for their leadership on this critical issue as well as Members of Congress from both parties who have agreed to be initial co-sponsors of the bill.”

AMERICAN ELECTRIC POWER,
Columbus, OH, March 3, 2011.
Hon. FRED UPTON,
Chairman, House Committee on Energy and Commerce, U.S. House of Representatives, Rayburn House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN UPTON: I am writing today to express American Electric Power’s strong support for the Energy Tax Prevention Act of 2011.

When the Clean Air Act was originally enacted, it was not the expectation of Congress that the Act would regulate greenhouse gases. In fact, the Act was designed to regulate ambient air quality and hazardous air pollutants, and the EPA Administrator Jackson has acknowledged this fact in testimony before Congress.

The president stated that congressional action is a better way to address the issue than EPA regulation. We agree. The Energy Tax Prevention Act recognizes this and places the responsibility for regulations—both in Congress. We commend you for introducing this bill and look forward to working with you on it.

Sincerely,
BOB STALLMAN,
President.

Hon. FRED UPTON,
Chairman, House Committee on Energy and Commerce, U.S. House of Representatives, Rayburn House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN UPTON: The American Farm Bureau Federation (AFBF) strongly supports the Energy Tax Prevention Act of 2011 that you plan to introduce in the House of Representatives.

This bill would preempt regulation of greenhouse gases (GHG) by the Environmental Protection Agency (EPA) based on climate change considerations. The bill would not affect previously enacted or proposed rules regarding emissions from mobile sources.

The regulation of GHG does not fit within the current framework of the Clean Air Act. Unlike other regulated pollutants, where Clean Air Act thresholds are sufficient to regulate the largest emitters, GHG regulation at statutorily required, thresholds holds the prospect of costly and burdensome Title V permits on farms, ranches, schools, hospitals and some large residences.

Farmers and ranchers will be particularly disadvantaged under such a regulatory scheme. The costs incurred by utilities, refiners and manufacturers to comply with GHG regulations could make electricity more expensive and the afforability of coal-fired electricity has helped moderate increases in energy costs, and continued reliance on coal can help the U.S. recover economically and American businesses to compete globally,” said Miller. “We thank Chairman Upton and Senator Inhofe for their leadership on this critical issue as well as Members of Congress from both parties who have agreed to be initial co-sponsors of the bill.”

AMERICAN ELECTRIC POWER,
Columbus, OH, March 3, 2011.
Hon. FRED UPTON,
Chairman, House Committee on Energy and Commerce, U.S. House of Representatives, Rayburn House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN UPTON: I am writing today to express American Electric Power’s strong support for the Energy Tax Prevention Act of 2011.

When the Clean Air Act was originally enacted, it was not the expectation of Congress that the Act would regulate greenhouse gases. In fact, the Act was designed to regulate ambient air quality and hazardous air pollutants, and the EPA Administrator Jackson has acknowledged this fact in testimony before Congress.

The president stated that congressional action is a better way to address the issue than EPA regulation. We agree. The Energy Tax Prevention Act recognizes this and places the responsibility for regulations—both in Congress. We commend you for introducing this bill and look forward to working with you on it.

Sincerely,
BOB STALLMAN,
President.
when we talk about climate change. You talked to the same scientists that you say are telling us about climate change, and they say if we don’t get the job done within the next decade or two, forget about it. It’s over with.

The truth is that climate change will happen. And, sadly, what I have seen in the last 2 years about this issue, I have come to the conclusion this body really should be talking about what we need to do to mitigate the impact, because you are not doing anything to avoid it, and how you would tell the American people that we are.

Ms. JACKSON LEE of Texas. May I ask the remaining time.

The Acting CHAIR. The gentlewoman from Texas has 1 minute remaining.

Ms. JACKSON LEE of Texas. I yield 30 seconds to my good friend from California, Mr. WAXMAN.

Mr. WAXMAN. Thank you very much.

I just want to point out, Mr. BARTON, my very good friend who used to be chairman of the committee and was ranking member when I asked him to work with us on a bipartisan energy bill policy, he said, I don’t believe there is such a thing as global warming. It doesn’t exist. It’s not a problem.

Why spend any effort or money to find the solution?

And now, while the gentlelady’s amendment is saying at least study what will happen if you don’t do anything, and I think that’s what I need to see, I think that’s not needed either. I think at least we ought to know what the gentlelady is suggesting, and that is, what would be the long-term impact if we do nothing.

I support the Jackson Lee amendment.

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman for all of his work.

I come as a peacemaker, Madam Chair. Houston, by the American Lung Association, is the seventh most ozone-polluted city in the Nation. The Supreme Court clearly said under the Clean Air Act that it authorized the EPA to regulate greenhouse gases as it makes a judgment that it impacts on climate change. At the same time, there are industries that happen to be oil and gas that can sit down and benefit from a real study that will talk about best practices and also have the engagement that we need to have.

It’s not talking about what scientists have said. The Members are not scientists, and I believe you cannot rid the EPA of its jurisdiction. I would ask my colleagues to be thoughtful, along with the industry, and have a reasonable study. This impacts national security. I ask my colleagues to support my amendment.

Madam Chair, I rise today to offer an amendment to H.R. 910, “Energy Tax Prevention Act of 2011.” H.R. 910 prematurely eliminates the responsibilities of the Environmental Protection Agency to regulate greenhouse gas emissions. My amendment would require an assessment of the industry by the Environmental Protection Agency (EPA) to ensure accurate consideration of how proposed regulations would affect energy production levels, feasibility of implementation on the industry, as well as the adverse environmental effects of delaying implementation of proposed regulations. The present version of H.R. 910 also suspends the Environmental Protection Agency’s ability to regulate greenhouse gas emissions under the authority provided by the Clean House Act.

I cannot envision any American living in a polluted area wanting to support a permanent ban on the Environmental Protection Agency’s ability to regulate greenhouse gas emissions. The potential negative impact of greenhouse gases is supported by the scientific community. The National Academy of Sciences reported in 2010: “Climate change is occurring, is caused largely by human activities, and poses significant risks for—and in many cases already affecting—a broad range of human and natural systems.” It is clear that quality of our air impacts the quality of our health. The Clean Air Scientific Advisor Committee, EPA’s independent science advisors, reviewed evidence from roughly 1,700 studies in the scientific research of the health impact of ozone. They unanimously concluded that the EPA needs to develop and implement an adequate margin of safety for the public as required by law. This is about protecting our nation’s health, industry, and our environment.

As a Houstonian the affects of H.R. 910 are of particular concern to me. A study conducted by the American Lung Association ranked Houston as the 7th most ozone-polluted city in the country. Children, teens, senior citizens, and people with lung diseases like asthma, chronic bronchitis, emphysema and others are particularly vulnerable to poor air quality and are at risk for developing irreversible lung damage. A rise in poor air quality has the potential to increase emergency room visits and hospital admissions for respiratory problems which increases the cost of healthcare to tax payers.

In Houston-Baytown-Huntsville, TX, over a million children under the age of 18 will be negatively impacted if air quality continues to decline. Children exposed to air pollution suffer stunted long growth, as well as development of asthma, and increased respiratory infections.

According to the American Lung Association, researchers have also concluded that prenatal exposure to air pollution harms children, and increase the risk of babies being born with low birth weight.

We owe it to our children to provide clean, healthy air. We have an agency that is charged with regulating our air quality. My amendment would ensure the EPA can continue to protect the health by regulating green house emissions.

This amendment will ensure that the EPA reports to Congress its findings on the long term negative impacts of greenhouse gases. Findings from a recent EPA study titled “Assessment of Climate Change on Regional U.W. Air Quality: A Synthesis of Climate Change Impacts on Ground-Level Ozone” suggest that climate change may lead to higher concentrations of ground-level ozone, a harmful pollutant. Additional impacts of climate change include, but are not limited to: increased droughts; more heavy downpours and flooding; and harm to water resources, agriculture, wildfire and ecosystems.

Not only would the deregulation of greenhouse gases impact the health of our citizens, it will also, have a negative impact on our ability to maintain and create new jobs. Poor health and low air quality only discourages industries from coming to an area. New industries will not be willing to move into areas that are polluted which adversely impacts job growth in those communities.

Currently there are programs in Houston such as the Energy Efficiency Incentive Program which aims to significantly reduce Houston’s emissions of greenhouse gases and criteria pollutants. The industry is also investing alternative energy sources and improving air quality standards; such initiatives look towards the future, ensures job creation, and protects our nation’s health.

I believe the Environmental Protection Agency plays an essential role in providing appropriate and balanced guidance to the industry, which in turn encourages them to have a workable timeframe to determine the appropriate measures to improve our nation’s air quality. The EPA ensures that energy industries have a reasonable standard to base their operations.

My amendment requires the EPA to carefully study this issue and to determine the long term impact on health, the industry and the environment. I strongly urge my colleagues to see the reasonable, fair and measured response to addressing regulation of greenhouse gases.

Under current law, The Clean Air Act provides the EPA with the authority to take steps to reduce greenhouse gas emissions. On April 2, 2007, the Supreme Court ruled in Massachusetts v. EPA that greenhouse gas, constitute “air pollutants” as the phrase is used in the Clean Air Act. Such pollutants may reasonably be anticipated to endanger public health or welfare. As a result, the government has the legal authority to issue standards for greenhouse gas emissions. As the Clean Air Act falls under the authority of the Environmental Protection Agency, it is therefore legitimate for the EPA to regulate greenhouse gases. My amendment ensures compliance with the Supreme Court ruling. As written, H.R. 910 would overturn Massachusetts v. EPA. As written H.R. 910 would overturn a ruling by the Supreme Court. Such an action is too extreme when there are other more tenable solutions available.

We cannot allow a total eradication/elimination of the responsibilities of the EPA to regulate greenhouse gases. This would impact the health of our nation, negatively impact industries, and overturns a Supreme Court ruling. The present version of H.R. 910, without amendment fails to provide a studied and measured approach when trying to find a balance between the need for our nation to maintain quality air levels and the need for our nation to continue job growth. This bill takes a sledge hammer approach that is too extreme.

The purpose behind my amendment is to reach a compromise that is fair and reasonable regulations can be implemented without adverse effects to our nation’s air and our nations industry.

Madam Chair, I believe it is very important to provide the EPA with the opportunity to carefully study this matter and report back to Congress within 60 days and urge my colleagues to join me in supporting this amendment.
Houston residents.

er they presently pose a health threat to insufficient information to determine whether they presently pose a health threat to Houstonians at current ambient levels. Sixteen substances were found to be unlikely to pose a significant health threat to Houston, the Houston area to Huntsville has some of the largest polluters in the air. I can't imagine, and I guess my constituents must be at the level that we would like it to be, but the fact is, Houston, the Houston area to Huntsville has some of the largest polluters in the air. We should also consider the effect of the proposed regulation on the entities being regulated; and (E) the adverse environmental effects of delaying implementation of the proposed regulation.

The Acting CHAIR. Pursuant to House Resolution 203, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–54.

Ms. JACKSON LEE of Texas. I have an amendment at the desk. The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows: Strike sections 2 and 3, redesignate section 4 as section 3, and insert after section 1 the following:

SEC. 2. CONSIDERATIONS AND PROCEDURES IN FINALIZING GREENHOUSE GAS REGULATIONS.

In the interest of properly considering the importance of energy to the national security of the United States, before finalizing any greenhouse gas regulation the Administrator—

(1) shall provide a notice period of no less than 30 days specifically to the affected regulated industry; and

(2) provide an opportunity for the regulated industry to request and receive a 90-day extension of such comment period during which the Administrator may conduct a study to be submitted to Congress regarding—

(a) the effect of the proposed regulation on the level of greenhouse gas reduction; (b) the effect of the proposed regulation on energy production levels; (c) the feasibility of implementation of the proposed regulation on the entities being regulated; (d) the effect of the proposed regulation on the availability of energy to consumers; and (e) the adverse environmental effects of delaying implementation of the proposed regulation.

The Acting CHAIR. Pursuant to House Resolution 203, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas. Ms. JACKSON LEE of Texas. I am going to take a slightly different perspective and ask my colleagues to support this amendment.

Again, I am hoping, I know there are a lot of letters that my good friend from Michigan says that he has, and any time you put forward legislation that trade groups send word out to membership and say, this is going to save you a bucket full of money, and you better jump on the bandwagon, and there is no alternative or there is no other way to do it, the underpinnings of what we are doing, then you get that kind of praise.

I hope that many people who are with the industry, having practiced the law, and I have seen some of the mountains that all industries have to climb, I think we can find a reasonable way of functioning.

I just want to put in the Record that the industry, which is part of the drive that I have friends on the other side, the oil and gas industry does generate 9.237 million jobs, $1 trillion contributed to the economy, $178 billion paid to the U.S. Treasury or to the government in royalties and bonus payments, and $56.6 billion in taxes, income taxes, $394 billion invested to improve the environmental performance of its products, and $58.4 billion invested in low- and zero-carbon emission technologies from 2000 to 2008.

I encourage them to keep going. But the way that you keep going is not to eliminate the oversight body, but you work with it. And my amendment is very clear. I create a pathway for the industry to be engaged on any rule-making. It shall provide a notice period of no less than 30 days specifically to the affected greenhouse gas producers, and the 90-day extension for the industry—proposed to be regulated and allow industry-specific comments to be submitted to the administrator separate and apart from the public comment period and to discuss the economic impact of the proposed regulation; provide for an opportunity for the regulated industry to request and receive a 90-day extension. And we should take into consideration the effects of the proposed regulation on greenhouse gas emissions.

These companies have employees living in our community. And it is noted that Houston, the Houston area to Huntsville has some of the largest polluters in the air. We should also consider the effect of the proposed regulation has on energy production, the feasibility of the implementation of the regulation on the entities being regulated, the effect of the proposed regulation on the availability of energy to consumers, and the adverse environmental effects of delaying implementation of the proposed regulation.

It allows a discussion that may not be at the level that we want it today. I can't imagine, and I guess my friend on the other side of the aisle will come up and say me all the letters that he's saying that are supporting legislation that completely obliterates the opportunity for any governmental oversight. I disagree. I want to know the question of whether or not we have had the kinds of discussions that warrant a deliberative process and to bring...
about a concept of listening to industry and industry listening on the question of air pollutants.

I hold up the mayor's task force on the health effectiveness. It talks about Houston. But I'm not going to narrow this to Houston. Wherever there are companies that are refiners, as they so discussed, we are not trying to undermine that work. But does anyone want to live in China with the air pollutants that they have?

Let me just say this what we are addressing is a question of balance. My amendment provides input by the industry and by the EPA collaborating on how this will impact going forward. I would like you to support my amendment.

I reserve the balance of my time.

Mr. WHITFIELD. Madam Chair, I rise in opposition to the amendment.

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

Mr. WHITFIELD. I would like to yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS), the chairman of the Environment and the Economy Subcommittee.

The Acting CHAIR. The gentleman from Illinois is recognized for up to 5 minutes.

Mr. SHIMKUS. I would like to thank my colleague from Kentucky for the time, and I appreciate this opportunity to react to this.

I rise reluctantly to oppose my friend from Houston. I know she has a lot of her constituents who work in the fossil fuel industry and the refining industry and the refinery section, but parts of the amendment do some disastrous things to the bill.

First of all, it strikes most of the base text. We are here today—and I understand her position of wanting industry to listen, we want EPA to listen. The whole debate, why we're down here, is to listen to EPA to listen. And so as we address this debate, her amendment would strike most of the base text. And the whole reason why we're here is to get the attention of the EPA and respond to the people who sent us here to not hurt and harm job creation.

My friends, Ranking Member WAXMAN and MARKEY, their bill did not pass this because it was too controversial and it would affect jobs. And this is what we are all concerned about.

The last round of the Clean Air Act where you could really talk about toxic emissions and jobs in southern Illinois, cost thousands of jobs in Kentucky and cost thousands of jobs in the Ohio Valley. Again, you go back to the basic premise if you price carbon.

So what my colleague's amendment does is it says let's keep the EPA pricing of emitters that are not toxic—carbon dioxide is not a toxic emitter. It's not nitrous oxide, it's not sulfur dioxide, it's not a particulate matter, and it's not a criterion pollutant under the EPA and the Clean Air Act. So we're saying, don't regulate emitters that aren't toxic; don't put a price on carbon that will cost jobs. So that's why we need to reject it.

Now, in debates on the other amendments, isn't this an attack on the fossil fuel industry. Greenhouse gas is just one rule coming down. Then we've got boiler MCH, we've got mercury MCH, we've got cooling towers, we've got coal ash, we've got the transportation, but all these will affect the refining industry. Most of these regulations are new regulations coming down from the EPA to destroy the fossil fuel sector that raises costs and destroys jobs.

So my colleague's amendment, what it does is it doesn't change the reason why we're here. The reason why we're here is saying, EPA, stop. If it's a good enough policy, it can pass the legislative body. But do you know what? It wasn't a good enough policy to pass a Democrat-controlled Senate. And it wasn't good enough policy to get a bill to the President to sign into law.

So why is it a good policy to let unelected bureaucrats in the Environmental Protection Agency (EPA) move on a process to destroy jobs? Let's be held accountable. If we want to do that, let's cast our votes. What we're casting our votes today for is to keep the cost of power low and save jobs, create jobs and grow jobs. If you want job creation, we support the underlying bill. We do not support any amendment that puts off telling the EPA to stop and desist and do no more.

Again, the basic premise of the climate debate is pricing a problem carbon emission that is not toxic. And by putting a price on there, you raise the cost of energy that everybody uses. You raise the cost of home heating, automobiles, electricity and the like.

Ms. JACKSON LEE of Texas. I yield 15 seconds to the ranking member, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Thank you for yielding to me.

This bill, the EPA does not put a price on carbon. The EPA is not setting up a cap-and-trade program. The EPA is only saying, in new facilities with large amounts of carbon emissions, put in efficiency standards so that you can reduce those emissions. That's all.

Ms. JACKSON LEE of Texas. I thank the gentleman.

My friend from Illinois, have I got an amendment for you. I'm answering your concerns.

My amendment says it requires, before finalizing emission regulations on greenhouse gas producers, the EPA must provide the producer with adequate notice of at least 30 days. The provision would also allow for industry input, encouraging collaboration between EPA and energy providers during the regulation process.

Currently, the EPA does not have a minimum time requirement. It also gives another 60-day extension. This is about national security because air pollutants and then no energy, bad on one side and bad on the other. Let's get together. Because we can't dismiss any of these energy sources, but they need to be better. And how can we, since this is supposed to be the Supreme Court Constitution side, how can we dismiss the constitutional right that EPA has to regulate?

I ask my colleagues to support this amendment. This is an amendment for the people. This is an amendment to prevent the growth of the energy sector.

Madam Chair, I rise today in support of my amendment No. 37 to H.R. 910, "Energy Tax Prevention Act of 2011." H.R. 910 prematurely eliminates the responsibilities of the Environmental Protection Agency to regulate greenhouse gas emissions. My amendment would protect our national security by considering industry specific energy providers that are uniquely connected to our national security. This measure would expand the opportunity to garner industry input during the rulemaking process, and would provide the Environmental Protection Agency with a timeframe to engage with the industry during the process.

Madam Chair, this amendment requires that before finalizing emissions regulations on greenhouse gas producers, the Environmental Protection Agency (EPA) must provide the industry producer with adequate notice of at least 30 days. This provision would also allow for industry input, encouraging collaboration between the EPA and energy providers during the regulation process. Currently, the EPA does not have a minimum time requirement.

By mandating industry engagement during the rulemaking process we will ensure that the proposed regulations do not negatively impact industry jobs and domestic energy. This amendment would force a discussion between the government and the industry during the rulemaking process so that jobs can be maintained, U.S. dependence on foreign oil can be decreased, and the Supreme Court's confirmed responsibilities of the Environmental Protection Agency will not be extinguished by short-sighted legislation.

As the Representative for Houston, the nation's energy capital, I am committed to finding a balance that will support continued growth in the energy industry while protecting the environment.

My amendment to H.R. 910 provides emissions producers in the energy industry the ability to engage in discussions and studies with the EPA. The provisions in this amendment will encourage communication between
the EPA and energy providers throughout the regulation process.

Americans should not have to risk living with highly polluted air. We must not shy away from the importance of the Clean Air Act and the role of the Environmental Protection Agency. This country needs energy. We utilize land and off shore drilling exploration. We must ensure that the industries impacted are engaged in the process while simultaneously regulating the affects of green house gas. This is crucial to the daily living of Americans.

The Clean Air Act provides the EPA with the authority to regulate emissions reduction. This authority was upheld by the Supreme Court's decision in Massachusetts v. EPA. Any attempt to strip the EPA of this responsibility would undermine the Clean Air Act and exacerbate global warming.

The EPA must be allowed to regulate the emission of greenhouse gases. The climate change caused by these emissions affects temperature, causes extreme weather and dramatic changes, results in asthma, respiratory disease and lung cancer. The EPA projects that continued improvements in air quality under the Clean Air Act will save more than a trillion dollars by 2020, and prevent 230,000 deaths per year. By allowing the EPA to protect our environment now, we provide security for future generations.

Prohibiting the EPA from regulating greenhouse gas emissions to ensure clean air and slow the rate of climate change would set a dangerous precedent. We utilize land and off shore drilling exploration. We must ensure that the industries impacted are engaged in the process while simultaneously regulating the affects of green house gas. This is crucial to the daily living of Americans.

H.R. 910 simply takes the wrong approach. Instead of focusing on developing standards upon which both the Environmental Protection Agency and the affected industries agree, it attempts to remove the Environmental Protection Agency from the process. Thereby baring the industry from developing standards upon which they can all agree. It is a matter of fairness. The EPA would ensure that industries would have a minimum standard to follow. This measure would ensure the industry would be involved when determining the best practices to ensure that reasonableness of those regulations.

Madam Chair, my amendment is essential to provide greater consideration to this sensitive issue by affording an opportunity for energy providers to state the impact that the proposed rule would have on their industry. This amendment will forge important compromises between the EPA and the energy industry. I urge my colleagues to join me in supporting my amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The text of the amendment is as follows:

In section 330(b)(2)(C) of the Clean Air Act, as added by section 2 of the bill, after “demonstration programs” insert “and voluntary programs”.

Ms. JACKSON LEE of Texas. Madam Chair, I have an amendment at the desk.

Mr. MCNERNEY. Madam Chair, I rise to offer an amendment to H.R. 910. Let’s be crystal clear about two things. The bill we are considering today, which I will call the dirty air act, is an attack on science, and it’s bad policy that will harm the American people. The world’s scientific experts overwhelmingly agree that climate change is happening, it’s primarily caused by human activities, and it has harmful consequences.

However, despite our disagreements about the merits of H.R. 910, I am offering an amendment that I think that we can all support. My amendment is pro-environment, pro-consumer, and pro-business to make sure that our country can continue to administer voluntary programs to reduce pollution, improve public health, and address climate change.

Mr. UPTON. Madam Chair, will the gentleman yield?

Mr. MCNERNEY. I yield to the gentleman from Michigan.

Mr. UPTON. We are prepared to accept the agreement.

Mr. MCNERNEY. I thank the gentleman.

As currently written, H.R. 910 prohibits the EPA from taking action to control greenhouse gas emissions under section 111 of the Clean Air Act. This amendment makes the EPA can or cannot regulate greenhouse gas. Also, the amendment preserves the authority of the agency to improve the efficiency of automobiles and light trucks, an issue on which there is widespread agreement. While H.R. 910 intends to exempt auto standards, the legislation would stop the EPA from improving on any future car efficiency standards.

My amendment simply clarifies that voluntary programs to control climate change are also exempted from the bill’s prohibitions and can continue to take place.

I yield back the balance of my time.

Mr. CUELLAR. Madam Chair, I have an amendment at the desk.

Mr. CUELLAR. Madam Chair, I rise today to encourage my colleagues to support my amendment.

The intent of my amendment is quite narrow. This amendment makes the underlying legislation a question of authority, not a question of science. The amendment strikes the finding of the language from the particular bill. This ensures that H.R. 910 is only about Article I of the Constitution, giving the U.S. Congress the right to say whether the EPA can or cannot regulate greenhouse gas.

Let’s be crystal clear about two things. The bill we are considering today, which I will call the dirty air act, is an attack on science, and it’s bad policy that will harm the American people. The world’s scientific experts overwhelmingly agree that climate change is happening, it’s primarily caused by human activities, and it has harmful consequences.

However, despite our disagreements about the merits of H.R. 910, I am offering an amendment that I think that we can all support. My amendment is pro-environment, pro-consumer, and pro-business to make sure that our country can continue to administer voluntary programs to reduce pollution, improve public health, and address climate change.

Mr. UPTON. We are prepared to accept the agreement.

Mr. MCNERNEY. I thank the gentleman.

As currently written, H.R. 910 prohibits the EPA from taking action to control greenhouse gas emissions under section 111 of the Clean Air Act. My amendment simply clarifies that voluntary programs to control climate change are also exempted from the bill’s prohibitions and can continue to take place.

I yield back the balance of my time.

Mr. CUELLAR. Madam Chair, I have an amendment at the desk.

Mr. CUELLAR. Madam Chair, I rise today to encourage my colleagues to support my amendment.

The intent of my amendment is quite narrow. This amendment makes the underlying legislation a question of authority, not a question of science. The amendment strikes the finding of the language from the particular bill. This ensures that H.R. 910 is only about Article I of the Constitution, giving the U.S. Congress the right to say whether the EPA can or cannot regulate greenhouse gas.

Also, the amendment preserves the authority of the agency to improve the efficiency of automobiles and light trucks, an issue on which there is widespread agreement. While H.R. 910 intends to exempt auto standards, the legislation would stop the EPA from improving on any future car efficiency standards.

My amendment simply clarifies that voluntary programs to control climate change are also exempted from the bill’s prohibitions and can continue to take place.

I yield back the balance of my time.

Mr. CUELLAR. Madam Chair, I have an amendment at the desk.

Mr. CUELLAR. Madam Chair, I rise today to encourage my colleagues to support my amendment.

The intent of my amendment is quite narrow. This amendment makes the underlying legislation a question of authority, not a question of science. The amendment strikes the finding of the language from the particular bill. This ensures that H.R. 910 is only about Article I of the Constitution, giving the U.S. Congress the right to say whether the EPA can or cannot regulate greenhouse gas.

Also, the amendment preserves the authority of the agency to improve the efficiency of automobiles and light trucks, an issue on which there is widespread agreement. While H.R. 910 intends to exempt auto standards, the legislation would stop the EPA from improving on any future car efficiency standards.

My amendment simply clarifies that voluntary programs to control climate change are also exempted from the bill’s prohibitions and can continue to take place.

I yield back the balance of my time.

Mr. CUELLAR. Madam Chair, I have an amendment at the desk.

Mr. CUELLAR. Madam Chair, I rise today to encourage my colleagues to support my amendment.

The intent of my amendment is quite narrow. This amendment makes the underlying legislation a question of authority, not a question of science. The amendment strikes the finding of the language from the particular bill. This ensures that H.R. 910 is only about Article I of the Constitution, giving the U.S. Congress the right to say whether the EPA can or cannot regulate greenhouse gas.

Also, the amendment preserves the authority of the agency to improve the efficiency of automobiles and light trucks, an issue on which there is widespread agreement. While H.R. 910 intends to exempt auto standards, the legislation would stop the EPA from improving on any future car efficiency standards.

My amendment simply clarifies that voluntary programs to control climate change are also exempted from the bill’s prohibitions and can continue to take place.

I yield back the balance of my time.
I reserve the balance of my time.

Mr. BARTON of Texas. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BARTON of Texas. Madam Chair, I rise in opposition to the amendment offered by Mr. CUELLAR of Texas.

Mr. OLSON of Texas. The gentleman from Texas is recognized for 3 minutes.

Mr. OLSON. Ithank the chairman of the committee.

Madam Chair, I rise in opposition to the amendment. H.R. 910 was carefully written to provide the auto industry with greater certainty by streamlining the regulatory process with only one fuel economy regulator—NHTSA—from 2017 onward.

This amendment would remove that provision by requiring that we continue to have three separate regulators—the EPA, NHTSA, and California—setting fuel economy standards. This is wasteful and duplicative spending.

Madam Chair, I yield myself the balance of my time.

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

Mr. OLSON. I yield the balance of my time to my colleague from Michigan (Mr. UPTON).

Mr. UPTON. Madam Chair, I would just urge again my colleagues to vote "no" on this amendment.

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

Mr. OLSON of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 10, line 6, after subparagraph (C), insert the following new subparagraph:

"(D) TECHNICAL ASSISTANCE.—Nothing in subsection (b) shall be construed to limit the authority of the Administrator to provide technical assistance to States or groups of States for the implementation of regulations under this section which have adopted or may adopt provisions concerning the limitation of greenhouse gas emissions, including providing any data developed in accordance with subsection (b)."

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Connecticut (Mr. MURPHY) and a Member opposed each will control 5 minutes.

Mr. MURPHY of Connecticut. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

Mr. MURPHY of Connecticut. I yield myself such time as I may consume.

Madam Chair, this amendment is fair and simple. While the underlying bill, though, I think very wrongly prevents the EPA from going forward on regulating greenhouse gas emissions, my amendment affirms that state-run greenhouse gas programs will not be affected by the underlying legislation.

My amendment states that language, by keeping in practice the longstanding tradition whereby the EPA will be able to continue providing technical assistance, thus enabling States like mine who have taken action on their own to combat climate change.

I think this is a good and perfecting amendment. Unfortunately, it doesn't do enough to support this legislation.

I can't support this legislation, because, as many have said before, it is simply an affront, an attack on science, on 99 percent of peer-reviewed articles which have supported the idea that the United States needs to do something as 5 percent of the world's population and 25 percent of the world's pollution.

We have 230,000 deaths that have been prevented by the Clean Air Act, and the economic benefits outweigh the costs of it by a 3-to-1 margin.

If we set aside the scientific debate, there are dozens of other reasons why we should be supportive of the United States and the
Mr. SCALISE. Madam Chair, we are here today because the EPA has continued to push this folly to pass a national energy tax through cap-and-trade over the last year and a half. That bill went through the legislative process and was defeated in a bipartisan way. This is not a Republican or a Democrat issue when we’re talking about preventing the EPA from running millions of jobs out of our country, and that is literally what’s at stake here.

I believe me, as people look through the letters of support and as we comb through the days of testimony that we’ve had on this over the last 2 years with regard to this concept of the EPA’s regulating greenhouse gases, Madam Chair, we are talking about a proposal by the EPA that, according to the National Association of Manufacturers, would run 3 million jobs out of our country.

Now, we should all be here working feverishly to create jobs. In fact, our legislation, the National Energy Tax Prevention Act, will create jobs because it will remove the uncertainty that exists today where so many employers, so many of our job creators, are scared to death of the threat now of regulation coming over; because, again, Congress rejected their proposal for the national energy tax through cap-and-trade in a bipartisan way.

Mr. WAXMAN. Madam Chair, I have a parliamentary inquiry.

The Acting CHAIR. Does the gentleman from Louisiana yield to the gentleman from California for that purpose?

Mr. SCALISE. If the gentleman has a parliamentary inquiry, I don’t think that comes out of my time.

Mr. WAXMAN. Parliamentary inquiry.

The Acting CHAIR. If the gentleman from Louisiana yields for the parliamentary inquiry it will come out of his time.

Mr. SCALISE. I yield for a parliamentary inquiry.

Parliamentary Inquiry

Mr. WAXMAN. Madam Chair, my inquiry is: Must the debate be on the pending amendment or can the debate be on a broader bill?

Mr. SCALISE. I reclaim my time, Madam Chair, because I am talking specifically about the amendment. If I allowed the opportunity to continue with my comments, I have to finish a thought before we talk specifically about the amendment.
Mr. WAXMAN. Reserving the right to object, I would plead with my chairman to agree to an additional minute to each side because I think that there is an important issue that is being ignored in this particular amendment. Each side may not need to take up the 2 minutes, but I think each side should have one minute and 15 seconds. I think they have the ability to do so. They have the ability to do that. That's why we're giving them an additional 1 minute each, and I think it would be appropriate for that loophole that we're trying to close.

First of all, in a bipartisan fashion, Madam Chair, Congress has said we don't want the EPA imposing the national energy tax that cap-and-trade would propose. We don't want those millions of jobs leaving our country. Then they came back through regulation, and they said, well, we'll just do it through regulation, a de facto cap-and-trade national energy tax, because they couldn't get it passed through Congress.

Of course, anyone who has taken civics knows you're supposed to go through the legislative process if you want to change policy. So, if our underlying bill passes the House, then they won't be able to go through regulation; but the gentleman's amendment would actually say that there would be a loophole even though Congress would say, no, you don't have the authority to do that. You can't run those jobs to places like China where they have absolutely no environmental controls that we have today, which are dramatically better than those they have in China and India and in some of the other countries, countries which would be happy to take the millions of American jobs that would flee this country if they were able to get away with it.

We have to reject this amendment and take that loophole away. Don't give them that loophole to continue to regulate through the House and the Senate through a de facto cap-and-trade national energy tax. So I would ask that we reject this amendment and pass the underlying bill.

The Acting CHAIR. The time of the gentleman has expired.

In response to the gentleman from California's parliamentary inquiry, remarks are to be confined to the question under debate.

Mr. WAXMAN. Madam Chair, I ask unanimous consent that we expand the debate by 2 minutes on each side on this particular amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

Mr. UPTON. One and one. Why don't we do 1 minute each.

Mr. WAXMAN. Two and two. Let's do 2 minutes each.

Mr. UPTON. We can accept one and one.

Madam Chair, I ask unanimous consent that the majority and the minority each have an additional 1 minute on this amendment.

Mr. WAXMAN. If the EPA is allowed to proceed with its proposed regulation is being addressed by our bill, the underlying bill. The Acting CHAIR. The gentleman from Connecticut proposes to create a loophole to allow the EPA to get their nose back under that tent to regulate greenhouse gases. You can just look at the language to see that it allows for the loophole that we're trying to close.

First of all, in a bipartisan fashion, Madam Chair, Congress has said we don't want the EPA imposing the national energy tax that cap-and-trade would propose. We don't want those millions of jobs leaving our country. Then they came back through regulation, and they said, well, we'll just do it through regulation, a de facto cap-and-trade national energy tax, because they couldn't get it passed through Congress.

Of course, anyone who has taken civics knows you're supposed to go through the legislative process if you want to change policy. So, if our underlying bill passes the House, then they won't be able to go through regulation; but the gentleman's amendment would actually say that there would be a loophole even though Congress would say, no, you don't have the authority to do that. You can't run those jobs to places like China where they have absolutely no environmental controls that we have today, which are dramatically better than those they have in China and India and in some of the other countries, countries which would be happy to take the millions of American jobs that would flee this country if they were able to get away with it.

We have to reject this amendment and take that loophole away. Don't give them that loophole to continue to regulate through the House and the Senate through a de facto cap-and-trade national energy tax. So I would ask that we reject this amendment and pass the underlying bill.

The Acting CHAIR. The time of the gentleman has expired.

In response to the gentleman from California's parliamentary inquiry, remarks are to be confined to the question under debate.

Mr. WAXMAN. Madam Chair, I ask unanimous consent that we expand the debate by 2 minutes on each side on this particular amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

Mr. UPTON. One and one. Why don't we do 1 minute each.

Mr. WAXMAN. Two and two. Let's do 2 minutes each.

Mr. UPTON. We can accept one and one.

Madam Chair, I ask unanimous consent that the majority and the minority each have an additional 1 minute on this amendment.

Mr. WAXMAN. Reserving the right to object, I would plead with my chairman to agree to an additional minute to each side because I think that there is an important issue that is being ignored in this particular amendment. Each side may not need to take up the 2 minutes, but I think each side should have one minute and 15 seconds. I think they have the ability to do so. They have the ability to do that. That's why we're giving them an additional 1 minute each, and I think it would be appropriate for that loophole that we're trying to close.

First of all, in a bipartisan fashion, Madam Chair, Congress has said we don't want the EPA imposing the national energy tax that cap-and-trade would propose. We don't want those millions of jobs leaving our country. Then they came back through regulation, and they said, well, we'll just do it through regulation, a de facto cap-and-trade national energy tax, because they couldn't get it passed through Congress.

Of course, anyone who has taken civics knows you're supposed to go through the legislative process if you want to change policy. So, if our underlying bill passes the House, then they won't be able to go through regulation; but the gentleman's amendment would actually say that there would be a loophole even though Congress would say, no, you don't have the authority to do that. You can't run those jobs to places like China where they have absolutely no environmental controls that we have today, which are dramatically better than those they have in China and India and in some of the other countries, countries which would be happy to take the millions of American jobs that would flee this country if they were able to get away with it.

We have to reject this amendment and take that loophole away. Don't give them that loophole to continue to regulate through the House and the Senate through a de facto cap-and-trade national energy tax. So I would ask that we reject this amendment and pass the underlying bill.

The Acting CHAIR. The time of the gentleman has expired.

In response to the gentleman from California's parliamentary inquiry, remarks are to be confined to the question under debate.

Mr. WAXMAN. Madam Chair, I ask unanimous consent that we expand the debate by 2 minutes on each side on this particular amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

Mr. UPTON. One and one. Why don't we do 1 minute each.

Mr. WAXMAN. Two and two. Let's do 2 minutes each.

Mr. UPTON. We can accept one and one.

Madam Chair, I ask unanimous consent that the majority and the minority each have an additional 1 minute on this amendment.

Mr. WAXMAN. Reserving the right to object, I would plead with my chairman to agree to an additional minute to each side because I think that there is an important issue that is being ignored in this particular amendment. Each side may not need to take up the 2 minutes, but I think each side should have one minute and 15 seconds. I think they have the ability to do so. They have the ability to do that. That's why we're giving them an additional 1 minute each, and I think it would be appropriate for that loophole that we're trying to close.

First of all, in a bipartisan fashion, Madam Chair, Congress has said we don't want the EPA imposing the national energy tax that cap-and-trade would propose. We don't want those millions of jobs leaving our country. Then they came back through regulation, and they said, well, we'll just do it through regulation, a de facto cap-and-trade national energy tax, because they couldn't get it passed through Congress.

Of course, anyone who has taken civics knows you're supposed to go through the legislative process if you want to change policy. So, if our underlying bill passes the House, then they won't be able to go through regulation; but the gentleman's amendment would actually say that there would be a loophole even though Congress would say, no, you don't have the authority to do that. You can't run those jobs to places like China where they have absolutely no environmental controls that we have today, which are dramatically better than those they have in China and India and in some of the other countries, countries which would be happy to take the millions of American jobs that would flee this country if they were able to get away with it.

We have to reject this amendment and take that loophole away. Don't give them that loophole to continue to regulate through the House and the Senate through a de facto cap-and-trade national energy tax. So I would ask that we reject this amendment and pass the underlying bill.

The Acting CHAIR. The time of the gentleman has expired.

In response to the gentleman from California's parliamentary inquiry, remarks are to be confined to the question under debate.

Mr. WAXMAN. Madam Chair, I ask unanimous consent that we expand the debate by 2 minutes on each side on this particular amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

Mr. UPTON. One and one. Why don't we do 1 minute each.

Mr. WAXMAN. Two and two. Let's do 2 minutes each.

Mr. UPTON. We can accept one and one.

Madam Chair, I ask unanimous consent that the majority and the minority each have an additional 1 minute on this amendment.
Re-upon-Inhofe Bill a Key Step Toward Stopping EPA's Regulations

DEAR CHAIRMAN UPTON AND CHAIRMAN WHITFIELD: On January 2, 2011, the U.S. Environmental Protection Agency (EPA) began regulating greenhouse gas (GHG) emissions from stationary sources. EPA’s rules require industrial sites, power plants and other businesses that emit GHGs above certain thresholds to apply to the agency. The Inhofe-Upton bill to clarify that the Environmental Protection Agency (EPA) should not be allowed to go around Congress and the American people already rejected.

“AFP commends free market heroes like Senator Inhofe and Congressman Upton for challenging unelected bureaucracies like the EPA when they try to bypass the American people,” said president of AFP, Tim Phillips. The Inhofe-Upton bill was so ill-suited and twisted as a global warming bill that EPA resorted to disregarded statutory thresholds and demanding that states amend their laws to comply with the issue that is being contested in court and experts predict it is unlikely to survive the legal challenge.

“Kudos to Boren, Peterson, and Rahall for standing up to the EPA and doing what’s right,” Kerpen concluded. “I hope more Democrats will put jobs, the economy, and legitimate legislative process ahead of environmental extremism and join them.”

DEAR CHAIRMAN UPTON AND CHAIRMAN WHITFIELD: On January 2, 2011, the U.S. Environmental Protection Agency (EPA) began regulating greenhouse gas (GHG) emissions from stationary sources. EPA’s rules require industrial sites, power plants and other businesses that emit GHGs above certain thresholds to apply to the agency. The Inhofe-Upton bill to clarify that the Environmental Protection Agency (EPA) should not be allowed to go around Congress and the American people already rejected.

If the EPA continues on its current course, unelected bureaucrats will be regulating American industry, but by ideology alone. Rep. Upton seeks to restore the role of the U.S. Congress in the development and implementation of national energy policy. Their bill is not a referendum on climate change or greenhouse gases but rather who will set our country’s energy policy — elected Representatives or unaccountable political appointees.

In the interest of preserving our economic freedom, and to give proper authority of Congress, please join me in supporting the Energy Tax Prevention Act of 2011. Onward,

GROVER G. NORQUIST.

MARCH 9, 2011.

Onward,

GROVER G. NORQUIST.

MARCH 9, 2011.

The Acting CHAIR. Pursuant to the instructions of the gentleman from Connecticut (Mr. Murphy), the question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MURPHY of Connecticut. I demand a recorded vote.

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

AMENDMENT NO. 6 OFFERED BY MR. WAXMAN

The Acting CHAIR. It is in order to consider amendments No. 6 printed in House Report 112-54.

Mr. WAXMAN of Connecticut. I demand an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. 5. CONGRESSIONAL ACCEPTANCE OF SCIENTIFIC FINDINGS.

Congress accepts the scientific findings of the Environmental Protection Agency that the increase in atmospheric carbon dioxide is a threat to the environment and human health.

The Acting CHAIR. Pursuant to section 5 of such amendments, the Chairman of the Committee on Transportation and Infrastructure is requested to report this amendment to the House in accordance with the provisions of rule XVIII.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Connecticut (Mr. Murph}
The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. WAXMAN. Madam Chair, I rise to offer an amendment, with my colleagues Representatives DEGETTE and INSLEE, that recognizes the scientific reality of climate change.

Our amendment states that Congress accepts EPA's scientific finding that climate change is occurring, is caused largely by human activities, and poses significant risks for public health and welfare. This simple recognition is far from enough, but it is crucially important. As long as Congress pretends that climate change isn't occurring, we can justifiably not addressing it.

Last month, the eminent scientific journal Nature wrote an editorial entitled, "Into Ignorance." And I want to read from this editorial: "Republicans on the Energy and Commerce Committee have made clear their disdain for climate science. At a subcommittee hearing, misinformation was presented as fact, truth was twisted, and nobody showed any inclination to listen to scientists. There has been an embarrassing display, not just for the Republican Party, but also for Congress and the U.S. citizens it represents.

The U.S. Congress has entered the intellectual wilderness. This amendment is a step out of that wilderness. It says we accept the scientific findings of EPA—and the best scientists in our country and around the world—that climate change is a serious threat to our health and welfare. And it recognizes that while we have the power to change the laws of our Nation, we cannot rewrite the laws of nature.

It may be difficult for us to agree on a solution to climate change, but at least we should be able to agree that it is a real problem and one we need to address.

I hope my colleagues will support this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SENSENBRENNER. Madam Chairman, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Madam Chair, I appreciate my Republican colleague's statement, but the clear fact of this bill is, if it passes, what does it do? It basically says that Sir Isaac Newton, Albert Einstein, and Thomas Edison didn't know what they were talking about because this bill, in rather clear form, caters to a narrow sector of a narrow political interest to ignore clear science. And there is no way you can get around this or sweet-talk your way around this clear rejection of science.

Now, this isn't just us. Who has cleared and said this statement that we seek to put in this bill is correct? Only the National Academy of Sciences, NOAA, the Department of Defense, the Centers for Disease Control, the American Meteorological Society, the American Geophysical Union, the Geological Society of America, the American Association for the Advancement of Science, the American Institute of Physics, and the American Chemical Society. But one side of the aisle thinks that the tea party has greater scientific credibility, and that's who you are catering to when you refuse to adopt this amendment.

Let's have a bipartisan statement of the problem so that we can have a bipartisan solution.

Mr. SENSENBRENNER. Madam Chair, I am the only speaker left, and I believe that I have the right to close. So if the gentleman from California could use the remainder of his time.

The Acting CHAIR. The gentleman from California has the right to close.

The gentleman from Wisconsin has 3½ minutes remaining; the gentleman from California has 2 minutes remaining.

Mr. SENSENBRENNER. Madam Chair, I yield myself the balance of my time.
told to try to disprove global climate change, just reported last week to a congressional committee that in fact global climate change is occurring. This is simple. This is clear. H.R. 910 represents an effort to deny and run away from science and reality. It ignores one of the chief drivers behind our need for a clean and modernized energy policy: massive and growing human consumption of carbon-based fuels. Last Congress, and again today, I chose to be on the side of those who acted to address a climate disaster and put into place the framework for an energy policy which this country so painfully goes without and so little can afford. I urge my colleagues to do the same.

Vote “yes” on this amendment. Vote “no” on the underlying bill and stand with science.

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

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

Mr. WAXMAN. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 7 OFFERED BY MR. QUIGLEY

Mr. QUIGLEY. Madam Chair, my amendment is simple. It directs the GAO to report the cost of health care amendment the Clean Air Act, and then to report the costs of health care with this bill passing as it modifies the amendment. In 2010 alone, the EPA reported the reduction in fine particulate and ozone pollution from the Clean Air Act prevented more than 160,000 premature deaths, 130,000 heart attacks, 13 million lost workdays, and 1.7 million asthma attacks. These are serious health issues that burden the government with serious bills. We face serious budgetary times. We may be out of a recession, but we are far from recovered. If we are committed to making the government more efficient and effective and reducing waste, fraud, and abuse, we must acknowledge that spending a smart dollar up front saves many dollars on the back end.

I encourage my colleagues to support this amendment that will allow the experts at the GAO to show us a world with the Clean Air Act and a world without. My estimation is that a world with less mercury in our water and less ozone in our air will cost far less in health care costs as affected by the elimination of Environmental Protection Agency regulation under this Act, as compared to health care costs in the United States as would be affected by the Environmental Protection Agency proceeding with regulation in its role as determined in Massachusetts v. EPA (549 U.S. 487 (2007)).

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

SEC. 5. GAO REPORT.

Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of a study of health care costs as affected by the elimination of Environmental Protection Agency regulation under this Act, as compared to health care costs in the United States as would be affected by the Environmental Protection Agency proceeding with regulation in its role as determined in Massachusetts v. EPA (549 U.S. 487 (2007)).

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Illinois (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. QUIGLEY. Madam Chair, my amendment would require that the GAO report to Congress the results of a study of health care costs in the U.S. as affected by the elimination of EPA regulation under this act. Further, the report shall detail health care costs in the U.S. proceeding under the EPA’s current regulatory authority as determined in 2007 in Massachusetts v. EPA. It is science, hard facts, and figures that have led hundreds of scientists to confirm that global warming is real. Despite the other numbers you may have heard, the most convincing one is that there are over 200 peer reviewed scientific studies that have determined that global warming is real and that man contributes to that, and exactly zero that have proved or shown evidence to the contrary.

It was science that led the Congress in 2007 to pass the Clean Air Act, the act which designated the EPA as the body charged with overseeing, adapting, and implementing these regulations. It was science that led the Supreme Court to rule in 2007 that the Environmental Protection Agency does in fact have the authority to regulate greenhouse gases.

My amendment is simple. It directs GAO to report the cost of health care amendment the Clean Air Act, and then to report the costs of health care with this bill passing as it modifies the amendment.

Mr. HARPER. This amendment filed by the gentleman from Illinois (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

Mr. HARPER. In the end, the science that led the Congress to pass the Clean Air Act and a world without greenhouse gases is not in and of themselves—putting aside the issue of global warming—dangerous because many of them are precursors to ozone. I live in Chicago, which is the morbidly and mortality capital of the United States for heart disease. We have the highest rates of asthma, and there is a dramatic and direct impact of what ozone does to those people suffering from asthma.

So prove me wrong. Show me how we’re wrong on this. Let there be a study which goes to this, because if I’m wrong, no damage done. But if there is some danger here and we have decided that it is not worth our study, then we have done a grave disservice to the American public and put their lives at risk.

I yield back the balance of my time.

Mr. HARRIS, for myself and other Members of Congress, I would note that the science and documentation is clear and continues to support the use of the Clean Air Act to address a climate disaster and it certainly did not direct the EPA to begin regulating tens of thousands or millions of sources across the United States economy.

In any event, no GAO study is needed because the EPA, itself, has already concluded that greenhouse gases pose no direct adverse health effects. Here’s what the EPA has stated: “Current and projected ambient greenhouse gas concentrations remain well below published thresholds for any direct adverse health effects, such as respiratory or toxic effects.”

So even if the EPA had concluded that there were direct health impacts, EPA’s own administrators concluded that the agency’s greenhouse gas rules are not going to be effective in appreciably reducing temperatures or global emissions.

Administrator Jackson has said: “We will not ultimately be able to change the amount of CO₂ in our planet’s atmosphere alone.” If anything, EPA’s global warming rules will cause global emissions to increase as U.S. manufacturing and industry goes to countries with much less stringency, which goes to this, because if I’m wrong, no damage done. But if there is some danger here and we have decided that it is not worth our study, then we have done a grave disservice to the American public and put their lives at risk.

I yield back the balance of my time.

Mr. HARPER. I yield the balance of my time to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Madam Chair, I want to thank the chairman of the Energy and Commerce Committee, Mr. UPTON, and the gentleman from Mississippi (Mr. HARPER) for yielding time for me to speak on this amendment.

I rise in strong opposition to the Quigley amendment because it represents an unnecessary use of case law in Massachusetts v. EPA. Some of what I say is repetitive. Mr. HARPER has just said it, but it bears repeating, Madam Chair.

This amendment requires the GAO to conduct a study analyzing how health care costs will be affected if the EPA does not proceed with regulation in its role as determined in Massachusetts v. EPA.

Madam Chair, I would like to remind the author of the amendment, Mr.
Quigley, that Massachusetts v. EPA did not determine whether or how the EPA should regulate greenhouse gases. Furthermore, a GAO study on this matter is not necessary because the EPA has already concluded that greenhouse gases have no adverse health effect.

Specifically, the EPA has stated: “Current and projected ambient greenhouse gas concentrations remain well below published thresholds for any direct adverse health effects, such as respiratory tract effects.”

Opponents of this legislation have tried unsuccessfully to assert that the underlying bill will block the EPA from safeguarding public health from the effects of air pollution and will result in increased asthma attacks or other respiratory illnesses. Nothing could be further from the truth.

Madam Chair, H.R. 910 does not affect the EPA’s ability and responsibility to protect the public from hazardous air pollutants. Regardless of whether or not EPA imposes these cap-and-trade regulations, the agency will continue to have the authority to regulate all of the high-priority pollutants that raise public health concerns.

As an original cosponsor of H.R. 910, I strongly support the underlying bill to prohibit the Environmental Protection Agency from using the Clean Air Act to regulate greenhouse gases.

By avoiding these harmful regulations, H.R. 910 will save countless numbers of jobs and prevent the implementation of an energy tax that would cost our economy literally tens of billions of dollars when we can least afford it.

Madam Chair, I urge my colleagues to reject this amendment and support the underlying bill.

Mr. BILBRAY. Will the gentleman yield?

Mr. GINGREY of Georgia. I yield to the gentleman from California.

Mr. POLIS. Madam Chair, I want to point out the comment was made about the precursor to ozone. Thirty years of air pollution regulations. Ask the South Coast Air Basin in Los Angeles. It never regulated CO2 as a precursor to ozone because it was so miniscule that there are so many other issues that are absolutely essential to address that you didn’t even look at that.

And if you didn’t think those of us in California that we’re working on air pollution, air quality, our county in San Diego went from “severe” down to “serious” because we were successful.

And it wasn’t chasing ozone. I mean, not chasing CO2. It was tracing true toxic emissions of the very agency that we have set up to regulate.

So what you talk about implementing these plans, understand you’re talking about sacrificing efforts that are at true risk.

The Acting CHAIR. The time of the gentleman from Georgia has expired.

Mr. GINGREY of Georgia. The gentleman from Illinois has asked for recognition.

The Acting CHAIR. The gentleman from Illinois has asked for recognition.

Mr. QUIGLEY. Offered by the gentleman from Illinois.

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112-54.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 330 of the Clean Air Act, as proposed to be added by section 2 of the bill, insert after subsection (a) the following (and redesignate the subsequent subsections accordingly):

(b) TEMPORARY SUSPENSION FOR PUBLIC HEALTH EMERGENCIES. —The Administrator may by rule, after public notice and comment, temporarily suspend the provisions of this section if:

(1) a detailed analysis and review by the Administrator of the latest credible and peer-reviewed science shows ground level ozone will pose significant dangers to public health;

(2) extreme weather events pose significant danger to public health;

(3) an increase in food and waterborne pathogens pose significant danger to public health; or

(4) there are other significant threats to public health.

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

Mr. POLIS. Madam Chair, this amendment is simple, and I appreciate the rule making it in order. It allows the Environmental Protection Agency to continue protecting the American people from the greatest public health and environmental challenge in global history, global climate change.

The overwhelming scientific evidence suggests that greenhouse gases and carbon pollution, if left unchecked, pose a clear and present threat to public health. This is not a scientific conclusion that anybody in the investigative community desires or wants. It is an unfortunate reality. I simply want the administrator to have the ability to temporarily unlock the handcuffs on the bill if there is a significant threat to the public health.

Let’s walk ourselves through what this bill does. The bill tells the EPA, EPA, you have done your homework just like the Supreme Court would say you have to do, and every inch of credible science is telling you there is a danger to America’s health. Yet, here we are in Congress know better. We will pretend like there is no danger to the American health. We won’t allow you, the EPA, that we set up and charged with this, to pay attention to the warnings or protect Americans from the dangers.

To me, that’s a very dangerous directive, telling the EPA they can’t act even though they know Americans are in danger. If there were a meteor hurtling towards us, I would hope that this body wouldn’t pass a bill that tells NASA to ignore it, to step away from the telescope, specifically forbids them from telling people to get out of the way. Yet that’s exactly what this bill does with the very real and present danger.

I, for one, want the EPA to be able to protect me, and my family and my constituents and all American families when the overwhelming warning signs say they should do just that. But if this body sends a message to the contrary, at the very least we should be smart enough to include a temporary escape hatch, a safety valve that my amendment provides.

Madam Chair, I am going to vote today to put America’s health before big polluters. The other side of the aisle likes to skew the facts. And instead of paying attention to the warning signs, they protect their big polluter friends by confusing the facts.

It’s critical that we provide a safety valve when that there is a clear and present danger to the health of the American people we don’t hamstring the agency that is set up to protect the health of the American people, and enable them to move forward to protect us.

This endangerment finding, the title of the EPA’s research on dangers to our health, was based on sound science and found that as climate change increases, so does ground ozone level, air- and water-borne pathogens, and mold and pollen allergies that affect and make health problems worse like asthma, respiratory irritation, and heart disease.

We cannot ignore this very serious problem with no easy answers.

[From the Federal Register, Tuesday, Dec. 15, 2009]

PART V—ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 81—ENDANGERMENT AND CAUSE OR CONTRIBUTE FINDINGS FOR GREENHOUSE GASES UNDER SECTION 202(a) OF THE CLEAN AIR ACT; FINAL RULE

ACTION: Final rule.

SUMMARY: The Administrator finds that six greenhouse gases taken in combination endanger both the public health and the public welfare of current and future generations. The Administrator finds that, in combination, the greenhouse gases and carbon pollutants that contribute to global climate change endanger public health and welfare under CAA section 202(a).

DATES: These findings are effective on January 14, 2010.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2009–0171. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information is not publicly available, e.g.,
confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed in the public domain. Accordingly, it will be published only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy. The Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742.

FOR FURTHER INFORMATION CONTACT: Jeremy Martinich, Climate Change Division, Office of Atmospheric Programs (MC–6201), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: (202) 245-9027; e-mail address: ghgendangerment@epa.gov. For additional information regarding these Findings, please go to the Web site http://www.epa.gov/climatechange/endangerment.html.

SUPPLEMENTARY INFORMATION:

I. Judicial Review

Under CAA section 307(b)(1), judicial review of this final action is available only by filing an appeal in the U.S. Court of Appeals for the District of Columbia Circuit by February 16, 2010. Under CAA section 307(d)(7)(B), only an objection to this final action that was raised with reasonable specificity during the period for public comment can be raised during judicial review. This section also provides a mechanism for us to convene a proceeding for reconsideration, ‘‘[i]f the person raising an objection can demonstrate to EPA that it was impracticable to raise such objection within the period for public comment or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is central to the outcome of this rule.’’ Any person seeking to make such a demonstration to us should submit a Petition for Reconsideration to the Office of the Administrator, Environmental Protection Agency, Room 3000, Ariel Rios Building, 1200 Pennsylvania Ave., NW, Washington, DC 20004, with a copy to the person listed in the preceding section. (See FURTHER INFORMATION CONTACT section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20004.)

Acronyms and Abbreviations:

The following acronyms and abbreviations are used in this document:

ACUS Administrative Conference of the United States
ANPRM Advance Notice of Proposed Rulemaking
APA Administrative Procedure Act
CAA Clean Air Act
CAFE Corporate Average Fuel Economy
CAIT Climate Analysis Indicators Tool
CASAC Clean Air Scientific Advisory Committee
CBI Confidential Business Information
CCSP Climate Change Science Program
CFCs chlorofluorocarbons
CFR Code of Federal Regulations
CH$_2$O methane
CO$_2$ carbon dioxide
CO$_2$e CO$_2$-equivalent
CRU Climate Research Unit
DOT US Department of Transportation
E.O. Executive Order
EPA United States Environmental Protection Agency
FR Federal Register
GHG greenhouse gas
GWP global warming potential
HadCUT Hadley CentreClimateResearch
HCKs chlorofluorocarbons
HFCS hydrofluorocarbons
HMP miles per gallon
MWP Medieval Warm Period
NO nitrous oxide
NAAQS National Ambient Air Quality Standards
NAICS North American Industry Classification System
NASA National Aeronautics and Space Administration
NFC nitrogen fluoride
NHTSA National Highway Traffic Safety Administration
NOAA National Oceanic and Atmospheric Administration
NOI Notice of Intent
NO$_x$ nitrogen oxides
NRC National Research Council
NSPS new source performance standards
NTTAA National Technology Transfer and Advancement Act of 1995
OAA Office of Management and Budget
PCF perfluorocarbons
PM particulate matter
PSD Prevention of Significant Deterioration
RPA Regulatory Flexibility Act
SF$_6$ sulfur hexafluoride
SIP State Implementation Plan
TSD technical support document
UMRA Unfunded Mandates Reform Act of 1995
WCRP U.S. Global Climate Research Program
VOC volatile organic compound(s)
WCI Western Climate Initiative
WRI World Resources Institute

TABLE OF CONTENTS

I. Introduction
II. Legal Framework for This Action
III. The Administrator’s Finding That Greenhouse Gases From CAA Section 202(a) May Be Reasonably Anticipated To Endanger Public Welfare

IV. The Administrator’s Finding That Greenhouse Gases May Be Reasonably Anticipated To Endanger Public Health

V. The Administrator’s Finding That Greenhouse Gases May Be Reasonably Anticipated To Endanger Both Public Health and Welfare

VI. Statutory and Executive Reviews

A. Overview
B. Background Information Helpful To Understand These Findings
C. Greenhouse Gases and Transportation Sources Under CAA Section 202(a)
D. Joint EPA and Department of Transportation Proposed Greenhouse Gas Rule
E. Public Involvement
F. The Administrator’s Cause or Contribute Finding
G. Issues Raised Regarding the Rulemaking Process
H. Legal Framework for This Action
II. Summary of Comments on Proposed Greenhouse Gas Rules

A. Comments on Proposed Greenhouse Gas Standards
B. Comments on Proposed Greenhouse Gas Standards for On-Road Vehicles
C. Comments on Exemptions
D. Comments on Proposed Prioritization of Rulemaking
E. Comments on Scope of Proposed Standards
F. Comments on Proposed Transmission Standards
G. Comments on Proposed Emission Limits

IV. Other Interests

A. Public Health
B. Air Quality
C. Air Quality
D. U.S. Trade
E. Energy
F. Infrastructure
G. Agriculture
H. Agriculture
I. Cost
J. Executive Order 13211: Actions Contribute Analysis
K. Congressional Review Act
L. Executive Order 12866: Regulatory Planning and Review
M. Paperwork Reduction Act
N. Unfunded Mandates Reform Act

A. Executive Order 12866: Regulatory Planning and Review
B. Paperwork Reduction Act
C. Regulatory Flexibility Act
D. Unfunded Mandates Reform Act
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer and Advancement Act
J. Executive Order 12988: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
K. Congressional Review Act

A. Introduction
B. Finding Pursuant to CAA section 202(a), the Administrator finds that greenhouse gases in the atmosphere may reasonably be anticipated both to endanger public health and to endanger public welfare.

Specifically, the Administrator is defining the “air pollution” referred to in CAA section 202(a) to be the mix of six long-lived and strongly-so-called greenhouse gases: carbon dioxide (CO$_2$), methane (CH$_4$), nitrous oxide (N$_2$O), hydrofluorocarbons (HFCS), perfluorocarbons (PFCs), and sulfur hexafluoride (SF$_6$).
perfluorocarbons (PFCS), and sulfur hexafluoride (SF6). In this document, these six greenhouse gases are referred to as “well-mixed greenhouse gases” in this document (with the exception of the range of “mixed” and “well mixed” provided in Section IV.A).

The Administrator has determined that the best available scientific evidence supports this finding. The major assessments by the U.S. Global Climate Research Program (USGCRP), the Intergovernmental Panel on Climate Change (IPCC), and the National Research Council (NRC) serve as the primary scientific basis supporting the Administrator’s endangerment finding. The Administrator recognizes that given the many uncertainties over the net health impacts of a climate change finding and the potential benefits where relevant, and ultimately to assess whether these risks and effects, when viewed in total, endanger public health or welfare.

The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public health by evaluating the risks associated with changes in air quality, increases in temperatures, changes in extreme weather events, increases in food and water insecurity, and changes in human health or characterized with uniform metrics. There is variability not only in the nature and potential magnitude of risks and impacts, but also in our ability to characterize, quantify and project such impacts into the future. The Administrator is using her judgment, based on existing science, to weigh the threat for each risk to the potential benefits where relevant, and ultimately to assess whether these risks and effects, when viewed in total, endanger public health or welfare.

The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public health by evaluating the risks associated with changes in air quality, increases in temperatures, changes in extreme weather events, increases in food and water insecurity, and changes in human health or characterized with uniform metrics. There is variability not only in the nature and potential magnitude of risks and impacts, but also in our ability to characterize, quantify and project such impacts into the future. The Administrator is using her judgment, based on existing science, to weigh the threat for each risk to the potential benefits where relevant, and ultimately to assess whether these risks and effects, when viewed in total, endanger public health or welfare.

The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public health by evaluating the risks associated with changes in air quality, increases in temperatures, changes in extreme weather events, increases in food and water insecurity, and changes in human health or characterized with uniform metrics. There is variability not only in the nature and potential magnitude of risks and impacts, but also in our ability to characterize, quantify and project such impacts into the future. The Administrator is using her judgment, based on existing science, to weigh the threat for each risk to the potential benefits where relevant, and ultimately to assess whether these risks and effects, when viewed in total, endanger public health or welfare.

The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public health by evaluating the risks associated with changes in air quality, increases in temperatures, changes in extreme weather events, increases in food and water insecurity, and changes in human health or characterized with uniform metrics. There is variability not only in the nature and potential magnitude of risks and impacts, but also in our ability to characterize, quantify and project such impacts into the future. The Administrator is using her judgment, based on existing science, to weigh the threat for each risk to the potential benefits where relevant, and ultimately to assess whether these risks and effects, when viewed in total, endanger public health or welfare.

The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public health by evaluating the risks associated with changes in air quality, increases in temperatures, changes in extreme weather events, increases in food and water insecurity, and changes in human health or characterized with uniform metrics. There is variability not only in the nature and potential magnitude of risks and impacts, but also in our ability to characterize, quantify and project such impacts into the future. The Administrator is using her judgment, based on existing science, to weigh the threat for each risk to the potential benefits where relevant, and ultimately to assess whether these risks and effects, when viewed in total, endanger public health or welfare.

The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public health by evaluating the risks associated with changes in air quality, increases in temperatures, changes in extreme weather events, increases in food and water insecurity, and changes in human health or characterized with uniform metrics. There is variability not only in the nature and potential magnitude of risks and impacts, but also in our ability to characterize, quantify and project such impacts into the future. The Administrator is using her judgment, based on existing science, to weigh the threat for each risk to the potential benefits where relevant, and ultimately to assess whether these risks and effects, when viewed in total, endanger public health or welfare.

The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public health by evaluating the risks associated with changes in air quality, increases in temperatures, changes in extreme weather events, increases in food and water insecurity, and changes in human health or characterized with uniform metrics. There is variability not only in the nature and potential magnitude of risks and impacts, but also in our ability to characterize, quantify and project such impacts into the future. The Administrator is using her judgment, based on existing science, to weigh the threat for each risk to the potential benefits where relevant, and ultimately to assess whether these risks and effects, when viewed in total, endanger public health or welfare.

The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public health by evaluating the risks associated with changes in air quality, increases in temperatures, changes in extreme weather events, increases in food and water insecurity, and changes in human health or characterized with uniform metrics. There is variability not only in the nature and potential magnitude of risks and impacts, but also in our ability to characterize, quantify and project such impacts into the future. The Administrator is using her judgment, based on existing science, to weigh the threat for each risk to the potential benefits where relevant, and ultimately to assess whether these risks and effects, when viewed in total, endanger public health or welfare.

The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public health by evaluating the risks associated with changes in air quality, increases in temperatures, changes in extreme weather events, increases in food and water insecurity, and changes in human health or characterized with uniform metrics. There is variability not only in the nature and potential magnitude of risks and impacts, but also in our ability to characterize, quantify and project such impacts into the future. The Administrator is using her judgment, based on existing science, to weigh the threat for each risk to the potential benefits where relevant, and ultimately to assess whether these risks and effects, when viewed in total, endanger public health or welfare.

The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public health by evaluating the risks associated with changes in air quality, increases in temperatures, changes in extreme weather events, increases in food and water insecurity, and changes in human health or characterized with uniform metrics. There is variability not only in the nature and potential magnitude of risks and impacts, but also in our ability to characterize, quantify and project such impacts into the future. The Administrator is using her judgment, based on existing science, to weigh the threat for each risk to the potential benefits where relevant, and ultimately to assess whether these risks and effects, when viewed in total, endanger public health or welfare.

The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public health by evaluating the risks associated with changes in air quality, increases in temperatures, changes in extreme weather events, increases in food and water insecurity, and changes in human health or characterized with uniform metrics. There is variability not only in the nature and potential magnitude of risks and impacts, but also in our ability to characterize, quantify and project such impacts into the future. The Administrator is using her judgment, based on existing science, to weigh the threat for each risk to the potential benefits where relevant, and ultimately to assess whether these risks and effects, when viewed in total, endanger public health or welfare.

The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public health by evaluating the risks associated with changes in air quality, increases in temperatures, changes in extreme weather events, increases in food and water insecurity, and changes in human health or characterized with uniform metrics. There is variability not only in the nature and potential magnitude of risks and impacts, but also in our ability to characterize, quantify and project such impacts into the future. The Administrator is using her judgment, based on existing science, to weigh the threat for each risk to the potential benefits where relevant, and ultimately to assess whether these risks and effects, when viewed in total, endanger public health or welfare.

The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public health by evaluating the risks associated with changes in air quality, increases in temperatures, changes in extreme weather events, increases in food and water insecurity, and changes in human health or characterized with uniform metrics. There is variability not only in the nature and potential magnitude of risks and impacts, but also in our ability to characterize, quantify and project such impacts into the future. The Administrator is using her judgment, based on existing science, to weigh the threat for each risk to the potential benefits where relevant, and ultimately to assess whether these risks and effects, when viewed in total, endanger public health or welfare.

The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public health by evaluating the risks associated with changes in air quality, increases in temperatures, changes in extreme weather events, increases in food and water insecurity, and changes in human health or characterized with uniform metrics. There is variability not only in the nature and potential magnitude of risks and impacts, but also in our ability to characterize, quantify and project such impacts into the future. The Administrator is using her judgment, based on existing science, to weigh the threat for each risk to the potential benefits where relevant, and ultimately to assess whether these risks and effects, when viewed in total, endanger public health or welfare.

The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public health by evaluating the risks associated with changes in air quality, increases in temperatures, changes in extreme weather events, increases in food and water insecurity, and changes in human health or characterized with uniform metrics. There is variability not only in the nature and potential magnitude of risks and impacts, but also in our ability to characterize, quantify and project such impacts into the future. The Administrator is using her judgment, based on existing science, to weigh the threat for each risk to the potential benefits where relevant, and ultimately to assess whether these risks and effects, when viewed in total, endanger public health or welfare.

The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public health by evaluating the risks associated with changes in air quality, increases in temperatures, changes in extreme weather events, increases in food and water insecurity, and changes in human health or characterized with uniform metrics. There is variability not only in the nature and potential magnitude of risks and impacts, but also in our ability to characterize, quantify and project such impacts into the future. The Administrator is using her judgment, based on existing science, to weigh the threat for each risk to the potential benefits where relevant, and ultimately to assess whether these risks and effects, when viewed in total, endanger public health or welfare.

The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public health by evaluating the risks associated with changes in air quality, increases in temperatures, changes in extreme weather events, increases in food and water insecurity, and changes in human health or characterized with uniform metrics. There is variability not only in the nature and potential magnitude of risks and impacts, but also in our ability to characterize, quantify and project such impacts into the future. The Administrator is using her judgment, based on existing science, to weigh the threat for each risk to the potential benefits where relevant, and ultimately to assess whether these risks and effects, when viewed in total, endanger public health or welfare.

The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public health by evaluating the risks associated with changes in air quality, increases in temperatures, changes in extreme weather events, increases in food and water insecurity, and changes in human health or characterized with uniform metrics. There is variability not only in the nature and potential magnitude of risks and impacts, but also in our ability to characterize, quantify and project such impacts into the future. The Administrator is using her judgment, based on existing science, to weigh the threat for each risk to the potential benefits where relevant, and ultimately to assess whether these risks and effects, when viewed in total, endanger public health or welfare.
Mr. BURGESS. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. BURGESS. At this point, I yield the balance of my time to the gentleman from Georgia (Mr. GINGREY) and I ask unanimous consent that he be allowed to control that time.

The Acting CHAIR. Without objection, the gentleman from Georgia will control the time.

There was no objection.

Mr. GINGREY of Georgia. I want to thank my friend from Texas (Mr. BURGESS) for yielding and again thank the chairman of the Energy and Commerce Committee and the chairman of the Energy and Power Subcommittee, Messrs. Upton and Whitfield, for again allowing me to speak on this amendment.

Much like the previous amendment, I rise again in strong opposition, opposition to this time to the Polis amendment because it seeks to give a duplicative authority to the EPA. This amendment would temporarily suspend H.R. 920 if the EPA administrator has ruled that ground-level ozone, extreme weather, pathogens, or water-borne pathogens present a significant danger to the public health, or that there are other significant threats to public health.

Madam Chair, under section 303 of the Clean Air Act, the EPA already has the authority to respond to an imminent and substantial endangerment to public health or welfare or the environment. Therefore, this amendment is wholly unnecessary. Furthermore, the Polis amendment would give the EPA administrator the authority to move forward with a cap-and-trade agenda without regard to the findings of the administrator. This amendment is literally a hammer in search of a nail. The EPA already has the authority to address the concerns raised by this amendment and my friend from Colorado. I would urge my friend from Colorado to consider withdrawing this amendment; but if he doesn’t, I would urge all of my colleagues to oppose it and continue to support the underlying legislation. I reserve the balance of my time, Madam Chair.

Mr. POLIS. I thank the gentleman from Georgia. My concern is that the underlying bill removes some of the authority under these conditions that this amendment would reinstate. If this amendment merely restates this, I would hope that we can clarify the bill by specifically allowing the EPA the authority to suspend the prohibitions in the bill after a detailed and disinterested demonstration that ground-level ozone or extreme weather events, or food- and water-borne pathogens are a significant threat to public health. And, of course, we would hope that under their charge the EPA would then proceed if given this authority with regard to protecting the public health.

To the extent that this clarifies something that was consistent with the original bill, I would hope that the gentleman would accept it. If it is contrary to a small element of the bill, we would hope to reestablish that authority in the case of a significant threat to public health, again, with the additional burden and requirement of a detailed analysis under the law.

I reserve the balance of my time. Mr. GINGREY of Georgia. Madam Chair, I want to point out to my colleagues that the EPA, as I think I previously said, but just let me repeat it, the EPA has already concluded that greenhouse gases pose no public health emergency. And they stated: “Current and projected ambient greenhouse gas concentrations remain well below published thresholds for any direct adverse health effect such as respiratory or toxic effects.” I yield such time as he may consume.

Mr. GINGREY of Georgia. Madam Chair, to the gentleman from California (Mr. BILBRAY).

The Acting CHAIR. The gentleman from California is recognized for up to 2½ minutes.

Mr. BILBRAY. Let’s be clear: We are not talking about greenhouse gases here because the regulations that have not been proposed by the EPA do not address climate change. They don’t address climate change. We are not talking climate change here. We are talking about EPA proposing regulations that admitted by the administrator does not have any projections of what reductions you will have here. Remember, the minimum that we need to do to address the threat of climate change is 17 percent within 9 years. So let’s be up front. This is not about climate change.

This is about proposed regulations by a bureaucracy in a field of law that was never meant to address this issue at all. And I say that as somebody who worked for over a decade at implementing the Clean Air Act. All I have to say to the colleague, with the problems that you are pointing out, they are legitimate issues. But what is being proposed as an answer to a problem has not only nothing to do with and will not affect climate change, but it also will not affect the issues that you have raised.

So in reality, your amendment is not germane because the issues that you are concerned about don’t exist. Because when you do nothing, you can’t change anything.

And the fact that it is keeping somebody from selling a placebo does not help the problem of the U.S. not being able to manage the problem. The fact is what has been proposed by EPA is a placebo under a law that was never meant to administer this.

So let’s not be concerned about if the placebo is not available to the public somehow there may be a concern with these items. They are legitimate items. But the EPA and the underlying bill does not affect those issues.

Mr. POLIS. Madam Chair, I have a point of parliamentary inquiry.

The Acting CHAIR. The gentleman will state his inquiry.

Mr. POLIS. Is the amendment germane to the bill?

The Acting CHAIR. Under the circumstances that calls for an advisory opinion, which the Chair will not render.

The gentleman from Colorado has 1 minute remaining.

Mr. POLIS. Well, again, the Rules Committee found, and I believe the Parliamentary advising, that the amendment was germane, and I have not been informed otherwise other than by the gentleman from California. And the gentleman want to appeal the ruling of the Parliamentary? I believe that it is germane.

The Acting CHAIR. The amendment is pending. There is no occasion for a ruling on whether it is germane.

Mr. BILBRAY. Will the gentleman yield?

Mr. POLIS. I yield to the gentleman from California.

Mr. BILBRAY. As I said, it’s not germane to the issue.

Mr. POLIS. Reclaiming my time, there might be a different use of the word ‘‘germane’’ by the gentleman. I would encourage all of us to try to be on the same page with regard to the word ‘‘germane.’’ It is germane to the bill, the topic. Again, all my amendment does is say that if the EPA sees the danger they should act. It’s a safety valve. The amendment respects the finding of the Supreme Court in the Massachusetts vs. EPA case that ensures that the Clean Air Act still has the ability to protect the public and that it is not removed under the underlying bill.

The Acting CHAIR. The time of the gentleman has expired.

Mr. POLIS. The underlying bill tells the EPA in this case to perhaps ignore some science. My amendment says that the science shouldn’t be ignored if it means you are risking people’s lives.

The Acting CHAIR. The time of the gentleman has expired.

Mr. POLIS. It’s an important clarification and I urge support of the amendment.

The Acting CHAIR. The gentleman from Georgia has 30 seconds remaining.

Mr. GINGREY of Georgia. Madam Chair, this amendment would, in short, be an avenue for the EPA to move forward with back-door global warming
regulations regardless of any relevant facts and circumventing the will of Congress and the public. EPA should not be authorized to move forward with back-door global warming regulations. I urge my colleagues to vote against this amendment.

I yield the balance of my time to my colleague from Texas (Mr. BURGESS).

Mr. BURGESS. Just finally, I do want to underscore that greenhouse gases do not have a health impact. But in the odd event that someone were sprayed in the face with a greenhouse gas such as methane, the emergency powers exist under section 303 of the Clean Air Act to respond to the imminent and substantial endangerment of public health.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

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

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

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

AMENDMENT NO. 9 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112-54.

Mr. MARKEY. Madam Chair, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new section.

SEC. 5. REDUCING DEMAND FOR OIL.

Notwithstanding any limitation on agency action contained in the amendment made by section 414 of H.R. 1, the Administrator of the Environmental Protection Agency may use any authority under the Clean Air Act, as in effect prior to the date of enactment of this Act, to promulgate any regulation concerning, take any action relating to, or take into consideration the emission of a greenhouse gas to address climate change, if the Administrator determines that such promulgation, action or consideration will reduce demand for oil.

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Madam Chair, I rise in support of my amendment.

My amendment is quite simple. It just says that nothing, nothing that the Republicans are proposing today should put a limitation on the ability of the EPA to reduce the demand for importing oil from OPEC, which should be the number one objective in our country.

You know, we only have 2 percent of the world's oil reserves, and we consume 25 percent on a daily basis. That is our Achilles' heel, and there is nothing we can do about it.

So the only way in which we can solve the problem is if we reduce consumption by increasing the efficiency of the vehicles which we drive, of the boats that we ride in, of the other sources that consume the oil that we use in our country.

And what they are going to, the Republicans, is tie the hands of the EPA to price carbon. If we allow the EPA to regulate the demand for oil that we import from OPEC on a daily basis.

OPEC is not afraid of the Foreign Affairs Committee. OPEC is not afraid of the Armed Services Committee. It is the Energy Committee that they are afraid of.

They are afraid that one day we will actually have a policy that backs out their imported oil, that denies them the $150 billion or $200 billion a year that they need, that allows them to continue their dictatorships. That's what they are afraid of.

And what the Republicans are doing today is tying the hands of our country to back out that imported oil. It's not about the oil any more than we need their sand. That's the message that they are sending here today. That's the message the Republicans are sending to OPEC.

Have a good night's sleep. Don't worry. We are going to tie the hands of the EPA to back out that imported oil.

That's why this amendment goes right to the heart of the national security of our country, right to the heart of our energy independence, as well as reducing greenhouse gases. The national security of our country is at stake in this amendment.

I reserve the balance of my time.

Mr. SHIMKUS. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Madam Chair, my colleague just said the only way is to reduce demand. Well, that is not the only way.

Republicans continue to move on all-of-the-above energy strategies that increase supply. You know what happens when you increase supply? You increase jobs.

I brought this down numerous times over the past couple of years. Look what we could do. We could open up the OCS. Thousands and thousands of jobs could be created by oil and gas exploration. Look what we could do. We could take hundreds of years of supply of coal and turn it into liquid fuel. Look what we could do. We could open up the pipelines and bring oil and gas from Canada down.

We can be independent on transportation fuels. We cannot be, based upon allowing the EPA to price carbon.

The only way my colleagues want to get us to driving less is to make gasoline so high that no one can drive. Now, that's okay when you live in major metropolitan areas, but when you live in rural southern Illinois, where you have got to drive long distances to get to school, to get to hospitals, to get to church, every time you raise the price of gasoline, it hurts the poor and the middle class of rural America. So my colleague is just wrong.

I reserve the balance of my time.

Mr. MARKEY. I yield 1 minute to the ranking member of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. The important thing about this amendment is that we reduce the demand for oil, which is the primary area where we are dependent upon OPEC countries. And to do that, we have tighter fuel efficiency standards.

Without the Markey amendment, the EPA would not be able to continue with those tight fuel efficiency standards for motor vehicles, planes, et cetera.

According to Lisa Jackson from the EPA, who testified before our committee, this bill "would forfeit many hundreds of millions of barrels of oil savings at a time when gas prices are rising yet again." I cannot for the life of me understand why anyone would vote to massively increase America's oil independence.

I urge all Members to support the Markey amendment so we don't massively increase our oil dependence.

Mr. WHITFIELD. I yield 1 1/2 minutes to the Chairman of the Energy and Air Quality Committee, the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. I'm actually surprised the gentleman has offered an amendment related to oil because our bill that we have on the floor today completely preserves in every way the car rule under which EPA sets greenhouse gas emission standards for passenger cars and trucks for model year 2012 through 2016. That was agreed to by the Obama administration, the automobile industry, environmentalists, EPA and everyone; and that is preserved in this bill.

But let's talk about the electricity side. If we allow EPA to regulate greenhouse gases, we're going to skyrocket the cost of electricity which is going to make us less competitive in the global marketplace going to lose more jobs to China and more jobs to India because those two countries are burning more coal because coal produces the lowest-cost electricity.

And that's why we are opposed to this amendment of the gentleman because we already preserved the car rule that the gentleman is concerned about.

Mr. MARKEY. I yield myself 1 minute.
And let me say this to you, the Republicans: I had an amendment out here to increase fuel economy standards from 25 to 35 miles per gallon in 2001, 2003, 2005. You voted against it every time. You said that it will ruin the auto industry. If we improve the fuel economy standards, do you know who ruined the auto industry? You did. In 2009, General Motors had to declare bankruptcy.

Now we have fuel economy standards at 35 miles per gallon. Do you want to know what they are reporting? Record profits. Do you know what Ford is reporting? Record profits. Do you know what GM is reporting? Record profits. Do you know who's doing it? The United Auto Workers. Mr. MARKET. They believe it's going to undermine the efficiency and the job creation which is now possible. The United Auto Workers oppose you. So, ladies and gentlemen, if you're looking for jobs or national security in this bill, make sure you vote for the Markey amendment. It restricts the Clean Air Act to its original intention, which is to regulate the criteria pollutants for which it was intended when it was passed in the early 1970s.

We're trying to segregate greenhouse gases from regulation under the Clean Air Act. That's all this bill does. It's not affecting fuel efficiency standards that NHTSA regulates and will continue to regulate. It doesn't have anything to do with that. We are simply saying that greenhouse gases should not be regulated under the existing Clean Air Act. We disagree with the Supreme Court decision that gave the EPA the authority to make a decision, and we definitely disagree with the language to that effect. You think was fatally flawed.

We can do a lot on decreasing oil imports both by supply increases in the United States and letting the market operate in an efficient fashion. We don't need the EPA to have some sort of a stranglehold on oil production in the United States of America.

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

The Republicans are doing in their bill is stripping the EPA of their authority to regulate the fuel efficiency of vehicles that we drive in our country, of the planes, the trains and the boats where we put the petroleum. That's what their bill does. That's what the Supreme Court gave them as authority.

The gentleman says, EPA is misnamed. Well, let me just tell you under the Republicans, EPA stands for "Every Policeman's Ally." Under the Democrats, it stands for "End Petroleum Addiction." That's what the Markey amendment does. It gives the EPA the authority to back out this imported oil and to tell them that we're going to use the Oklahoma oil, the Texas oil and the Louisiana oil; but we don't need that oil coming out of the Persian Gulf any more than we need to send 100,000 young men and women over there.

Let's set a new policy path here today, ladies and gentlemen. Let's give those OPEC ministers a few sleepless nights. Let's not allow them to look at the Congress, once again, ignoring the strength of our country, which is our technological genius, to be able to invent the new technologies that make us less dependent. And what did the Republicans do one month ago? They zeroed out all of the loan guarantees for solar and wind. They zeroed them out of the legislation. That's their all-of-the-above legislation.

Mr. SHIMKUS, I yield myself the balance of my time.

Madam Chair, just to put things back on the table, H.R. 910 completely preserves the car rule under the EPA, emissions standards for passenger cars and trucks for model years 2012 to 2016. We had this debate in the committee, the subcommittee and the full committee. It's still there. And, unfortunately, you are acting as if it doesn't. This is a really simple debate. This is a debate about whether we want more jobs or less jobs, whether we want more energy or less energy; whether we want higher energy prices or less energy prices. When you allow the EPA to regulate greenhouse gases, which is not a toxic emission, they do it by setting a price; and we allow our country into slowing economic growth, more job loss and higher costs.

So that's why we're here today. We're very excited about this debate today. It's about time we got to the floor and had a chance to vote on whether we want the EPA without legislative language to raise the cost of energy in this country. We say, no, reject the Markey amendment.

Mr. MARKET. Madam Chair, I demand a recorded vote.

The Acting Chair. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKET).

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

Mr. MARKET. Madam Chair, I demand a recorded vote.

The Acting Chair. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.
Unfortunately, this Upton-Inhofe bill does exactly that. It pushes the challenges of regulating greenhouse gases, which contribute to climate change, further down the road for action at some later date far into the future.

I don’t think it is in America’s best interest to delay acting on these threats that we know are currently endangering our health and way of life.

Madam Chair, I encourage all of my colleagues to support this amendment so we are not ignoring the warnings from the most concerned military leaders, and we are proactive in fighting the threat of climate change before we are past the tipping point.

I reserve the balance of my time.

Mr. ROGERS of Michigan. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Michigan. Madam Chair, I respectfully rise in opposition, not because the intention of this amendment isn’t appropriately placed, but because the science doesn’t reflect the concern that the gentleman has pointed out. I say that with the understanding that the science, not talking about the concern about climate change, but the lack of science behind the proposed regulations that EPA has even discussed. There is no one who has been before our committee, as the gentleman knows, that has said that the proposed changes that EPA is bringing forth today or in the future is going to address or solve the problem.

The fact is that the problems that the gentleman is concerned about may be out there somewhere, but no one is saying that what the EPA is doing is going to avoid those problems. So by not having the EPA implement a program that nobody in the scientific community says will address the problem doesn’t mean that somehow this will de facto cause the problem to be implemented or not avoided.

Basically I guess it says, again, what is being proposed by the EPA is an agency that was not designed to address climate change, with plans that not only were not designed, and using a vehicle that was not designed regarding this problem, but by the own admission of the administrator does not even know, and can’t give us even a slight percentage of what reduction we would have.

So I just have to say to my dear colleague from Illinois that I appreciate his concern, but his concern should not be used to delay EPA from implementing its own rules that they admit will not address the problem and will not solve the problem. Our issue ought to be talking about how do we address those problems down the pike, because let’s be very frank about it. The problems you are talking about are going to happen, and it is not because anyone on this side is denying the science; it is because people are trying to take advantage and exploit a crisis rather than address it.

I ask the gentleman again to be concerned but make sure that when you propose an action, let’s make sure that those actions have a possibility of addressing the issues that you so sincerely are concerned military leaders.

Mr. RUSH. Madam Chair, I yield myself 30 seconds.

Madam Chair, I am really astounded by the remarks of my friend from California. It seems that first of all they deny the scientists that have come before the committee, the many scientific organizations throughout the world who say that climate change is a reality. They deny this science and these scientists saying we are reaching a tipping point this is threatening our national security. They, in fact, they are denying the opinion and the warnings from the command shelter of our American military. I just don’t know who will convince them.

I reserve the balance of my time.

Mr. ROGERS of Michigan. Madam Chair, I yield myself 2 minutes.

I appreciate the gentleman’s passion for the issue, but I think when amendments like this hit the floor, it does a huge disservice to even the basis of the argument knowing that we are getting ready for World War II, we had a truck company in Ypsilanti, Michigan, that went from building pickup trucks with several thousand parts—in about 8 weeks, they converted it to building bomber airplanes with over a million parts. Only in America could that have happened to win the war. The great industrial arsenal of democracy happened in the great State of Michigan.

If you want to talk about national security, what do this on cap and trade, what you are doing is wholesale departing manufacturing jobs and our ability to produce things in this country to places like China and India, who have laughed at cap and trade and said, we welcome those jobs. We lost a million manufacturing jobs in our State alone. A million. Cap and trade. What you seek to do will lose 1.4 million more jobs.

Admiral Mullen said the greatest threat to our national security is our debt. When people aren’t working, when America can’t produce things, I am telling you, we will do more to harm our national security than anything I can think of.

We are going to lose just in Michigan over 100,000 jobs in the next 25 years. So guess what? You want to talk about national security, someone who is unemployed and not paying taxes to help solve the debt problem is a national security threat. When you want to make unreasonable expectations. I want clean water, and I want clean air. I don’t want the EPA shutting down factories that produce and actually produced the largest middle class in the history of the world. Why we would attack that and label that as a national security interest defies even the greatest of imaginations, Madam Chair.

I reserve the balance of my time.

Mr. RUSH. Madam Chair, I yield the balance of my time to the gentleman from California (Mr. WAXMAN) to close.

Mr. WAXMAN. Madam Chair, I rise in support of the Rush amendment.

The problem of national security is threatened in two ways by the Inhofe-Upton bill. It increases our oil dependence by not allowing EPA to set tighter efficiency standards which reduce our demand for oil.

Secondly, it takes away our tools to deal with the problem of climate change itself.

Former senior military officers wrote to us and asked that we not undermine the Clean Air Act. They are concerned that this will increase our dependence on oil, and that such dependence is truly dangerous.

In 2009, 10 retired general and admirals described how our oil dependence funds terrorism. It puts large sums of money in the hands of unfriendly regimes like Iran and Venezuela. Iran provides weapons to Hezbollah and supports insurgents in Iraq.

An oil climate change itself, according to the State Department, is going to bring about more migrant and refugee flows, more conflicts over resources, drought and famine, and catastrophic natural disasters. That is a threat to our national security, and the Rush amendment will allow EPA to address it.

Mr. ROGERS of Michigan. Madam Chair, I thank the gentleman for making our point for us. When you shut down production of oil and natural gas in the United States, we have to import more because we are still driving more. We have absolutely put ourselves at the mercy of a whole region of the world that is inflamed in trying to figure out who they are. And it has raised our prices. It went from $1.63 2 years ago to $4 a gallon.

If you want to be serious about getting this right, let the EPA do what it does best—clean air, clean water—and let the national security folks keep us safe and increase production so that for the good of the world, we can afford to drive to work.

I yield back the balance of my time.

The Acting CHAIR. The question is and the Acting CHAIR announced that the noes appeared to have it.

Mr. RUSH. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.
AMENDMENT NO. 11 OFFERED BY MR. DOYLE

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 112-54.

Mr. DOYLE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill add the following:

SEC. 5. STUDY ON EFFECT OF EPA CLIMATE CHANGE REGULATIONS ON INTERNATIONAL COMPETITIVENESS OF UNITED STATES PRODUCERS OF ENERGY-INTENSIVE PRODUCTS.

(a) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency shall—

(1) conduct a study to determine, with respect to the period beginning on such date of enactment and ending on December 31, 2016, the extent to which the regulations of the Environmental Protection Agency under the Clean Air Act to address climate change, if not repealed or otherwise made unauthorized by section 2 of this Act, would—

(A) cause greenhouse gas leakage; and

(B) reduce the international competitiveness of United States producers of energy-intensive products; and

(2) the report on the results of the study to the Congress, including recommendations for legislative, administrative, or other actions to mitigate—

(A) any greenhouse gas leakage identified pursuant to paragraph (1)(A); and

(B) any reduction in international competitiveness identified pursuant to paragraph (1)(B).

(b) DEFINITIONS.—In this section:

(1) The term "energy-intensive product" means—

(A) iron, steel, aluminum, cement, bulk glass, paper and pulp, chemicals, or industrial ceramics; or

(B) any other manufactured product which the Administrator of the Environmental Protection Agency determines—

(i) is sold in bulk for purposes of further manufacture; and

(ii) generally, in the course of the manufacture of the product, direct and indirect greenhouse gas emissions that are comparable (on an emissions-per-dollar basis) to emissions from the manufacture and production of products identified in subparagraph (A).

(2) The term "greenhouse gas leakage" means an increase in greenhouse gas emissions abroad caused by the movement of the production of economic goods from the United States to other countries.

Mr. DOYLE. Madam Chair, I sit on the Energy and Commerce Committee and on the Energy and Power Subcommittee, which has primary jurisdiction of H.R. 910. As such, I have been at several hearings on this issue. I have greenhouse colleagues on the Republican side of the aisle who have already claimed that the pending EPA regulations on greenhouse gases will cause our industries to pack up and move overseas, taking with them our jobs and our carbon emissions.

At a committee hearing on this bill held in March of this year, our chairman told us, "We live in a global economy with global competition, and nations that do not adopt such regulations, do not increase greenhouse gas emissions that are comparable (on an emissions-per-dollar basis) to greenhouse gas emissions that are generated in the manufacture or use of products identified in subparagraph (1)(A); and

(3) the report on the results of the study to the Congress, including recommendations for legislative, administrative, or other actions to mitigate—

(A) any greenhouse gas leakage identified pursuant to paragraph (1)(A); and

(B) any reduction in international competitiveness identified pursuant to paragraph (1)(B).

(b) DEFINITIONS.—In this section:

(1) The term "energy-intensive product" means—

(A) iron, steel, aluminum, cement, bulk glass, paper and pulp, chemicals, or industrial ceramics; or

(B) any other manufactured product which the Administrator of the Environmental Protection Agency determines—

(i) is sold in bulk for purposes of further manufacture; and

(ii) generally, in the course of the manufacture of the product, direct and indirect greenhouse gas emissions that are comparable (on an emissions-per-dollar basis) to emissions from the manufacture and production of products identified in subparagraph (A).

(2) The term "greenhouse gas leakage" means an increase in greenhouse gas emissions abroad caused by the movement of the production of economic goods from the United States to other countries.

Mr. DOYLE. Madam Chair, I sit on the Energy and Commerce Committee and on the Energy and Power Subcommittee, which has primary jurisdiction of H.R. 910. As such, I have been at several hearings on this issue. I have greenhouse colleagues on the Republican side of the aisle who have already claimed that the pending EPA regulations on greenhouse gases will cause our industries to pack up and move overseas, taking with them our jobs and our carbon emissions.

At a committee hearing on this bill held in March of this year, our chairman told us, "We live in a global economy with global competition, and nations that do not adopt such regulations, do not increase greenhouse gas emissions that are comparable (on an emissions-per-dollar basis) to greenhouse gas emissions that are generated in the manufacture or use of products identified in subparagraph (1)(A); and

(3) the report on the results of the study to the Congress, including recommendations for legislative, administrative, or other actions to mitigate—

(A) any greenhouse gas leakage identified pursuant to paragraph (1)(A); and

(B) any reduction in international competitiveness identified pursuant to paragraph (1)(B).

(b) DEFINITIONS.—In this section:

(1) The term "energy-intensive product" means—

(A) iron, steel, aluminum, cement, bulk glass, paper and pulp, chemicals, or industrial ceramics; or

(B) any other manufactured product which the Administrator of the Environmental Protection Agency determines—

(i) is sold in bulk for purposes of further manufacture; and

(ii) generally, in the course of the manufacture of the product, direct and indirect greenhouse gas emissions that are comparable (on an emissions-per-dollar basis) to emissions from the manufacture and production of products identified in subparagraph (A).

(2) The term "greenhouse gas leakage" means an increase in greenhouse gas emissions abroad caused by the movement of the production of economic goods from the United States to other countries.
I have been sitting here listening and you have several Members over there saying, “China isn’t going to do cap-and-trade.” The fact is they’re starting to do it. “China is never going to tax carbon.” The fact is they’re starting to do it. It has been jumped on. If we are not first place in leading the green revolution to second, now to third, behind China, Germany, and now the United States.

These are manufacturing jobs. Tons and tons of steel go into a windmill! 8,000 tons. They manufacture them in Illinois, in Ohio, in Pennsylvania. These are jobs for our people. Why else would the United Steelworkers of America be against this and be for the green revolution? We’re making this happen, and we have to get out of our own way while we do it.

Mr. KINZINGER of Illinois. I yield myself 15 seconds to say that China is not the only other country. There are hundreds of countries, hundreds of opportunities that American companies can compete with if they are forced and squeezed out of this. I think green energy future is a code word for no manufacturing jobs future.

With that, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Chair, I always enjoy my colleague MIKE DOYLE because I have a good friend, Mike Doyle, who was actually the first world champion surfer. I always remind him of that connection.

But let me just say to my colleagues, I hope you’re not under some illusion that China is even considering reducing their greenhouse gas emissions by 17 percent within this decade. I hope you don’t have that illusion.

But let’s point out what we really need to address with this issue. You do not need a study, Congressmen, about the impacts. Your State is sitting at 8 percent and your party is sitting at 32 percent unemployment. If you really want to see what happens if you’re not careful about the impacts and the costs of going green, which we have, we’ve had a great breakthrough. Our air has been cleaned up a lot more. But there are challenges of going beyond that and going into things that are not cost effective.

Let me remind you, the great successes we’ve had with cleaning up our air in California is we always gave priority to those emissions that had the greatest health risk. We didn’t go after one that wasn’t even on the scale. CO₂ is not even on the health risk scale.

Let me just give you a good example. I’m a big supporter of algae. Our scientists in California developed algae fuel. Our State institutions and our educational institutions had the scientists that developed the technology to be able to make fuel out of algae. But when it came time to produce it, when it came time to create the jobs, hope the gentleman understands that our scientists had to leave the State and go to New Mexico, because our environmental regulations were such that it didn’t allow us to implement our green revolution.

So, I hope all of those that are talking about a green revolution today are willing to take on the environmental regulations problems that exist in implementation, because without casting those aside, you’ll never see that revolution.

Mr. DOYLE. Madam Chair, may I inquire as to how much time remains on both sides? The Acting CHAIR. The gentleman from Pennsylvania has 1 3/4 minutes remaining, and the gentleman from Illinois has 15 seconds remaining.

Mr. DOYLE. I yield 1 minute to my good friend, the gentleman from Washington, Jay INSLEE.

Mr. INSLEE. It is deeply disappointing that our Republican colleagues are so willing, able—and apparently eager—to shut down the government, to go overseas if they are forced and able to shut down the government. It shuts down the ability of the Environmental Protection Agency to help lead us into a clean energy future.

Why shut down an agency that can help develop these biofuels that we were just talking about? Why do they want to shut down the engine of innovation? Why do they want to shut down our effort to find a solution for energy-intensive industries? The steel industry, the aluminum industry, the cement industry, the paper pulp industry need solutions to this. We offered one. Yet the Republicans have no solutions.

Shutting down the government is not a solution. Shutting down the EPA is not a solution. Shutting down American innovation is not a solution. This is an amendment that makes a statement that we ought to study science and economics and come up with a solution in a balanced and fair way.

Mr. KINZINGER of Illinois. I yield myself the balance of my time. I only have 15 seconds.

I heard some crazy things. Number one, this doesn’t change the Clean Air Act at all. This prevents them from going outside of the legislative will of the American people and implementing a legislative idea. By the way, if we’re looking into a government shutdown, it’s not because we haven’t tried on this side; it’s because no budget was passed last year.

The Acting CHAIR. The time of the gentleman has expired.

Mr. DOYLE. I would like to yield 15 seconds to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I just want to make two points because we hear a lot of facts from the other side about Ronald Reagan, and I know they burn incense and light candles for Ronald Reagan. In the 1980s, it was President Reagan who used cap-and-trade for leaded gasoline, and it was George Herbert Walker Bush who used cap-and-trade.

This is something that can be done if we put a price on this stuff. Lead the world, not be led.

Mr. DOYLE. Madam Chair, let me just close by saying to my colleagues that all we’re asking for is to put some good data behind this. Let’s study it. Let’s have the EPA take a look at this. Let’s see what the effects are on our energy-intensive industries, because this is an issue we’re going to have to deal with eventually, and we want to have good data behind it. Let’s not have all the stories be anecdotal. Let’s have the agency study this, and let’s work together to find solutions to protect our environment for our kids and our grandkids.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. DOYLE).

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

Mr. DOYLE. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 12 OFFERED BY MR. KIND

Mr. KINZINGER of Illinois. I yield myself the balance of my time.

Mr. KIND. Madam Chair, I have an amendment at the desk. The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

SEC. 330. PROHIBITIONS AGAINST REGULATION OF GREENHOUSE GASES.

The Clean Air Act (42 U.S.C. 7401 and following) is amended by adding the following new section after section 339:

"(a) NEW SOURCE REVIEW.—
"(1) GENERAL RULE.—
"(A) EXCLUDING GREENHOUSE GAS EMISSIONS FROM PERMITTING APPLICABILITY DETERMINATIONS.—
"(i) For purposes of determining whether a stationary source is a ‘major emitting facility’ pursuant to section 169(a), such determination shall not be based on emissions of any air pollutant subject to regulation solely on the basis of such pollutant’s contribution to the climate change
"(ii) For purposes of determining whether a stationary source has undertaken ‘construction’ pursuant to section 169(a), such determination shall not be based on resulting emissions of such an air pollutant not previously emitted.

"(B) EXCLUDING SMALL GREENHOUSE GAS SOURCES FROM PERMITTING REQUIREMENTS.—
"No requirement of sections 160 through 169 shall apply with respect to any greenhouse gas unless such gas is subject to regulation under this Act for reasons independent of its effects on global climate change or the gas is emitted by a source that is—"
"(i) a new major emitting facility that will emit, or have the potential to emit, greenhouse gases in an amount of at least 75,000 tons carbon dioxide equivalent per year; or

(ii) an existing major emitting facility that undertakes construction which increases the amount of greenhouse gases, or which results in emission of greenhouse gases of at least 100,000 tons carbon dioxide equivalent per year (or such other quantity between 50,000 and 100,000 set by the Administrator by regulation effective no earlier than July 1, 2013); or

(2) SPECIAL RULE.—Notwithstanding paragraph (1) of this subsection, the term ‘major emitting facility’ shall include a stationary source—

(A) that is—

(i) a new stationary source that will emit, or have the potential to emit, greenhouse gases of at least 100,000 tons carbon dioxide equivalent per year (or such other quantity between 50,000 and 100,000 set by the Administrator by regulation effective no earlier than July 1, 2013); and

(B) that has greenhouse gas emissions equal to or exceeding 250 tons per year from stationary sources identified in section 169(1), 100 tons per year mass emissions.

(3) INCLUSIONS.—For purposes of section 169(1), no provision in this subsection shall include within the term ‘major emitting facility’ any new or modified facility which is a nonprofit health or educational institution which has been exempted from such provision by the state in which it is located.

(b) TITLE V OPERATING PERMITS.—

(1) GENERAL RULE.—Notwithstanding any provision of this title or title V, no stationary source shall be required to apply for, or operate pursuant to, a permit under title V, solely because it is a major source of greenhouse gases that are subject to regulation under this Act solely on the basis of its status as a major source—

(i) a new major emitting facility, or operate pursuant to, a permit under title V, solely due to its status as a major source, or have the potential to emit, greenhouse gases of at least 100,000 tons carbon dioxide equivalent per year, or have the potential to emit, greenhouse gases of at least 100,000 tons carbon dioxide equivalent per year (or such other quantity between 50,000 and 100,000 set by the Administrator by regulation effective no earlier than July 1, 2013); or

(ii) an existing major emitting facility that emits greenhouse gases of at least 100,000 tons carbon dioxide equivalent per year (or such other quantity between 50,000 and 100,000 set by the Administrator by regulation effective no earlier than July 1, 2013); and

(b) that has greenhouse gas emissions equal to or exceeding 250 tons per year from stationary sources identified in section 169(1), 100 tons per year mass emissions.

(c) DEFINITION OF GREENHOUSE GAS.—For purposes of this section, the term ‘greenhouse gas’ means the following:

(1) Carbon dioxide.

(2) Methane

(3) Nitrous oxide.

(4) Sulfer hexafluoride.

(5) Hydrofluorocarbons.

(6) Perfluorocarbons.

(7) Nitrogen trifluoride.

(8) Any other anthropogenic gas if the Administrator determines that one ton of such gas has the same or greater effect on global climate change as does one ton of carbon dioxide.

The Chair recognizes the gentleman from Wisconsin.

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

Madam Chair, the bill that we are debating today is, in my view, dangerous for far too many. It repeals a scientific finding and represents an aggressive assault on the Clean Air Act, a bipartisan law originally implemented by President Nixon that has successfully protected the public health and environment.

I represent a rural district in western Wisconsin that has approximately 180,000 rural electric co-op members that are concerned about possible new EPA regulations and their impact on them. I share their concerns, and I agree that we have to approach this issue reasonably. Still, the approach under H.R. 910 isn't the right one. There is a middle ground that can be found, which is why I, along with my friend and colleague from New York (Mr. OWENS), am offering, really, an amendment in the nature of a substitute today. This amendment would permanently protect farms, small businesses and small- and medium-sized stationary sources from greenhouse gas regulation by codifying the Environmental Protection Agency's Tailoring Rule.

The Tailoring Rule, itself, represents a compromise. Despite being court-ordered to regulate greenhouse gases, the EPA took into account our fragile economy, and proposed a narrow rule that would exempt the vast majority of stationary sources from any regulation. The EPA further took the appropriate approach to regulating greenhouse gases by only requiring very large, new and expanded emitters to seek permits. My friends on the other side of the aisle, however, believe that the EPA intends to go even further than the Tailoring Rule, and will ultimately implement a tax on energy just as China is beginning to today; but voting for this amendment will prevent the EPA from doing this.

Some utilities and large companies or businesses will be regulated under this rule. Our amendment prevents this from ever occurring. Under the Tailoring Rule, the EPA has not identified even one farm that would meet the regulation threshold. That's because you'd have to have over 116,000 beef cattle or 152 million broiler chickens on a single farm to trigger the regulation. There isn't a farm in the United States, let alone the Western US, that fits that definition. Further, this amendment will provide the utility industry with the certainty that they have requested. Industry will know precisely what will trigger permit requirements, and will be able to plan accordingly.

H.R. 910 takes an extreme approach to the EPA regulation of these carbon emissions by repealing a scientific finding so compelling that even the Bush administration determined that they were incorrect to overlook it. The science is clear: Climate change is real, and greenhouse gases pose a serious threat to human health.

I think we can all agree that we'd rather have Congress act to curb greenhouse gas emissions, and I would certainly prefer that approach, but we haven't been able to get our act together in this body. What we can do is protect public health and the economy by codifying the Tailoring Rule.

I urge my colleagues to support this amendment because it is a common-sense solution that accepts the scientific evidence that greenhouse gases are dangerous to human health, and it enacts a workable solution that will protect human health and that will ensure clean air while shielding the vast majority of sources from any regulatory requirements.

I reserve the balance of my time.

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

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

Mr. WHITFIELD. Madam Chair, I yield 2 minutes to the gentleman from Virginia (Mr. GRIFFITH).

Mr. GRIFFITH of Virginia. I would like to thank the gentleman for bringing this amendment.

Madam Chair, the EPA has passed this so-called "Tailoring Rule" without there being any authority in the Clean Air Act to do so. And the proper place for this type of debate, as the underlying bill makes clear, is in the Halls of Congress, not in the halls of the EPA. There is a button that was very popular in my district—and still is—which says, "If itble and that will enact a workable solution that will protect public health and that will ensure clean air while shielding the vast majority of sources from any regulatory requirements.

I reserve the balance of my time.

Mr. WHITFIELD. Madam Chair, I yield 2 minutes to the gentleman from Virginia (Mr. GRIFFITH).

Mr. GRIFFITH of Virginia. I would like to thank the gentleman for bringing this amendment.

Madam Chair, the EPA has passed this so-called "Tailoring Rule" without there being any authority in the Clean Air Act to do so. And the proper place for this type of debate, as the underlying bill makes clear, is in the Halls of Congress, not in the halls of the EPA. There is a button that was very popular in my district—and still is—which says, "If itble and that will enact a workable solution that will protect public health and that will ensure clean air while shielding the vast majority of sources from any regulatory requirements. I reserve the balance of my time.

Mr. WHITFIELD. Madam Chair, I yield 2 minutes to the gentleman from Virginia (Mr. GRIFFITH).

Mr. GRIFFITH of Virginia. I would like to thank the gentleman for bringing this amendment.

Madam Chair, the EPA has passed this so-called "Tailoring Rule" without there being any authority in the Clean Air Act to do so. And the proper place for this type of debate, as the underlying bill makes clear, is in the Halls of Congress, not in the halls of the EPA. There is a button that was very popular in my district—and still is—which says, "If itble and that will enact a workable solution that will protect public health and that will ensure clean air while shielding the vast majority of sources from any regulatory requirements. I reserve the balance of my time.

Mr. WHITFIELD. Madam Chair, I yield 2 minutes to the gentleman from Virginia (Mr. GRIFFITH).

Mr. GRIFFITH of Virginia. I would like to thank the gentleman for bringing this amendment.

Madam Chair, the EPA has passed this so-called "Tailoring Rule" without there being any authority in the Clean Air Act to do so. And the proper place for this type of debate, as the underlying bill makes clear, is in the Halls of Congress, not in the halls of the EPA. There is a button that was very popular in my district—and still is—which says, "If itble and that will enact a workable solution that will protect public health and that will ensure clean air while shielding the vast majority of sources from any regulatory requirements. I reserve the balance of my time.

Mr. WHITFIELD. Madam Chair, I yield 2 minutes to the gentleman from Virginia (Mr. GRIFFITH).

Mr. GRIFFITH of Virginia. I would like to thank the gentleman for bringing this amendment.

Madam Chair, the EPA has passed this so-called "Tailoring Rule" without there being any authority in the Clean Air Act to do so. And the proper place for this type of debate, as the underlying bill makes clear, is in the Halls of Congress, not in the halls of the EPA. There is a button that was very popular in my district—and still is—which says, "If itble and that will enact a workable solution that will protect public health and that will ensure clean air while shielding the vast majority of sources from any regulatory requirements. I reserve the balance of my time.
I ask that you reject the amendment. Mr. KIND. Madam Chair, I would like to yield 1½ minutes to the coauthor of this amendment, my friend from New York (Mr. OWENS).

Mr. OWENS. I thank the gentleman. I would like to point out that my predecessor, a respected Member of the other side of the aisle, Mr. McHugh, was a strong advocate of regulation of mercury and acid rain because it negatively impacted the New York 23rd. I think we need to act responsibly in each of these situations, and we need to make sure that we are working off, not the science of proponents, but the science of understanding of the issues.

When we look at my district, it has taken great strides in terms of moving forward with green and renewable energy. We have solar—which we have plenty of in the Adirondacks—we have wind energy, and we have hydro, all of which are contributing to jobs and making our economy a green and sustainable economy.

I think it is very important to understand that what this legislation does is, in the regulation for the small businesses and farms in my district. I urge my colleagues to support this amendment and to reject the underlining legislation.

The Acting CHAIR. The gentleman from Kentucky has 3 minutes remaining; the gentleman from Wisconsin has 30 seconds remaining.

Mr. WHITFIELD. Madam Chair, I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. I apologize, but I have to say to the gentleman, you know, wood burning, under oxygen-deprived environment, is a terrible particulate pollutant. So I don't think anybody involved in air pollution issues would ever point out that wood burning is something we want to point to. It may be renewable—and I appreciate you saying that, and I think it's very good that you said that because I think we mix renewable with clean all the time. But there are those renewable sources that are very, very bad for the air pollution issue. I just wanted to make sure we went by and didn't point at that.

In California, we have actually tried to outlaw wood-burning stoves because of the threat of the air pollution and the toxin emissions that are caused by the particulate problem with it.

Mr. KIND. Madam Chair, I yield the balance of my time to the ranking member of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

The Acting CHAIR. The gentleman is recognized for 30 seconds.

Mr. WAXMAN. The advocates of the underlying bill have said that EPA is going to regulate a lot of other sources. What this Kind-Owens amendment does is says that EPA will not be allowed to regulate farms, small businesses, and other small and medium-size sources of pollution. This makes sense, and it deals with the problem that has been raised over EPA. It is a commonsense solution. We ought to support it and make sure that the tailoring rule is all that would be applicable for EPA to do. Mr. WHITFIELD, I yield myself the balance of my time.

Well, I would say to you that EPA adopted this tailoring rule because they bit off more than they could chew, initially. That lawsuit has been filed against them, because they violated the clear language of the Clean Air Act that says if anything emits more than 150 tons per year, or 250 tons per year, it must be regulated if they've had an endangerment finding, as they did in this case.

And so this amendment would simply gut the entire bill and place the tailoring law there in its place. Under this tailoring rule, they would be able to go down to 50-ton-per-year emissions. But that tailoring, what happens after the year 2013? You have two conflicting parts of this Clean Air Act as a result if we adopt this amendment.

One thing we know for certain, EPA is already involved in too many lawsuits. If we're facing it, we're going to find out now exactly how many lawsuits. We feel like this bill that we are trying to pass in the Congress today, H.R. 910, is simply Congress reasserting itself into the Clean Air Act because for too long we've had an endangerment finding, and then the Federal judge will award legal fees to the plaintiffs. We think it's time to reassess ourselves into this process.

This is a good bill. H.R. 910. It says that it was never the intent of Congress for EPA to regulate greenhouse gases. We do not in any way interfere with the state with their air quality standards, particular matter, the hazardous air pollutants—we have about 200 or so of those listed—acid rain, any of those things.

This is a great bill. Let's defeat this amendment. I urge passage of H.R. 910.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. KIND).

The Acting Chair announced that the noes have been demanded. A recorded vote was ordered.

The Acting CHAIR. Pursuant to the unanimous consent, the vote was taken by electronic device, and there were—ayes 161, noes 259, not voting 12, as follows:

AYES—161

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkeley
Berman
Bishop (NY)
Bilirakis
Boehner
Boswell
Brady (PA)
Brower (IA)
Brown (FL)
Brown (CA)
Carpenter
Cicilline
Clarke (NY)
Clifford (MA)
Clay
Cleaver
Clyburn
Conyers
Cooper
Cromwell
Cummings
Davis (CA)
Davis (IL)
De La Fuente
DeSaulnier
DeSoto
Duckworth
Dingell
Doggett
Doyle
Duckworth

Lee of Texas.

Amendment No. 5 by Mr. MURPHY of Connecticut.

Amendment No. 6 by Mr. WAXMAN of California.

Amendment No. 8 by Mr. POLIS of Colorado.

Amendment No. 9 by Mr. MARKEY of Massachusetts.

Amendment No. 10 by Mr. RUSH of Illinois.

Amendment No. 11 by Mr. DOYLE of Pennsylvania.

Amendment No. 12 by Mr. KIND of Wisconsin.

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

AMENDMENT NO. 1 OFFERED BY MS. JACKSON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON of Texas) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered. The vote was taken by electronic device, and there were—ayes 161, noes 259, not voting 12, as follows:

[Roll No. 233]

Ayes—161

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkeley
Berman
Bishop (NY)
Bilirakis
Brower (IA)
Brown (FL)
Brown (CA)
Carpenter
Cicilline
Clarke (NY)
Clifford (MA)
Clay
Cleaver
Clyburn
Conyers
Cooper
Cromwell
Cummings
Davis (CA)
Davis (IL)
De La Fuente
DeSaulnier
DeSoto
Duckworth
Dingell
Doggett
Doyle
Levin
Lewis (GA)
Lipinski

Lee of Texas.
Mr. MEEHAN changed his vote from "aye" to "no."  
Ms. BALDWIN, Messrs. CARNEY, BORRERO, MS. SCHAKOWSKY and Mr. CLEVER changed their vote from "no" to "aye."  
So the amendment was rejected.  
The result of the vote was announced as above recorded.  

AMENDMENT NO. 2 OFFERED BY MS. JACKSON OF TEXAS  

The Acting CHAIR (Mr. WESTMORELAND). The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.  
The Clerk redesignated the amendment.

Date: April 6, 2011  

Mr. MEEHAN Changes Vote

Mr. MEEHAN. I demand a recorded vote.

Mr. CHAIRMAN. The vote was taken by electronic device, and there were—ayes 157, noes 266, [Roll No. 234]

AYES—157

Baldwin (NY) ... Young (IN)

NOES—266

Bilbray (CA) ... Young (AK)
Ms. CHU and Mr. YARMUTH changed their vote from "no" to "aye." So the amendment was rejected.

The result of the vote was announced as above recorded.

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

The Clerk will redetermine the amendment.

The Clerk redesignated the amendment.

The Clerk redesignated the amendment.

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. MURPHY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.
<table>
<thead>
<tr>
<th>Congressman</th>
<th>Ayes</th>
<th>Noes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aderhold</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Alki</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Alexander</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Amash</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Austria</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Bachmann</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Bachus</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Bartlett</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Barton (TX)</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Bass (MI)</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Benishek</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Berg</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Bilbray</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Bilirakis</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Bishop (UT)</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Blackburn</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Blackburn</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Blunt</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Booz</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Bono Mack</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Boren</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Bostany</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Brady (TX)</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Brooks</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Buchanan</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Buchanan</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Buerkle</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Burgess</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Burton (IN)</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Calvert</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Camp</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Campbell</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Canseco</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Cannor</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Capito</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Carter</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Cassidy</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Chabot</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Chaffetz</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Cole</td>
<td>168</td>
<td>240</td>
</tr>
<tr>
<td>Coffman (CO)</td>
<td>168</td>
<td>240</td>
</tr>
</tbody>
</table>

The Acting CHAIR (during the vote). There is 1 minute remaining on this vote.
## CONGRESSIONAL RECORD – HOUSE

### April 6, 2011

<table>
<thead>
<tr>
<th>Mica</th>
<th>Miller (FL)</th>
<th>Ripble</th>
<th>Smith (NJ)</th>
<th>Doyle</th>
<th>Lipski</th>
<th>Miller (MI)</th>
<th>Miller, Gary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miller (MI)</td>
<td>Ripgel</td>
<td>Smith (TX)</td>
<td>Southard</td>
<td>Edwards</td>
<td>Loebback</td>
<td>Ruiz</td>
<td>Mulvaney</td>
</tr>
<tr>
<td>Miller, Gary</td>
<td>Mulvaney</td>
<td>Roe (TN)</td>
<td>Stackhouse</td>
<td>Engel</td>
<td>Lujan</td>
<td>Sanchez</td>
<td>Murphy (PA)</td>
</tr>
<tr>
<td>Mulvaney</td>
<td>Murphy (PA)</td>
<td>Rogers (AL)</td>
<td>Schiff</td>
<td>Eshoo</td>
<td>Lynch</td>
<td>Sarbanes</td>
<td>Myrick</td>
</tr>
<tr>
<td>Murphy (PA)</td>
<td>Myrick</td>
<td>Rogers (KY)</td>
<td>Schwartz</td>
<td>Farr</td>
<td>Maloney</td>
<td>Schakowsky</td>
<td>Neugebauer</td>
</tr>
<tr>
<td>Myrick</td>
<td>Neugebauer</td>
<td>Nolte</td>
<td>Stennis</td>
<td>Fattah</td>
<td>Marky</td>
<td>Schiffer</td>
<td>Nolte</td>
</tr>
<tr>
<td>Neugebauer</td>
<td>Nolte</td>
<td>Nunes</td>
<td>Stevens</td>
<td>Frank (MA)</td>
<td>Matsui</td>
<td>Schnitz</td>
<td>Nuner</td>
</tr>
<tr>
<td>Nolte</td>
<td>Nunes</td>
<td>Nunnelee</td>
<td>Stivers</td>
<td>Gudgeon</td>
<td>McCollum</td>
<td>Scott (VA)</td>
<td>Palazzo</td>
</tr>
<tr>
<td>Nunes</td>
<td>Palazzo</td>
<td>Olson</td>
<td>Sullivan</td>
<td>Gurbir Grewal</td>
<td>Mc Dermott</td>
<td>Scott, David</td>
<td>Paul</td>
</tr>
<tr>
<td>Nunnelee</td>
<td>Palazo</td>
<td>Palacios</td>
<td>Terry</td>
<td>Gurbir Grewal</td>
<td>Seventh</td>
<td>Seguin</td>
<td>Perriello</td>
</tr>
<tr>
<td>Olson</td>
<td>Palacios</td>
<td>Paul</td>
<td>Turner</td>
<td>Gurbir Grewal</td>
<td>Serrano</td>
<td>Sessions</td>
<td>Petri</td>
</tr>
<tr>
<td>Palazo</td>
<td>Paul</td>
<td>Payne</td>
<td>Upton</td>
<td>Gurbir Grewal</td>
<td>Simpson</td>
<td>Sessions</td>
<td>Pitts</td>
</tr>
<tr>
<td>Palacios</td>
<td>Payne</td>
<td>Pence</td>
<td>Valley</td>
<td>Gurbir Grewal</td>
<td>Simpson</td>
<td>Sessions</td>
<td>Poe (TX)</td>
</tr>
<tr>
<td>Paul</td>
<td>Payne</td>
<td>People</td>
<td>Walsh (IL)</td>
<td>Gurbir Grewal</td>
<td>Simpson</td>
<td>Sessions</td>
<td>Price (GA)</td>
</tr>
<tr>
<td>Palazo</td>
<td>Payne</td>
<td>Perdue</td>
<td>West</td>
<td>Gurbir Grewal</td>
<td>Simpson</td>
<td>Sessions</td>
<td>Quayle</td>
</tr>
<tr>
<td>Palacios</td>
<td>Payne</td>
<td>Pelosi</td>
<td>Westmoreland</td>
<td>Gurbir Grewal</td>
<td>Simpson</td>
<td>Sessions</td>
<td>Rahall</td>
</tr>
<tr>
<td>Paul</td>
<td>Payne</td>
<td>Polis</td>
<td>Whelan</td>
<td>Gurbir Grewal</td>
<td>Simpson</td>
<td>Sessions</td>
<td>Raichel</td>
</tr>
<tr>
<td>Palazo</td>
<td>Payne</td>
<td>Pommy</td>
<td>Whitefield</td>
<td>Gurbir Grewal</td>
<td>Simpson</td>
<td>Sessions</td>
<td>Reichert</td>
</tr>
<tr>
<td>Palacios</td>
<td>Payne</td>
<td>Posey</td>
<td>Wilson (SC)</td>
<td>Gurbir Grewal</td>
<td>Simpson</td>
<td>Sessions</td>
<td>Renacci</td>
</tr>
<tr>
<td>Palazo</td>
<td>Payne</td>
<td>Preston</td>
<td>Wittman</td>
<td>Gurbir Grewal</td>
<td>Simpson</td>
<td>Sessions</td>
<td>Snakey</td>
</tr>
<tr>
<td>Palacios</td>
<td>Payne</td>
<td>Price</td>
<td>Wolf</td>
<td>Gurbir Grewal</td>
<td>Simpson</td>
<td>Sessions</td>
<td>Young (AK)</td>
</tr>
<tr>
<td>Paul</td>
<td>Payne</td>
<td>Price</td>
<td>Woman</td>
<td>Gurbir Grewal</td>
<td>Simpson</td>
<td>Sessions</td>
<td>Young (AL)</td>
</tr>
<tr>
<td>Palazo</td>
<td>Payne</td>
<td>Price</td>
<td>Woman</td>
<td>Gurbir Grewal</td>
<td>Simpson</td>
<td>Sessions</td>
<td>Young (AK)</td>
</tr>
<tr>
<td>Palacios</td>
<td>Payne</td>
<td>Price</td>
<td>Woman</td>
<td>Gurbir Grewal</td>
<td>Simpson</td>
<td>Sessions</td>
<td>Young (IN)</td>
</tr>
</tbody>
</table>

### ANNOUNCEMENT BY THE ACTING CHAIR

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:
Mr. COFFMAN of Colorado. Mr. Chair, on rolloc No. 237 I inadvertently voted "yea" when I intended to vote "nay."

AMENDMENT NO. 9 OFFERED BY MR. MARKLEY

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—aye 156, noes 266, not voting 10, as follows:

---

**Ayes—156**

**Noes—266**

---

### ANNOUNCEMENT BY THE ACTING CHAIR

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

**RECORDED VOTE**

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—aye 156, noes 266, not voting 7, as follows:

---

**Ayes—156**

**Noes—266**

---

### ANNOUNCEMENT BY THE ACTING CHAIR

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

**RECORDED VOTE**

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—aye 156, noes 266, not voting 7, as follows:

---

**Ayes—156**

**Noes—266**

---
CONGRESSIONAL RECORD — HOUSE

April 6, 2011

H2390

The Acting CHAIR (during the vote). There is one minute remaining in this vote.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 offered by Mr. DOYLE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

This vote was taken by electronic device, and there were—ayes 173, noes 250, not voting 9, as follows: [Roll No. 240]
CONGRESSIONAL RECORD – HOUSE

April 6, 2011

H2391

Mr. CONyers changed his vote from "no" to "aye." So the amendment was rejected.

The bill was ordered to be engrossed and read a third time.

If not, the question is on the amendment adopted in the Committee of the Whole.

The Speaker pro tempore. Pursuant to clause (c) of rule XIX, further proceedings on this bill will be post-poned.
HOUR OF MEETING ON TOMORROW

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

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

There was no objection.

H. RES. 187, NATIONAL PUBLIC HEALTH WEEK RESOLUTION

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

Ms. ROYBAL-ALLARD. Mr. Speaker, the first week of April is National Public Health Week.

This year’s theme, “Safety is No Accident: Live Injury-Free,” highlights the fact that, each year, nearly 30 million people in our country are injured severely enough to require emergency room treatment. Of those injured, 150,000 die from these unintentional and often preventable injuries, which are responsible for the top 10 causes of death of those between the ages of 1 and 44. In addition to the devastating impact on families and communities, these injuries account for 12 percent of annual medical spending in the United States, totaling as much as $65 billion each year.

These statistics highlight a critical public health challenge for the 21st century. For that reason, I introduced H. Res. 187, which recognizes the first week of April as National Public Health Week, and it calls on all Americans to take a proactive approach to addressing injuries in our country. I urge my colleagues to cosponsor H. Res. 187.

A REVERSE ROBIN HOOD

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

Ms. BROWN of Florida. Mr. Speaker, just yesterday, the Veterans Affairs’ Committee held a hearing where the Deputy Secretary of the Department of Veterans Affairs stated, because of the budget cuts that the Republicans are advocating and a likely government shutdown, veterans’ pension checks may not go out on time.

Believe it or not, this is not April Fool’s.

At the same time that the veterans’ checks may arrive late, my Republican colleagues want to extend tax breaks for millionaires and billionaires. Just last December, we were forced to vote on extending the Bush tax cuts for millionaires and billionaires, adding $700 billion to the deficit. The Republican plan for the FY11 budget, as well as the new budget plan they just released, are nothing more than a reverse Robin Hood—taking from the poor and middle class people to give huge tax breaks to the rich.

You know, Mr. Speaker, you can fool some of the people some of the time, but you can’t fool all of the people all of the time. The American people will wake up.

THE GOLDSTONE REPORT IS A LIE

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

Mr. ENGEL. Mr. Speaker, about a year ago, the United Nations passed the infamous Goldstone Report. Thankfully, this Congress on the floor of the House had a debate, and we rejected the Goldstone Report.

Well, guess what happened last week? I judge Goldstone said that his report was erroneous. What did the Goldstone Report say? The Goldstone Report said that Israel deliberately targeted civilians in Gaza.

That has now been proven not to be true. Of course, the people in the U.N. who bash Israel all the time will continue to pretend that Judge Goldstone didn’t stipulate his own report, but the fact of the matter is he did.

The truth is that it is Hamas, the terrorist group, that took over the Gaza Strip. They target Israeli civilians all the time. Israel tries to protect its own citizens in going and destroying the terrorist nests, but the terrorists of Hamas build their nests and their rockets and their munitions in heavily populated areas. So, if civilians die, it is their fault.

The Goldstone Report is a lie. The United Nations should kill it once and for all, and we should be leading the way.

NO APPROPRIATED FUNDS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 5, 2011, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. CARTER. Thank you, Mr. Speaker.

These are interesting times we live in, and as we sit here this evening, we have a lot of things that are kind of up in the air about what’s going to happen this week. What’s going to happen to our ability to fund the government for the rest of our time. Unfortunately, we don’t have answers to that question. I wish we did, but we don’t.

Yet there are some things that are happening that we ought to talk about because the American people are concerned about what’s going on. In some ways, they’re confused.

As we sit here today, we are looking at the possibility on Friday night, at midnight, of there being no more appropriated funds for the operation of the government. Some people call that shutting down the government, but that’s the real term. We have no appropriated funds that are available for the operation of the government.

There’s already the blame game going on up here. This blame game is confusing to most Americans, so I think it’s kind of important that we shine a light on trying to find out what’s going on up here. I’m going to give you a quick synopsis of what I think has gone on recently.

Let’s start off with the fact that the Republicans fully funded the troops and the rest of the Federal Government through FY 2011, which was sent to the 1st of October of this year, with H.R. 1 in March. The Democrats refused that submission. The Republicans are ready again this week with a submission, that we will do today, to fully fund our troops through FY 2011, and we’re ready to come back next week to debate the rest of the budget. It seems we’re hearing a message that the Democrats will refuse. The House and Senate Republicans have a bill, H.R. 1297, that simply says that our troops get their pay without any budget agreement. So far, the Democrats have refused. That’s a bill that was put together by Congressman LOUIE GOHMERT and Congressman JACK KINGSTON.

So I guess we can say that—or I would at least offer this as a submission—it seems that the Democrats want to hold our fighting men and women’s pay hostage so that they can continue their runaway Federal spending. Believe it or not, this debate here in this House today and in the Senate, which is down the way from us, is:

Are we going to continue to spend like drunken sailors, as usual, or are we going to take a hard look at what this government is doing, and are we going to turn this ship of state to a ship of state that is moving in the direction of saving the American people from this runaway spending?

The President has submitted to us a budget proposal which increases it in almost $1.5 trillion of deficit spending. What this House is trying to do is to change the mood and the attitude of where this Congress sits on the issue of spending, and it’s time for us to take a long, hard look. I would argue, if people could have taken the time and watched the debate when we sent our first submission over to the Senate, which was H.R. 1, they would have seen an extensive debate that went on for hours and hours and hours on the floor of this House, with both sides participating, as to what we would and would not submit in the way of cutting certain amounts of spending, and there were multiple, multiple votes.

This was after this same idea had been vetted in other forms, like our committee system. And yet when it went over to the Senate it was dead on arrival, and the only thing they could offer as an alternative to the submission we gave them was $6 billion worth of cuts, which they even voted down.
They didn't even pass that. They weren't even willing to take their measly little $6 billion versus our $60-plus billion that we proposed to them.

And everybody says, Where is the give-and-take? Why don't you work together, Congress? What's wrong with you people? Well, when one side does a whole bunch of work, sends it over to the other side, they say they don't like it, they reject it, and we wait and we wait and we wait and we wait for them to send something back so we can discuss it, well, we've been waiting a long time now and we still haven't gotten it back. And we've gone through two short-term CRs to give them the opportunity to go vote on some things in the Senate. I know they're slow. I mean, we all know they're slow, but we don't even see the Democrat majority in the Senate even trying to bring things to the floor for a vote on giving us an idea where they would stand on cutting spending.

Now, they love to do press releases out of smoke-filled rooms and come back from White House meetings with the President and tell us, Oh, we've got this deal—which our side certainly didn't agree to. And actually doing this so-called "Inside Track." Instead they press instead of doing it by sitting down across the table or passing a bill that we can look at and examine and see if we can't work out that bill and maybe get the comfort to do something under normal course of business here. That has not been available. Senator Reid just says, Dead on arrival. Dead on arrival. Keep trying. Dead on arrival.

And what that requires is for the House Members to—first of all, what they're really looking for us to do is to give up our principles because of threats of this government closing down. I want to make it very clear, I have heard this ever since this debate started. The leadership of the Republican House of Representatives has stated consistently, every time John Boehner steps up to the microphone, we do not want to shut down the government. And I will tell you, if people are listening with a tight ear, they will find out that any conversation about shutting down the government has always originated from the other side of the aisle where the Democrats tell us, Watch out, they're going to shut down the government. Watch out, they're going to shut down the government. And the government. And we're saying, No, we're not. We're trying to get you to respond to us and let us know what you think is the right thing for us to do to try to do something about this overwhelming debt, this overwhelming deficit, that right now is in the deficit that we're going to face in the future. I just look at this chart. And you've seen it before. It's been here. I've had it here twice. Here's 2010. So 2011 is about right there, look at 2031. Look, 30 percent right down. And right now, we're at borrowing around 30 percent here. That was during the Second World War, and this is where we've been ever since the Second World War. But all of a sudden, with the projections that President Obama has given us as to what he perceives is the right path for America, bam, that red line goes up and that red block comes there, and that's what our children and grandchildren are going to have to deal with. And we honestly believe that that takes this country and changes the very nature of what makes America great because it wipes out any opportunity that possibly our children and our grandchildren can look forward to when they are overwhelmed with debt.

Have you ever heard the debate that goes on among college parents and among college students when they graduate from college these days and they're faced with $100,000 or $200,000 worth of debt to pay for these expensive college educations? We've got out there; and they've borrowed all the money and how they are overwhelmed with debt to the point where they look at the offers that are being offered to them and they say, Holy cow. If this is what my revenues are going to be, I will never pay off this student loan. I know that I heard it from hundreds of kids because that's what it's going to be at that age. And they came back from college saying, I can't believe I've got this much debt to pay off before I even start making a living. Well, that's meager compared to what this Congress, if we don't act, is going to do to our children and our grandchildren. College debt is going to look like a walk in the park compared to that kind of accelerated debt that's going to be placed on every human being that calls themselves an American.

This is frightening. It's more frightening when you think what this Congress really needs to be about—and is about over here on our side, and I could tape on the other side too, is finding jobs for the American people. Now, what do the job creators think when they see this? People who run businesses, small businesses or large, they look at the projected future of the economy and they make decisions as to why they hire people for very simple reasons. You hire someone to advance your business. You don't hire them because you're a nice guy. You don't hire them because somebody gives you an incentive to hire them. And ultimately they are going to improve your productivity or your bottom line. That's why labor is infused into anything that people do. Most people who start out with their small business, it's all them and maybe their family. And then when they hire their first employee, they don't hire them just because they like that kid across the street. They have them because that first employee is going to make their business do better.

Now, if you look at the accumulated debt being put upon them by this government and they look at what projected debt they have to deal with, what they have to handle, where they think their revenues are going to be, what solutions there are going to be for this debt in the way of tax increases, they have to say, Whoa. Until somebody gets a handle on this stuff, we're looking at a world that I'm not sure I want to hire anybody else in.

This is not rocket science, this is very simple. You hire to prosper. If you're afraid prosperity is not going to be a result of the hiring, you don't hire.

I would argue—and I think it's an argument that's made by many, many economists and many, many editorial writers—that the fear of the unknown and the known that you think you see by the way the government is proceeding keeps a lot of people from hiring other folks. I think that's common sense. I think anybody that knows anything about business can realize that. So this looms over everybody.

I saw a cartoon up here in Washington. Many of you may have seen it. It was a gigantic elephant's behind sitting on a scale, and it had written across the back of it, "National Debt." And then on the very top of the backside of that elephant was a Band-Aid about the size that would wrap around my little finger stuck on there, and it had an arrow right there that said, "Spending Cuts."

The reality is what the Republicans have proposed in terms of spending cuts as they relate to the gigantic mess that we're in is just that teeny, weensy little Band-Aid. And yet, this very meager proposal of changing the way we spend money has been rejected out of hand by the Harry Reid Democrats over in the Senate and by our colleagues in the House. And it is on every submission that we've made, on every attempt we've made to negotiate, on every time we have said, so and so, how about you all getting together and come up with an alternative? And it's just, no, you're dead on arrival. We'll talk at the White House behind closed doors or we'll talk in smoke-filled rooms or whatever—smoke-filled rooms probably dates me a little bit, but there are still some smokers around here.

April 6, 2011

CONGRESSIONAL RECORD – HOUSE

H2393

April 6, 2011

CONGRESSIONAL RECORD – HOUSE

H2393
Committee of this House have put forward a proposal that is like you ought to have the Hallelujah Chorus in the background when they introduced it, singing “Hallelujah.” Because it was finally a budget that wasn’t the same old can we jack the spending level up, and how can we figure out a way to raise some taxes to make that work? No. It’s a budget that says this budget is going to be about prosperity and preserving the America we love for our generations to come.

If we’re not something to disagree come up on this deadline—which should make us nervous, and it makes me nervous. But the big picture is our Budget Committee has put a revolutionary budget out for discussion. And that budget is worth joy on behalf of the American people, because what it does is it says to the people around us that there are some good ideas we ought to try.

I’m joined with many of my colleagues here today, and I want to give them all an opportunity to talk. So let me finish up at least this short part of talking here and let some other folks talk.

Today where we are is a very simple place. Are we going to fund our Department of Defense and make sure our troops get paid or are we going to be so—with miniscule cuts and then continue this debate so we could probably try to get a resolution next week or are we going to reject out of hand—a now HARRY REID is making public statements to say and the President, in Atlanta, supposedly said he would veto this proposal—reject out of hand so we can worry our troops to suffer and we don’t care whether they’re getting shot at. We don’t care. We’re ready to let them get shot at and do without pay, men and women who have been risking their lives for over 10 years so that we can stand in this Chamber and talk. We ought to be ashamed of ourselves to even be thinking something.

All of us ought to be wanting to do something to make sure that those folks get their paychecks so their spouses and children back home don’t suffer while they suffer the possibility of being killed or maimed on our behalf. And that’s what this vote, this day and tomorrow, is all about.

The deadline is Friday night at midnight. We’re asking our Senators to reconsider rejecting out of hand what we are sending over and consider it in light of that momma back home with a child on her hip, telling the creditors, We have no money to pay you. And I’m sorry my husband can’t talk to you. He’s over in Afghanistan, in the mountains, trying to stay alive. Or he’s flying missions into Libya, trying to stay alive. So I think we really need to know that’s where we are in time, and the other is stuff we’re going to be talking about.

What we would like to step up, grab the microphone, and let’s talk.

My friend from Virginia, step up. Tell us what you’ve got to say.

Mr. WITTMAN. Well, thank you, Representative CARTER. I thank you and Representative GOHMERT for your leadership in putting forth a bill to make sure we address this issue of military pay for our men and women in uniform.

And, you know, Mr. Speaker, we shouldn’t even be here tonight. We should be having before us a spending decision that doesn’t call into question whether or not we can pay our men and women in uniform. That’s absolutely reprehensible. You know, it’s clear that this spending discussion needs to be focused, and it needs to be focused on making sure that we’re getting our troops paid, bottom line, period.

I had the opportunity a couple weeks ago to travel to Afghanistan, and I had the privilege there to visit with a young man who’s a lieutenant colonel in the Air Force. And I had met his family earlier in the little town of Pocosin. And I was there for a pancake breakfast one morning there at a middle school, and I had a chance to see his family there, and I talked to his wife and I looked at their kids and they told me that their father was deployed downrange. And I asked where he was, and they gave me the information. And I said, Well, listen, I’m going to be going there soon. I want to make sure that I have a chance to visit him.

So I was able to go downrange and visit this fine lieutenant colonel. He’s doing a great job for this Nation. They are under very trying conditions there in Afghanistan. I had a chance to thank him for his service and had a chance to also, when I got back, to call his wife and to thank her and her family for their sacrifice and for them staying back home here in anxiety as their father and husband served downrange.

And folks, I cannot imagine being in a situation to look that lieutenant colonel in the eye and say, You know something? Thank you for your sacrifice. Thank you for your sacrifice. But we don’t think enough about what you’re doing to even have the backbone to stand and make sure that you get paid.

You know, how do you look at their family, that mother whose at home, those children whose father and husband are downrange being deployed, and look them in the eye and say, Hey, listen, thanks for your sacrifice, but, by the way, we’re not going to be able to make a decision up here to make sure that you get the paycheck that supports your family in the weeks to come? I mean, I cannot imagine how we are letting ourselves get to that point.

Mr. Speaker, there is a lack of fortitude to make sure that we get this done and get it done now. I just as Representative CARTER said, the time is now. This needs to get done. We have a deadline of Friday. This Congress needs to act, get this done.

And also, as you pointed out, we have a spending problem here. It is clear that spending is absolutely out of control. As Mr. CARTER said, clearly there is a spending issue we need to address. We’re on an unsustainable path. This has to be done. This decision has to be done on time.

The American people expect leadership out of this Congress. They expect leadership out of both sides. As the Speaker said, we can’t continue to negotiate with ourselves. We have to have folks on the other side of the aisle that are willing and able to say yes, we’re going to get these things done; there’s at least a counterproposal, instead of saying no, no, no. There has to be more to this than “no.”

Our goal is to cut spending and reduce the size of government. It’s not to shut it down. I know you hear out there people say, oh, you know, they want to shut it down. They want to shut it down. That’s the last thing we want to do. We don’t want to shut it down. We want to make sure that our folks get paid. That’s the bottom line. And we have to get this thing done as soon as possible.

My question is: Is Congress in Washington, D.C., so out of touch that we don’t get it, that we don’t get what the American people have sent us here to do, what they want us to accomplish? Do they expect from us that we’re going to forgo a budget and not ensure that our military families get paid? I think that’s not the case.

They want the make sure we act, and I want to make sure that we act and make sure that we get things done. And I think we ought to bypass the 72-hour review rule and get this done out of respect for our men and women in uniform.

Again, I want to thank my colleagues, Mr. CARTER and Mr. GOHMERT, for their leadership in bringing this bill forward to ensure that our military get their pay.

Mr. Speaker, there is a lack of fortitude to make sure that we get this done and get it done now. I just as Representative CARTER said, the time is now. This needs to get done. We have a deadline of Friday. This Congress needs to act, get this done.

And also, as you pointed out, we have a spending problem here. It is clear that spending is absolutely out of control. As Mr. CARTER said, clearly there is a spending issue we need to address. We’re on an unsustainable path. This has to be done. This decision has to be done on time.

The American people expect leadership out of this Congress. They expect leadership out of both sides. As the Speaker said, we can’t continue to negotiate with ourselves. We have to have folks on the other side of the aisle that are willing and able to say yes, we’re going to get these things done; there’s at least a counterproposal, instead of saying no, no, no. There has to be more to this than “no.”

Our goal is to cut spending and reduce the size of government. It’s not to shut it down. I know you hear out there people say, oh, you know, they want to shut it down. They want to shut it down. That’s the last thing we want to do. We don’t want to shut it down. We want to make sure that our folks get paid. That’s the bottom line. And we have to get this thing done as soon as possible.

My question is: Is Congress in Washington, D.C., so out of touch that we don’t get it, that we don’t get what the American people have sent us here to do, what they want us to accomplish? Do they expect from us that we’re going to forgo a budget and not ensure that our military families get paid? I think that’s not the case.

They want the make sure we act, and I want to make sure that we act and make sure that we get things done. And I think we ought to bypass the 72-hour review rule and get this done out of respect for our men and women in uniform.

Again, I want to thank my colleagues, Mr. CARTER and Mr. GOHMERT, for their leadership in bringing this bill forward to ensure that our military get their pay.

I am a proud cosponsor of that act because I think it is the responsible way to go about getting things done. I was also eager to join 80 of my colleagues in signing a letter to Senate Majority Leader HARRY REID to let him know that this needs to get done: We need to pay our men and women in uniform.

You know, in my district, in what we call America’s first district, we have a proud tradition of military there, with seven military installations and a number of people there that serve this country and are now retired or in active duty. We have a great military presence there.

I got a call the other day from a mother in Stafford County. And she said, “My husband is an active duty military officer. And if I understand the news correctly, if this budget isn’t passed by April 8, 2011, the military won’t get paid and will not be paid until the budget has been passed. My family will struggle. And I am concerned about how I am going to
pay my mortgage and feed my family. If the military is asked to work without pay, you will be causing severe stress on our families. As a spouse who has endured my husband's deployment in Iraq four times, I know the thought of not getting paid would be making me sick. I also know that I would not be able to talk to my husband about this concern because I wouldn't want him to worry. Please work hard and pass the budget. I am counting on you.

You know, our military members out there do a fantastic job for this country. It is unconscionable to even think about getting paid or not getting paid, or for folks downrange to be thinking about what's happening here in Washington rather than being able to focus on their mission downrange. Folks, we need to get this done. Our military members serve this nation with honor, with distinction, and without question. And they are there performing flawlessly. They don't have to, I think, be expected to have that uncertainty about what's going to happen here in the future.

So I want to make sure that this bill gets done and that we take away any worry from our military families or folks serving downrange. Our military families need to be worrying about the everyday necessities of life, and not have to worry about getting paid and to make sure they can meet those necessities. And our men and women downrange need to be focusing on the mission that they have at hand.

I just want to say, our military and their families have been to war now for almost 10 years, some of them on their fifth, sixth, and seventh deployments. You know, we need to keep in mind the sacrifices that those families make and know the great job that they are doing, the hard work that they put forward. It's time for us to show the same resolve here and get this budget done and make sure that we without question assure that our military families get paid.

With that, Mr. CARTER, I yield back. Mr. CARTER. And I thank you very much.

Mr. CHABOT. I appreciate that. I appreciate that. And thank the gentleman for yielding to me.

I am one of the new Members of Congress that has first come here tonight. This is my first opportunity I have had to give a Special Order. And I cannot think of a better reason to be here tonight than to make sure that our military men and women have the opportunity to receive pay for their hard work and for their service to our country.

I think it's extremely important that we focus on all of the important things that this Congress is doing and the important things that this Republican Conference in the House is doing, because we recognized that from the very beginning we took every action possible to ensure that our military could get paid. We started with our first bill that addressed the problems that this country has. H.R. 1. We brought it to the House floor. It was a very important business by having an open process on the House floor. Hundreds of amendments were offered. And that bill ensured that paying our military was a priority from us. It got the job done. It did the work that the previous Congress did not do.

The previous Congress did not choose to make that a priority. They did not choose to wrap up the business of fiscal year 2011. They left that for us to do. Then they left us in a big hole as far as the debt that this country is accumulating. We came in as the adults at the table.

When our President talks about having adult conversations addressing the spending in this country and addressing the budget resolution that we need to come to, the only ones who have ever had real spending in their beginning have been the Republicans in the House. We came with H.R. 1, with real spending cuts that would put us on a much better path, that funded our military. Because we wanted to take care of them. We recognized that their families were at home while their spouses and family members were at war, and they were trying to make ends meet while that was going on.

And I will tell you that the Democrats are holding our troops hostage, that they truly are. Because they choose to do that so they can spend more money. They choose to hold them hostage and their pay hostage because they want to help this country accumulate more debt. And it's unacceptable. You know, we voted to fully fund their pay, to fund our troops through fiscal year 2011 through H.R. 1, and we are still dedicated to that, and still pursuing it because it's a very high priority for us.

I will tell you that the Department of Defense is allowed to continue operating without appropriations because of its authority to protect the national security. But I will also tell you the military personnel are scheduled to receive their paychecks on April 15. Now, if this government truly does shut down, if this is truly doomsday, if this is truly doomsday, if our tomorrow night, they will only receive 1 week's pay instead of the 2 that they are owed. And that is not right.

When you look at people who are at war, Mr. CARTER, standing on the frontlines, we can sleep safely in our beds at night and we are telling them we are not going to pay them for doing that, then that is truly a travesty, and a travesty that we should not allow to happen. And if this shutdown were to continue and to continue on and on and they would not be paid, we cannot do that to their families.

People talk about the debt that this country accumulates. And they recognize the fact that it is a big deficit, that it continues to accumulate. The way that I talk about it back home in South Dakota is that months ago, when I was making the analogy and talking about the fact that this country borrows 40 cents out of every dollar that it spends, well just in the few short months since I was talking about that back in October and November, now it's we borrow 42 cents out of every dollar. I used to tell my son you owe $42,000. You are responsible for that. That's the amount of our Federal debt that you are responsible for. Well, just in a few short months now he is responsible for almost $46,000. You know, that boy is 8 years old, and he owes that kind of money because of the irresponsibility of this government and because of the irresponsibility of the previous Congress and the Congresses before that did not get this spending under control.

That's what we are trying to address today. And that's why we are making sure we are addressing the spending cuts, we are being much more responsible in what we are doing and we are also making it a priority to make sure that our military gets funded. You know, I think that it is absolutely discouraging to see that we are even having to pursue the priority of funding our military during these times, and that it is being held hostage literally through these discussions that have gone on. It doesn't seem reasonable or fair to ask our military men and women to have to worry about the types of situations that they would be put in.

Many of them live paycheck to paycheck just like a lot of families are during this recession in America right now. They are having a tough time. How do they make their car payment? How do they make their housing payment? When they are out there standing and serving our country, we are telling their families that we are putting their ability to even pay their bills in jeopardy.

Then you look at the situation that we are accumulating more and more...
debts in this country. That is only going to lead to higher inflation. It’s only going to devalue the dollar. I was talking to someone last week about what that really means. When you talk to people on the street about what does it mean when the dollar is devalued? Well, that means that maybe that loaf of bread that that military wife needs to go buy next week when she only has half of a paycheck, well, someday instead of costing her $2 it will cost her $4. Maybe it will cost her $6.

So we are telling her not only are we putting you in the situation where you are going to be faced with high inflation, that you are going to be faced with a dollar that’s not worth as much as it used to be because people in Washington, D.C. couldn’t have some discipline in their spending habits, couldn’t make the tough decisions; well, on top of all of that, then we are going to keep your spouse’s pay on. On top of that, the government is going to pay him, though he is risking his life for our country. It absolutely is wrong. And it absolutely needs to stop.

Mortgages don’t stop. Bills don’t stop. Car payments don’t stop. How do we expect these men and women to continue paying for their everyday living expenses when they have no paycheck? In South Dakota we have an Air Force base, Ellsworth Air Force Base.

We have 1,000 civilians that work there and over 3,000 military personnel. Those people are extremely special to me. Not all of them grew up in South Dakota, but they are all serving the nation, and they are all serving this country. And I think that a government shutdown not only affects these individuals, but it also is going to impact that local economy where they are trying to raise their children and make their living. These missions, those are costly, they are vital for our national security.

Doesn’t it seem unreasonable that the Democrats here in Washington, D.C., would put those servicemen and women in harm’s way to protect our freedoms and then not compensate them for the work that they have done simply because they want to spend more money and they want to put this country further into debt?

These are all the reasons why I have fought on every CR to make sure our military men and women get paid, why we are continuing to do that, and I thank you for bringing this bill. It is critical if for no other reason I have had family members that have served. I have had friends that have served. Friends that have been overseas and have stood on that line so that we could continue to live the kind of free-dom and have the kind of liberty that we have in this country today.

But even if I didn’t, I am an American; and I recognize the importance of having them there to protect us and to protect our future, and I am grateful for the sacrifice and service that they offer to us. It is completely inappropriate for us to play politics with military pay.

We owe these men and women at least some financial stability in return for all of their service that they provide to us, to our children and to our country.

Mr. CARTER. Thank you, Congresswoman.

I want to say that I agree with everything you have to say. As you were speaking, I was thinking our soldiers are not asking for somebody to excuse their mortgage, not asking for somebody to come bail them out. They are just asking to be paid for the dangerous blood, sweat and tears work that they are doing right as we speak today.

Right now, somebody is being fired somewhere in the world in an American uniform. It’s a frightening thing to think about, but it’s true, and they just want to have the paycheck they earned. And their families back home want to be able to stay current on their bills, and they are not asking for these grandiose bailouts that this body has become famous for. They are just saying, give me my paycheck.

Now, this is not hard stuff. I want to recognize my good friend from Texas, Congressman GOHMER, who was the author of this bill. I think we got it done well.

Soldiers, might even be some of mine, Fort Hood.

You started the ball rolling. We have been talking about this for a long time. If we are getting close to this deadline, we have got to get the soldiers paid.

I want to recognize Mr. GOHMER, who introduced this, along with J ACK KINSTON. I joined with them on this.

Now our leadership is offering an alternative submission, which would fund the entire DOD, which is an even better idea because of all the contract authority and all the things that go on that get hurt by not having an appropriation finished up with. And we are hopeful, although we are hearing signals, that it’s going to be dead on arrival, and they are not going to tell us what they want us to do.

I will submit this to you, and then I will let you comment, LOUIE, and that is, I would submit, if anybody is shutting down the government, it’s the Democrats in the Senate, not the Republicans in the House.

I yield to the gentleman from Texas (Mr. GOHMER).

Mr. GOHMER. Thank you.

Your comments also point to another aspect that gets us, you talking about America, caring about those that are fighting for us and your desire to fight for those here in Washington who are fighting for us, but it also shows a great deal about your humility, because you and I both know you have been working on this issue just every bit as long and as hard as I have, and yet you are giving J ACK and me great credit and I appreciate that.

The simple truth is you have done every bit as much work, perhaps more, as J ACK and I have and the cosponsors we have here.

But, you know, things here in Washington obviously don’t get done in a vacuum, and it means when we have people like KRISTI, ROB, NAN, folks that are out here. We got over 100, I am not sure how many over 100 now, cosponsors on the bill. These are people that want to make sure that the military is not used as pawns in this game.

A lot of us haven’t been thrilled about the short-term CRs, but it does point out one thing, that the leadership of the Republicans in the House are committed and have paid the price with a lot of criticism. I recognize when we are doing short-term CRs. They are so committed to trying to do everything they can, especially Speaker BOEHNER. He has really gone as far as humanly possible to do all that he could to avoid shutting down, making it clear he doesn’t want that.

Some folks have been critical that he needed to stand up and be ready to do so. He has made it clear he doesn’t want one; he doesn’t believe it’s good for America.

And so I know my friend from Round Rock, Texas, sitting in Georgetown as a judge for so many years, often looked at things like I do, as another former district judge. You look at evidence to bear things out.

Who is at fault? The American people are going to be looking around. Who is at fault?

Well, you look at what’s happened, and the evidence is quite clear. You have a group here, a majority in the Senate.

We passed lots of bills, trying to get the funding done. And why was that? Well, the evidence is clear. The Democratic majority last year refused to do what was required and pass a budget. No budget passed, no appropriation to fund things.

Why? You can only speculate about that. It was an election year. Perhaps there was concern that if people really saw the total amount that they were going to be appropriating in all these areas that it might have even been worse in the election in November.

The people saw through, and the people that want to be a Democrat that would have any chance
of getting something passed, because the Democrats under Harry Reid are in the majority, so a Democrat, any Democrat down there, could take the bill, the bills that we have done, the CRs that we have done. They could take those and do as they did in ObamaCare.

You know, that was, boy, here again, it's the military. The ObamaCare bill was a bill to assist with a tax credit for first-time homebuyers who were veterans. And what did they do—what they had to do with that bill? Since it had to originate in the House under the Constitution, they took it, and in their bill they said they are taking the first-time homebuyer bill for veterans, stripping out every word and substituting, therefore, about 2,700 or 2,800 pages of their ObamaCare bill.

Well now, if they don't agree with what we have done, they could have taken any one of these CRs that we passed and said we don't like it; it's dead on arrival. They could have taken those, stripped out every word just like they did for the veterans, to count every word that helped the veterans and substituted, therefore, their disastrous bill in ObamaCare.

They could have done that with their own CR, what they were going to fund, what they wanted to see happen. Not one person down there in the majority of the Senate has taken the leadership to do that.

Some have said, well, why isn't the White House involved in what's going on in the Senate? Why aren't they showing some leadership down there? I heard someone say, well, that's the White House. It's a separate branch. The Vice President of the country is and has been the President of the Senate. He has not only a vested interest; he is the presiding officer of the Senate.

We have heard over and over from this President that Joe Biden is going to make sure the troops are done right. And yet what did he do when the going got tough? Maybe he is tough because he got going to Russia, and he disappeared.

When the going got tough for the President, he went to Brazil and played golf and then issued an order from down in South America sending troops into battle. And we had a former President Bush who quit playing golf. He said it just didn't feel right to know our troops were in harm's way and I would be out on some golf course.

This President not only doesn't have a problem playing golf with people who are in harm's way, he takes time out of his golf round to send more people into Libya into harm's way. And to be assured today that, hey, we really are going to get around to turning everything and the military know it includes all pay, all allowances, you're not going to miss anything if the Senate will just do right by them. We have a standalone bill that could be passed in the next day or two. It is House bill 1297. It could be done.

And yet what did he do when the going got tough? Maybe he is tough because he got going to Russia, and he disappeared.

But as my friend from Round Rock has pointed out, our leadership, Speaker Boehner, has brought a CR for 1 week. He didn't want to do that. We know he was concerned about the military. And it funds all aspects of the military through the end of the year. Then we have this fallback bill that if the Senate is doing as they're indicating—oh, it's dead on arrival. We're not even going to pick it up and put our ideas and pass it through the Senate—then obviously the evidence is clear, J. Judge. It seems to me the evidence is all in, and it's very clear: They want a shutdown. They think they win politically by forcing a shutdown and then blaming the Republicans in the House. It's not only not the Republicans in the House's fault. It's also clearly them playing games with our military, with the vital function in this country, and it isn't right.

I thank you for yielding. I do thank you so much. I know we've got several of our critical key sponsors here on the House floor. And I am so grateful for the leadership. We're talking freshmen. We're talking members who haven't been here all that long, and yet they have grabbed this issue and have shown such leadership. I appreciate you so much. Thank you, J. Judge.

Mr. Carter. Reclaiming my time. Let me point out, as Mr. Gohmert said, those of us who sat in a courtroom for years, in my case almost 21 years, you want to look at the evidence to see what the evidence shows. And just very quickly, the evidence shows first: How often were we failing to fund the government? Well, you start with last year when the Democrats were in charge of the House, the Senate, and the Presidency. They passed no budget and not one single appropriation bill, although I'm on the Appropriations Committee. They certainly could have. They just chose not to. They chose not to.

They chose the date that they would have a CR go into the next term of government. They went against the leaders of both parties, the President, and they forced a CR on the government. Well, you start with last year when the Democrats were in charge of the House, the Senate, and the Presidency. They passed no budget and not one single appropriation bill, although I'm on the Appropriations Committee. They certainly could have. They just chose not to.

So let's see. They didn't do their job. They didn't do their budget. They set up the CR deadline. We met the CR deadline with a way to fund the government for the rest of the year for all departments. They rejected it out of hand without even coming back with any alternative of any substance. They offered a $6 billion cut and spending as usual under the Obama budget. And yet now they're wanting to shut down the government and say, at least let's protect our soldiers. Let's take care of our troops.

Before we've even got it over there tomorrow, Harry Reid and the President have both made a statement tonight. "Dead on arrival," Harry Reid says. The President says, "I will veto it." He would veto funds—that's what he supposedly said in Georgia. Now I may be out of school, I didn't hear it, but I was told he did, that he said, I won't accept what Mr. Boehner is going to send to us. That's the bill that funds our troops.

I think we've got other great people. Mr. Gohmert, J. Judge, would you yield for a question?

Mr. Carter. Yes. Mr. Gohmert. Since we know it would do no good for a Republican in the Senate to take a CR and bring it to the floor of the Senate, or file it, but we also know that any Democrat in the majority down there could do that and they're indicating—oh, it's dead on arrival. We're not even going to pick it up and put our ideas and pass it through the Senate—then obviously the evidence is clear, J. Judge. It seems to me the evidence is all in, and it's very clear: They want a shutdown. They think they win politically by forcing a shutdown and then blaming the Republicans in the House. It's not only not the Republicans in the House's fault. It's also clearly them playing games with our military, with the vital function in this country, and it isn't right.

Thank you for yielding. I do thank you so much. I know we've got several of our critical key sponsors here on the House floor. And I am so grateful for the leadership. We're talking freshmen. We're talking members who haven't been here all that long, and yet they have grabbed this issue and have shown such leadership. I appreciate you so much. Thank you, J. Judge.

Mr. Carter. Reclaiming my time. Let me point out, as Mr. Gohmert said, those of us who sat in a courtroom for years, in my case almost 21 years, you want to look at the evidence to see what the evidence shows. And just very quickly, the evidence shows first: How often were we failing to fund the government? Well, you start with last year when the Democrats were in charge of the House, the Senate, and the Presidency. They passed no budget and not one single appropriation bill, although I'm on the Appropriations Committee. They certainly could have. They just chose not to. They chose not to.

They chose the date that they would have a CR go into the next term of government. They went against the leaders of both parties, the President, and they forced a CR on the government. Well, you start with last year when the Democrats were in charge of the House, the Senate, and the Presidency. They passed no budget and not one single appropriation bill, although I'm on the Appropriations Committee. They certainly could have. They just chose not to. They chose not to.

They chose the date that they would have a CR go into the next term of government. They went against the leaders of both parties, the President, and they forced a CR on the government. Well, you start with last year when the Democrats were in charge of the House, the Senate, and the Presidency. They passed no budget and not one single appropriation bill, although I'm on the Appropriations Committee. They certainly could have. They just chose not to. They chose not to.

They chose the date that they would have a CR go into the next term of government. They went against the leaders of both parties, the President, and they forced a CR on the government. Well, you start with last year when the Democrats were in charge of the House, the Senate, and the Presidency. They passed no budget and not one single appropriation bill, although I'm on the Appropriations Committee. They certainly could have. They just chose not to. They chose not to.

They chose the date that they would have a CR go into the next term of government. They went against the leaders of both parties, the President, and they forced a CR on the government. Well, you start with last year when the Democrats were in charge of the House, the Senate, and the Presidency. They passed no budget and not one single appropriation bill, although I'm on the Appropriations Committee. They certainly could have. They just chose not to. They chose not to.

They chose the date that they would have a CR go into the next term of government. They went against the leaders of both parties, the President, and they forced a CR on the government. Well, you start with last year when the Democrats were in charge of the House, the Senate, and the Presidency. They passed no budget and not one single appropriation bill, although I'm on the Appropriations Committee. They certainly could have. They just chose not to. They chose not to.

They chose the date that they would have a CR go into the next term of government. They went against the leaders of both parties, the President, and they forced a CR on the government. Well, you start with last year when the Democrats were in charge of the House, the Senate, and the Presidency. They passed no budget and not one single appropriation bill, although I'm on the Appropriations Committee. They certainly could have. They just chose not to. They chose not to.

They chose the date that they would have a CR go into the next term of government. They went against the leaders of both parties, the President, and they forced a CR on the government. Well, you start with last year when the Democrats were in charge of the House, the Senate, and the Presidency. They passed no budget and not one single appropriation bill, although I'm on the Appropriations Committee. They certainly could have. They just chose not to. They chose not to.

They chose the date that they would have a CR go into the next term of government. They went against the leaders of both parties, the President, and they forced a CR on the government. Well, you start with last year when the Democrats were in charge of the House, the Senate, and the Presidency. They passed no budget and not one single appropriation bill, although I'm on the Appropriations Committee. They certainly could have. They just chose not to. They chose not to.
Chief is that it's very likely if this shutdown occurs that our men and women in uniform would not be compensated?

This week, a senior Department of Defense official said that our troops would not be paid for the next two weeks. Just yesterday, the Pentagon spokesman said that the Department had not issued any direction to the services about implementing a shutdown. And he really skirted the question of how a shutdown would affect the pay of our service members.

Mr. Speaker, this lack of clarity is not only unnecessary, it's unconscionable. Brave men and women—Americans—are around the globe, and they are putting their lives at risk fighting for our freedom and our way of life. I just got back from a trip to Afghanistan, and it's just unbelievable to think that a young corporal in Helmand province would have to speak or somehow communicate to his wife about whether he is going to get paid or not.

Our men and women in uniform deserve our unwavering support from this Congress. If our military is not paid, Mr. Speaker, I believe that Members of Congress and the Commander in Chief should not be paid, not one nickel. My office gets calls every day from spouses of our military. They are concerned and understandably so.

Let's be clear on this, Mr. Speaker. The genius of the Great Recession was that the Democratic leadership last year had the Presidency, had the Senate and had the House, and failed to pass a budget. Not only was this a failure in leadership; I truly believe it's nothing less than an abdication of the responsibility that was entrusted to them by the American people.

So here we are debating last year's budget. And as a result, we have this climate of uncertainty. And as an entrepreneur, I know that it's holding back. As a result, we are operating under a continuing resolution which each and every service chief has said is hurting the readiness of our military.

I truly believe we are a nation at serious and increasing risk because of our failure to manage our finances properly. Indeed, that is why I ran for this office and I am proud to be a Republican tonight because we have proposed a path toward fiscal stability that would keep the government open.

It has been pointed out, rightfully so, the Senate has failed to move on that proposal. As a result, we are operating under a continuing resolution which each and every service chief has said is hurting the readiness of our military. It is difficult to do what we are called on to do, and that is why the Senate has so resisted the lead that we have offered them with the passage of a continuing resolution to compensate for a budget that was never passed for this fiscal year by the 111th Congress. It is difficult to say no to certain types of spending that have become the usual mode of behavior by the Federal Government, but that is what we are called on to do.

And what we do pales in comparison with what the men and women who put themselves in harm's way around the world must do every day. What they sacrifice must be emulated by us in this small way. We must join together in the House, and we must be joined by the Senate to pass this bill that will fund our troops through the end of fiscal year 2011 and will allow us the time that we need to bring everyone together, to bring the Senate and the President on board so that they too will have that discipline that they need so that we can do what is right for America's future and so that we can get on to thinking, as we must, about the budget for 2012 and beyond.

I thank you, Mr. CARTER, for your leadership in ensuring that our troops are properly paid for your leadership in this enormous and crucial flight for our Nation's future.

Mr. Speaker, I don't know how much time is left, but I yield to my good friend, the gentlewoman from Tennessee (Ms. Black).
Last year in 2010, it was the Republican Senators that blocked every attempt to pass legislation by threatening a veto and denying the 60 votes that were necessary. So when it came time to do a budget, it was impossible to put together because of the Republican blockade. So everything that we have heard over the last hour about the process that is now under way, the continuing resolutions, began with the blockade in the Senate by the Republicans as they continually threatened a filibuster. That's why we are where we are today.

Now, with regard to the funding of the military, let's understand that the Democrats have always consistently voted to fund the military, but it is also had extraordinary cuts that would destroy 700,000 jobs in the last 6 months of this fiscal year, March, April, May, June, July, August, September, and October—700,000 jobs lost.

The Democrats said no way, no way are we going to throw 700,000 employed Americans out of work, and we rejected that. Put a clean CR for the funding of the military, and you'll have a 100 percent vote. But when you cobble together the kinds of foolish cuts, unwarranted cuts, 700,000 lost jobs, and then attach to it the military and expect support, you won't get it.

The Democrats want this government funded, and we fought for more than a year and a half to get the government funded. We were blocked along the way. And now, as the Republicans put out these pieces of legislation, one resolution was attached to it totally unacceptable language and unacceptable cuts, to the American people, not to the Democrats, but to the American people, then we find this gridlock. What we want to do really is talk about jobs.

Joining me tonight are two wonderful legislators. One is imported from Detroit, and another one from the manufacturing capital of the world.

I want to start with an understanding of why we are where we are. I know my colleagues will help me on this.

First of all, the Democrats have been about creating jobs, from the stimulus to today. The GOP majority has been in power for 14 weeks. Zero, no, nada, nothing to create jobs. Not one jobs bill. In fact, the only bill that they have put out is a bill that was passed in February that destroys 700,000 jobs. So keep this in mind, American public. Fourteen weeks of GOP leadership in the House and not one piece of legislation that would create a job putting Americans to work this year and next year. That's the fact.

Now, another fact: Where did the deficit come from? In order to understand where we are, we need to know where we've been. The deficit is all about. Beginning with Ronald Reagan, the budget was not balanced. Ronald Reagan at the end of his term left for the American public a $1.4 trillion deficit in the years ahead. At the end of each year of his administration, it was projected going forward that there would be a $5.6 trillion surplus, wiping out the American debt. That's what happened during the Clinton administration. So that in the years beyond the Clinton administration, it was projected that the same policies gone forward, the American debt would have been wiped out.

However, another gentleman was elected, George W. Bush. In his first year in office, the Bush tax cuts went into effect, the Afghanistan war started, and the deficit began to grow once again. So that in his second year, the second Bush tax cuts were added and the Iraq war was started. Never before in America's history has a war been paid for with tax increases, instead of the Republicans and George W. Bush decided that they would start not one war, but two wars, and pay for it with borrowed money. The fourth piece was the uninsured Medicare drug benefit which didn't even require that the Federal Government force the insurance companies to compete for drugs.

The result was at the end—oh, did I forget the Great Recession? I did. You add the Great Recession to it, so at the end of the George W. Bush administration, the projection from the Congressional Budget Office was that the deficit would grow by an additional $11.5 trillion.

The George W. Bush Republican period created the Great Recession, two wars unpaid for, a major increase in the Medicare program, and the result, the Great Recession and the great deficit. This is what Obama faced the day he came into office, the greatest recession since the Great Depression and an $11.5 trillion deficit going forward. Those are the facts. That's where we started this.

Now, what are we going to do about this problem? The President has put forth a budget that would, in 8 years, significantly reduce the deficit so that it wouldn't grow and allow us to pay the interest, not removing it, not paying it all off—neither do the Republic-licans put out there puts us in a position where it would not grow. It takes time to solve the huge deficit problem that George W. Bush, Ronald Reagan, and Bush, Jr. put us into. We can do it. But we cannot do it unless we are growing the economy and creating jobs that we would now like to talk about.

I am going to turn now to my colleague from Ohio, Betty Sutton, who has been working on the issue of putting Americans to work for a long, long time. Please share with us where you are now with this proposal that you are putting forward.

Ms. Sutton. I thank the gentleman. I thank you for your leadership. You gave us a little bit of background that I think is really, really important when we talk about where this deficit came from and how it came to be. I would just add a couple of other points that I think are significant. At the end of last year, we will remember that the same people who are now cutting indiscriminately, cuts aimed at seniors, cuts aimed at middle class Americans, cuts aimed at Head Start, low-income housing, heating assistance, those same folks, some of them, were over there fighting to make sure that we had super tax cuts for billionaires that were also going to add exponentially to the deficit.

Then they turn around and say, hey, we've got this horrible deficit, and so now everyone has to sacrifice. But whenever the American people hear the word sacrifice, what they hear is everyone has to do it. What the chances are if you're in the 95 percent of the population that controls very little of the wealth in this country, they mean you. They don't mean that top 5 percent that controls most of the wealth in this country. They are all about protecting what they have and grabbing more power.

It's very interesting when we talk about where the policies coming out of the Republican House majority are the policies coming out of the Republican Senate. Development Block Grants that add to economic activities in our communities, those same folks, some of them, were over there fighting to make sure that we had super tax cuts for billionaires that were also going to add exponentially to the deficit.

I think we've got to find a way to work together so that we can reduce the deficit, and at the same time, put people back to work in those communities that are so honored to serve.
So the path that the Republicans are on, and it’s funny because we just saw the new budget proposal unveiled and they called it a path to prosperity. I think that the better name is a path to poverty. At any rate, the path that they have chosen. We have seen the hollowing out of the American manufacturing industry. For those who are not working, the seniors of America, the Republicans are proposing to end Medicare as we know it. They’ve seen a $200 annual increase in their health care bills. As a result, nearly $1 trillion in profits. Yet our Republican colleagues say they need to protect those subsidies to big oil companies, those billions of dollars in subsidies, and are continuing to protect tax breaks that ship those jobs overseas, which has led, in large part, to the decline of American manufacturing.

Mr. GARAMENDI. Thank you very much for laying out the thematics as well as the past history.

Our theme in the Democratic Caucus here in the House is one of making it in America—once again, going into Target, going down to the local automobile dealership, and finding products that are made in America. The great strength of America, historically for the last 150 years, has been its manufacturing strength, but we need to understand that, in the last decade, we have seen the hollowing out of the American manufacturing industry. In 1999, there were 17,883,000 Americans working in manufacturing. In the decade that followed, more than 6 million of those jobs were lost, and we saw the hollowing out of American manufacturing. That’s the strength. It also happens to be the middle class. So our theme is ‘make it in America.’ As you say, if America is going to make it, we must, once again, make it in America. Manufacturing matters.

Let me put up here on the board why it matters to the American public. What has happened in the last decade has been a skewed of the economy, the great unshared prosperity of America. If we look at the bottom fifth of the population, these are the poor. They’ve seen a $200 annual increase in their health care bills. As a result, nearly $1 trillion in profits. Yet our Republican colleagues say they need to protect those subsidies to big oil companies, those billions of dollars in subsidies, and are continuing to protect tax breaks that ship those jobs overseas, which has led, in large part, to the decline of American manufacturing.
Mr. GARAMENDI. Would the gentleman yield for a moment?

Mr. CLARKE. I will yield to the gentleman.

Mr. GARAMENDI. In the Republican continuing resolution, H.R. 1, they reduce the research budget for energy research here in America, cutting out vital research at the Department of Energy, at the laboratories across this Nation, which they think is—we think is, no.

Mr. CLARKE. Mr. Chairman.

Mr. GARAMENDI. Are you ready to yield, Mr. Clarke?

Mr. CLARKE. Yes.

Mr. GARAMENDI. I yield to the gentleman.

Mr. CLARKE of Michigan. Well, you're right, this makes no sense at all. And I'll tell you what's disturbing is that the British National Science Academy predicted that if we go on this path that we're going on right now—which we're going to ask the American people to back us up because we've got to put more research and development dollars into building these great manufacturing products. But if we don't do that, if we don't change, China could overtake us in scientific output in just a couple of years. That's not acceptable. We want to make sure that the best products are imported from Detroit, not from China.

Mr. GARAMENDI. Thank you so very much.

And how correct you are in laying out this strategy of how we can move the American manufacturing industry: Education, a well-educated workforce, research on fundamental issues like energy systems, batteries, transportation; and then making those things in America, importing from Detroit to American consumers and selling around the world. However, when the Republican side in the proposal such as H.R. 1—their continuing resolution that would cut 700,000 jobs out—also cut out the research budget for energy research, for battery research, for transportation research, and in addition to that, research for health. The National Institutes of Health budget was decimated. That's not good policy. We need to make these financial investments. And if the Democratic strategy of making it in America is carried forward, Detroit will prosper and America will prosper.

Another part of our country in trouble for manufacturing, but a great manufacturing center of America, is Illinois. Our Representative from that great State is here to join us, J. A. N. SCHAKOWSKY.

Ms. SCHAKOWSKY. I am so happy to join you. And I thank you for coming down to the floor each week and making the point about choices in the United States of America. We can put our people back to work. We can reduce our debt and our deficit, but we don't have to do it on the backs of middle class Americans, and we certainly don't have to do it on the backs of our elderly.

That's exactly what the budget proposal by our Republican Budget Chairman PAUL RYAN says. He said, look, the country is broke. We've got to just show courage and we've got to cut that deficit. We agree with that—and the way we think we ought to do it is by ending Medicare as we know it, by abolishing Medicare.

Instead of that guaranteed benefit that all older Americans can aspire to now, can get when they're 65 years old, that person who is getting Medicare, we'd get to know that it's there—and I cannot imagine that there is not every single Member of this House, Republican or Democrat, where people come in and say, I hope I can make it until I'm 65 because I know I can't get affordable insurance, and even if I could, I can't afford it right now or I have a pre-existing condition. He wants to do it on the backs of senior citizens.

It's been said many times tonight that 700,000 jobs would be lost if H.R. 1—the top priority of the Republicans—were to pass, that the cuts that it would make, instead of spurring on jobs, creating jobs, putting the 15 million people that want to pay taxes—that's all they want is to go back to work and actually pay taxes, that would be their dream come true, and it would also cut our deficit. But you know what the American people are thinking? They're thinking. We aren't broke—maybe we are, but not everyone is broke. That is their own perception.

This is a sign that my staff made before I introduced a bill with an idea supported by 81 percent of Americans that it is time for millionaires and billionaires to pay their fair share; 90 percent of Americans. That means it's not just Democrats and it's not just Republicans. It's Independents, and I believe that it's Tea Party people, too. They know that they are not getting a fair shake and that the millionaires are.

Did you expand that chart?

Mr. GARAMENDI. Go ahead.

Ms. SCHAKOWSKY. Well, what it says is that from 1979 to 1985, this is the growth in income over time. And you can see way down at the end there is a little bracket—even if you can't, you get the idea. There is a little sign down there that says that the bottom 20 percent of Americans over that period, almost 30 years, their income increased $200.

Let's go to the other end. The top 0.1 percent of Americans, their average income increased, actually increased, over $6 million. Their average income right now is $27 million. Get this: The bottom 90 percent of Americans—I was even shocked by this number—the average income is under $32,000 a year. Top 0.1 percent, $27 million; 90 percent of the rest of Americans, less than $32,000. This is not good for our economy and it is not good for our democracy.

Mr. GARAMENDI. Would you yield for a moment?

Mr. SCHAKOWSKY. Yes.

Mr. GARAMENDI. The Republican budget proposal put out yesterday calls for a tax decrease for that 0.1 percent from 35 percent to 25 percent.

Ms. SCHAKOWSKY. Just the people who need it, right? Just the people who need a tax break. Isn't that astonishing that they should actually pay less?

Mr. GARAMENDI. We're talking about super trickle-down theory here.

Ms. SCHAKOWSKY. Yeah. Take it from Medicare and give them a tax break.

And, by the way, the top tax bracket in the United States of America right now starts at $375,000. So if you make $27 million or $375,000, you're still paying the same tax rate.

What I did was say, okay, let's make the taxes fairer. I said, starting at $1 million—that's earning in 1 year—45 percent tax rate. And it would ratchet up, $10 to $20 million, $20 to $100 million, $100 million to $1 billion, and then $1 billion tax bracket. And you know what? There are Americans who have made $1 billion last year. The top 20 hedge fund managers, an average of over $1 billion a year. One guy made over $5 billion in 1 year. I'm saying those billionaires, that top tax bracket, 49 percent taxes. And guess what? That is lower than the tax rate in all the Reagan years. I'm under Ronald Reagan's highest tax bracket. It's fair.

This is not about punishment. It's not about revenge. It's certainly not about jealousy. It is about fairness in our tax system. And we would have plenty of money here. We wouldn't have to cut Medicare, of course we wouldn't. We wouldn't have to cut Medicaid, the poorest people off their health care. We wouldn't have to threaten seniors with cuts in Social Security benefits. And we could fund those job training programs to put people back to work. We could even fund infrastructure programs that put people on the job. Green energy programs that make America a leader in the world. We could do all those things. We are not broke as a people.
little or no support for reducing the taxes on the super wealthy but rather they go the other way. And we're wondering what they're thinking over on the other side of the aisle as they continue to skew to the create the unshared prosperity by even reducing further the taxes on the super wealthy.

Ms. SCHAKOWSKY One of the things that they say, that PAUL RYAN says, We all have to sacrifice. Shared sacrifice. I believe in that. I think that's a good idea. But some people have been sacrificing for a long time.

If you drew another line starting at the bottom left and going to the top right of productivity increases in the United States, that line would shoot way up because we have the most productive workers in the world. Productivity has soared. And yet where have the benefits gone for our more productive workers? Right here. And it has been deliberate, and it's been based on policies that have passed in the Congress, a partnership between a government that's been hand-in-hand with the wealthiest Americans. And the rest of America—and you know what, the other thing is if you started up here and tracked union membership, you would find that line going straight down.

When workers, as 62 percent of Americans agree is a good thing, have collective bargaining, they're able to help raise the middle class instead of having a disappearing middle class, which is what's happening now.

Mr. GARAMENDI. And yet we're seeing across this Nation a Republican attack on unions claiming that unions are bad. But the great history of this Nation is that the union movement, collective bargaining over these many, many decades did in fact create the middle class. And so that in the 1960s was the period of time when the middle class of America was at its peak. It had the greatest share of the income went to the middle class. It was also the time when the union movement was the strongest in America. Since that time through a variety of governmental policies, we have seen a decline in the union membership and a commensurate consistent decline in the middle class.

We're going to build the middle class. This is about making it in America. This is about rebuilding the middle class.

I want to now turn to our colleague from the great industrial—the once and future great industrial center of America, Ohio, and share with you—you've got some specific proposals that you've put forward. I'd like to talk about them. I know that our Congress has done, and I do, too, so we're going to talk about specific things that we're going to do to rebuild the middle class by making it in America.

Ms. SUTTON I thank the gentleman and I thank the gentlewoman for making the case about the fundamental unfairness about what is going on with the proposals coming from the other side of the aisle.

And I think that the point that the gentleman just made about the union movement in this country, helping to build the middle class and frankly, helping to weather us through a strong middle class in this country you know, it's that middle class that makes America so great, that people have a chance to aspire to that American dream. And so when you stand on this floor or you come here as we do, and you see attack after attack on those middle class families—from attacks on prevailing wage payments that are just living wages that are going to those folks who work in our trades. We see those attacks come up over and over again at the same time that those on the other side of the aisle are protecting that huge income disparity, it's really, really hard to take, I know for us over here, and it's hard for the people who I represent who work hard for a living and are just looking for a chance to take care of their families and make their way.

We also see those attacks on collective bargaining to silence workers, to take away the rights to even have a voice at the table, to be part of the solution, which they have been and will continue to be.

You know, those power grabs, those attempts to disempower ordinary Americans, we have to fight against. There is a better way, and this Make It in America agenda offers us that better way.

Manufacturing, we all know, is a multiplier in terms of jobs. We know that for every manufacturing job, it has a multiplier effect of four more jobs. And in some industries, the auto industries, it's as high as 10 additional jobs.

We know that where people manufacture, if we manufacture in America, we do research and development in America. We maintain our capacity to be strong as a Nation—both economically as well as in our sense of national security. What happens if we can't make it in America?

So here we are. We have a number of proposals, we know that we need a national manufacturing strategy in this country. Democrats are committed to making sure that we have one. And I want to talk to work on that I think the American people—honestly I think that they expect this, and I'm hoping that our friends across the aisle will see fit to join us in the effort to make sure that when taxpayer money is used to build our infrastructure, which in and of itself puts people to work, we will use that taxpayer money to buy American iron and steel and manufactured goods and get that multiplier effect as we build our streets and our roads, and our bridges and our sewer systems and our alternative energy products.

Mr. GARAMENDI. Could you just yield for a moment?

Mr. GARAMENDI. There's a piece of legislation that someone introduced that's called Don't Let American Jobs Go Down the Drain. Do you know who the gentleman who introduced that piece of legislation?

Ms. SUTTON. Absolutely. I introduced that legislation.

Mr. GARAMENDI. I thought you did.

Ms. SUTTON. I thank the gentleman for running it up. It is called Keep American Jobs from Going Down the Drain Act. And what it says is very simple. It says that as we do what we need to do in this country to rebuild our infrastructure, our water and sewer systems, that we will make sure we do it using American iron and steel and manufactured goods because that puts the American people back to work.

Other countries have similar procurement policies, and it's way past time that this country also do that it can to keep these jobs right here in Ohio, right here in America.

Mr. GARAMENDI. Well, I love the title, but even more so, I love the purpose of your legislation. Using our tax dollars to build the infrastructure, the wastewater systems, the sanitation systems that every city, every community needs, and using that money to buy American-made pumps and pipes and fittings and valves and all of the rest of the things that go into those kinds of systems.

It's not the only place where American taxpayers' money can be used.

Let me give you a couple of examples, and these are my pieces of my legislation that deal with a similar theme. We all pay gasoline tax and a diesel tax—18½ cents on the Federal side and 25 cents for diesel on the Federal side. Where does that money go? It goes to build our streets, highways, and buy our buses and trains.

We need a firm policy that says if it is American taxpayer money, it's going to be used to buy American-made buses, trains, American-made steel, concrete. We need to use our tax money to build the American economy so that we are making those things in America.

I'm going to give you the poster child for the wrong policy. State of California going to rebuild the San Francisco-Oakland Bay Bridge, a multibillion-dollar project. An American contractor came in with two bids. One bid was for steel in America, and the other bid was for steel made in China. The Chinese steel was 10 percent cheaper.

The State of California—wrong-headed, big mistake—went out and said, Well, we're going to save 10 percent. Turns out, the Chinese steel was defective, the welds were defective, the bridge was delayed. The 10 percent disappeared. The 10 percent added. And the American jobs were lost. Never ever, ever again should that happen in America. If it's American taxpayer money, then by golly, use American-
made products. I love it. Don't let American jobs go down the drain. Make sure we are making it in America.

One more thing, and then I want to turn to our minority whip to talk about Make It in America.

We also use American taxpayer dollars to build the solar systems and the wind turbines in America. Are they made in America? They ought to be. There are American manufacturers that make wind turbines and make solar. Once again, our taxpayer money. Is it going to be used to buy solar panels from China or wind turbines from Europe, or is it going to be used to buy American-made wind turbines and American-made solar panels? We must pass legislation, and it ought to be Democrat and Republican alike, that says finally it's going to be American made. We are going to make it in America so that Americans can make it.

Let me now turn to STENY HOYER, our esteemed leader, the whip of the Democratic Caucus, Mr. HOYER.

Mr. HOYER. Mr. GARAMENDI, I thank you not only for your yielding, but more importantly for the extra-territorial time you have invested in educating all the Members of this House on both sides of the aisle in what can truly be perceived I think as an absolutely nonpartisan, bipartisan, pro-American agenda that says we ought to make it in America. And if we do, we are going to succeed in America. We're going to succeed in America.

You've got our logo up there, Manufacturing Matters. I want to congratulate you, and I want to congratulate Ms. SUTTON from Ohio, who has been such an extraordinary advocate. Her legislation in many respects took the automobile industry and put it back on track. That was an action that saved literally hundreds of thousands of jobs. Thousands of jobs in the automobile industry, but all the jobs that are related to the automobile industry. And I congratulate BETTY SUTTON for the leadership she showed. That legislation of course was passed in a bipartisan fashion. Not a partisan divide on that issue.

Mr. GARAMENDI has been not only educating the Members of this House, but as the American public watches the proceedings in this House, educating them all over America and talk to groups, and there is not a group that I have talked to, no matter how liberal, how conservative, whether it's a Democratic group, a nonpartisan group, anywhere in this country, and I have talked to a number of the heads of major corporations, and I have talked to a lot of heads of small corporations, 200, 300, 400 members, and all of them are appreciative of the fact that we have focused the Congress of the United States and the administration and everybody on the importance of making things in America.

BETTY SUTTON, as I walked on the floor, was talking about the kinds of jobs that we create in manufacturing, which have on average a 22 percent higher salary. That middle income, middle class workers, working Americans can have the kind of quality of life that they deserve. And when you see Ford bringing jobs back to America, you see Whirlpool bringing jobs back to America, you see other corporations bringing jobs back to America, why are they bringing them back to America? Because they are finding out that the American workforce is of better quality and higher productivity.

The gentleman from California mentioned the steel in the bridge that's being built. We make the best steel in America. I was visiting the president of U.S. Steel in Pittsburgh. Extraordinary technology. And we are the most productive producer of steel now. We frankly in the fifties sort of rested on our laurels. And then in the sixties and seventies, the Japanese, the Koreans, and others built new plants and they overtook us in technology. But it wasn't because we couldn't compete; it was that we weren't competing.

What Make It In America says is American workers can compete with anybody in the world. And we are prepared to do so. And this Congress hopefully is going to give them the incentives and the tools to do that. So I wanted to come on the floor and join you, as I like in evenings past, to thank you, because I believe this agenda, if it's known to our Republican colleagues fully and our Democratic colleagues, but much more importantly to the American people, it's an agenda that I have found has the support of 8 to 9 of every American who shake their head and say, yes, that's the deal. I don't mean that the 1 or 10 percent are against it. It's just that about 85 percent say, yes, that's what we need to do. Americans believe that America can be again the center of manufacturing and growth and the creation of jobs.

We know that we've lost some 8 million jobs over the last few years. 3 or 4 years. We know that Americans are struggling to find employment. Well, if we want to find employment for them we need to create jobs for them. We need to focus on creating jobs. I am hopeful that as we move on in the coming months that we will in fact start focusing on jobs, on job creation. We have created, as you know, 1.75 million new private sector jobs over the last 13 months. But that's not enough. It's progress, but.

So I congratulate the gentleman and thank him for his leadership. And I thank Ms. SUTTON for hers as well. Two giants in focusing on an agenda that we call Make It In America. Mr. GARAMENDI. Your kind words are much appreciated. But you are very much a part of this. This logo itself and the theme Make It In America was one that you developed. And we appreciate that and value the leadership that you have put into this.

I want to turn back to our colleague from Ohio. We have about 7 minutes, I believe, and we are going to wrap this thing up. Mr. HOYER, thank you very much. We really appreciate your work here.

Ms. SUTTON, if you will carry on, I am going to find one more of these phrases.

Ms. SUTTON. I thank the gentleman.

You know, again, this Make It In America agenda, it really is something that we believe that whether you are a Republican, a Democrat, that everybody can embrace, and frankly, everybody needs to embrace. We saw what happened when we had our economy relying on the financial sector, where you had a few people moving money around. And it wasn't real value that was being created. When that bubble burst, we had a big problem. But when you engage in manufacturing, you take something of lesser value and you turn it into something of greater value. That is something that we can rely on.

So one of the things that we have to do is we have to have a national manufacturing strategy. And in that national manufacturing strategy, like on the agenda, the Make It In America agenda, we need to look at a number of the tools and how these tools work together so that they will support U.S. manufacturing and U.S. workers.

Why do we need a manufacturing strategy? Well, it's kind of obvious, but I do think it's worth noting that others have had national manufacturing strategies. So Germany has one, South Korea has one. In fact, every other industrialized nation has a network of currency, trade, tax, investment, innovation, and skills policies that promote their domestic manufacturing. So right here in the House we encourage our colleagues on the other side of the aisle to join us in this Make It In America agenda, to promote a national manufacturing strategy that deals with trade policies that are fair, and that will be a reciprocity of trade that will no longer leave our workers and our businesses at an unfair disadvantage, where others will be forced to play by the rules in the same way that our manufacturers and our workers play by our rules. A program that also promotes tax policies that encourage manufacturing in this country and stops the outsourcing of jobs overseas, which we have seen take place for decades now. That will be smart with respect to our energy policies, our labor policies.

We shouldn't be attacking workers. Workers are not the ones who drove our economy off the cliff. So that whole issue of disproportionate share of sacrifice, right? Just like we saw the disproportionate wealth accumulated in this country as it did with the help of the policies that were promoted by the last Republican administration. We need education policies as a part of that national manufacturing strategy to create a workforce that keeps our companies competitive and on top. Policies that protect intellectual property and research and development right here.
Because where you have research and development you have manufacturing, and vice versa.

Of course, we need to strengthen and rebuild this country by investing in our infrastructure. It puts people to work, and it is what we need to do. Smart cuts make sense, but so do smart investments, and infrastructure is a good way to go.

Mr. GARAMENDI. I am going to pick up right on the issues that you raised. These are the essential elements of a manufacturing strategy. So if we are going to make things here in America, we need to make things in America and these are the essential things.

You talk about trade policy. We cannot continue just to give it all away and just expect to be importers of cheap products made somewhere. So we need good trade policies that position America's manufacturing sector to be competitive. We speak specifically here of China, a lot of issues involved in China, currency; and it goes on and on. But this is one of the areas where we must stand firmly or else we will lose it because somebody else is going to make it anyway.

Unfairly, taxes. The tax policy of the Nation needs to encourage manufacturing. I want to give two examples that were part of the Democratic agenda, and these are now in law. Last year, as part of our program, we provided a tax break for American manufacturers who invested in capital equipment. We said, don't worry about depreciation. You invest in capital equipment, that is grow your manufacturing capacity and you could write off against your taxes in 1 year, that investment. That's a tax policy.

The second tax policy we said is it's not right for American corporations to get a tax break when they offshore jobs. We said enough of that. No more, you cannot do that. On both of these policies, our Republican colleagues refuse to join us. So presumably they want to continue giving corporations tax breaks when they send jobs offshore, and they don't care whether American companies invest here in the United States with capital equipment.

Energy, crucial, crucial. We cannot any longer put our future to risk on international oil markets. We are seeing it today, the extraordinary rise in the cost of gasoline and diesel, energy policy, energy independence, advanced biofuels, conservation, electric cars, all of those things.

Labor. You talked about labor. Again, it was the labor movement that created the middle class in America by standing firm and saying the workers of America need to share in the great wealth of America. We have seen the decline of labor, and we have seen the equalization of that middle class. They go together.

Labor, fair labor rules, what's going on in the Midwest, Wisconsin, your State of Ohio, other States, is wrong. The labor movement and collective bargaining is crucial to America's middle class because that gives the foundation, education policy.

What in the world are our Republican colleagues saying when we are asking about the three cut education funding? If we are going to compete, we need a well-educated workforce, and you can't do it on the cheap. It requires an investment.

I use intellectual property here, we could just as easily use the word "research." It is from the research that the new products are created. It's in those new products that the great profits are, and it's where we must protect the research.

Again, my Republican colleagues, why are you reducing the research budget for America? Why are you doing that, when, in fact, that's where the future industries come from? Don't, don't cut there.

And, finally, infrastructure, the foundation upon which everything moves, including thought.

We used to think of infrastructure being roads, streets, water systems, sanitation systems, yes. And now it's the intellectual infrastructure, the intellectual highway. All of that infrastructure is crucial if we fail to invest. By the way, in terms of the Net highway, access to the Net, the United States falls behind virtually every other industrialized country in the world and in many cases behind developing countries.

This is a Make it in America strategy. These are the elements: trade policy, tax policy, energy policy, labor policy, education, research, intellectual property and infrastructure. This is the Democratic agenda. This is what we are putting forth. This is what we will fight for because this is how you build the American middle class, by making it in America.

I want to thank my colleagues Ms. SUTTON; Mr. CLARKE, who was here earlier; our minority leader. We use the words minority whip now. You were our majority leader just a few months ago, and you will once again be because this agenda, the Make it in America, is the American solution to our economy and to our economic growth and to rebuilding the great American middle class.

I yield back the balance of my time.

HONORING FORMER CONGRESSMAN JOHN ADLER

The SPEAKER pro tempore (Mr. REED). Under the Speaker's announced policy of January 5, 2011, the gentleman from New Jersey (Mr. LANCE) is recognized for 17 minutes.

Mr. LANCE. Mr. Speaker, I rise this evening in a very sad moment for the people of the State of New Jersey. I want to thank the Speaker, Mr. PALLONE, who will join me this evening, as well as other Members of the House, as we pay tribute to our colleague, John Adler, who served in this House in the last Congress, an extremely close personal friend of mine, he and I having served 17 years together in the New Jersey legislature.

Mr. Speaker, before I deliver my remarks, we are honored this evening to remember the life of a former majority leader, who certainly knew Congressman Adler well.

I yield to the distinguished minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank my friend for yielding.

I did not know that he was taking a Special Order, but I was here on the floor, went over to say hello to my dear friend and he indicated this Special Order was being taken for John Adler.

John Adler died too young. John Adler contributed extraordinarily to his family, to his community, to his State and to his Nation.

He served here too short a time. He was full of energy and of ideas, of intellect, of integrity; and he became a good friend in a short period of time. And I counted him as one of the assets of this Congress, not a Democratic asset or a Republican asset, but someone who cared about his country and who wanted to see it adopt policies that were productive for its people.

It is appropriate that we remember this too short a life that, notwithstanding its brevity, was filled with great productivity, service and commitment. I appreciate the fact that the members of the New Jersey delegation have allowed me to join them, Mr. Speaker, in paying tribute to this great American.

I want to say to his family, I called Shelley the other day and didn't get her but left a message, four children are missing their father tonight, a loving wife, whom I got to know as well, missing her husband. While our loss is certainly not as personal or as keen as their loss, we share that loss in a very real sense.

Not only have we lost an American political asset; we've lost a friend and a colleague. For that we will say a prayer for his family, and we will be there for his family whenever they need us.

So I thank the gentleman from New Jersey, my friend Mr. LANCE, for giving me this time to join him and Mr. PALLONE and Mr. HOYER in paying tribute to this wonderful human being whom we had the privilege of serving with, for too brief a time.

Mr. LANCE. Thank you very much, Mr. HOYER.

Mr. Speaker, I have known John Adler for 20 years.

He entered the New Jersey State Senate in January 1992, having been the only Democratic candidate to win an open seat that year, defeating an incumbent Republican, who was not a strong year for the Democratic Party, and it was a strong year for my party, the Republican Party. And so he came to Trenton as a phenomenon.
April 6, 2011

CONGRESSIONAL RECORD — HOUSE  H2405

He was a very young man. He was born in 1959, so he would have been 32 years old when he became a member of the State Senate. I had been elected to an unprecedented term in the General Assembly the year before, and I served in the 3rd Legislative District, which is a corner of our legislature, and he served continually in our upper house, in our State Senate, having first been elected in 1991, and then reelected in 1993, 1997, 2001, 2003 and 2007.

He rose to a position of prominence in the New Jersey Senate. He eventually chaired the State Senate Judiciary Committee, which is an extremely important responsibility in the structure of our government in New Jersey. And he was always interested in public policy. The year before he was elected to the State Senate, he had run as an underdog in a congressional race. And although he did not win that race, I think that many took note of his candidacy, and I think that propelled him into State Senate service.

I moved from the lower house of the New Jersey legislature to the State Senate in the election of 2001 when we became direct colleagues, and we worked together on many different issues, both legislative and extremely competent fashion.

Indeed, we sat next to each other for a period of time of our service in the State Senate only by the center aisle. To those who know our State Capitol in Trenton, the State Senate chamber is a very small room. It was designed originally for 21 members, one State Senator from each of our 21 counties, and when the State Senate was increased in population in the 1960s, based upon the principle of one person one vote, to 40 members, it became a place where it’s really quite overcrowded. And so we really sat extremely close to each other in this small State Senate.

John Adler’s career in the legislature was one of distinction—for example, prohibiting smoking in indoor public places and workplaces. He also sponsored an act promoting lower vehicle emissions and an antipredatory lending act to protect consumers from unfair credit practices. And based on that and many other accomplishments when he came here, he was appointed to the Financial Services Committee, the committee to which I was appointed, as well, and so we became colleagues not only here in this Chamber, the House of Representatives, the people’s House across the United States, but we became colleagues on the Financial Services Committee.

John was not raised in circumstances of affluence. He lost his father when he was a young man, and for him and his mother, it was a struggle. And yet despite that, he went to Harvard. He was graduated from Harvard College in 1981, and from Harvard Law School in 1984. He was an excellent student. And at Harvard, he met the person who became his wife, Shelley, someone whom I know and who is known by my wife, Heidi, and we consider ourselves to be friends with the entire Adler family.

And together, John and Shelley brought into this world four wonderful sons, J eff, Alex, Andrew and Oliver, all of whom are very accomplished at the moment. Alex is at Cornell, and they have two younger brothers. And tonight on this sad day, the day when John’s funeral took place at Temple Emanuel in Cherry Hill, we remember prayerfully his wife, Shelley, and their beautiful sons, J eff, Alex, Andrew and Oliver.

In 2008, there were two open seats in the House of Representatives in New Jersey due to retirements: Jim Saxton in District 3 and Mike Ferguson in District 7. And John succeeded Jim Saxton, as I had the honor of succeeding Mike Ferguson. So we were the only freshmen in the class of 2008 from New Jersey. And I think that we shared that bond as, of course, every member of his class shares a particular and special bond.

Certainly, it is exciting for someone to move from a State legislative chamber here to the House of Representatives, and I think that we shared that excitement exactly the same way. We went together to the Harvard seminar that took place for new members, and of course the orientation that takes place here and when we would bump into each other in the Hall here during orientation times we thought, what were we doing here? It was an exciting time for both of us.

John Adler was a person of enormous wit, a very dry, subtle, and sophisticated wit. And it really pierced the veil of much of what occurs in public life and in political life where in so many instances we take ourselves too seriously. That was not Congressman Adler.

He had been involved over the course of his life in many different charitable activities. He served on the Cherry Hill Township Council before he went to the State legislature, the boards of the Camden County Chapter of the American Red Cross, the Food Bank of South Jersey, the Virtua West Jersey Health and Hospital Foundation, and the Camden County Advisory Board on Children. And certainly his respect for the political process is something that we should all recall, especially those of us who have the honor of serving with him in Trenton and in Washington.

I believe that those who serve in public life do so out of a sense of responsibility. John Adler could have made a great fortune in the practice of law given his native intelligence, given his academic training and given his ability as a speaker. He chose to be involved in public life in Cherry Hill, a great suburban community in Camden County in southern New Jersey, in the State legislature, and then as a member of Congress, where he was my colleague and a friend, a dedicated public servant, representing the people of New Jersey (Mr. PALLONE) for setting aside this time.

Too young, too soon, not fair, not explicable in a larger sense. It is with great sadness that we come to the floor tonight to honor the life of a fine colleague and a friend, a dedicated public servant to the State of New Jersey, John Adler.

He was dedicated to the service of the people of New Jersey. His devotion to New Jersey led him to run for and win a congressional seat in 2008, as you heard from our colleague, Mr. Lance. While John ultimately was not returned to this body for this session of Congress, his legacy of public service will indeed live on. No doubt he would have continued to find ways to improve the lives of New Jerseyans.

Sharing not only a State but also a hallway in the Longworth Office Building with John, I had an opportunity to get to know him fairly well. He was a wonderful colleague. I will miss, as we all will, his cheerful demeanor and wonderful sense of humor that he brought to all of his work. A sense of humor, a good spirit in good times and in bad. And I will miss his wisdom and his sharp political insight and his political judgment.

Today, during a memorial at his funeral in New Jersey, we were many comments made, and I would like to read a few. His law school roommate...
and best man commented that John Adler really did believe that worrying was just a waste of time. He believed that any setback was an opportunity for something good to happen.

Friends reminded us that after he had run but Congress was still in session for another 2 months, John continued diligently to work here in Congress. As they said, he wanted to continue to make sure that he made it to all of the caucuses meetings on time. He wanted to continue to make the right votes for the people of New Jersey. Congress was still in session for another 2 months, but John Adler, a good friend of ours, decided to retire.

His brother-in-law commented that playing knowledge games against John was like playing against Google. He recalled John's near-brush with "Ijeopardy!" fame that fizzled after the former Congressman paid, out of his own pocket, to fly for a taping to the makeup room, and one of the producers said that he was like a "smartest people that I have ever met." John Adler really did believe that worrying was a waste of time. He believed that any setback was an opportunity for something good to happen.

Said his brother-in-law: You mean you flew all the way out to California on your own dime? Why on Earth would you tell them that? And John replied, because I didn't want to lie.

Shelley, John's wife, is an accomplished, lovely person. And there is every indication that their sons are as bright and public spirited as their parents. This is a real loss for many of us, as well as for the people of New Jersey.

I ask that the Members of the House join me in extending our sympathy and condolences to John's family and friends and his many admirers.

TRIBUTE TO FORMER CONGRESSMAN JOHN ADLER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New Jersey (Mr. Pallone) is recognized for 17 minutes.

Mr. PALLONE. Thank you, Mr. Speaker; and I want to continue making this tribute and joining my colleagues, Congressman Lance and Congresswoman Holt, in this tribute this evening to John Adler, a good friend and one of our colleagues.

I don't need to repeat some of the things that my colleagues have already said, but I would like to talk a little bit about some instances of my own life that also involved John.

I think Mr. Lance mentioned how difficult his political life was in the sense that he was always running in areas that were primarily or historically Republican. When he was elected to the State senate back in the early 1990s, he won in an upset against an incumbent. Of course, we're all familiar for the congress seat that used to mine in the south in Ocean County, he was very much running against the odds. That seat had been held by Congressman Saxton, who was also a good friend for many years, and was Republican as far back as anyone can remember. And he still won. I think he won by 51 or 52 percent of the vote. He just always faced challenges like that.

It was growing up that his father died also of a heart condition at a young age, I think 47 years old; and I don't even know if John was in high school at that time. He would often talk on the campaign trail about it and having to depend on Social Security benefits, and he was able to relate to people because of his upbringing, those who were struggling and those who had a hard time because maybe they had lost a father or didn't have a parent or grew up in circumstances where they didn't have much money.

I think that the energy and the willingness to always take on the fight very much characterized John. As was mentioned, he really was one of the smartest people that we ever met. I remember on another occasion when we were at a campaign event and I was introducing him, and I mentioned he graduated undergraduate from Harvard University and then went on to Harvard Law School. He was impressed with that. After the event was over, he came up to me and said, Frank, don't mention I went to Harvard; I have to be humble. And that certainly doesn't indicate any kind of humility on his part. Not that he wasn't proud of it, he certainly was, and he had reason to be.

But he always wanted to relate to the average person, to the middle class person, to the little guy because that was his upbringing. That is what he was really all about. That is why he wanted to come to Congress.

As Mr. Lance mentioned, anybody who graduates from Harvard undergraduate and law school could easily make a life making money and doing well financially, but he decided he wanted to go into politics. He wanted to help people. And even if it meant he had to run in a district and work hard and raise a lot of money to campaign in order to win, he was determined to do that because he really believed that that is what life is all about, giving back, giving to the public, giving back to his country.

I want to just mention a couple of other things that were kind of interesting. John would always talk about his family. I don't know how long it takes to go back and forth to where he lived in Cherry Hill exactly, probably a couple of hours, maybe a little more, but he was always determined to go back and forth as much as possible. Even when he was here, in order to make sure that he was able to help his family and not spend a lot of money, he would spend the night in his office because he wanted to make sure that he had enough money to pay for it.

He always talked about his kids; he talked about their education. He was so proud of the fact of where they were going to college and talked to me many times about them and their education and wanted to go back home so he could go to an athletic event with them or just be with them and his wife, Shelley.

The one thing that everyone comments about is not only John's humility but also his sense of humor. I have to tell you that many times I would come to the floor and sometimes I always remember him over in that set of the House floor. I would always come up to him and ask him if he wanted to do a 1-minute Special Order or if he wanted to do this or that. I was always nagging him to do different things. And sometimes he would do, and sometimes he wouldn't; but he would always tell a joke. He always would make me laugh.

I have to be honest that oftentimes after a long day here in the House of Representatives, that's really what you need. You need someone to tell a joke or to make you laugh with his wit, with his sense of humor. It was a very charming thing. I'm not sure that I can really describe it well.

Also, on the campaign trail, John Runyan, his successor in Congress, was here speaking the other night. You couldn't help when you saw John Adler and John Runyan together, it's this huge guy, a football player, big, tall, and, of course, John Adler was so slight. He always exercised. I don't even know how much he weighed, but he was very slight. The contrast between them was sort of interesting. John would always poke fun at that as well, the fact that he was a slight guy and that John Runyan was such a big guy as a football player.

I heard Mr. Lance talk about Ocean County. John and John Runyan are very close to Ocean County. I can't help but mention one aspect of that, and that is the fact that when he first was running in Ocean County, because I used to represent it at one time, he would remark to me about how beautiful it was, how wonderful the beaches were, and he was very concerned to preserve the quality of the beaches, the quality of the ocean, and also protect the industries that used them, particularly the fishing industry. There was an organization called the Recreational Fishing Alliance that was very supportive of John because he was very concerned about the fishing industry. It was historically part of Ocean County and part of New Jersey going back to even Colonial times, and so he felt he had a special role to play in trying to protect the industry.

They appreciated it. Fishermen, maybe unlike some people, they can kind of see whether you're really on their side and whether you really are truly supportive of them and understand their concerns. They understood that John did, and they really appreciated all the help that he gave them.
I know our time is running out. I did want to first recognize my colleague, Mr. PASCRELL, and then after that, I wanted to read a statement from former Governor Jon Corzine into the record because he had asked that I do that at the time of his death.

At this point I would yield to my colleague from New Jersey.

Mr. PASCRELL. I thank the gentleman for yielding.

I really am honored to be on the floor with two great congressmen, Congressman PALLONE and Congressman LANCE. I know the three of us served in the New Jersey legislature. J ohn Adler was a great New Jersey Senator. He was everything but a Harvard man. In other words, he didn’t act like a Harvard man. You could connect with him. He was a human being, above everything else. He was tenacious on the campaign trail, but he was more valuable as a public servant in the best sense.

I was proud of the ones he loved.”

Today, we owe a debt of gratitude to Shelley Adler for sharing J ohn with countless New J erseyans who, whether they knew it or not, are better off because of her loving and generous husband.

“J ohn’s true legacy, however, as Shelley would certainly attest, is found in four wonderful boys who will undoubtedly enrich their communities with the same spirit of compassion and commitment to the greater good found in their father.”

“While we mourn J ohn’s passing, may we also celebrate him by remembering that our own lives are defined by those moments when we decide to stop and help someone else.”

Those are the comments by former Governor Corzine.

Mr. Speaker, I know that Congressmen HOLT before mentioned some of the statements that were made by friends and relatives at J ohn Adler’s funeral. The Hon. Frank Pallone Jr. and J ohn Adler were not a Trenton guy. He was not a Washington guy. He came here to do a job. The eldest, Andrew, emotionally recounted a particular moment that exemplified J ohn’s joie de vivre, when the Harvard-school pol would exit a stage—ignoring completely the half-stack of steps attached to the side—and he would bound off the front onto the people’s floor.

Two of his sons spoke at the funeral. The eldest, Andrew, emotionally recalled how much his father would get from doing the mundane family things, like attending soccer games, yelling some absurdity onto the field at tense moments. “I will always miss him,” his son said. “But I know he was always proud of the ones he loved.”

Lastly, Mr. Speaker, the rabbi concluded the ceremony with a poem that ends:

“Perhaps my time seemed all too brief. Don’t lengthen it now with undue grief. Lift up your hearts and share with me. God wanted me now, he set me free. With that, Mr. Speaker, I would yield back the balance of my time.”

ENROLLED BILL SIGNED
Karen L. Haas, Clerk of the House, reports that on March 30, 2011 she presented to the President of the United States, for his approval, the following bill:

H.R. 1079. To amend the Internal Revenue Code of 1986 to extend the reimbursement and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT
Karen L. Haas, Clerk of the House, reports that on April 6, 2011 she presented to the President of the United States, for his approval, the following bill:

H.R. 1066. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule—Defense Federal Acquisition Regulation Supplement; Acquisition of Commercial Items (DFARS Case 2008-D013) (RIN: 0750-AG23) received March 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

H.R. 1067. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule—Defense Federal Acquisition Regulation Supplement; Acquisition of Commercial Items (DFARS Case 2008-D013) (RIN: 0750-AG23) received March 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

H.R. 1065. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule—Defense Federal Acquisition Regulation Supplement; Acquisition of Commercial Items (DFARS Case 2008-D013) (RIN: 0750-AG23) received March 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

H.R. 1064. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule—Defense Federal Acquisition Regulation Supplement; Acquisition of Commercial Items (DFARS Case 2008-D013) (RIN: 0750-AG23) received March 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

H.R. 1063. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule—Defense Federal Acquisition Regulation Supplement; Acquisition of Commercial Items (DFARS Case 2008-D013) (RIN: 0750-AG23) received March 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

H.R. 1062. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule—Defense Federal Acquisition Regulation Supplement; Acquisition of Commercial Items (DFARS Case 2008-D013) (RIN: 0750-AG23) received March 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

H.R. 1061. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule—Defense Federal Acquisition Regulation Supplement; Acquisition of Commercial Items (DFARS Case 2008-D013) (RIN: 0750-AG23) received March 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

H.R. 1060. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department’s final rule—Final Flood Elevation Determinations (DECK et al.; FEMA-200326) received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.
1089. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department’s final rule — Changes in Flood Elevation Determinations [Docket ID: ED-2010-0002; received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.


1091. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — National Priorities List, Final Rule No. 51 [EPA-HQ-400-R-2010-0072, 7007, 0075, 0076, 0079, 0081, 0082, 0083, 0084, 0086, FRL-9277-8 (RIN: 2050-AD75)] received March 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


1093. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revisions to the Open Burning Regulations [EPA-R-03-OAR-2010-0903 FRL-9279-8] received March 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


1096. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department’s final rule — Standards Governing the Release of a Suspicious Activity Report [Docket No.: Treasury-2010-0016] (RIN: 1550-AC28) received March 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1097. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department’s final rule — Stock Benefit Plans in Mutual-to-Stock Conversion [Docket No.: Docket ID: 2010-0018] (RIN: 1550-AC10) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1098. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department’s final rule — Permissible Activities of Savings and Loan Holding Companies [Docket ID: OTS-2007-0007] (RIN: 1550-AC10) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1099. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department’s final rule — Prohibited Service at Savings and Loan Holding Companies [OTS-2007-0008] (RIN: 1550-AC14) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1100. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department’s final rule — Community Reinvestment Act-Community Reinvestment Act-Community Reinvestment Area [Docket No.: 2006-16] (RIN: 1900-AB48) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1101. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department’s final rule — Confidentiality of Suspicious Activity Reports [Docket ID: OTS-2010-0015] (RIN: 1550-AC10) received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1102. A letter from the Secretary, Department of Homeland Security, transmitting the Department’s final rule — Department of Education Acquisition Regulation [Docket ID: ED-2010-0015] (RIN: 1900-AA16) received March 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.


1104. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Amendments to the National HEPA Filter Certification Program; Final Rule [EPA-HQ-OAR-2009-0528] received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.
REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. CAMP: Committee on Ways and Means. H.R. 1232. A bill to amend the Internal Revenue Code of 1986 to provide for Medicare tax benefits relating to abortion; with an amendment (Rept. 112-55). Referred to the Committee of the Whole House on the State of the Union.

Ms. FOXX: Committee on Rules. House Resolution 206. A resolution providing for consideration of the bill (H.R. 1363) making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes; and waiving a requirement of clause 6(a) of rule XII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 112-56). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SULLIVAN (for himself, Mr. BOREN, Mr. LARSON of Connecticut, Mr. BRADY of Texas, Mr. McCaul, Ms. SUTTON, Mr. GENE GREEN of Texas, Mr. SHUSTER, Mr. SIMPSON, Mr. BACHUS, Mr. ALEXANDER, MR. GRIMM, Mr. BURTON of Indiana, Mr. THOMPSON of Pennsylvania, Mr. LUJAN, Mr. CRUZ, Mr. BISHOP of Georgia, Mr. CUELLAR, Mr. DOYLE, Ms. KAPTUR, Mr. KISSELL, Mr. LIPINSKI, Mr. MATHESON, Mr. MURPHY of Florida, Mr. ROSS of Arkansas, Mr. LUCAS, Mr. WELCH, Mr. COLE, Mr. MCINTYRE, Mr. BILLRAY, Mr. CULBERSON, Ms. BLACKBURN, Mr. DONNELLY of Indiana, Mr. BOUSTANY, Mr. FLEMING, Mr. CHANDLER, Mr. HALL, Ms. CAPITO, Mr. JONES, Mr. MURPHY of Pennsylvania, Mr. ROGERS of California, Mr. ALTMIRE, Mr. GARDNER, Mr. CONAWAY, Mr. RYAN of Ohio, Mr. SESSIONS, Mr. MORT, Mr. TONKO, Mr. SABLON, Ms. DEGETTE, Mr. CAPUANO, Mr. COURTNEY, Mr. CLAY, Mr. THOMPSON of California, Mr. LOEBSACK, Mr. BARTON of Texas, Mr. ISSA, Mr. HODGDSON, Mr. HARPER, Mr. BISHOP of Utah, Mr. TERRY, Mr. COSTA, Mr. BOWOW, Ms. FUDGE, Mr. CLEAVER, Mr. SERRANO, Mr. WIU, Mr. PASCRELL, Mrs. BOND, Mr. MACK, Mr. BOSWELL, Mrs. LUMMIS, Mr. LANKFORD, Mr. REHBERG, and Mr. MARCHANT):

H.R. 1381. A bill to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MCGOVERN (for himself and Mrs. EMERSON):

H.R. 1382. A bill to require the President to call a White House Conference on Food and Nutrition to the Committee on Appropriations.

By Mr. MILLER of Florida (for himself and Mr. STUTZMAN):

H.R. 1383. A bill to temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by individuals enrolled in the Post-9/11 Veterans Educational Assistance Program of the Department of Veterans Affairs before the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2011, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HELLER (for himself and Mr. BLUMENAUER):

H.R. 1384. A bill to amend the Internal Revenue Code of 1986 to temporarily increase the investment tax credit for geothermal energy property; to the Committee on Ways and Means.

By Mr. PITTS (for himself and Mr. DAVIS of Illinois):

H.R. 1385. A bill to repeal the sugar price support program and marketing allotments for sugar, and for other purposes; to the Committee on Agriculture.

By Mr. MARKEY (for himself, Mr. SMITH of New Jersey, Ms. BORDALLO, Mr. BURGESS, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. MCDERMOTT, and Mr. PIERLUSI):

H.R. 1386. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of counseling and support services for Americans living with Alzheimer’s disease and related dementias by improving detection, diagnosis, and care planning; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHenry (for himself, Mr. ISSA, and Mr. ROSS of Florida):

H.R. 1387. A bill to amend the Emergency Economic Stabilization Act of 2008 to give the Special Inspector General oversight over the Small Business Lending Fund; to the Committee on Financial Services.

By Mr. COFFMAN of Colorado (for himself, Mr. PETERS, Mr. LATTA, Mrs. LUMMIS, and Mrs. McMCORRPROD-GER):

H.R. 1388. A bill to reestablish a competitive domestic rare earth minerals production industry; a domestic rare earth procurement industry; a domestic rare earth metals production industry; a domestic rare earth metals alloying industry; and a domestic rare-earth-based magnet production industry and supply chain in the Defense Logistics Agency of the Department of Defense; to the Committee on Natural Resources, and Armed Services, and in addition to the Committees 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. SMITH of New Jersey (for himself, Mr. WOLF, and Mr. MCCOTTER):

H.R. 1389. A bill to prevent United States businesses and related organizations and foreign governments in transforming the Internet into a tool of censorship and surveillance, to
fulfill the responsibility of the United States Government to promote freedom of expression on the Internet, to restore public confidence in the integrity of United States business practices, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER (for himself, Ms. ELIE BERNIE, JOHNSON of Texas, and Mr. HOLDEN):

H.R. 1390. A bill to amend title 49, United States Code, to provide for enhanced motorcoach safety, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and on Ways and Means, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCKINLEY (for himself, Mr. WHITFIELD, Mr. RAHAL, Mr. HOLDEN, Mr. TERRY, Mrs. CAPITO, Mr. OLSON, Mr. BARTON of Texas, Mr. POMPEO, Mr. GIBBS, Mr. GUTHRIE, Mr. KINZINGER of Illinois, Mrs. MC MORRIS ROGER of Texas, Mr. CRITZ, Mr. MURPHY of Pennsylvania, and Mr. GRIFFITH of Virginia):

H.R. 1391. A bill to prohibit the Environmental Protection Agency from regulating fossil fuel combustion waste under subtitle C of the Solid Waste Disposal Act; to the Committee on Energy and Commerce.

By Mr. FITZPATRICK:

H.R. 1392. A bill to provide assistance to veterans and veteran-owned businesses with respect to connecting opportunities, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. BUCHANAN:

H.R. 1393. A bill to reform the Bureau of Ocean Energy Management, Regulation and Enforcement and offshore drilling for oil and gas, to repeal the limitation of liability of a responsible party for discharge of oil from an offshore facility, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN (for herself and Mr. LOBIONDO):

H.R. 1394. A bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself, Mr. CLARKE of Michigan, and Ms. MOORE):

H.R. 1395. A bill to direct the Secretary of Transportation to establish a grant program to assist the development of intercity and regional transportation systems, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CRITZ (for himself, Mr. HOLDEN, and Mr. MCKINLEY):

H.R. 1396. A bill to amend the Workforce Investment Act of 1998, to authorize a national grant program for on-the-job training; to the Committee on Education and the Workforce.

By Mr. FRANK of Massachusetts (for himself, Ms. ROS-LEHTINEN, Mr. GEORGE MILLER of California, Ms. PELOSI, Mr. HOYER, Mr. CONYERS, Mr. BALDWIN, Mr. POLIS, Mr. CICILLINE, Mr. NADLER, Mr. ANDREWS, Ms. RICHARDSON, Mr. DOYLE, Mr. SITKOWSKI, Mr. HOLT, Mrs. LOWEY, Mr. PETERS, Mr. ISRAEL, Ms. CHU, Mr. WU, Ms. DEGETTE, Mr. BERMAN, Mr. JACKSON of Massachusetts, Ms. CLARKE of New York, Mr. TOWNS, Mr. MCDERMOTT, Mr. GRIJALVA, Mrs. DAVIS of California, Mr. LOEBSACK, Mr. MORAÑO, Mr. TSONGAS, Mrs. SARABANES, Ms. LINDA T. SÁNCHEZ of California, Mr. KEATING, Mr. FILNER, Mr. COOK, Mr. BRADY of Pennsylvania, Mr. QUIGLEY, Mr. WAXMAN, Ms. LEE of California, Mr. CONNOLLY of Virginia, Mr. COURTNEY, Mr. LARSEN of Washington, Mr. HINCHY, Mr. MARKEY, Mr. TIERNEY, Mr. OLVER, Mr. CAPUANO, Mr. FARR, Ms. SCHAKOWSKY, Mrs. MALONEY, Mr. DINGELL, Mr. GUTIERREZ, Mr. STARK, Mr. SCOTT of Virginia, Mr. PLATTS, Mr. CROWLEY, Mr. SERRANO, Ms. ESHOO, Ms. ROYAL-BALLARD, Mr. HONDA, Ms. SCHWARTZ, Ms. MOORE, Mrs. CAPPS, Mr. PRICE of North Carolina, Mr. SHERMAN, Mr. BECERRA, Ms. ZOE LOFgren of California, Mr. DE LAURO, Mr. SCHTZMANN, Mr. RANSER, Mr. ROTHSCHILD of New Jersey, Ms. SÎRES, Mr. BRADY of Pennsylvania, Mr. BOSWELL of Iowa, Ms. CASTOR of Florida, Mr. LEVIN, Mr. MCGOVERN, Mr. FATTAH, Mr. HIGGINS, Ms. NAPOLITANO, Mr. BERKLEY, Mr. LINJAN, Mr. MAHUAUD, Mr. WINER, Mr. HASTINGS of Florida, Ms. WOOLSEY, Ms. HIRONO, Mrs. BIGGERT, Ms. NORTON, Ms. MCCOLLUM, Mr. VAN HOLLEN, Ms. PINGREE of Maine, Mr. ENGEL, Ms. WASSERMANN SCHULTZ, Mr. LEWIS of Georgia, Mr. COHEN, Mr. DEUTCH, Mr. PASCARELL, Ms. WATERS, Mr. KILDEE, Mr. INSLEE, Mr. LANGEVIN, Mr. SMITH of Washington, Mr. LYNCH, Mr. NEAL, Mr. CUMMINGS, Mr. LARSON of Connecticut, and Ms. MUDGE):

H.R. 1397. A bill to prohibit employment discrimination on the basis of sexual orientation or gender identity; to the Committee on Education and the Workforce, and in addition to the Committees on House Administration, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES of Missouri (for himself and Mr. KIND):

H.R. 1398. A bill to amend title XVIII of the Social Security Act to treat certain provider taxes as allowable costs for purposes of Medicare reimbursements to critical access hospitals; to the Committee on Ways and Means.

By Mr. GRIMM (for himself and Mr. BISHOP of New York):

H.R. 1399. A bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the additional standard deduction for low-income families; to the Committee on Ways and Means.

By Mr. KILDEE (for himself, Mr. DINGELL, Mr. LEVIN, Mr. RYAN of Ohio, Mr. HINCHey, and Mr. PETERS):

H.R. 1402. A bill to authorize the Architect of the Capitol to conduct a special resource study of Point Peter in St. Marys, Georgia, and for other purposes; to the Committee on Natural Resources.

By Mr. LARSON of Connecticut (for himself, Ms. PINGREE of Maine, Mr. JONES, Ms. BALDWIN, Mr. BRAINTY of Iowa, Mr. BUTTERFIELD, Mr. CAPUANO, Mr. COHEN, Mr. CONYERS, Mr. COOPER, Mr. COURTNEY, Mrs. DAVIS of California, Mr. DELAURo, Mr. DOYLE, Ms. EDWARDS, Mr. ELLISON, Ms. ESHOO, Mr. FILNER, Mr. GRIJALVA, Mr. HEINRICH, Mr. HINCHey, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mr. LUJAN, Ms. MATSUl, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. MULNIX of Connecticut, Mr. NADLER, Mr. OLVER, Mr. POLIS, Mr. ROTHSCHILD of New Jersey, Ms. SARBANES, Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. SING, Mr. TSONGAS, Ms. WOOLSEY, and Mr. YARMUTH):

H.R. 1404. A bill to reform the financing of House elections, and for other purposes; to the Committee on House Administration.

By Mr. LATTA:

H.R. 1405. A bill to prohibit the Environmental Protection Agency from authorizing coal combustion byproducts as hazardous waste under subtitle C of the Solid Waste Disposal Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MATHESON (for himself and Mr. TERRY):

H.R. 1406. A bill to provide pet owners the ability to receive a copy of veterinary prescriptions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RUNYAN (for himself and Mr. BISHOP):

H.R. 1407. A bill to increase, effective as of December 1, 2011, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Alaska (for himself, Mr. PIERLISU, Mr. FALKOMAVAEGA, Mr. SABLON, Ms. BORDALLO, Mr. BOREN, Dr. D. BENISHEK, Mr. LUJAN, and Ms. HANABUSA):

H.R. 1408. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Natural Resources.

By Mr. WALSH of Illinois (for himself, Mr. BUCHANAN, Mr. HELSKIEN, Mr. BISHOP of Utah, Mr. CHAFFETZ, Mr. STUTZMANN, Mrs. HARTZLER, Mr. MARINO, Mr. REHBERG, Mrs. MCMORRIS RODGERS, Mr. RODRIGUEZ, Mr. FRANKS of Arizona, Mr. LANCE, Mr. HELFER, and Mr. LABADOR):

H.R. 1409. A bill to amend the Budget Act of 1921, to establish a mechanism for the United States relative to balancing the budget; to the Committee on the Judiciary.
CONSTITUTIONAL AUTHORITY

STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SULLIVAN:
H.R. 1380.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1 of the United States Constitution and the Sixteenth Amendment of the United States Constitution.
By Mr. GEORGE MILLER of California:
H.R. 1381.
Congress has the power to enact this legislation pursuant to the following:
Article(s) I, Section 8, Clause 1, Article I, Section 8, Clause 3 of the United States Constitution.
By Mr. SMITH of New Jersey:
H.R. 1389.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1 of the United States Constitution.
By Mr. FITZPATRICK:
H.R. 1392.
Congress has the power to enact this legislation pursuant to the following:
According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Mr. SHUSTER:
H.R. 1390.
Congress has the power to enact this legislation pursuant to the following:
Clause 3, of Section 8, of Article I of the Constitution.
By Mr. MCKINLEY:
H.R. 1391.
Congress has the power to enact this legislation pursuant to the following:
The constitutional authority on which this resolution rests is the power of Congress as enumerated in Article I Section 8 of the United States Constitution.

By Mr. CHRISTENSEN:
H.R. 1394.
Congress has the power to enact this legislation pursuant to the following:
The constitutional authority on which this bill rests is the power of Congress to enact bills pursuant to clause 1 of section 8 of article I of the Constitution.
By Mr. COHEN:
H.R. 1395.
Congress has the power to enact this legislation pursuant to the following:
The constitutional authority on which this resolution rests is the power of Congress as enumerated in Article I Section 8 of the United States Constitution.

By Mr. CRITZ:
H.R. 1396.
Congress has the power to enact this legislation pursuant to the following:
Section 8 of Article 1 of the Constitution.
By Mr. FRANK of Massachusetts:
H.R. 1397.
Congress has the power to enact this legislation pursuant to the following:
Clause 3 of section 8 of article I of the Constitution; clause 18 of section 8 of article I of the Constitution; section 5 of Amendment XIV to the Constitution.

By Mr. GRAVES of Missouri:
H.R. 1398.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 2, and including, but not solely limited to Article I, Section 8, Clause 14.

By Mr. GRIMM:
H.R. 1399.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1.
The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable Kirsten E. Gillibrand, a Senator from the State of New York.

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray,

Merciful Father, who put into our hearts such deep desires that we cannot be at peace until we rest in You, remove from our lives anything that would seek to separate us from You.

Lord, lead our lawmakers to make courageous decisions based upon conscience and duty. May they refuse to do anything that threatens the long-term security of this Nation, as they strive to follow the right path as You give them the light to see it. Give them wisdom and courage for the living of these days. Impart Your wisdom so they will know what to do and bestow Your courage so they will possess the resolve to act on what they believe.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE
The Honorable Kirsten E. Gillibrand led the Pledge of Allegiance, as follows:

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

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Inouye).

The assistant legislative clerk read the following letter:

U.S. SENATE, President pro tempore, Washington, DC, April 6, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Kirsten E. Gillibrand, a Senator from the State of New York, to perform the duties of the Chair.

Daniel K. Inouye, President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER
The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE
Mr. REID. Madam President, last night we were finally able to arrive at an agreement on the small business jobs bill—or at least a way to get rid of some very important amendments that we will vote on around 4 o’clock this afternoon. There will be seven rollcall votes.

This morning, there will be a period of morning business until 11 a.m., with the time until 10:40 a.m. equally divided and controlled between the majority and the Republicans. The majority will control the first half and the Republicans will control the final half. At 10:40 a.m., Senator AYOTE will give her maiden speech to the Senate.

BUDGET NEGOTIATIONS
Mr. REID. Madam President, as the deadline looms, our budget negotiations continue nonstop. The Speaker and I met with the President yesterday morning, and we met with one another yesterday afternoon. As in any ongoing negotiation, the status of those talks is constantly evolving, but I will give the Senate a snapshot of where we stand at this moment in time.

The bottom line has always been the same, and it is this: We want to avoid a shutdown. We want to pass a budget that makes smart cuts—cuts that save money but that don’t cost jobs. This has been our bottom line throughout this process. So we have made some tough choices. We have made those choices because we know at this late stage of the game reality is more important than ideology. We know sacrifices are the cost of consensus, and we think they are worth it. Our bottom line hasn’t changed because our objective hasn’t changed. We want to keep the country running and keep the momentum of an economic recovery that is creating jobs.

I wish I could say the same about those on the other side of the negotiating table. The Republicans’ bottom line has changed at almost every turn. First, Republicans refused to negotiate until we tried it their way. We gave the reckless House-passed proposal a vote. The Senate resoundingly rejected it. Then, once talks began, Republicans staked out their position. They asked for $73 billion in cuts. When we said: Let’s meet in the middle, they said no. Then we said: In the interest of getting this done, we will agree to your number, and they still said no. Republicans refused to take yes for an answer. Every time we have agreed to meet in the middle, they have moved where the middle is. They said no when we met them halfway, and now they say: It is our way or the highway.

That is no way to move forward. People ask: Why is this so difficult? They ask: Can’t you just get it done? I understand how they feel, and I share their frustrations, but this is why it is so tough. It is like trying to kick a field goal and the goalposts keep moving.

The Democrats’ bottom line has not changed. The Republicans’ bottom line hasn’t stayed still. Our bottom line hasn’t changed because our priorities have not changed. We all want to lower...
the deficit. But Democrats will not sac-
rifice seniors’ retirement security, women’s health, our children’s ed-
cuation, or our Nation’s veterans. The cuts we make have to be smart cuts,
and those aren’t smart. They are rad-
ical. That’s not a definition that is rea-
sonable and responsible.

I wish I could say the same about those on the other side of the negoti-
ating table. They forget that not one of those people came into a reces-
ion and punishing seniors, women, chil-
dren, and veterans will not lead us to a
recovery. Their budget would cost 700,000 jobs and slow economic growth.
It would take us backward, not for-
ward. That is as counterproductive as it
comes. The point of this entire exer-
cise is to help the economy. Democrats
won’t stand for a budget that weakens it.

Our bottom line—our strongest de-
sire to reach an agreement—hasn’t changed because our willingness to com-
promise hasn’t changed. We long
ago accepted the reality that getting something done means not getting 100
percent of what we want. We long ago accept-
ed the fact that the only way to reach consensus between a Democratic Senate and a Republican House is to
compromise.

I wish I could say the same about those on the other side of the negoti-
ating table. The Republicans have de-
manded a budget that can pass with
only Republican votes. Instead of seek-
ing a bipartisan budget, they are ac-
tively seeking the opposite.
The leadership has the tea party screaming so loudly in their right ear that they can’t hear what the vast majority of the country demands. The country demands that we get this done. As I have said before, the biggest gap in these negotiations isn’t between Democrats and Republicans; it is be-
tween Republicans and Republicans. So
the Speaker has a choice to make and
not much time to make it. He can ei-
ther do what the tea party wants or what the country needs.

Madam President, I will close with
two pieces of advice that we would be wise to heed today, one from American history and one from ancient history.

Henry Clay served in both Houses of Congress, in the House and in the Sen-
ate. He actually held the same seat the
Republican leader now holds. He was a
Senator from Kentucky. He also held the same gavel Speaker BOEHNER now
holds. At different times, Henry Clay served as Speaker of the House, I repeat, on three separate occasions. In his esteemed career, he earned the nickname “The Great Compromiser.”

So Henry Clay knew what he was talk-
ing about, I think he would say.

All legislation is founded upon the prin-
ciple of mutual concession.

This legislation—this budget—is no
exception. But it is important to re-
member that the most important word in that quote isn’t “concession,” it is “mutual.”

We all have a responsibility to be reasonable, which brings me to the sec-
ond piece of advice: To everything there is a season. To paraphrase a pas-
sage we all know well, a passage much
older than the old statesman Henry
Clay, there is a time to campaign and
time to govern. There is a time to be
partisans and a time to be partners. We
stand here this morning 72 hours on the
clock. It is time to get to work. It is
time to get the job done. This is the
season for action.

Will the Chair now announce morn-
ing business, please.

RESERVATION OF LEADER TIME
The ACTING PRESIDENT pro tem-
pore. Under the previous order, the
leadership time is reserved.

MORNING BUSINESS
The ACTING PRESIDENT pro tem-
pore. Under the previous order, the
Senate will be in a period of morning
business until 11 a.m., with Senators
permitted to speak therein for up to 10
minutes each, with the time until 10:40
a.m. equally divided and controlled be-
tween the two leaders or their des-
ignees, with the majority controlling the
first half and the Republicans con-
trolling the final half, with the Senator
from New Hampshire, Ms. AYOTTE, rec-
ognized at 10:40 a.m.

The Senator from Illinois.

Mr. DURBIN. Madam President, it is
my understanding that the Democrats
have the first half of morning business.

The ACTING PRESIDENT pro tem-
pore. The Senator is correct.

Mr. DURBIN. I ask unanimous con-
sent to be recognized in morning busi-
ness.

The ACTING PRESIDENT pro tem-
pore. Without objection, it is so or-
dered.

INTERCHANGE FEE REFORM
Mr. DURBIN. Madam President, I rise
to speak about the issue of Wall
Street reform, which I know is near and
dear to the Senator from New
York, who represents Wall Street.

I do believe what Congress achieved last year on Wall Street reform was
wise not only for our Nation but also to
avoid the possibility of another reces-
sion. There are many financial institu-
tions across the United States, includ-
ing New York, but the fact is, many of
their practices led us into the recession we are now experiencing.

It was quite a battle last year. Sen-
ator Chris Dodd of Connecticut, now
retired, led the battle on the floor of
the Senate to try to make sure we had
the necessary oversight and balance
when it came to our financial institu-
tions to avoid the likelihood of another recession. The banks fought back, but
in the end we prevailed and Senator
Dodd passed the measure here in the
Senate, and it was passed in the House
of Representatives under the leadership
of Congressman BARNEY FRANK of Mas-
achusetts and signed by the President. It
really gave us a chance to move for-
ward with oversight, regulation and re-
form on Wall Street.

It was signed last July by the Presi-
dent, but many of the most important
parts of the Dodd-Frank Act will not go into effect until July 21 of this
year. Several of them are very impor-
tant to America and important to me
as an individual because as a Senator I
offered an amendment to this bill. It was
a controversial amendment and, for
the banks, an expensive amend-
ment. For the Wall Street banks and
credit card companies, the interchange
fee amendment, which I introduced and
passed with 64 votes—71 Republicans
and 47 Democrats—was an amendment
which will cost the biggest banks and
credit card companies in this country a
portion of the up to $1.3 billion a month they collect in debit inter-
change fees. Imagine that. In any given
year, $15 billion or $16 billion is being
collected by these banks through credit
cards from merchants, retailers, and
consumers all across America.

From the moment that bill was signed
into law, these Wall Street banks and
credit card companies have deluged the
people of this country with a $40 bil-
lion postponement campaign to repeal the law. Now, they can’t just flat-out repeal it because they
know that looks a little too obvi-
ous. So instead, what they are calling is postponement—just postpone it for 2 years while they study it. That is
their argument. They believe we need
to look into this a little more closely.

Well, the record suggests they are not
after a study. They are after $1.3 bil-
lion a month in profit. It turns out it is
actually 30 months that the delay would take place, so that is about a $40
billion postponement that the Wall
Street banks and credit card companies are asking for. And who pays the $40
billion? Merchants and retailers and
customers all across America. That is
why leading consumer advocacy groups
support my amendment and oppose
this $40 billion delay which has been
suggested in the amendment that is
being offered.

Last year, when we passed landmark
legislation to reform the debit card
swipe fees that are enriching Wall
Street banks and crushing businesses
and consumers on Main Street, they
started organizing to repeal.

For years, the banking industry has
been engaged in a collusive practice.
Banks have let the Visa and MasterCard monopoly credit card com-
panies fix the interchange fee rates
that banks receive from merchants
each time a debit card is swiped. The
so-called swipe fee is the fee the banks
get, but they don’t set the fees, the
credit card companies set them. This
is unregulated price fixing by the VISA
and MasterCard duopoly on behalf of
thousands of banks, primarily the big-
ner banks. In 2004, the banks that we
called out are now coming back here
and saying don’t cut into our prof-
its, don’t in any way reform or change
the interchange fee that affects merchants, retailers, or consumers.

Incidentally, when the Federal Reserve took a look at the interchange fee that we pay every time we use a debit card, for example, it averages about 17 cents, and the actual cost of processing the debit card: less than 12 cents. So what they are doing is imposing this fee on every transaction in every place across America. This is an unregulated price set by VISA and MasterCard. It is a sweetheart deal for the banks, too. According to the Federal Reserve, banks make about $1.3 billion each month, as I mentioned, in debit interchange fees and the fee rates keep going up, even though the cost of processing continues to drop.

Last year, Congress decided we should place some reasonable limits on VISA and MasterCard. We did this to ensure that they cannot use their market power and charge excessive fees for credit and debit cards among the 13 countries that have the highest interchange fees for both credit and debit cards among the 13 countries. Listen to what she found:

“... the economist at the Federal Reserve Bank of New York. He found, incidentally, that “privately determined card pricing, adoption and usage tend to deviate from the social optimum, and imposing a ceiling on interchange fees may improve consumer welfare.””

The Boston Federal Reserve did a study in 2010 and found on average every year, each cash-using household pays $149 to card-using households. The studies go on and on. I will put them into comparison at the conclusion of my comments. The first thing I hear is: There he goes again, defending Walmart.

There is no question about it, Walmart is the largest retailer in America. When it comes to the use of credit and debit cards, I am certain they have a larger volume of sales from them than any other. But let’s do some comparison here for a moment. According to Forbes.com, in 2010, Walmart, the largest retailer in America, had $17 billion in profits. I ask unanimous consent for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. They had $17 billion in profits and a 4-percent profit margin. That sounds like a lot and it is, but not compared to the big banks. JPMorgan Chase, one of the largest issuers of debit cards, had $17.4 billion in profits last year. That is more than Walmart, incidentally. And their profit margin wasn’t 4 percent like Walmart, it was 15 percent.

This is the same Chase that has a major exemption of interchange fees for those banks that have done the same and the authorities will force them to raise fees on consumers. One of the most profitable banks in America threatens consumers that if they cannot charge the interchange fees they want to charge, they are going to raise fees on consumers. Isn’t that great? “Your money or your life.” When it comes to Chase, Chase has more profits than Walmart and a 15-percent profit margin.

For the record, let me go back and discuss a few more of the studies that have already been done on interchange fees. For example, Terri Bradford of the Kansas City Fed published a report entitled “Developments in Interchange Fees in the United States and Abroad.”

This report, which was published in 2008, said the following: “Interchange fees are still just a point of discussion in the United States, regulation abroad is a reality. In many countries authorities have taken actions that limit the level of interchange fees or merchant discount fees. Many of these actions require interchange fees to be set according to cost-based benchmarks, although the cost categories that are eligible for the benchmarks vary by country. In several countries, interchange fees are set at zero. Federal Reserve researchers are not the only ones who have studied interchange fees. In 2006 the Antitrust Law Journal published an article by Alan Frankel and Allan Shampine called “The Economic Effects of Interchange Fees.”

This article found that the interchange fee “acts much like a sales tax, but it is privately imposed and collected by banks, not the government. It significantly and arbitrarily raises prices on consumers and reduces competition.”

And in March 2010, Albert Foer, president of the American Antitrust Institute, published a study that found the following:

Governments around the world have been taking actions to eliminate or severely reduce interchange fees based on studies and investigations that clearly establish that these fees are abuses of market power. Moreover, the results demonstrate that interchange fee regulation works. Despite the protests of MasterCard and Visa and their giant card-issuing banks, mandated interchange fee reductions have increased competition in foreign payment card markets and have benefitted consumers through lower prices.

In short, there have been a large number of studies done about interchange fees. And this does not count the enormous amount of research, information collection, and analysis that the Fed has done since my amendment was enacted last July.

The problem from the perspective of VISA, MasterCard and the big banks is that they simply don’t like what these
Mart has only an 11 percent market margin. The largest grocery store company, Kroger, had profits of $3.4 billion and a 3.6 percent profit margin. The largest drug store chain, CVS Caremark, had $3.1 billion in profits and a 3.7 percent profit margin. Therefore, it is pretty profitable to be a duopoly. According to Forbes.com, in 2010: Visa had $3.1 billion in profits and a 37 percent profit margin, and MasterCard had $1.8 billion in profits and a 33 percent profit margin.

It must be nice to be a big bank or a credit card company these days. Big banks and their card network allies are making money hand-over-fist these days while retailers of all sizes are struggling to turn a profit. Rising interchange fees are a key part of this equation. It doesn’t have to be this way. If we can constrain Visa’s and MasterCard’s interchange fees, which are set at a 1 percent rate for the biggest banks, we will reduce the cost of interchange for every merchant and every other entity that accepts debit cards. Competition in the retail sector will mean consumers will benefit through discounts and lower prices. Given the large profit margins at the nation’s biggest banks, they will be able to stay in business once swipe reform is completed. In fact, we know that banks and card companies can continue to offer debit cards profitably with lower interchange rates.

And they did it before—up until the mid-1990s, banks used to offer debit cards with minimal or no interchange in the United States. And they are doing it right now in other countries around the world, where there are thriving debit card industries with very low or nonexistent interchange rates. I am going to reserve the remainder of my time to have my colleagues take the floor. I will return on the subject but I remind my colleagues, this amendment, this effort by the Wall Street banks and credit card companies to repeal interchange fee reform, is a $40 billion amendment—$40 billion that will be transferred to the biggest banks in America and credit card companies from consumers across America. We did the right thing with interchange fee reform. Let’s stand by it and say to Wall Street, major card issuers, VISA and MasterCard, they have had enough. They can get a reasonable fee, but not an unreasonable amount out of our economy.
The amendment I have offered on behalf of Senator INHOFE would do that.

The amendment would give businesses the certainty that no unelected bureaucrats at the EPA are going to make their efforts to create jobs even more difficult than the administration already has. So once again, I thank Senator INHOFE for his strong leadership on this issue. He has led the way in protecting American jobs from this burdensome proposal with determination and common sense. He deserves the credit.

I also want to thank Chairman UPTON and my good friend, Congressman WHITFIELD, for fighting against this effort by the EPA and moving legislation to prevent it in the House.

COLOMBIA TRADE AGREEMENT

Mr. MCCONNELL. Madam President, there are some signs today the administration is beginning to take seriously a pending trade agreement with Colombia. Republicans have been urging the administration to act on this critical trade deal for months. This agreement would help American businesses compete on a level playing field with businesses overseas. It would help create American jobs. And it would help our relationship with an important ally in Latin America.

Hopefully these reports are true, and the President will send this agreement, along with similar agreements related to Panama and South Korea to Congress soon. This would be some very good news for an economy that needs it.

I yield the floor.

THE BUDGET

Ms. MIKULSKI. Madam President, I rise to the floor to speak in morning business and to comment on the terrible situation we find ourselves in. We are in a terrible situation. The Republican leader is exactly right, the clock is ticking on a shutdown.

But I have a couple principles as we head into the midnight witching hour on Friday. First of all, my first principle is no shutdown. Let’s have a sitdown. Let’s not shut down government. Mark Zandi, the chief economist of Moody’s, says it will damage the confidence in the economy and could result in the loss of 700,000 jobs. Well, let me tell you—and everybody says: Oh, well, that is government. I am going to talk about it. I appreciate the minority leader, but on my side, if nobody is going to talk about it, I am going to talk about it.

A possible government shutdown creates uncertainty in consumer confidence and further damages the economy. And while I agree that we need to come to the table and have a good, hard discussion, about how we can actually pay for this, but today I wish to talk about the consequences of what we are doing. There is nobody on the Senate floor talking about it. I appreciate the minority leader, but on my side, if nobody is going to talk about it, I am going to talk about it.

The amendment I have offered on behalf of Senator INHOFE would do that.

The amendment would give businesses the certainty that no unelected bureaucrats at the EPA are going to make their efforts to create jobs even more difficult than the administration already has. So once again, I thank Senator INHOFE for his strong leadership on this issue. He has led the way in protecting American jobs from this burdensome proposal with determination and common sense. He deserves the credit.

I also want to thank Chairman UPTON and my good friend, Congressman WHITFIELD, for fighting against this effort by the EPA and moving legislation to prevent it in the House.

COLOMBIA TRADE AGREEMENT

Mr. MCCONNELL. Madam President, there are some signs today the administration is beginning to take seriously a pending trade agreement with Colombia. Republicans have been urging the administration to act on this critical trade deal for months. This agreement would help American businesses compete on a level playing field with businesses overseas. It would help create American jobs. And it would help our relationship with an important ally in Latin America.

Hopefully these reports are true, and the President will send this agreement, along with similar agreements related to Panama and South Korea to Congress soon. This would be some very good news for an economy that needs it.

I yield the floor.

THE BUDGET

Ms. MIKULSKI. Madam President, I rise to the floor to speak in morning business and to comment on the terrible situation we find ourselves in. We are in a terrible situation. The Republican leader is exactly right, the clock is ticking on a shutdown.

But I have a couple principles as we head into the midnight witching hour on Friday. First of all, my first principle is no shutdown. Let’s have a sitdown. Let’s not shut down government. Mark Zandi, the chief economist of Moody’s, says it will damage the confidence in the economy and could result in the loss of 700,000 jobs. Well, let me tell you—and everybody says: Oh, well, that is government. I am going to talk about it. I appreciate the minority leader, but on my side, if nobody is going to talk about it, I am going to talk about it.

A possible government shutdown creates uncertainty in consumer confidence and further damages the economy. And while I agree that we need to come to the table and have a good, hard discussion, about how we can actually pay for this, but today I wish to talk about the consequences of what we are doing. There is nobody on the Senate floor talking about it. I appreciate the minority leader, but on my side, if nobody is going to talk about it, I am going to talk about it.
Oh, yes, you can laugh about closing down Yellowstone, and maybe that is not the explosive thing—270,000 jobs, mostly in the West. I did not hear that the West had such a low unemployment rate that they do not give a darn. Local communities near national parks will lose a lot of money. That is the national park argument.

Let me go to the contractors. I represent the State of Maryland, where we have a lot of contractors. Take the Goddard Space Agency, 3,000 civil servants and anything from help run the Hubble telescope and green science, to figuring out how we can fix the satellites through robots in the sky. But there are 6,000 contractors—6,000 contractors. Some of them are small business, S(a) contractors working their way up.

Many of them—some of them are women. Many of them are veterans who started small- to medium-sized businesses. These people, if there is a governor, will not be paid. Hello, colleagues. This is not only going to happen in my State, this is going to happen in your State.

There was a major article in the Wall Street Journal yesterday about what the state of the contractors to the privatization. Well, let’s wake up and let’s move more quickly to this sitdown.

I wish to talk about essential versus nonessential. In my State, I represent over 100,000 Federal employees. Three of them are Nobel Prize winners who are civil servants. Those are not even the gangs at Hopkins and the University of Maryland. Those are three Nobel Prize winners who are actual civil servants.

Under this shutdown we are headed for, they are going to be told they are nonessential. We have a Nobel Prize winner at NIST who works on the development of new work on laser light. Secretary Chu was his partner.

We have a Nobel Prize winner at NIH who won the Nobel Prize for proteins and cellular communication that could lead to a cure for cancer and a Nobel Prize winner at Goddard in physics. I am not going to call their names; I do not want to feel awkward. But what am I going to do midnight Friday? Am I going to call them to tell them they are nonessential. Well, I am telling you, this is not going to be good. But you know what is not good, not only the consequences but the way we are functioning.

Madam President—hello? Madam President. Do I not know if my speech is not that attention-getting, but can I have your attention?

The ACTING PRESIDENT pro tempore. The Senator has consumed 10 minutes.

MS. MIKULSKI. Well, then, my time is up. Well, maybe the Senate is not paying attention, but the American people are paying attention. I am telling you, this is a situation of enormous negative consequence. I think we are going to rue the day at the way we are functioning. We need to come to the table, and we need to sit around and act like rational human beings.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

STEM FIELDS

Mrs. SHAHEEN. Madam President, as Congress and the Obama administration grapple with how to responsibly address our long-term deficit, we need to remember why it is so important to get on a path to balanced budgets. We need to address the long-term deficit because it is a threat to America’s future prosperity. It is about economic growth and jobs. That is why the deficit matters. The deficit is not just some math problem where it is solved if the numbers add up right. The choices we make, which spending programs we cut which tax expenditures we eliminate, where we continue to boost investment, matter.

The overarching challenge facing our country is how we keep our economy competitive.

We cannot compete with India and China for low-wage manufacturing jobs. That is not our future. America’s future is continuing to be the global leader in science and technology. America makes the best, most innovative products and services, and that ingenuity and excellence is our chief economic strength as a nation.

But we are in danger of losing that edge. Science, technology, engineering and math, what we call the STEM fields, are the skills that drive innovation.

And jobs in the STEM fields are expected to be the fastest-growing occupations of the next decade. However, not enough students in our country are pursuing an education in STEM subjects to keep up with the increased demand.

For those students that do pursue education in STEM fields, they are being outperformed by international competitors. Studies show that by the end of eighth grade, students in the U.S. are 2 years behind their international peers in math. American students rank 21st in science and 25th in math among industrialized countries. In addition, the U.S. has produced a declining number of Ph.Ds in science and engineering compared to the European Union and China over the past 3 decades. It is clear that to remain competitive internationally, we must encourage and strengthen the supply of STEM-trained graduates.

That is why this week Leader Reid and Senators KERRY and BINGGELI and COONS and yours truly, and other colleagues, introduced legislation, the Innovation Inspiration School Grant Program, which will bolster our Nation’s ability to compete in the global economy.

My legislation will provide new incentives for our schools to think outside the box and embrace extracurricular and nontraditional STEM education programs. It establishes a competitive grant program that will provide $1 billion per year to the private sector, both for financial support and to provide mentors who can serve as guides and role models to students.

I am proud that New Hampshire is the home to the FIRST Robotics program. For over a decade, teams of students have been designing robots to compete against one another in regional, then national, competitions. On Monday we hosted FIRST teams from Maryland and Virginia who demonstrated in the Dirksen building how the robots they designed and built actually work. It is these kinds of non-traditional STEM programs that make
a difference in the students’ lives and inspire them to continue in STEM careers or postsecondary education.

In fact, research shows that 99 percent of students who participate in FIRST Robotics graduate high school and go on to college. And once in college, these students are nearly seven times more likely to major in engineering and twice as likely to major in computer science. They are also significantly more likely to attain a postgraduate degree. The data speaks for itself: investments in these sorts of programs matter and make a difference.

I urge colleagues to join me in supporting this important legislation that will inspire our students to become scientists, engineers, computer programmers and mathematicians. Our country’s economic future depends on it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. Madam President, I am going to speak for approximately 4 minutes during morning business. I had originally intended on 15, but I am going to do that tomorrow on another subject. If I could be recognized for 4 minutes, that is my intention.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERTS. I thank the Chair.

WICHITA STATE UNIVERSITY SHOCKERS

Mr. ROBERTS. Madam President, I know it is pretty serious business talking about a government shutdown and things of this nature that affect all Americans. I certainly hope we can reach some accommodation. I wish to do a little bragging on behalf of my home State.

We are pretty proud of our basketball heritage in Kansas, but I note that we have only had national recognition to the extent I think we should in regards to the recent accomplishment I wish to highlight.

I rise to congratulate the Wichita State University Shockers. The Shockers won the 2011 Men’s National Invitation Tournament in the Big Apple, the championship in New York City. In claiming the championship trophy, Wichita State set the school record with 29 victories in the season. Wichita State advanced to the NIT championship with four straight wins in the tournament. They beat the University of Nebraska in the first round, Virginia Tech in the second round, the College of Charleston in the quarterfinals, Washington State University in the semifinals, and, finally, the University of Alabama in the championship game. All of these schools have good basketball teams, and Wichita State came out on top.

Graham Hatch was named the NIT’s most outstanding player and a member of the All-Tournament Team, while Garret Stutz was named to the All-Tournament Team as well.

Wichita State and head coach Gregg Marshall were not only successful on the court but in the classroom as well. Earlier this year, Coach Hatch and Garret Stutz were named to the 2011 Missouri Valley Conference Scholar Athlete first and honorable mention teams, respectively. I congratulate the Wichita State University Shockers, their head coach Gregg Marshall, the athletic director Eric Sexton, a good friend of mine, and Wichita State University president Don Beggs. Don, you are back again, and you certainly did us proud.

Specifically, I congratulate each member of the team for an exemplary season: Gabe Blair, Derek Brown, J.T. Durley, Aaron Ellis, Jerome Hamilton, Graham Hatch, Trey Jones, David Kyles, Toure Murry, Ehimen Orukpe, Joe Ragland, Tyler Richardson, Ben Smith, Garret Stutz, Randall Vautravers, Josh Walker, and Demetric Williams.

If I mispronounced any name, I am terribly sorry. They did not do anything wrong with the tournament in terms of winning the NIT. Congratulations to all Shockers basketball fans. The coach has made the decision to stay at Wichita State. Great news for Kansas. Good news for Wichita State, and good news all the way around.

By the way, we will not shut down the team. They are going to keep on fighting.

I think the signal there was not four quarters and let’s go play hard, but the 4 minutes are up.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BARRASSO. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A SECOND OPINION

Mr. BARRASSO. Madam President, I come to the floor today as a doctor who has practiced medicine in Wyoming for about 25 years. During that time I was medical director of something called Wyoming Health Fairs where we provide employees low-cost blood screening for early detection and early treatment of medical problems. We know one of the things that was attempted to be solved with the discussion on health care was to have people involved in their own health care decision, as well as prevention of disease.

I attended a health fair last weekend in Worland, Washakie County, WY, where I had a chance to meet with a number of folks, including people from small businesses. First, I wish to congratulate this body, and specifically Senator JOHANNS from Nebraska, for the repeal of the 1099 form regulations which significantly burden small businesses and doctors alike.

I also come to the floor as someone who has practiced medicine and has been watching the health care law closely. It is one that I believe is bad for patients, bad for providers and nefarious for the care of the patients, and bad for the American taxpayers because I think this is going to add significantly to our growing debt problem. These are things that need to be addressed.

One part of the health care law, the 2,700-page law that was passed, dealt with something called accountable care organizations. Those are intended to help people coordinate care and have that coordinated care increase people’s health by early detection of problems and to help minimize problems but also attempt to save money.

The six pages of the health care law that dealt with accountable care organizations has resulted in the release of regulations on March 31 of this year [2011], 429 pages of regulations which have a significant impact on restructuring the way medicine is practiced.

As I look at this in terms of our growing debt, my concern is that the administration is not conscious that the regulations save Medicare money, about $960 million total, best case scenario, over a 3-year period. So savings of less than $1 billion, a restructuring of the way medicine is being practiced, a savings of less than $1 billion, at a time when Medicare will be spending over those 3 years over $1.5 trillion, a savings of less than $1 billion on an expenditure of over $1.5 trillion.

The other aspect that was so interesting to me watching this administration is they have come out with a statement about regulations.

The small businesses I talked to in Worland last weekend at the health fair told me that increased government regulations add to the cost of doing business and make it harder for them to hire more people. Specifically, it is related to increased costs.

It was interesting to see the administration saying that an increase in labor regulations have a stimulative effect that results in a net increase in overall employment. The administration apparently believes if we increase the rules and regulations on businesses, it will make it better for them, when they will tell us universally that it will make it worse.

Additionally, last Friday night the Department of Health and Human Services released their new next round of ObamaCare waivers. We have talked about those in the past on this floor as part of a discussion on Obamacare. If this health care law is so good, why do millions and millions of Americans say: We can’t live under this, and the
administration agrees and grants them waivers?

So this past weekend, Secretary Sebelius added another 128 waivers covering another 300,000 Americans to say: No, for the next year, you get a 1-year waiver, you want to have to live under the mandates of ObamaCare. So now we are at a point where the total number of waivers granted has been over 1,000, covering 2,930,000 people. So, wow, what is the breakdown of those people? Who are they? How can they get those waivers?

Well, it is interesting. In this country, where union workers are just a small percentage of the total workforce, 49 percent—almost half—of all of the waivers have been granted to people who get their insurance through the unions.

I just looked at this list that came out, and it is interesting because one of the waivers that had been granted for 13,000 employees, enrollees, is for the United Food and Commercial Workers Union. So let’s see what we can find out about them. If we go to their Web site and go to the area that deals with health care, what it says is this:

Thanks to your hard work—

“This is the people in the union—

Thanks to your hard work over the last year, Congress passed a health care reform bill that was signed into law by President Obama. This landmark reform is a hard-fought victory for [the United Food and Commercial Workers Union]. . . .

Well, wait a second, these are the same people who went in and asked for and got a waiver from the Secretary of Health and Human Services—a waiver so they do not have to live under it.

Now, it is interesting, if you go to this Web site, you can click to other things, and what you can find is that you can actually watch a video on the Web site of the people who just got a waiver. We could see the members of this union “rally and talk about health care reform.” Oh, the health care they are rallying for, but they do not want it to apply to them. The Secretary of Health and Human Services says: That is fine, you can have a waiver. Oh, you can actually see the pictures of [union] members taking action on health care reform.” But it is not the action of applying for the waiver—a waiver they have just been granted by the Secretary of Health and Human Services.

Now it says:

Call your members of Congress to thank them for passing real reform.

Oh, you are supposed to thank the Members of this body for passing something, but then they applied for a waiver that has been granted for over 13,000 members who get insurance through this program?

They say you can also check an area to read the background information on this union’s “advocacy of health care reform”—advocacy for a program they wanted to force down the throats of the American people but yet do not want to live under themselves.

This health care law is bad for this country, it is bad for our patients, it is bad for our health care providers, and it is bad for taxpayers. The union members who absolutely lobbied for it are now saying—now that they have read the bill, now that they know what is in the law, they do not want it to apply to them, so much so that one of the unions that has gotten a waiver, on their recent Web site, said: . . . we are . . . challenged by how to implement the law under prevailing circumstances.

Well, the prevailing circumstances are the law they wanted passed.

It says:

The Trustees of the Fund have no ability to secure additional contributions needed to cover the increased costs of providing those required—

Required by the people on the other side of the aisle who voted for this—

additional benefits.

It says:

The Trustees are requesting a waiver from HHS to preserve the annual benefit limitation now in place for the part-time plan of benefits to minimize the cost impact of transitioning to the requirements of the reform act. . . .

Well, what it basically says is that these folks who want the waiver are saying what I have been saying on this floor since the beginning of the debate: that this is going to be bad for taxpayers, it is going to drive up the cost of care, it is going to drive up the cost of insurance, in spite of the President’s promise that if we pass this, families will see premiums drop by $2,100, in spite of the President’s promise that if you like your plan, you can keep it. What we are seeing, for the people who proudly lobbied for this, is that they do not want it to apply to them. They realize now it is going to cause their plans to have significant problems.

I believe every American ought to be able to have a waiver, every American ought to not have to live under this health care law. To me, it is unaffordable, it is unmanageable, and I believe it is unconstitutional. That is why I come to the floor, as I have every week, with a doctor’s second opinion that we must repeal and replace this health care law.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore, The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENSURING PAY FOR OUR MILITARY ACT

Mrs. HUTCHISON. Madam President, I wish to speak about the urgent fiscal crisis that is facing our Nation. We know the Congress right now is in negotiation for a resolution that will take us until the end of the fiscal year, and it is in an atmosphere in which so many people are worried about our overwhelming debt and the deficit that would be in the budget that was submitted by the President. We must try to cut that budget responsibly.

The United States is averaging $4 billion a day in debt. A $1.6 trillion deficit is projected by the end of this year. That is just the deficit. That is adding to the debt. Federal spending in 2010 was 23.8 percent of GDP. The CBO, the Congressional Budget Office, predicts it will be 24.7 percent of GDP in 2011.

As a nation, we must remain competitive by reducing Federal spending and spurring economic growth in the private sector. It is jobs in the private sector that will take our economy out of the doldrums where it is now.

For the sake of the American people, I hope we can come together to stop reckless Federal spending. Continuing the spending, the borrowing, and the taxing in Washington will halt job creation and triple the debt by the end of this decade. That is what is at stake.

We must make bold cuts where we can by carefully also prioritizing investment in areas of strategic national importance. What we need now is for the President, the Senate majority leader, and the House Speaker to sit in a room and not come out until a deal is made that has the votes to pass.

I do not want a government shutdown. The consequence of a government shutdown will be enormous, and so many people who are talking about that as an option, as if it is not a big deal, just do not realize how many lives it will touch and how hard it is going to make life for so many people—people who have depended on benefits, such as veterans.

We do not know what will happen in a government shutdown. We do not know what will happen to our military because that is not clear. That is what I want to talk about today.

A government shutdown will put people in peril in many areas, but now we have a situation in which our military, our Active-Duty military—almost 90,000 are in Afghanistan, 47,000 in Iraq—is in a position today of now also wondering if their spouses at home with children are going to get their paychecks. If we have a government shutdown that will affect their ability to pay their mortgages.

Madam President, let me ask, are there time limits in place?

The ACTING PRESIDENT pro tempore. The time cannot until until a deal is made.

Mrs. HUTCHISON. Thank you, Madam President. I just want to say that I have introduced legislation. I have cosponsors—CASEY, INHOFE, SNOWE, MUKOSKI, COLLINS, AYOTTE, and HOEVEN. It is the Ensuring Pay for our Military Act of
April 6, 2011

CONGRESSIONAL RECORD — SENATE

S2153

2011. It is very simple. It just ensures that in the event of a Federal Government shutdown—which I do not want to happen and do not support—our military will be paid. It also will allow anyone who is serving our military—civilian defense employees, or contractors that are paid via contractors pays—also be able to go to work and not have to worry about what is going to happen—back home, especially for those who are serving in harsh conditions overseas.

I hope we will be able to pass this bill. I do not want 1 more minute of stress on our military. The bill is very simple, and it is very short and very clear: Our military personnel and their support will not be affected by a government shutdown.

I hope I can have more colleagues signing up. We have introduced this bill, S. 724, and I hope we can get a vote on this bill in very short order so this is off the table.

Madam President, I yield the floor. The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

FACING ENORMOUS CHALLENGES

Ms. AYOTTE. Madam President, with humility and a deep sense of reverence for this body, I rise today to address my colleagues in the Senate. Serving in this historic chamber is truly an honor. On this floor, my colleagues and I from New Hampshire reflect the very best of our Nation.

As we face enormous challenges, I am reminded of the words of wisdom from one of New Hampshire’s revered statesmen, GEN John Stark. After fighting bravely and heroically in the Revolutionary War, General Stark gave New Hampshire its treasured State motto: “Live Free or Die.” This famous quote perfectly captures the spirit and character of the people of the Granite State. Fiercely independent and strongly protective of our personal freedoms, we place a high premium on self-reliance, personal initiative, and individual liberty. We believe strongly that government cannot and should not be allowed to get in the way of each of us reaching our full potential.

Today, I rise to address our Nation. On this floor, men and women of honor. On this floor, we are the proud parents of two children—Kate, who is 6 years old, and Jacob, who is 3 years old. I am determined to keep alive the American dream for my children and for all of our children and for future generations in this country. But our addiction to spending in Washington threatens that dream. I, for one, will not sit by while our children become beholden to China. Hollow words paying lip service to fiscal responsibility have been used by too many in Congress for far too long.

New Hampshire families sit around their kitchen tables and find ways to make their budgets work. With limited resources, they make hard choices to distinguish between wants and needs. It is time for our Federal Government to do the same.

That is why the first step we should take is to pass a balanced budget amendment to the Constitution. Almost every State in the Nation is required to balance its budget, and our Federal Government should be no different. Last week, I was proud to join 46 other Republicans in supporting such an amendment that caps spending, requires the budget to balance, and makes it more difficult to raise taxes. I ask my colleagues on the other side of the aisle to join us in passing this important measure and to put this vote to the States for ratification.

I appreciate that amending the Constitution is no light matter, but our Founding Fathers could not have anticipated how unwilling Members of Congress would be to actually pass a balanced budget and to make fiscally responsible decisions. Our Founding Fathers were well aware of the threat posed by debt. It was Thomas Jefferson who wrote:

To preserve our independence, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude.

In 1997, the Senate approved a balanced budget amendment back then and the States adopted it. A constitutional amendment requiring a balanced budget is a key first step, but getting spending under control will take a multipronged approach. That is why we must also move quickly to pass serious statutory limits on spending.

One of my honorable predecessors from New Hampshire, Warren Rudman, helped author the Gramm-Rudman-Hollings Act to require sequestration of funds if Congress failed to act to cut spending within deficit targets. Unfortunately, Congress circumvented the law’s provisions by finding loopholes. While that effort may not have ultimately succeeded, we should take the lessons learned from that experience.

We need statutory spending caps with teeth that Congress cannot easily undo.

While I realize that this week we are working to pass funding for the rest of fiscal year 2011, Congress must do something this year that it failed to do last year: Pass a budget. Back home in New Hampshire, people—especially small business owners—are astounded to learn that our Federal Government is operating right now outside the confines of a strict budget. Frankly, it is shameful the last Congress did not approve a budget for fiscal year 2011. Their failure to act is why we are in the difficult place we find ourselves today. Here we are, trying to fund government through a series of patchwork, short-term funding bills.

We need a fiscally responsible budget that cuts Federal spending and puts us on a path to eliminating our debt altogether. State governments operate within a budget, families operate within a budget, small businesses operate within a budget, and the Senate should not be working on any other legislation until we resolve funding for the rest of this fiscal year and pass a responsible budget for 2012.

We have to begin by reviewing every program in our government and eliminating the waste, fraud, and duplication we all know is there. We know there is so much more we can do to streamline our Federal Government. A GAO report released in March identified hundreds of redundant programs costing us billions of dollars.

Finally, it is clear we cannot address our country’s fiscal crisis while continuing to focus on only 12 percent of
spending. That is certainly an important start—and there is plenty to cut—but in order to truly get our fiscal house in order, we must look at the entire budget. We must repair our entitlement programs—Medicaid, Medicare, and Social Security.

Entitlement reform should be an issue that brings us all together—Republicans, Democrats, Independents—to ensure we keep our promises to those who are relying on those programs, while making sure future generations don’t pay for our failure to address the fiscal reality of these programs right now. This is certainly an issue that requires Presidential leadership, and I join others in my party in inviting the President to work across party lines to address this urgent priority. The American people deserve a substantive, responsible debate on how we can preserve these programs in a fiscally sustainable way. We simply cannot continue to put off making the difficult choices today and passing them on to the next generation.

With our trillion dollar-plus deficits and rapidly accelerating debt, we are again closing in on our debt ceiling. Having to repeatedly increase the debt limit represents a broad failure of leadership by politicians from both parties. As a new Member of the Senate, I refuse to perpetuate that cycle. We cannot let this moment pass us by, and I cannot in good conscience raise our debt ceiling without Congress passing real reform and real cuts to our spending. That plan should include a balanced budget amendment, statutory spending caps, spending cuts, and entitlement reform.

We can no longer afford the status quo or business as usual in Washington. The days of spending as though there is no tomorrow to bring home the bacon must end. The fiscal crisis that threatens our Union threatens all of us. We will have to make sacrifices. There will be a time when we have to put aside our parochial interests and appreciate that the only way we will be able to cut spending is for all of us to take shared responsibility and to make shared sacrifices for the great country we love.

Make no mistake, out-of-control spending jeopardizes our Nation’s economic strength and costs us jobs. One thing is for sure: We cannot spend our way to prosperity. We need look no further than the stimulus package to prove that stubborn fact.

The reality is that government doesn’t create jobs. Small businesses and entrepreneurs create jobs. What we need is for Congress to do its job and pass a budget. Only through spending restraint will we begin to address the fiscal crisis and get our fiscal house in order once and for all. This is our time to show we have the fortitude and the courage to do what is right to preserve the greatest Nation on Earth.

I know we can do this, and it is truly humbling to have the opportunity to serve in this body at a time when I know leadership and courage will make all the difference. On behalf of the people of New Hampshire, I stand ready to fight for our great country and to work with my colleagues on both sides of the aisle to address our fiscal crisis. I remain confident that America’s best days still lie ahead of us.

Thank you very much, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I wish to congratulate our new colleague on her initial speech related to the twin problems we have in this country of spending and debt, as well as to say to her that it is pretty clear to all of us that she is a worthy successor to our good friend Judd Gregg whose seat she now occupies and who was also a leader in this body—some would argue the leader in this body—on the questions of our Nation’s fiscal crisis and how to get it in order. So on behalf of all of our colleagues, I congratulate Senator Ayotte.

The ACTING PRESIDENT pro tempore, The Senator from Oregon.

Mr. MERKLEY. Madam President, I also wish to congratulate our new colleague from New Hampshire, who is an extraordinary privilege to serve in this Chamber and it is a long tradition of the Chamber to utilize one’s first speech or maiden speech as an opportunity to address something that is close to one’s heart. I want to extend a warm welcome to her and to her voice, her intellect, and her passion on issues that we must, on both sides of the aisle, work to resolve in order to build a better America and put America back on track.

I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SBIR/STTR REAUTHORIZATION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 493, which the clerk will report.

The bill clerk read as follows:

A bill (S. 493) to reauthorize and improve the SBIR and STTR programs, and for other purposes.

PENDING:

McConnell amendment No. 183, to prohibit the Administrator of the Environmental Protection Agency from issuing any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change.

Vitter amendment No. 178, to require the Federal Government to sell off unused Federal real property.

Inhofe (for Johanns) amendment No. 161, to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments.

Cornyn amendment No. 186, to establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful government spending.

Paul amendment No. 199, to cut $200,000,000,000 in spending in fiscal year 2011.

Sanders amendment No. 207, to establish a point of order against any efforts to reduce benefits paid to Social Security recipients, raise the retirement age, or create private retirement accounts under title II of the Social Security Act.

Coburn amendment No. 197, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.

Coburn amendment No. 184, to provide a list of programs administered by every Federal department and agency.

Pryor amendment No. 229, to establish the Patriot Express Loan Program under which the Small Business Administration may make loans to members of the military community wanting to start or expand small business concerns.

Landrieu amendment No. 244 (to amendment No. 183), to change the enactment date.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I ask unanimous consent that Coburn amendment No. 281 replace amendment No. 223 in the agreement we reached last evening. This is an updated version of Senator Coburn’s amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, under the previous agreement that was reached last evening—and I want to thank both leaders, Senators Reid and McConnell, for working so hard with Senator Snowe and me to try to bring our caucuses to conclusion points on this very important bill, the small business innovation bill, that we have been negotiating now for almost 2 weeks. It is a very important program that deserves to be reauthorized.

This bill will reauthorize this important program for 8 years. We have been operating the last 4 years with 3 months at a time and 6 months at a time. Madam President, representing New York, you know that many of your small businesses have accessed this program, many of your universities, to acquire or to reach cutting-edge technologies that not only our
Federal agencies need but taxpayers benefit from directly.

This program is a job creator. It is an innovative program, and it is a job creator. So I appreciate the work our two leaders have done with Senator Snowe and myself to get us to this agreement. We will be having seven votes this afternoon. Just to recap, they will be Baucus No. 236, Stabenow No. 277, Rockefeller No. 215, Coburn No. 217, Coburn No. 281, Coburn No. 273, which is a side-by-side, I think, and Inouye No. 286. I believe we have already been agreed to, but, Madam President, our challenge is that we have 124 additional amendments that have been filed, most of which have nothing to do with either the Small Business Administration or this program. We understand Senators are frustrated and want floor time for their issues, but taxpayers need this program that works.

We are eliminating some programs at the Federal level that don’t work, but this one does. So we need to try to find a way to prioritize and continue the good economic numbers we are hearing coming out of Treasury and other independent think tanks that are saying jobs are being created.

The recession looks as though it is potentially coming to an end. We are creating net new jobs every month. This is a program that supports that. It is a great foundation program based on cutting-edge research and innovation that helps small businesses in the country who are true job creators.

So I ask Members on both sides to work cooperatively throughout the day today. We are going to have a vote on these seven amendments this afternoon, as previously agreed to, and we will be considering and trying to work with Members on some of their other issues. If we could get a good, strong small business bill agreed to this week and sent over to the House as we resolve these very tough negotiations on the budget, we can be proud to, at some point, put this bill with a few attached amendments, hopefully—not many but a few—to the President’s desk for signature.

So, again, I thank the Members for their cooperation, and I suggest the absence of a quorum.

I am sorry, Madam President. Let me take back that request.

AMENDMENTS NO. 236, 277, 215, 217, 281, 273, and 286

Ms. LANDRIEU. Madam President, under the previous agreement we were able to package amendments. I call up the amendments I previously cited.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes amendments en bloc numbers 236, 277, 215, 217, and 286.

The amendments are as follows:

AMENDMENT NO. 236

(Purpose: To prohibit the regulation of greenhouse gases from certain sources)

At the end, add the following:

SEC. 4. GREENHOUSE GAS-RELATED EXEMPTIONS FROM PERMITTING REQUIREMENTS.

(a) PURPOSES.—The purposes of this section are—

(1) to ensure that the greenhouse gas emissions from certain sources will not require a permit under the Clean Air Act (42 U.S.C. 7401 et seq.); and

(2) to exempt greenhouse gas emissions from certain agricultural sources from permitting requirements under that Act.

(b) AMENDMENT.—Title III of the Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end of section 165, the title ‘‘Greenhouse Gas-Related Exemptions from Permitting Requirements Under This Act’’,

(a) DEFINITION OF GREENHOUSE GAS.—In this section, the term ‘‘greenhouse gas’’ means any of the following:

(1) Carbon dioxide.

(2) Methane.

(3) Nitrous oxide.

(4) Sulfur hexafluoride.

(5) Hydrofluorocarbons.

(6) Perfluorocarbons.

(7) Nitrogen trifluoride.

(8) Any other anthropogenic gas, if the Administrator determines that 1 ton of that gas has the same or greater effect on global climate change as does 1 ton of carbon dioxide.

(b) NEW SOURCE REVIEW.—

(1) MODIFICATION OF DEFINITION OF AIR POLLUTANT.—For purposes of determining whether or not a source is a major emitting facility under section 169(1) or has undertaken construction pursuant to section 169(a), the term ‘‘air pollutant’’ shall not include any greenhouse gas unless the gas is subject to regulation under this Act for reasons independent of the effects of the gas on global climate change.

(2) FUNDING FOR EXCLUSIONS FROM PERMIT PROVISIONS.—No requirement of part C of title I shall apply with respect to any greenhouse gas unless the gas is subject to regulation under this Act for reasons independent of the effects of the gas on global climate change.

(3) AGRICULTURAL SOURCES.—In calculating the emissions or potential emissions of a source or facility, emissions of greenhouse gases are subject to regulation under this Act solely on the basis of the effect of the gases on global climate change shall be excluded if the emissions are from—

(A)changed in land use;

(B)the raising of commodity crops, stock, dairy, poultry, or fur-bearing animals, or the growing of fruits or vegetables; or

(C)farms, nurseries, ranges, orchards, and greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities.

(c) TITLE V OPERATING PERMITS.—Notwithstanding any provision of title III or title V, any source subject to regulation under this Act shall be required to apply for, or operate pursuant to, a permit under title V, solely on the basis of the emissions of the stationary source of greenhouse gases that are subject to regulation under this Act solely on the basis of the effect of the greenhouse gases on global climate change, unless those emissions from that source are subject to regulation under this Act.

AMENDMENT NO. 277

(Purpose: To suspend, for 2 years, any Environmental Protection Agency enforcement of greenhouse gas regulations, to exempt American agriculture from greenhouse gas regulations, and to increase the number of companies eligible to participate in the successful Advanced Energy Manufacturing Tax Credit Program)

On page 116, after line 24, add the following:

S. 504. SUSPENSION OF STATIONARY SOURCE GREENHOUSE GAS REGULATIONS.

(a) DEFINED TERM.—In this section, the term ‘‘greenhouse gas’’ means—

(1) water vapor;

(2) carbon dioxide;

(3) methane;

(4) nitrous oxide;

(5) sulfur hexafluoride;

(6) hydrofluorocarbons;

(7) perfluorocarbons; and

(8) any other substance subject to, or proposed to be subject to, regulation under that Act.

(b) AMENDMENT.—Title III of the Clean Air Act (42 U.S.C. 7401 et seq.), any requirement, restriction, or limitation under such Act (42 U.S.C. 7411), for any source other than a new motor vehicle or a new motor vehicle engine (as described in section 202(a) of such Act (42 U.S.C. 7522(a)), shall not be legally effective during the 2-year period beginning on the date of the enactment of this Act.

(c) TREATMENT.—Notwithstanding any other provision of law, any action by the Administrator of the Environmental Protection Agency before the end of the 2-year period described in subsection (b) that causes greenhouse gases to be pollutants subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.), except for purposes other than addressing climate change, shall not be legally effective with respect to any source other than a new motor vehicle or a new motor vehicle engine (as described in section 202 of such Act).
SEC. 505. GREENHOUSE GAS EMISSIONS FROM AGRICULTURAL SOURCES.

In calculating the emissions or potential emissions or facility, emissions of greenhouse gases that are subject to regulation under title III of the Clean Air Act (42 U.S.C. 7601 et seq.) solely on the basis of the effect of any global climate change
shall be excluded if the emissions are from—

(1) changes in land use;
(2) the growing of commodities, biomass, fruits, vegetables, or other crops;
(3) the raising of stock, dairy, poultry, or fur-bearing animals; or
(4) farms, forests, plantations, ranches, nurseries, orchards, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities.

SEC. 506. EXTENSION OF THE ADVANCED ENERGY PROJECT CREDIT.

(a) In General.—Subsection (d) of section 48C of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

`````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````
Poverty in America is increasing. Since 2000, nearly 12 million Americans have slipped out of the middle class and into poverty. As a nation we have 50 million Americans today who have no health insurance and that number has increased. In recent years we have seen the highest rate of poverty in any major country on Earth. We are deindustrializing at a rapid rate. In the last 10 years we have lost 50,000 of our largest manufacturing plants as many of our largest corporations have decided it is more profitable to do business elsewhere because of our larger countries rather than in America.

That is one reality. Then there is another reality that we don't talk about too much. It is while the middle class disappears and poverty increases, people on the top are doing phenomenally well. Today, about 1 percent of top income earners earn about 23 percent of all income. That is more than in the bottom 50 percent—the top 1 percent earn more income than the bottom 50 percent and the gap between the very rich and everybody else is growing wider.

Not widely discussed but true, in America today the wealthiest 400 families own more wealth than the bottom 150 million Americans—400 families, 150 million Americans. That is an unbelievable gap in terms of wealth, between a handful of families and the vast majority of the American people. That gap is growing wider.

In 2007, the wealthiest 1 percent took in 23.5 percent of all the income earned in the United States; the top 0.1 percent took in 11 percent of total income. The percentage of income going to the top 1 percent has nearly tripled since the 1970s, and between 1980 and 2005, 80 percent of all new income generated in this country went to the top 1 percent.

We are living in a society where the very wealthiest people are becoming wealthier; the middle class is in decline, poverty is increasing. That takes us to the budget situation our Republican friends are pushing.

At a time when the richest people are becoming richer, what the Republicans say is the answer is let us give millionaires and billionaires even more in tax breaks. At a time when the middle class is in decline, poverty is increasing, what our Republicans are saying is let us attack virtually every significant program that improves lives for low-income or moderate-income people.

The reality today, as I think most Americans know, is that within our economy we have a middle class which is collapsing. In the last 10 years, median family income has declined by $2,500. Millions of American workers are working longer hours for lower wages. If you look at real unemployment rather than the official unemployment, we are talking about 16 percent of our people unemployed or underemployed. In many cases even higher for certain blue collar workers and for young workers. The middle class is in very dire straits.
important that we discuss it. Fifty million Americans have no health insurance today. The Republican solution is slash $1.3 billion for community health care centers that provide primary health care to 11 million patients.

What happens when you are sick, you have no insurance, you don’t have any money, you can’t go to a doctor—what happens? Perhaps you die, perhaps you suffer, perhaps you are lucky enough to get a doctor. We spend huge sums of money treating you when you could have been treated a lot more cost effectively through a community health center.

Today, in my office and I suspect in your office, people will tell you that it takes too long for them to get their claims from the Social Security Administration, the disability claims—the waiting line is too long. The Republican solution is slash $1.7 billion from the Social Security Administration, making seniors and the disabled wait even longer. Everybody in America knows how hard it is for a middle-class family to send their kids to college. The significant Pell grants, such as the Pell grant program, make it easier for low and moderate-income families to afford college. The Republican solution is slash $5.7 billion from Pell grants which means that over 9 million American students will lose some or all of their Pell grants. Many of them will not be able to go to college.

Everybody, every working family in America, knows how hard it is today to find quality, affordable childcare. In most American middle-class families the husband works, the wife works—they want to know their kids are in a safe, good-quality childcare center. For decades now, Head Start has done an excellent job in providing quality early childhood education for low-income kids. In the midst of that childcare crisis, the Republican solution is slash Head Start by 20 percent, throw 218,000 children off of Head Start, lay off 55,000 Head Start instructors.

On and on it goes. In my State it gets worse. Right now, if you are a senior citizen and you get sick and you need to go to the hospital, you have a health insurance program called Medicare, which has been lifesaving for millions of seniors. The Republican budget as outlined by Congressman Ryan yesterday is essentially as we know it and converts it into a voucher-type program that will leave seniors paying out of pocket for many lifesaving health care costs.

In other words, if you end up, at the age of 75, with cancer or another illness, what the Republican proposal does is give a voucher to a private insurance company—$6,000, $8,000, we are not exactly sure—and after that, good luck, you are on your own. You have an income of $15,000, you have cancer, how are you going to pay for that? The Republicans say there will be a voucher, ending Medicare as we know it right now.

The Republican proposal would force seniors to pay $3,500 more for prescription drugs. The proposal would reopen the prescription drug doughnut hole, requiring that seniors pay full price for prescription drugs. At a time when so many of our people have no health insurance, the budget contains $1.4 trillion in Medicaid cuts over 10 years by turning it into a block grant program. We are now reading in various States that have budget problems that their solution to the budget problem is simply to throw people off of Medicaid, including children. What happens if you have no health insurance and you get sick?

We are beginning to talk about death panels. That is what we are talking about. If you are sick, you have no health insurance, what do you do? My guess—we have options—you die, you get sicker, you suffer in ways that you did not have to suffer.

The Republican proposal, as outlined by Congressman Ryan yesterday, also includes over $1.6 trillion in cuts over the next decade for education. Pell grants, infrastructure, affordable housing, food stamps, food safety, and other vital programs for the middle class, the elderly, the sick, and the children.

What is also interesting—it is literally beyond belief to me—is while Republicans are slashing programs for low- and middle-income people, what they are also doing—I think people will wake up and say—on the same time as the rich are getting richer and they are slashing programs for low- and moderate-income people, the Republican budget plan would significantly lower taxes for millionaires and billionaires.

So, at Head Start, we cut Pell grants, we cut community health centers, but at the same time we give huge tax breaks for millionaires and billionaires. Furthermore, the Republican proposal would also lower taxes for the wealthiest 1 percent in this country. My point is, we all do understand that this country has a serious deficit problem and a $14 trillion national debt. I think every Member of the Senate is concerned about the issue and wants to address it.

The question is, Do we move toward a balanced budget on the backs of the weakest, most vulnerable people in our country? Is that on the backs of the children, the elderly, the disabled? That is one way we can do it or do we ask for shared sacrifice? Do we say to the wealthiest people in the country, do we say to the largest corporations in this country: You are part of America, too, and you need to help us get out of this deficit crisis.

Last week, I issued a list of 10 major corporations—10 major corporations that paid nothing in taxes in recent years, and, in some cases, actually got a rebate from the Federal Government after making huge profits. To my mind, instead of cutting back on Head Start and Pell grants and community health centers—which will have a devastating impact on low- and moderate-income Americans—maybe we ought to ask General Electric, which made $26 billion in profits over the last 5 years and received a $4.1 billion refund from the IRS, maybe we might want to ask them to pay something in taxes.

I think it is a bit absurd that the average middle-class person pays more in Federal income taxes than does General Electric. Maybe we want to change that. Maybe we want to ask Chevron, which made $10 billion in profits in 2009, which got a $19 million dollar refund from the IRS, maybe we might want to ask them to pay something in taxes so we can move toward deficit reduction in a way that is fair.

Here is the bottom line: corporate profits are at an all time high. The richest people in this country are doing phenomenally well. The middle class is in decline. Poverty is increasing. Republican answer: More tax breaks for the very rich, lower corporate taxes, but stick it to working families in a horrendous way, which will cause massive pain.

We are at a fork in the road in terms of public policy. Do we develop public policy which protects all our people, which expands the middle class, or are we at a moment in history which moves this country aggressively toward oligarchy, in which we have a small number of people at the top with incredible wealth and incredible power, while the middle class continues to disappear.

Now is the time, in my view, for working families all over this country to stand and say: Enough is enough. We need shared sacrifice as we go forward. We do not need to see the middle class in this country further disappear.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

AMENDMENT NO. 236

Mr. BAUCUS. Mr. President, I rise today to speak to amendment No. 236 to exempt farmers, ranchers, and small businesses from EPA regulation of greenhouse gases.
The science is clear: greenhouse gas pollution is causing climate change. Climate change is here, it is real, it is human caused, and it will hurt our economy and the health of our kids and grandkids.

In Montana we are already seeing the effects. According to Dr. Steve Running at the University of Montana, the duration of the wildlife season in the western United States has increased by 78 days since the 1970s. This trend is driven by earlier snowpack melt and less snow on the ground due to climate change. And this trend costs jobs in Montana’s tourism and timber industry.

Climate change also endangers our national security. According to a report recently authored by retired Navy ADM Frank Bowman, “Even the most moderate predicted trends in climate change will present new national security challenges.” That is why the Pentagon included climate change among the risks identified in its Quadrennial Defense Review.

I believe that we all have a moral responsibility to leave this world to our kids and grandkids in better shape than we found it. That means we ought to deal with climate change by reducing our emissions of greenhouse gas pollution. But we must do so in a manner that does not hurt the economic recovery.

Small businesses and agriculture are the drivers of our economic recovery and job creation. Of the 200,000 jobs added in March, over half were created by businesses with 50 or fewer employees. And over 90 percent of the 200,000 jobs created last month were created by businesses with 500 or fewer employees.

My amendment ensures that these businesses can continue to add jobs. My amendment is very simple. It exempts farmers, ranchers, and small businesses from EPA’s greenhouse gas pollution regulations.

Under my amendment only about 15,000 of the more than 6 million stationary sources that emit greenhouse gases in the country would be regulated by EPA. These 15,000 sources are large plants run by big corporations. And over 96 percent of these 15,000 sources already have to get permits under the Clean Air Act for emissions of criteria pollutants. Moreover, these 15,000 polluters account for 70 percent of greenhouse gas emissions from stationary sources in the country. So under the Baucus amendment, small businesses would be protected, while the biggest polluters that account for the vast majority of emissions would have to comply with the law.

EPA is going forward with regulations to reduce greenhouse gas pollution. We ought to ensure these regulations preserve our outdoor heritage, protect our children’s health, promote our national security, and protect small businesses, farmers, and ranchers. My amendment does just that, and I urge my colleagues to support it.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

MR. PRYOR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MR. PRYOR. I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISCAL CHALLENGES

MR. PRYOR. Mr. President, we find ourselves in dangerous territory. While Republicans and Democrats continue to point fingers and hold fiery press conferences, a government shutdown is quickly approaching. The blame game is like quicksand: it has the ability to drag down not only the Senate and the House but the entire economy and our country. No matter how one looks at it, a shutdown would be reckless and irresponsible.

We can get this short-term budget problem resolved if all parties would turn off the rhetoric and stop the campaigning. A few extreme partisans stand in the way of the rest of us making a good-faith effort of many others seeking common ground. I ask them to take to heart what it says in the book of Isaiah: Come now, let us reason together.

We need to overcome this budget impasse and live up to the oath we took and to the people we represent. Larger challenges await our attention. It is not in our best interest to see the government shut down. I don’t think it is in the best interest of the Nation to continue on this deficit-spending cycle we have been on. We owe it to the American people and the world that is watching us to show American leadership on both our short-term and long-term fiscal challenges.

I would like to see us turn our effort to the blueprint provided by the debt commission. I commend the bipartisan group of Senators who have begun to turn part of this plan into legislation. We must find ways to reduce spending, address entitlement programs, and reform the Tax Code. Now, with all the momentum and opportunity built up over the last few months, is the time to lead. We must make the serious decisions to get our Nation out of the red so we can be competitive in the future. Again, I say let’s turn off the rhetoric and be part of the solution, not part of the problem.

In Washington, the blame game has become par for the course. It has become politics as usual. In fact, it is one thing that people in my State are sick and tired of and one of the reasons why they have lost confidence in the Congress and in our government. Besides that, how in the world does holding the government hostage to make a point that does not hurt the economy that if we do shut down the government—and I hope that doesn’t happen—is really only important for the next 6 months. We are only talking about the next election. It is about the next generation.

We do not want to see a shutdown. In fact, from my standpoint, one of the things I use when I look at politicians is, the louder they are and the more often they have press conferences to blame other people, that probably means the more they are to blame for the problems we have today.

I certainly hope that as the elections roll around next year, the American people will remember many of the politicians’ attempts in Washington to avoid responsibility for this terrible fiscal crisis. The thing we need to keep in mind is that what we are talking about this week in terms of shutting down the government—and I hope that doesn’t happen—is really only important for the next 6 months. We are only talking about the next election. It is about the next generation.

The real battle, the more meaningful discussion and debate and fight, even, that we need to have is over long-term fiscal policies.

Our fiscal challenges that the debt commission focused on and many of us have focused on are beyond politics. They are bigger than politics. They are more important than the next election. In fact, they are more important than our own personal political fortunes.

Our fiscal situation we are in is not about the next election; it is about the next generation.

If we look back at the time that we call the Battle of Britain, one of the things Winston Churchill said that always stuck with me is, “Never in the field of human conflict was so much owed by so many to so few.” He was talking about those brave men who flew the airplanes over Great Britain to protect the skies and the British people and to win the war, to stop Nazi Germany from invading and defeating the British Empire.

The “so few” we have today are TOM COBURN, DICK DURBIN, MARK WARNER, SAXBY CHAMBLISS, MIKE CRAPO, and KENT CONRAD. Those few have been
meeting for weeks, even months, to try to come up with a comprehensive budget agreement based on the blueprint of the debt commission. These six Senators are not politicians; they are statesmen. They are trying to do what is right and true. They are trying to do what is in the country’s best interest, not their own. I guarantee my colleagues, each one of the six will face tremendous criticism from their own parties and from other quarters about what they are trying to accomplish. To me, that is courage, leadership; that is what being a Senator is all about.

I know right now there are six of them meeting. I know that at some point, once they come out and once they stand ready to Book of Isaiah was an uphill battle that they want to do, many others will join that effort. But we need to cheer them on and encourage them to finish the hard task they have begun.

I am reminded, when I think about those six sitting in the Capitol and in various rooms around the Capitol, of that phrase in the Declaration of Independence right before our Founding Fathers signed that great document where they mutually pledge to each other our lives, our fortunes, and our sacred honor.” This is our time to put it all on the line. We need to put our political lives on the line, our political fortunes on the line, and our honor. We need to honor the commitment we have made to this country when all 100 of us stood up—in fact, when all 535 of us stood up—and took the oath of office that we were going to do what was right for the country.

I mentioned the Book of Isaiah a few moments ago. I am reminded that many times in the Old Testament, whether in the prophets or Proverbs, we are always encouraged to do right, to do justice, to show mercy. We want to remember and to be true. That is what they call us to do and what they want us to do.

I am also reminded that in the New Testament, when Jesus is talking to the political and religious leadership of his day, he says: Are you so blind?

Are we so blind that we cannot see the forest for the trees, that we can’t understand how important it is for this country to get our debt and deficit where it needs to be? Are we so blind that we are not able to see that we need to put everything on the table, that this is a time for great leadership and shared sacrifice, and we all have to give up something to get this done?

It is our time to lead. This may be the greatest challenge of our generation, of any of us who are serving either in the House or Senate right now. This may be our one moment in history for greatness. I sincerely hope we rise to that challenge because I believe the future of the Republic depends on it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHANNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHANNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PESTICIDE REGULATION

Mr. JOHANNS. Mr. President, I rise today to talk about another example of an EPA that is out of step with American agriculture.

EPA continues to pursue regulations that would require farmers to file for an additional permit if they want to apply pesticides, while just last month EPA Administrator Jackson mentioned “the critical work that farmers are doing to protect our soil, air, and water resources.” Yet the EPA continues, I believe, to handcuff our farmers and our ranchers with very stringent new regulations that force them to do all they can to feed a hungry world.

Time and time again, farmers have consistently proven to be excellent stewards of the environment. They make their living from the land, and they are very mindful of maintaining and protecting and improving it. I speak from experience. I grew up on a farm.

Unfortunately, we have watched organizations use the courts to twist laws against agricultural production. A Democratic Congressman from California recently noted that EPA “often pursues a course of agency activism.” He points out that EPA is using the settlement of lawsuits to give them jurisdiction over issues that may not be allowed under existing law.

More and more we are seeing important policy decisions that impact agriculture arise not from the legislative process, but from the litigation process where a lawsuit settlement results in policy decisions being made.

In January 2009 a court overturned the normal practice of allowing farmers to apply pesticides as long as they complied with labeling requirements under the Federal Insecticide, Fungicide, and Rodenticide Act, which is known as FIFRA.

The Sixth Circuit Court ruled that EPA doubly regulates pesticide applications under FIFRA and the Clean Water Act. Well, at least 25 Senate and House Members, including myself, supported this bipartisan legislation to set the record straight and send a clear message to the EPA.

Here in the Senate, I am a cosponsor of a similar bill Senator Roberts introduced this week. I am pleased to stand here today and support his bill. Both of these bills are designed to eliminate this burdensome, costly, redundant permit requirement for pesticide applications that has been a roadblock to our efforts here. He is trying to do something to solve this problem while protecting farmers and ranchers from additional regulation, but also very mindful of our environment.

I urge the majority leader to act quickly on the legislation to address the EPA’s redundant and costly double-permitting requirements. We can address this in the Senate. If we don’t find a solution, our producers will continue being told how to operate in a very difficult environment. Our producers already deal with the uncertainty of Mother Nature. We should
not infuse even more uncertainty into their lives in the form of these regulations that duplicate with no discernible benefit.

President Obama recently promised to eliminate programs that duplicate each other, issued a directive order calling for a government-wide review to identify programs that either duplicated or, as he said at the time, were just plain dumb. I submit to my colleagues that this pesticide double regulation is unnecessary and as dumb as it gets.

We should support our farmers and ranchers as they produce safe, affordable food. They are working to protect the land. American agriculture can continue to feed the world, and our farmers will continue to care for the land, unless we set up unnecessary roadblocks.

This redundant pesticide permitting requirement is another example of overreach. I hope the Senate will follow the example of the House which voted resoundingly in a very bipartisan way to correct this situation. We can't afford to delay, with the compliance date right around the corner. It is a deadline we simply cannot ignore.

Mr. President, thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. MURkowski. Mr. President, I come to the floor today to express my strong opposition to any attempt to prevent the Environmental Protection Agency from doing its job and protecting our families and our environment. The amendments being considered here in the Senate would hurt our environment and harm our national security by increasing our dependence on foreign oil. They would devastate our public health efforts, and take us in the wrong direction as we fight to compete and win and create jobs in the 21st century clean energy economy.

The positions of leading scientists and doctors and public health experts are clear. Global climate change is real, it is harmful, and it has to be addressed. Rolling back EPA's standards would be devastating to the health of our families, and especially our children. These are settled issues in the scientific world. We shouldn't be spending time debating them over and over on the Senate floor.

By the way, with the price of oil spiking and families paying more and more at the pump, we ought to be focused on ways to move our country away from our dependence on foreign oil. These amendments would do exactly the opposite. They will disrupt efficiency standards that sacrifice billions of gallons of fuel savings and increasing our foreign imports. They will derail the cooperative efforts of auto-makers and autoworkers and EPA and States and States. These unilateral standards that provide certainty for businesses to invest in new technologies. Frankly, they would be harmful to our national security. Every dollar we spend overseas to pay for oil is more money in the pockets of countries that are too often far from friendly to our national security interests, and that doesn't make any sense to me.

Mr. President, the Senate amendment on the floor today is about oil and the environment, and it is not just about our national security dependence on foreign oil. It is also about jobs and the economy, which is exactly what we ought to be focused on right now.

We are currently working on legislation on the floor to help small business owners to innovate and grow, to give them the resources they need so they can expand and add jobs and compete in a global economy. These amendments being considered to that bill will move our country in the opposite direction.

First of all, they are going to cause massive uncertainty and upheaval for clean energy companies such as the McKinsey Company in my home State of Washington that is working right now to create jobs and grow and create a clean energy economy. If the rules of the game keep changing, businesses are never going to have the confidence they need to invest and add workers.

Second of all, we all know America needs to move quickly into the 21st century clean energy economy. Other countries such as China and India are pouring resources into investments in clean energy and creating infrastructure. We need to make sure we position ourselves to compete and win in this critical sector.

That is why instead of harmful legislation and amendments that would take us in the wrong direction—instead of doing that—we should be talking about policies that reduce our dependence on foreign oil, support our national security objectives, and unshackle our economy, so we can tap into the opportunities our nation's workers and support good family wage jobs, and make sure our workers continue leading the way in this 21st century economy. That is the direction our country needs to be moving—toward a healthy and clean environment and toward the clean energy jobs of the future. We can't bury our heads in the sand and expect our energy and our environmental problems to somehow disappear.

The longer we put off dealing with these issues, the more it is going to cost us in the future, and that is exactly what the amendments on the floor today will do. They are bad for the environment, they are bad for the economy, and they are dangerous to our national security.

The science on these issues is very clear and it is something the people in my home State of Washington take very seriously. Because when families across America go outside for some fresh air or turn on their tap and hope and pray to have a clean glass of water, they expect these resources to be just that: clean.

Once again, I strongly oppose any attempt to take away the EPA's ability to do their job, and I hope we can work together to find real solutions to the critical problems that face our country.

Mr. President, thank you. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent to the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, today the President is heading to Philadelphia to talk about energy. Well, the President talks a good game but, unlike energy, talk is cheap.

The President plans to host a townhall meeting about his new energy policy. I think it is time the President face the reality of what the country is seeing, experiencing, and dealing with. If the President truly wants to get a handle on energy costs, he needs to start by immediately stopping his Environmental Protection Agency from attempting to enact backdoor cap-and-trade regulation.

That is exactly what the EPA is doing. The only effect that can have is the increased energy costs on American families. The President's budget is limited as much as 2008. At that time, in an interview with a San Francisco newspaper, he said: "Under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket." Is the President serious about decreasing U.S. dependency on foreign oil? If so, he should then rescind his veto threat against today's congressional legislation regarding the policies of the EPA.

That is why I am here in support of the McConnell amendment. The McConnell amendment keeps energy prices low. It prevents the EPA from blocking the development of domestic energy. It restores the Clean Air Act to its original congressional intent. I support the McConnell commonsense amendment.

Most likely, today we will hear more of the same from the President in his townhall meeting in Philadelphia, and more of the same is the last thing the American people need right now. American families are facing increasing gas prices. Our national security is being jeopardized by dependence on foreign sources of energy. The unrest in the Middle East and North Africa is driving high prices even higher.

The Department of Energy has made an estimate that families all across this country will spend $700 more on gasoline than they did last year. Meanwhile, the President will most likely deliver another speech with great goals but limited action.
With gasoline at over $3.50 a gallon, the President fails to appreciate the effect his administration’s policies have on families with bills, with kids, and with mortgages to pay.

In 2008, President Obama, then a candidate, said the problem wasn’t that gas prices were too high but that they had risen too fast. In his words, he said he “would have preferred a more gradual adjustment.” This may explain why the President spent his first 2 years in the White House still clinging to the drugstore-drinking one-of-the-above approach to energy. It is no wonder that he is now trying to cast blame on those who are offering a responsible alternative.

The President says he wants to cut our imports of foreign oil by a third by 2025. Well, to me, he doesn’t appear to have the right vision or political will to get there. The United States has the most combined energy resources on Earth, but when faced with new sources of U.S. oil, the administration’s automatic response has been to regulate, delay, or to shut down.

The President’s “say one thing, do another” policy is making the pain at the pump even worse. His approach is long on promising, short on responsibility. He talks of his concern for the people affected by the gulf oilspill. Yet his drilling shutdown in the Gulf of Mexico killed their jobs and strangles energy production even today. U.S. offshore oil production is expected to drop 15 percent this year thanks to the policies of this administration.

The President’s claim that blaming his administration for “shutting down oil production”—he says it doesn’t track with reality. But I will tell you that the administration’s stalling on gulf oil and gas drilling permits is so antibusiness that even former President Bill Clinton called it “ridiculous.” Even as the President says he wants to cut oil imports, he told an audience in Brazil a week or two ago that he wants the United States to become “one of Brazil’s best customers” for oil. He said he would expedite new drilling permits. He claims oil companies are “sitting on supplies of American energy just waiting to be tapped.” But the biggest thing standing in the way is redtape from his own Interior Department and EPA. “Use it or lose it” makes for a nice sound bite, it ignores the reality that the Obama administration’s own policies are the most significant roadblock we have to drilling and exploring for American energy.

The President also claims to support alternative fuels. Yet he didn’t once mention converting coal into fuel or tapping oil shale. Oil shale production could produce an estimated 800 billion barrels of recoverable oil. That is three times the amount of Saudi Arabia’s oil reserves.

The way we can address our economic and national security needs is by producing more American energy. We can’t afford to pick and choose our energy at a time of uncertainty. We do need it all. This means allowing more U.S. exploration and lifting the burdensome regulations that make it harder for Americans to produce more energy. Renewable energy is part of it. It is important that as we increase green energy and jobs that have continued to power our country for over a century. Until the administration acknowledges this, the administration will continue and we will never make it to make the pain at the pump even worse. That is why I urge the Members of this body to adopt the McConnell amendment. With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized. Mr. MENENDEZ. Mr. President, I rise in strong opposition to the McConnell amendment. I listened to my distinguished Wyoming colleague Bill Thomas, and I enjoy working with him, but this is one subject on which we fundamentally disagree.

This isn’t about energy production; this is about clean air. This amendment is a blatant attack on the Clean Air Act. It is not realistic in terms of energy policy in New Jersey, any attack on the Clean Air Act is an attack on New Jersey.

Primarily because of dirty, old, out-of-State coal plants, every county in New Jersey is noncompliant with the Clean Air Act—not by what we do but what other States do. One of those coal powerplants is the aging Portland Generating Station, located just across the Delaware River. This plant emitted 30,000 tons of sulfur dioxide in 2009. That is almost three times the amount of all seven of New Jersey’s coal plants combined. So we have cleaned up our act. Others need to do it for the collective air we breathe as Americans. Its pollutants waft across the Delaware River into numerous New Jersey counties, causing and exacerbating a whole host of respiratory illnesses, from asthma to heart disease. If not for the Clean Air Act, my State or any other State similarly situated would not have been able to petition the Federal Government to stop the pollution this Pennsylvania plant spews into New Jersey’s air.

Just last week, New Jerseyans received some good news. Under the authority of the Federal Government proposed a rule that would grant my State’s petition. If finalized in coming months, the rule would lead to an over 80 percent reduction in the Portland coal plant’s sickening sulfur dioxide emissions. If not for the Clean Air Act, my State would not have this victory within its grasp. It wouldn’t have the opportunity to protect its citizens. We simply cannot gut the one piece of Federal legislation that protects the air we breathe.

Imagine how your children they cannot go outside to play because the wind is not blowing quite the right way, because the air they will breathe will damage their lungs. The McCloskeys from Delran, NJ, don’t have to imagine that scenario; they know it. Let me tell you about Erin McCloskey. On poor air quality days in the summer, their daughter Erin could not even make it to the family car, much less go outside, without starting to wheeze. Family activity began to revolve around trips to the doctor, treatments, and stays at the hospital. It was a severe economic hardship on the family not just because of costs but also because all of the day, without starting to wheeze.

The McCloskeys are not alone. Four-year-old Christian Aquino, from Camden, NJ, suffers from severe asthma. He takes six different medications a day to control asthma attacks, but still his mother, Iris Valerio, lives with the constant fear that an attack is around the corner. On bad air days, they avoid going outside, and when on the highway, they turn on air conditioning, and the windows are kept closed.

Fourteen-year-old Samaad Bethea, of Elizabeth, NJ, also suffers from severe asthma. He has been on daily steroid medication to control his asthma for 3 years. If he skips a day, his lungs start to falter and he can’t catch his breath. His mother Sharon realized that pollution in their old neighborhood was triggering attacks and had an opportunity to move the family. Since that move, Samaad’s asthma attacks have improved. But, he still requires daily steroid medication.

These children are part of a sobering national reality, a New Jersey reality. Their days revolve around inhalers, steroids, and constant anxiety over when air pollution will trigger another severe asthma attack.

According to the National Centers for Disease Control and Prevention, each year over 10,000 New Jerseyans and many children are hospitalized due to attacks triggered by air quality problems. Thousands of sick days are taken each day in New Jersey by either asthmatics or parents of asthmatics, with huge consequences for the New Jersey economy. Asthma attacks triggered by air pollution cause scores of premature deaths in my State each year.

Erint McCloskey, Christian Aquino, and Samaad Bethea bring these statistics to life. While the causes of their asthma are many, air pollution is a common trigger. The Clean Air Act directly impacts their health, their quality of life, and even the ability of their parents to get or keep a job. For them and for thousands of children like them, weakening the Clean Air Act will mean more days sequestered in their homes and more emergency room visits.

The McConnell amendment—the one I call the dirty air amendment—is the first of many amendments we can expect to see that are aimed at preventing the Federal Government from regulating polluters under the Clean Air Act.
Caring about children’s health means not allowing polluters to place profits ahead of people, ahead of the well-being of our children—and I mean all children, no matter their race, ethnicity, or class. Low-income and minority Americans continue to be disproportionately exposed to pollution that is harmful to their health. A recent analysis showed, for example, that two-thirds of U.S. Latinos—about 25.6 million Americans—live in areas that do not meet the air quality standards under the Clean Air Act. Perhaps this begins to explain why Hispanic Americans are three times more likely than Whites to die from asthma attacks, why Latino children are 60 percent more likely than Whites to have asthma.

Low-income and minority Americans will also be disproportionately affected by the impacts of climate change. Let’s be clear. The scientific consensus is overwhelming. Climate change will increasingly create more frequent and more extreme storms, more violent and sustained heat waves, meaning more costly and dangerous floods and droughts. Hotter summer days will mean more ozone formation and more bad air days. In this way, climate change directly endangers all of us, our children, and our children’s children. But changes in weather patterns and increasingly extreme weather events also result in indirect effects. The security of our food supply will be at risk more frequent and greater stress. The security of water supplies will be at risk due to droughts.

For all of these reasons, scientists agree that climate pollution endangers public health and welfare. That is well understood, and we can curtail these risks by regulating climate pollution. But, no, big polluters want to kick the can down the road. They want to pretend they aren’t polluting. Big polluters want to pretend these risks aren’t real. They want the McConnell amendment to pass so they can continue business as usual.

This is not about energy because if the New Jersey coal-fired plants ultimately reduced their emissions by 80 percent, it is a question of an investment. They are still producing energy. There are 9.3 million people in the State. They are producing energy, but the reality is that they are doing it in a cleaner way. That is what this issue is about.

We must not allow polluters to set our priorities. How many children in New Jersey or in other parts of the country face the reality of dirty air? How many children are we willing to have deistically ill in order to allow polluters to continue to spew toxins into the air we collectively breathe? Doing so risks not only our health and that of future generations, it risks the promise of a green economy built on clean energy efficiency innovations, and reduced waste and pollution.

I urge my colleagues to stop the effort to gut the Clean Air Act and to defeat this amendment. Let’s make sure we bequeath to future generations the ability to have air that, ultimately, we can collectively breathe, that doesn’t sicken our families and undermine our collective health.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. BOOZMAN. Mr. President, I rise to express my strong support for the McConnell amendment. This amendment prevents EPA from continuing to reach beyond Congress’s clear intent under the Clean Air Act.

Congress only meant to authorize greenhouse gas regulation under the Clean Air Act. This amendment is an appropriate response to clarify the law that is being misinterpreted. The EPA should not be making policy decisions beyond the authority clearly granted to the Agency by Congress.

Let us remember, last year, Congress rejected the cap-and-trade agenda on a bipartisan basis. The EPA’s agenda is a job-destroying agenda. It will raise the price of energy, food, and gasoline. The cost of this policy will be felt by the people of Arkansas and all Americans every time they shop at the store.

The EPA’s agenda will not lead to a cleaner environment. American manufacturing will be hurt, and our manufacturing capacity will be replaced by foreign competitors with weak environmental standards. This amendment will allow individual States to keep existing policies in place by permitting them to regulate emissions as they see fit.

This amendment also enables the EPA to focus on the important purposes of the Clean Air Act, which I strongly support. The Clean Air Act must be used to protect the public from harmful pollution. The Clean Air Act was not intended to address climate change concerns.

Finally, let me address a myth we keep hearing. Some have stated the Supreme Court ruling that resulted in the situation we are in today is a classic example of how unelected officials—not just judges—can make laws and regulations in a manner that is dramatically contrary to the ideals of the American founders. I disagree. The Supreme Court stated that the EPA can decide whether greenhouse gases endanger public health and welfare. Many Senators believe the Supreme Court’s interpretation of the law is wrong. Yet EPA made a political decision based on the Court’s ruling to expand their jurisdiction far beyond what Congress intended. This amendment will correct that action.

Others have stated this amendment would permanently eliminate the EPA’s authority to regulate greenhouse gases. This is also wrong. No policy is permanent unless it is part of our Constitution, and even the Constitution can be amended. We can enact this amendment and still have a debate in this body about needed policy changes in the future.

Finally, let me quickly address some of the alternatives to this amendment that are being suggested. Some of my colleagues have suggested delaying the EPA’s actions by 2 years. Others have suggested that one sector of the economy or another should be exempted from the EPA’s unnecessary and burdensome rules.

I would suggest these proposals do not provide the cover some Senators want. Bad policy is bad policy whether carried out this year or 2 years from now. Our job creators need certainty. Restraining the EPA for 2 years will not provide the certainty they need to invest and create more jobs. Exempting one sector of the economy is also not enough. There is no excuse for protecting just one sector, while watching Americans in other sectors lose their jobs to foreign competitors.

At the moment, our priority must be job creation, protecting our industrial and manufacturing sectors, and keeping manufacturing jobs here in the United States. We must make sure the EPA avoids politically driven initiatives and becomes focused on its core mission: protecting air and water quality and preventing exposure to toxic contamination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. FRANKEN. I thank the Chair.

The remarks of Mr. FRANKEN pertaining to the submission of S. Res. 133 are located in today’s RECORD under “Submission of Concurrent and Senate Resolutions.”

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I wish to speak for a few minutes on behalf of the McConnell-Inhofe amendment. I thank them for their leadership in dealing with governmental regulation of carbon dioxide and other greenhouse gases, amendment No. 183. I want to share a few thoughts about a matter that is important to me. I served several years as ranking Republican on the Judiciary Committee. I am interested in our legal system and how it works. I have to say that the Supreme Court’s interpretation of the law in this situation we are in today is a classic example of how unelected officials—not just judges—can make laws and regulations in a manner that is dramatically contrary to the ideals of the American Founders, and in a manner that is contrary to the ideals on which this country was founded, ideals that require accountability, that require responsibility and that allow the American people to hold their officials responsible and accountable for what they do.

For this reason alone I believe the McConnell-Inhofe amendment should be agreed to, because we are talking about a situation in which unelected
governmental employees are systematically going about regulating emission of CO₂ in the country under a very attenuated theory. They were never given the explicit authority to do so.

They will, under the power they have asserted, have the ability to regulate your automobile, the heating unit in your home, hospitals, businesses, cities, and anything else that utilizes carbon fuels to produce energy. This is what it is all about.

How did it happen? What occurred here? Well over forty years ago, Congress passed the first Clean Air Act, and since then, Congress has amended the Act several times. Congress was focused on cleaning up the air and dealing with smog, particulates, nitrogen dioxide, sulfur dioxide—all of these pollutants were being emitted into our atmosphere and were affecting the health and well-being of Americans, particularly in cities, and Congress took action to contain that, and it has helped produce cleaner environment. Pollution was far worse 40 years ago than it is today. Our atmosphere has far fewer dangerous pollutants in it and, in that regard, the Clean Air Act has been very successful.

But one thing that was created we have had a marvelous balance. Human beings and animals breathe in air. They take in oxygen out of that air and they breathe out carbon dioxide. Carbon dioxide is not a pollutant. We have never considered it to be a pollutant. Plants, as you know from your basic high school classes, take in carbon dioxide and emit oxygen as part of a life cycle process that is marvelous and wonderful beyond our ability to express.

Over the course of centuries and millennia, plants in the world took in carbon dioxide and, eventually, were buried in the earth. As a result, the carbon dioxide in those plants was trapped underground and developed into coal, oil, and other fuels. In recent years we have been taking those fuels out of the ground and burning it and, as a result, releasing the carbon dioxide.

When the Clean Air Act was passed, there was no discussion or thought about any potential danger of a warming planet. Congress did not have the slightest idea at that time that thousands of bureaucrats would be able to one day take the Clean Air Act that they control every hour, every business, every city, every car, and every hospital in America.

What happened? The concern over global warming arose. Whatever people believe about that, the concern certainly is out there. Many people believe it is a serious threat. Others think it is not so serious. But at any rate, a lawsuit was filed. That is what we have so much of in this country. People file lawsuits, especially on environmental issues. They said: The planet is one big spaceship and one person's carbon footprint is because there is a global warming gas, CO₂, that is being emitted more today, and this is a danger to us and we believe it is a pollutant now. So, they would call CO₂, which naturally occurs in our atmosphere and is used by plants and vegetation, a pollutant because the planet is warming. What do you say, Supreme Court? The Court responded, and EPA should be allowed to regulate CO₂. And EPA would be allowed to regulate it. By a 5-to-4 decision, the Supreme Court seems to say, but not with much clarity, that EPA should look at regulating CO₂ because that is what they said the Clean Air Act meant to allow.

First of all, I don’t think the statute meant that. I agree with the four judges who dissented. I believe Congress never had any intent whatsoever to give EPA the ability to control the emission of CO₂ all over America. I have no doubt of that. It is not in the statute in a way that would clearly enable the Supreme Court to say that. I suspect it was a product of activism. Judges got excited about the claim several years ago regarding the danger of CO₂ and global warming. Never mind that there seems to be actually less concern today about global warming. In any event, those judges wanted to see CO₂ regulated and they interpreted the statute in a manner that would allow for it. Now the Environmental Protection Agency is setting about to do so. It is a major intervention by the U.S. Government in every aspect of American life.

EPA has argued that the emission of carbon dioxide has the potential to drive up costs for individual Americans as they heat their homes and drive their cars and will place a real burden economically on the American economy. It will put us in a bad situation economically.

So the McConnell-Inhofe amendment says: Wait a minute. Congress did not approve that. We do not want to do that yet. We do not want EPA regulating CO₂ all over the country unless and until Congress passed a law allowing that. If we were to decide, we would allow the Supreme Court to tell us and we believe it is a pollutant now. And because of five justices, an unelected group of American employees are setting out to regulate carbon dioxide and other greenhouse gases. We do not want to do that.

The American people should not allow this to happen. They should demand that their Congress be responsible for what it does when it imposes such a monumental cost on the economy and the American people. That is what happened when they passed the McConnell-Inhofe Amendment before the Senate today faces up to that squarely. It says we are not going to allow this circuitous route of interpretation of statutes to result in one of the most massive governmental intrusions in American life to occur. It ought to be a matter of intense public debate and national discussion before such a thing happens.

I salute my colleagues for offering their amendment. I urge my colleagues to support it.
Mr. ROCKEFELLER. Mr. President, we are going to be voting this afternoon on a number of EPA amendments, one of which is mine, which calls for a short 2-year timeout, which would not shut down in any way the EPA, particularly on CAFE standards.

So I have two messages: One is that I hope but doubt—but nevertheless hope—people will vote for my amendment. So I call for a 2-year timeout, which should not affect CAFE standards. It is a guaranteed loser in the legislative process. I think mine could be helpful.

The most important point I can say about the McConnell amendment—I just pray this sinks in; it will not, but I pray that it will—there is not one chance in 10 trillion that the McConnell amendment will become law. It will not happen. It shuts the EPA down pell-mell, in all respects, for ever. It will never happen. I doubt it will pass the Senate. It will certainly not pass at any other level where it counts. So why do they do that? They do that because it does not solve the problem; it makes a point. It makes people feel good because they are mad, but, in fact, it does great destruction to our future. It does not solve a problem, and I am here to solve problems.

First of all, I am very opposed to the McConnell amendment. I think it is foolish. It overreaches. It is briefly satisfying and devastating on a long-term basis. But the crux of my point: It undercuts the ability—because it obliterates the EPA—to set CAFE standards. Too few people in this body understand that 31 percent of all carbon emissions come out of the rear end of trucks and cars and that right now we are heretofore on a permanent basis. It is goodbye EPA forever. That strikes me as not a mature approach to legislation.

I understand the frustration. We have that in West Virginia. The EPA does not understand necessarily the nuances of economic situations, that there is a more exacting way to present legislation. So I call for a 2-year timeout period, but I do not abolish EPA. I just say for 2 years they should not do regulations on power stations, manufacturing plants, or oil refineries. That strikes me as not being fatal; it strikes me as something that could become law.

The most important point I can say about the McConnell amendment—I just pray this sinks in; it will not, but I pray that it will—there is not one chance in 10 trillion that the McConnell amendment will become law. It will not happen. It shuts the EPA down pell-mell, in all respects, for ever. It will never happen. I doubt it will pass the Senate. It will certainly not pass at any other level where it counts.

So why do they do that? They do that because it does not solve the problem; it makes a point. It makes people feel good because they are mad, but, in fact, it does great destruction to our future. It does not solve a problem, and I am here to solve problems.

So I hope my amendment will get sufficient votes. I am not sure. I do not think it will because I think the folks on the other side of the aisle have completely deserted it because they feel a great solidarity, want to show their power, and along comes an elimination bill, and it is just incomprehensible to me that mature people could actually be for that, vote for that, espouse that, but they have.

As of last December, when we were doing the Omnibus appropriations bill, every Republican had agreed more or less to vote for my bill—just a 2-year timeout which would not affect CAFE standards. Then all of a sudden Republicans defected. The election had already been held. The House was about to go into Republican hands. Once they defected, then everything crashed down. All of the votes I would have gotten from the Republican Party are now gone. I doubt I will get any Republican support and not many from my own party, which I regret but I understand.

I believe in clean coal. People say “coal.” I much like it better if they say “clean coal” because if it is just coal, we are not going anywhere, and natural gas will override coal, put them out of business. I have said this to the coal operators quite frequently. They do not believe me, but I think it is true.

It has happened in North Carolina in 12 powerplants. It is happening in Ohio. It is happening in lots of places. I have nothing against natural gas. We have a lot of natural gas. Natural gas, however, has one-half of the carbon that coal does. It has one-half. They call themselves a clean fuel, and in relation to coal in the ground, they are, but 50 percent is a long way from what we are already doing in West Virginia, which is taking 90 percent of the carbon out of coal. It goes to a powerplant, where there is Dow Chemical Company on the one hand, and American Electric Power on the other, and they have already—and I have been to see their plants, and I have seen their results, and I went with Secretary Chu—they are taking 90 percent of the carbon out of coal. That is not bad. You can call that clean coal.

We have a gigantic energy problem. We need everything we can get. I was even talking to a miner in West Virginia, who is about 20 percent of our current power structure. I am not sure where I am right now. I have to think more deeply about that. I am worried because our powerplants are old, also, as the Japanese ones are. But if you do it the way it is done in this amendment, by abolishing the agency, that is a long season, and it is a bad win-lose record.

So I hope my amendment will get sufficient votes. I am not sure. I do not think it will because I think the folks on the other side of the aisle have completely deserted it because they feel a great solidarity, want to show their power, and along comes an elimination bill, and it is just incomprehensible to me that mature people could actually be for that, vote for that, espouse that, but they have.

As of last December, when we were doing the Omnibus appropriations bill, every Republican had agreed more or less to vote for my bill—just a 2-year timeout which would not affect CAFE standards. Then all of a sudden Republicans defected. The election had already been held. The House was about to go into Republican hands. Once they defected, then everything crashed down. All of the votes I would have gotten from the Republican Party are now gone. I doubt I will get any Republican support and not many from my own party, which I regret but I understand.

I believe in clean coal. People say “coal.” I much like it better if they say “clean coal” because if it is just coal, we are not going anywhere, and natural gas will override coal, put them out of business. I have said this to the coal operators quite frequently. They do not believe me, but I think it is true.

It has happened in North Carolina in 12 powerplants. It is happening in Ohio. It is happening in lots of places. I have nothing against natural gas. We have a lot of natural gas. Natural gas, however, has one-half of the carbon that coal does. It has one-half. They call themselves a clean fuel, and in relation to coal in the ground, they are, but 50 percent is a long way from what we are already doing in West Virginia, which is taking 90 percent of the carbon out of coal. It goes to a powerplant, where there is Dow Chemical Company on the one hand, and American Electric Power on the other, and they have already—and I have been to see their plants, and I have seen their results, and I went with Secretary Chu—they are taking 90 percent of the carbon out of coal. That is not bad. You can call that clean coal.

We have a gigantic energy problem. We need everything we can get. I was even talking to a miner in West Virginia, who is about 20 percent of our current power structure. I am not sure where I am right now. I have to think more deeply about that. I am worried because our powerplants are old, also, as the Japanese ones are. But if you do it the way it is done in this amendment, by abolishing the agency, that is a long season, and it is a bad win-lose record.

So I hope my amendment will get sufficient votes. I am not sure. I do not think it will because I think the folks on the other side of the aisle have completely deserted it because they feel a great solidarity, want to show their power, and along comes an elimination bill, and it is just incomprehensible to me that mature people could actually be for that, vote for that, espouse that, but they have.

As of last December, when we were doing the Omnibus appropriations bill, every Republican had agreed more or less to vote for my bill—just a 2-year timeout which would not affect CAFE standards. Then all of a sudden Republicans defected. The election had already been held. The House was about to go into Republican hands. Once they defected, then everything crashed down. All of the votes I would have gotten from the Republican Party are now gone. I doubt I will get any Republican support and not many from my own party, which I regret but I understand.

I believe in clean coal. People say “coal.” I much like it better if they say “clean coal” because if it is just coal, we are not going anywhere, and natural gas will override coal, put them out of business. I have said this to the coal operators quite frequently. They do not believe me, but I think it is true.

It has happened in North Carolina in 12 powerplants. It is happening in Ohio. It is happening in lots of places. I have nothing against natural gas. We have a lot of natural gas. Natural gas, however, has one-half of the carbon that coal does. It has one-half. They call themselves a clean fuel, and in relation to coal in the ground, they are, but 50 percent is a long way from what we are already doing in West Virginia, which is taking 90 percent of the carbon out of coal. It goes to a powerplant, where there is Dow Chemical Company on the one hand, and American Electric Power on the other, and they have already—and I have been to see their plants, and I have seen their results, and I went with Secretary Chu—they are taking 90 percent of the carbon out of coal. That is not bad. You can call that clean coal.

We have a gigantic energy problem. We need everything we can get. I was even talking to a miner in West Virginia, who is about 20 percent of our current power structure. I am not sure where I am right now. I have to think more deeply about that. I am worried because our powerplants are old, also, as the Japanese ones are. But if you do it the way it is done in this amendment, by abolishing the agency, that is a long season, and it is a bad win-lose record.

So I hope my amendment will get sufficient votes. I am not sure. I do not think it will because I think the folks on the other side of the aisle have completely deserted it because they feel a great solidarity, want to show their power, and along comes an elimination bill, and it is just incomprehensible to me that mature people could actually be for that, vote for that, espouse that, but they have.

As of last December, when we were doing the Omnibus appropriations bill, every Republican had agreed more or less to vote for my bill—just a 2-year timeout which would not affect CAFE standards. Then all of a sudden Republicans defected. The election had already been held. The House was about to go into Republican hands. Once they defected, then everything crashed down. All of the votes I would have gotten from the Republican Party are now gone. I doubt I will get any Republican support and not many from my own party, which I regret but I understand.
billion we export from this country because of the addiction we have to foreign sources of energy.

The problem is, everything this administration is doing is contrary to that goal. If we look at policies that are coming out of Washington, DC, right now, today, they completely contradict this idea that we ought to be moving toward energy independence and getting away from this dangerous dependence we have on foreign sources of energy. It will make a couple of points.

We have, of course, in the Gulf of Mexico the so-called permitorium. We have not been issuing permits to explore, to continue the work that is being done down there in terms of energy exploration. The Outer Continental Shelf has been put off limits by this administration, and many Federal lands where there are abundant energy resources have also been placed off limits. In fact, there are some areas that had been developed or where there were going to be permits issued for exploration in some of the States in the West where we know we have abundant energy resources that have now been repealed or pulled back by the administration. Only 77 in the State of Utah, 1 in the State of Montana. We have enormous resources right here in our own country we could be developing that would get us away from sending this $1 billion a day, every single day, out to foreign countries because of our addiction to energy.

The other thing tried in the Congress last year was a cap-and-trade bill. It passed the House of Representatives. It passed narrowly. It was never voted upon in the Senate because there wasn’t political support for it. That legislation would have also dramatically increased the cost of energy in this country, making it more expensive for our small businesses to run their operations, and imposed dramatically higher electricity and fuel costs on American consumers. That was a given. I think everybody conceded that was the case. But because there wasn’t political support for it on Capitol Hill, it ended up not becoming law.

What we have now coming out of the EPA is essentially a cap-and-trade bill through the back door. The EPA has decided they will do by regulation what they could not get done—the administration got done—through the political process in Congress.

The point I wish to make about that is the cap-and-trade bill, which was widely debated and discussed at the time, would have driven up energy costs for people in this country. This proposal by the EPA would have the exact same impact and effect. In fact, if one is concerned about economic growth and job creation, which we all should be—Lord knows, when we have almost 10 percent unemployment and lots of people in this country looking for work, that ought to be our No. 1 priority—the fact that we would be putting policies in place that would be counter to creating jobs and getting capital deployed out there in our economy probably defies explanation, at least for most Americans.

In fact, the American Council for Capital Formation projects that the uncertainty created by the EPA’s climate change regulations would increase the risk premium of capital by 30 to 40 percent.

The additional uncertainty is projected to reduce U.S. capital investment by as much as $400 billion per year.

So I would argue that if we are serious about creating jobs, if we are serious about growing the economy, why would we want to sideline hundreds of billions of dollars of capital every single year because of these onerous and costly regulations?

This is a major reason why there is $2 trillion today sitting on the sidelines. It is talked about a lot, but nobody seems to be concerned about changing that. It is estimated that from those who are able to invest and have capital to put to work is, they don’t like the economic uncertainty coming out of Washington. In most cases, if not in every case, it is focused on these regulations, on regulatory agencies, particularly the EPA, that continue to come up with new proposals to drive up the cost of doing business in this country.

There was a Charles River Associates study which projected the EPA’s cap-and-trade bill would increase wholesale electricity costs by 35 to 45 percent and reduce average worker compensation by $700 per year.

What is unfortunate about this whole situation is that the regulations will drive up energy and gasoline prices the most for middle- and low-income families. That is where the impact is going to be most felt.

Roger Bezdek, who is the former Director of the Bureau of Economic Analysis at the U.S. Department of Commerce, concluded recently that EPA’s regulations: will impact low income groups, the elderly, and minorities disproportionately, both because they have lower incomes to begin with, but also because they have to spend proportionately more of their income on energy, and rising energy costs inflict great harm on these groups.

I would go on to point out that perhaps the greatest burden of increased energy costs resulting from these new greenhouse gas regulations will fall upon the elderly Social Security recipients who represent 20 percent of all households in this country and who depend primarily on fixed incomes. They have limited opportunity to increase their earnings from employment. They get hit the hardest. What these regulations are going to do is target and hit the people who can least afford to deal with them.

So we have an opportunity to do something about that. I think what we are seeing with the EPA and many of these government agencies is an example of overreach, which is a function, in my view, of bureaucracies that have gotten too big. We all talk about government. There is going to be, I think—I hope, at least—a great debate over the next couple years as we address this issue of spending and debt. But what I am concerned about is how much government intervention we ought to have, and I think most Americans have concluded that government has gotten too big and it has grown too fast. Perhaps the greatest example is the federal agencies that do this tremendous propensity to want to regulate everything they can out there, to the detriment of many of our small businesses and those who are trying to create jobs.

As an example of how much our government has grown, the historical average for this country and what we spend on the Federal Government as a percentage of our total economy, as a percentage of our GDP, is about 20.6 percent. This year, it is over 25 percent. So the government continues to expand, continues to grow relative to the economy. The private economy continues, by virtue of comparison, to shrink. We ought to be looking at what we can do to grow the private economy, what we can do to create jobs, what we can do to create economic growth in this country as opposed to the things that are being done to expand government.

As an example of how much our government has grown, there is the McConnell amendment, is—there has been a lot of discussion about what it would or wouldn’t do, but I wish to point out for my colleagues some things it would not do because it does get at the heart of this issue, which is preventing the EPA from moving forward with these costly and burdensome regulations.

There are a number of things it does not do. It does not prohibit States from enacting greenhouse gas laws and addressing climate change. The amendment expressly allows States to keep existing policies in place and allows States to regulate greenhouse gas emissions as they see fit. The bill also makes clear that any changes States have adopted in their State implementation programs and title V operating permit programs pertaining to greenhouse gases are not federally enforceable.

The McConnell amendment does not overturn the agreement between the White House, California, the automakers, the EPA, and the Department of Transportation on greenhouse gas emissions from cars. A lot has been made out of that issue. That is something the McConnell amendment does not do. In fact, the amendment expressly preserves the auto agreement and the most recently enacted fuel efficiency standards.

In 2017 and beyond, the amendment ensures that any future national auto regulations concerning greenhouse gases will be decided by Congress, which, frankly, is where it should be
decided, which is why this overreach is such an example of big government gone bad.

The McConnell amendment does not overturn clean air and public health protections under the Clean Air Act. The amendment maintains all of the Clean Air Act’s provisions to protect the public from harmful pollution. Thousands of Clean Air Act regulations would remain untouched by this amendment. Certainly, this amendment does not, as has been suggested, gut the Clean Air Act. In fact, it is the contrary.

The amendment does, however, clarify that Congress never gave the EPA the authority under the Clean Air Act to regulate greenhouse gases for climate change purposes. That responsibility, as I said before, lies and should lie with the Congress.

Finally, the McConnell amendment does not stop the U.S. Government from taking any action to address climate change. The amendment puts Congress in charge of U.S. climate and energy policy. Also, the bill expressly preserves Federal research development and demonstration programs addressing climate change.

So if Democrats in Congress want to enact climate change regulations, I would encourage them to bring a climate change bill to the floor. This is where it should be debated, by the people’s representatives, not decided by unelected bureaucrats in some Federal agency, which is what the EPA regulations would, in effect, do.

There are a number of amendments that have been offered by our Democratic colleagues which I would describe as political cover amendments. They are hearing the same thing we are from their small businesses, from agricultural groups, and from consumers across this country about what these regulations would do and how they would, in essence, impede electric rate and fuel costs in this country. So they are trying to give themselves some cover to be able to vote for something.

I wish to point out that all these other amendments being offered by our Democratic colleagues as alternatives to the Inhofe-McConnell amendment don’t get the job done. We talked a little bit and we heard a little bit earlier today about the Rockefeller amendment, which has the 2-year delay in it. But, again, there is a very limited scope to that amendment. The temporary nature of the amendment is going to provide very little relief for businesses and consumers across this country. If it is enacted, permits for new projects and the jobs associated with those projects could be stalled until after the 2-year period. There is no assurance that any of these permits would be issued during this 2-year period when this amendment would be in effect.

The Rockefeller amendment would not stop or delay other EPA methods for increasing energy prices, such as the national ambient air quality standard for CO₂. The Rockefeller amendment does not prevent climate change nuisance suits sponsored by environmental activist groups hostile to energy development.

The McConnell amendment would maintain all of the other proposals out there. The Stabenow amendment also has a 2-year delay, but it allows EPA to continue moving forward with rule-making. It just wouldn’t allow them to finalize those rules until after the end of the 2-year period. If the amendment is enacted, permits for new projects and the jobs associated with those projects could again be stalled until the end of that 2-year period.

There are a number of flaws in all these amendments, none of which are designed to do the job. If we are serious about doing something to address what the consumer groups, the farm organizations, and the business organizations are asking us to do; that is, to prevent the EPA from proceeding forward with something they don’t have the statutory authority to do and should be reserved for the Congress, but they are going to move forward with it anyway—if we are serious about addressing the problem, it is that simple. It is that straightforward. All these political cover amendments that are being offered by our Democratic colleagues are designed to support the Inhofe-McConnell amendment. It is that simple. It is that straightforward. All these political cover amendments that are being offered by our Democratic colleagues are designed to support the Inhofe-McConnell amendments and they don’t get at the heart of the issue.

I would again go back to where I started; that is, to say we ought to, in this country, be seriously debating policies that will move us away from the dangerous dependence we have on foreign energy. As I said earlier, every policy coming out of Washington, in my view, is designed to make it more difficult to develop the very energy sources that will create a domestic energy supply in this country that would release us from this grip that foreign countries have on us with regard to energy.

I hope the Inhofe-McConnell amendment will pass today and will have bipartisan support. It has already been talked about that perhaps none of these will reach the 60-vote threshold. What I would say to my colleagues is, again, if we are serious about trying to solve this issue, if we are serious about trying to make sure electricity and fuel costs don’t go up dramatically for our constituents, then this is the amendment we need to be for. The other amendments don’t get at the issue. They are political cover amendments.

I think it is pretty straightforward when we look at the number of groups that have come out opposed to those amendments and in favor of the Inhofe-McConnell amendment. I will just mention briefly, again, the American Farm Bureau and the Chamber of Commerce and other small business organizations that have come out in support of the Inhofe-McConnell amendment and opposed to the amendments offered by our colleagues.

I wish to read a quote from one of those letters:

Congress, not the EPA, should be guiding America’s energy policies. We have seen by lawmakers, EPA’s regulations will make it difficult to attract new manufacturing capacity and jobs in the United States, let alone double U.S. exports in 5 years, which is what our goal has been, as President Obama has promised.

This letter is signed by a number of organizations, including the National Association of Manufacturers, the National Association of Wholesale Distributors, the National Association of Independent Business, and the U.S. Chamber of Commerce. As I said before, I have other letters from major business organizations, including the American Farm Bureau, in support of the Inhofe-McConnell amendment and opposed to the other political cover amendments that are being offered by our Democratic colleagues.

Let’s send a message to the EPA and to the administration that this is the job for the Congress to deal with. This is something the people’s representatives should be dealing with, not unelected bureaucrats and Federal agencies that clearly have an agenda but an agenda that is completely contrary to capital formation, to competitiveness, to job creation, and to economic growth. That is what the Congress should be focusing on, and that is a vote in support of the Inhofe-McConnell amendment is so important.

I yield the floor.

Mr. MERKLEY. Mr. President, we have heard a lot of rhetoric on the floor of the Chamber today defending why air pollution is just fine, explaining why dismantling air pollution regulations is really in the interest of our economy and our families. Indeed, my colleague from South Dakota has listed a little shop of horrors—that the status quo creates economic uncertainty, that the air pollution regulations increase the risk rate of capital, that they destroy jobs, that they even hurt the elderly, that they are an abuse of power, unauthorized by Congress. I am wondering what else is left on the list of reasons to defend the dismantling of air pollution regulations that protect the American people, that are popular in the eyes of American citizens because they want to live in a world where they can enjoy breathing the air throughout our Nation.

Let’s start by recognizing that the truth about the McConnell amendment is that it increases our dependence on foreign oil. We have heard something about it driving up the cost of oil. Is that right? Well, no, it is not. Repealing the endangerment finding and taking away EPA’s authority to regulate mileage standards is estimated to increase our consumption of oil by $55 million barrels.
Gas prices are about $3.50 a gallon right now. So the McConnell-Inhofe amendment represents a $68 billion expenditure on additional oil. It means importing $68 billion more of oil. It means exporting $68 billion in additional American dollars overseas to some of the most profitable corporations in the history of human civilization. Gasoline prices are set by the law of supply and demand. If you increase demand for oil, you also drive up the price. So, if anything, the McConnell-Inhofe amendment doesn’t decrease the cost of gasoline; it increases the cost of gasoline.

PolitiFact.com took on this issue because Members of Congress backing this amendment were arguing that it keeps healthy people away from these assaults; PolitiFact.com— that independent evaluator of claims made on the floor of the Senate, House, and other places— ranks that claim as false.

I can tell you that it is in our interest as a nation to decrease our dependence on oil, not to increase it. We need to decrease that dependence because it is important for our national security. We need to decrease that dependence because millions of dollars that are sent overseas fall directly into the hands of those who don’t share our national interests. We need to decrease our dependence on foreign oil because when those dollars leave our economy, they leave our family’s finances. They don’t end up in the retail stores or circulate here in America. Indeed, our purchase of foreign oil accounts for about 50 percent of our foreign trade shortfall.

At a time when both parties should be working together to put America’s interest first on energy, the McConnell-Inhofe amendment increases our addiction to oil—foreign oil—and creates a supply impulse that raises the price of oil. Isn’t that context completely misguiding?

Perhaps the real issue is public health. This McConnell attack on the Clean Air Act asks Congress to vote in lockstep against the scientific judgment of EPA’s scientists and to tell the agency charged with protecting the public health and the health of our children to ignore dangerous carbon pollution.

In 2010 alone, the Clean Air Act prevented 1.7 million asthma attacks, 130,000 heart attacks, and 86,000 emergency room visits because clean air isn’t just pleasant; it is, in fact, healthy. It is great for the American quality of life to be healthy. You know, that is amazing progress that has been made over the last 20 years under the bipartisan Clean Air Act of 1990.

Insulting amendments would yield to those short-term impulses that have come up on all sorts of aspects of the Clean Air Act. Each time the agency has moved to say that this is a concern, there are those who say: No, no, in the short-term, that might cost me to adjust and we might have to do things slightly differently. Ten years later, everybody says: You know, it is good that we thought about mercury in the air, it is good that we thought on lead in the air, and so on and so forth. Taking a longer term view, we need to stay together and resist these short-term impulses to take and dismantle the Clean Air Act.

The American Lung Association has specifically said the McConnell amendment is “a reckless and irresponsible attempt to once again put special interests ahead of public health. The American Lung Association, the American Public Health Association, and the Asthma and Allergy Foundation of America have urged that we resist the temptation to dismantle the Clean Air Act, which the McConnell-Inhofe amendment does. There is a very simile among these amendments that what they would have EPA put aside the practice of using science to set commonsense standards to protect public health. Instead, these amendments would have the science world put their head in the sand about these problems.

Indeed, I am not just concerned about the McConnell amendment; I am concerned about all of the amendments we are considering today that are designed to deflect, delay, and dismantle the protection of clean air. The Baucus amendment would take away EPA’s ability to use the best science to continue to modify and tailor the standards they are setting for carbon pollution and their ability to make sure major polluters are all covered. The Stabenow and Rockefeller amendments would put a 2-year delay on pollution standards. It is tempting to think that a 2-year delay might be an acceptable middle ground, but a 2-year delay in protecting public health is 2 years too long.

Let me be very clear about this debate. The McConnell amendment and other associated amendments we will consider are wrong because we should not increase our reliance for energy on the most unstable regions of the world. We should not ship American dollars overseas for energy. We should not tolerate more pollution in our air and water. We should not decrease our ability to build on America’s foundation of ingenuity and its inventiveness and respond to air pollution challenges and make those environmental decisions in clear partnership with a stronger economy.

I think that all of our constituents across this country, as they think as parents, about the future of their children, know clean air is the right course. But our children probably understand better than we do another key aspect of this, because this conversation today is largely about carbon pollution.

We need to wrestle with the fact that carbon pollution has a very substantial impact on the temperature across this planet. Before the Industrial Revolution, we had a carbon dioxide level of about 270 parts per million. The basic scientific consensus is that the level of carbon dioxide in the atmosphere needs to be brought back to some place. 350 parts per million. I would be pleased to report to you today that before we get to that point of 350, we are going to be able to make the adjustments necessary so that we don’t end up in a situation where we are at the point of irreversible adverse consequences for our planet. Indeed, we crossed that 350 boundary long ago. We are at 390 now, headed for 400. Ten to 15 years ago, it was going up one part per million per year; now it is going up two parts per million. So the curve is getting steeper, the pace is getting steeper. We are seeing this reverberating from coral reefs, to Arctic tundra; we are seeing it in ice sheets, in glaciers; and we are seeing it in insect populations that are thriving and decimating the forests of the Northwest, where I come from, that weren’t there a few years ago. We are seeing it in all kinds of patterns across this planet.

When I visit university campuses, as students talk about the issues nearest to their hearts, the top issue is that we must address this threat to our planet. This conversation goes to the heart of it. My generation isn’t as up to speed as our college students are about this, but I know they cannot wait for them to graduate, pursue their careers, run for office, and arrive here on the floor of the Senate. So it is our responsibility as Americans who are concerned about our dependence on energy, as Americans who are concerned about the sustainability of our practices, to say no to McConnell-Inhofe and no to the other amendments being brought forward to delay or dismantle the Clean Air Act.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 281

Mr. COBURN. Mr. President, we are going to have a series of stacked votes at 4 o’clock. I want to spend a few minutes on three or four amendments and clarify some of the things I have heard rumbling.

One is that we have an amendment that will, in fact, tax unemployment insurance for millionaires. Mr. President, 2,840 households who reported an income of greater than $1 million or more on tax returns were paid $18.6 million in unemployment insurance benefits in 2008. That number is higher in 2009. We will have the final numbers yet. This included over 800 earning over $2 million and 17 with excess income of $10 million collecting unemployment benefits. We have an amendment that will prohibit that.

There has been some concern to say that the costs associated with that, the way it was scored by CBO, would neutralize it; the savings versus the cost
to eliminate that would be even. Even if that is true—and we have done a calculation, and we think it costs about $900,000 a year to have people applying for unemployment sign a statement that their income is not above $1 million. But even if it costs the same as what we are saying, we should be giving unemployment benefits to people who are earning $1 million a year. It is foolish, and it exacerbates the tendency of enriching those who are already there versus what unemployment insurance is for—those who are truly dependent on it can survive. I wanted to clarify that point.

Regarding the second amendment, in March the GAO, in response to an amendment I put on the last debt limit, issued a report listing what they think are billions of dollars in savings in terms of duplication. I would be remiss to not say that our President embraced that. In his State of the Union speech, one of the goals of his administration is to eliminate duplication and consolidate.

So we have two amendments that are going to be on the Senate floor. One is mine and one is the amendment of the chairman of the Appropriations Committee, Senator INOUYE. They are both designed to save us $5 billion, but there are two big differences between those amendments.

My amendment tells OMB to have the study, find the $5 billion, report to us what they can do themselves and what they need us to do to help them. Senator INOUYE’s amendment waits 6 months from the time we pass the bill—5 months for the study to come back, and then for us to do it, which means we won’t have any savings at all until we are well into fiscal year 2013. Every year we waste $5 billion on something we shouldn’t is a year we are borrowing $2 billion of it just to pay the bill.

So I understand it is a cover vote, but what it means is we will never get the $5 billion in savings, whereas my amendment will get us $5 billion worth of savings this year. The way we get rid of a $1.6 trillion deficit is $1 billion or $2 billion or $5 billion at a time.

Everybody recognizes the duplication. What we are asking the administration to do is take the very low-hanging fruit they can recognize right now, do the rescission, recommend to us, and then we act on it, rather than waiting 5 years to get that done.

So it is very straightforward. We know there is significant duplication in the Federal Government. Let me just give some of the findings of the GAO report. Remember, this isn’t Tom Coburn’s report; this is a GAO report, and they only looked at one-third of the Federal Government—the first third. They have two more reports to come to us, with the second and third, and then yearly. We will get this report yearly. This is the basis of duplication in the Federal Government.

We have 47 job-training programs across 9 different agencies that we spend $18 billion on, and not one of them has a metric on it to see if it is effective. We are doing a study now in the Permanent Subcommittee on Investigations on what were the reports of the people who have been through this as to where it is helpful and where it isn’t. What it boils down to is, where we pass these job-training programs, we didn’t ask for metrics to see if they were effective. So this is an area where we can consolidate one or two. Only three of those have charges backed by the other agencies. The rest of them overlap one another.

There are five departments, eight agencies, and over two dozen Presidential nominees overseeing bioter-rorism. We know we can consolidate that. We will actually be much better when we do in terms of our efficiency and communication between agencies. That is $6.48 billion a year.

We have 20 agencies, 56 programs dedicated to financial literacy, and one of the goals of his administration is to eliminate duplication and consolidate.

So I understand it is a cover vote, but what it means is we will never get the $5 billion in savings, whereas my amendment will get us $5 billion worth of savings this year. The way we get rid of a $1.6 trillion deficit is $1 billion or $2 billion or $5 billion at a time.

Everybody recognizes the duplication. What we are asking the administration to do is take the very low-hanging fruit they can recognize right now, do the rescission, recommend to us, and then we act on it, rather than waiting 5 years to get that done.

So it is very straightforward. We know there is significant duplication in the Federal Government. Let me just give some of the findings of the GAO report. Remember, this isn’t Tom Coburn’s report; this is a GAO report, and they only looked at one-third of the Federal Government—the first third. They have two more reports to come to us, with the second and third, and then yearly. We will get this report yearly. This is the basis of duplication in the Federal Government.

We have 47 job-training programs across 9 different agencies that we spend $18 billion on, and not one of them has a metric on it to see if it is effective. We are doing a study now in the Permanent Subcommittee on Investigations on what were the reports of the people who have been through this as to where it is helpful and where it isn’t. What it boils down to is, where we pass these job-training programs, we didn’t ask for metrics to see if they were effective. So this is an area where we can consolidate one or two. Only three of those have charges backed by the other agencies. The rest of them overlap one another.

There are five departments, eight agencies, and over two dozen Presidential nominees overseeing bioter-rorism. We know we can consolidate that. We will actually be much better when we do in terms of our efficiency and communication between agencies. That is $6.48 billion a year.

We have 20 agencies, 56 programs dedicated to financial literacy, and we are teaching people! We have a $1.6 trillion deficit, and we ask both families and we ask both financial literacy? If we should teach them that, which is not a bad goal, why do we need 56 programs to do that?

We have 80 economic development programs across 4 different agencies. We are spending $6.6 billion. Just consolidating administrative costs across those agencies could save $100 million, $200 million, $300 million.

We have 15 agencies for more than 30 food-related laws. Even the President mentioned salmon. If they are in salt-water, they have one agency; if they are in fresh water, they have another agency. That is foolish. Why duplicate the work of one agency with another?

We have 18 nutrition programs—they are very important to our kids and those who are dependent on them—at $6 billion. Do we need the $5 billion. Yet we are going to have some resistance around here of not stopping a payment to those who receive it, and who don’t want it, for something that is already mandated by law. They have put it in a letter saying they do not want it. It is already in the record.

Now, why would we continue to spend $5 billion of our kids’ money on something they do not want? It is not going to change the outcome, and that we will have to borrow 40 percent of to make the payment? It is beyond me that we would do that, and so it is my hope we will be successful in overturning that.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Before the Senator from Oklahoma leaves the floor, I wanted to join him in support of the commonsense amendment he just outlined. The Coburn-Udall amendment would fix what I think most Americans, if not every single
American, would be shocked to discover; that is, millionaires and billionaires have been drawing unemployment benefits.

Now, unemployment insurance is a critical temporary safety net for Americans up to get by when they fall on tough times, but providing unemployment insurance for millionaires, much less billionaires, who do not need it for their basic necessities is fiscally irresponsible, to put it mildly. Frankly, it doesn’t make much sense.

I think Senator Coburn is right to do the honest thing and to observe that what he said is foolish. We all recall that for months last year we struggled to find ways to put unemployment benefits in the hands of Americans who were really struggling in the face of this tough economic downturn. It was controversial and we worked hard on that in the Senate. It was drawn out because unemployment benefits are expensive, but I supported extending those benefits for out-of-work Americans because they help. We found a way, ultimately, to pay for them. But little did we know, in taking care of these good Americans, it was made even harder because literally—and this number astonishes me—thousands of millionaires and billionaires were abusing the system to draw extra payments for themselves. So it increased the price tag for all the rest.

In the end, we are talking about values. We are talking about hard work and pay as you go. That is how most Americans operate. But there are a few folks always looking to game the system, and I can’t believe that some of the most well-off among us have been asking for a government paycheck when there is a cutoff. It is a legitimate cutoff. So there are 22 States that don’t allow this right now in their process. I was wrong in my statement on the $600,000 or $800,000. The calculation of the cost of putting this in is $200,000 a year. So for a very minimal cost, we could save $20 million a year, at a minimum. We are also going to create a system that will do what it is designed to do—not to help those who are already very comfortable but to help those struggling to make ends meet and find themselves out of job.

Mr. President. I ask unanimous consent to have printed in the Record the report of unemployment compensation and adjusted gross income of $1 million or more.

There being no objection, the material was ordered to be printed in the Record, as follows:

<table>
<thead>
<tr>
<th>State reported on F1040</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alaska</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arizona</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arkansas</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>California</td>
<td>454</td>
<td>526</td>
<td>569</td>
<td>494</td>
</tr>
<tr>
<td>Colorado</td>
<td>20</td>
<td>18</td>
<td>18</td>
<td>19</td>
</tr>
<tr>
<td>Connecticut</td>
<td>10</td>
<td>17</td>
<td>14</td>
<td>18</td>
</tr>
<tr>
<td>Delaware</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District of Columbia</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Florida</td>
<td>87</td>
<td>87</td>
<td>72</td>
<td>90</td>
</tr>
<tr>
<td>Georgia</td>
<td>13</td>
<td>20</td>
<td>18</td>
<td>17</td>
</tr>
<tr>
<td>Hawaii</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Illinois</td>
<td>91</td>
<td>136</td>
<td>161</td>
<td>141</td>
</tr>
<tr>
<td>Indiana</td>
<td>14</td>
<td>15</td>
<td>15</td>
<td>14</td>
</tr>
<tr>
<td>Iowa</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kansas</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kentucky</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Louisiana</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maine</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maryland</td>
<td>28</td>
<td>21</td>
<td>19</td>
<td>19</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>114</td>
<td>130</td>
<td>110</td>
<td>143</td>
</tr>
<tr>
<td>Michigan</td>
<td>32</td>
<td>22</td>
<td>26</td>
<td>26</td>
</tr>
<tr>
<td>Minnesota</td>
<td>22</td>
<td>22</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Mississippi</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Missouri</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Montana</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nebraska</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nevada</td>
<td>11</td>
<td>17</td>
<td>21</td>
<td>12</td>
</tr>
<tr>
<td>New Hampshire</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Jersey</td>
<td>164</td>
<td>217</td>
<td>328</td>
<td>251</td>
</tr>
<tr>
<td>New Mexico</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New York</td>
<td>263</td>
<td>375</td>
<td>661</td>
<td>493</td>
</tr>
<tr>
<td>North Carolina</td>
<td>13</td>
<td>16</td>
<td>14</td>
<td>13</td>
</tr>
<tr>
<td>North Dakota</td>
<td>38</td>
<td>21</td>
<td>22</td>
<td>19</td>
</tr>
<tr>
<td>Ohio</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oklahoma</td>
<td>21</td>
<td>21</td>
<td>37</td>
<td>12</td>
</tr>
<tr>
<td>Oregon</td>
<td>13</td>
<td>12</td>
<td>18</td>
<td>17</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>114</td>
<td>126</td>
<td>125</td>
<td>126</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>21</td>
<td>17</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>South Carolina</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Dakota</td>
<td>4</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Tennessee</td>
<td>70</td>
<td>67</td>
<td>69</td>
<td>76</td>
</tr>
<tr>
<td>Texas</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utah</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vermont</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Virginia</td>
<td>20</td>
<td>16</td>
<td>13</td>
<td>18</td>
</tr>
</tbody>
</table>

Mr. UDALL of Colorado. Mr. President, will the Senator yield?

Mr. UDALL of Colorado. Mr. President, the Senator makes important points, and it is a small investment, if you will, the $200,000, in saving the taxpayers significant amounts of money. As the Senator points out, the importance of this is that the integrity of the unemployment insurance system is maintained.

I also would note, as the Senator from Oklahoma did, the point that it is $1 million in income or more, not wealth individuals or something in that amount—in other words, a rancher who is fortunate enough to have lands valued at significant levels but who is illiquid and may be struggling to make ends meet. This applies to people, as the Senator points out, who have incomes of over $1 million annually. That makes sense.

This is an important amendment. I urge all our colleagues to support it. We have a chance to vote for it later today.

Mr. President, it is my understanding that I was speaking on Senator Coburn’s time, and I ask unanimous consent that the agreement reflect such allocation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARKLEY). Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, this afternoon, this Chamber is going to face a clear question: What matters more, children’s health or polluters’ profits? We will be voting on amendments that would cripple the government’s ability to enforce the Clean Air Act.

This is a landmark law that protects our children from toxic chemicals in the air and illnesses such as asthma and lung cancer. In 2010, the Clean Air Act prevented 1.7 million cases of childhood asthma and more than 100,000 premature deaths. The number sounds big, but numbers do not mean much unless it is your child. If it is your child, there is no number that is too large to take care of that child’s health.
If you want to know the real value of clean air to American families, talk to parents who live in fear of their child’s next asthma attack. It is a fear my family knows very well. I have a grandson who is a terrific athlete, who is very energetic. He suffers from asthma. He is a Catholic, his mother—will check first to see where the nearest emergency room is. She knows very well if he starts wheezing, she has to get him to a clinic in a hurry. An asthma attack can be life threatening. Every family knows very well that air. I have a sister who was a victim of pollution does not eliminate the costs. It shifts the costs to our families, and it permits us to imagine what it is like with smog in the air, what it is like with smog in the air, what it is like with smog in the air, what it is like with smog in the air.

The Clean Air Act protects public health, anti-economic riders, I believe, do not belong on a small business bill. When we boil it down, what is at stake is pretty straightforward. It is about the common good versus the special interests. The facts speak for themselves. According to some comprehensive reports, the Clean Air Act has saved $36 billion through the year 2020. And even more importantly, the Clean Air Act will cumulatively save 4.2 million lives by 2020. Those are striking numbers, and that is why it is so important that we protect the Clean Air Act and turn down these radical amendments that would effectively overturn it.

Congress has stopped other radical attempts to overturn laws that are about protecting our environment and protecting the safety of American people. I remember the debate on MTBE, in 2003, on the Senate floor. MTBE was a highly toxic fuel additive, and very small amounts of it could severely contaminate water supplies. MTBE manufacturers who were on the hook for billions of dollars of cleanup wanted a free pass. They wanted immunity. They came to the Senate hoping to get that. Yet a bipartisan group of Senators stood up to that proposal, and the proposal to let MTBE manufacturers off the hook was turned down.

There have been other attempts to overturn the Clean Water Act, the Endangered Species Act, the Superfund Cleanup Act. Sometimes they get as far as draft bills or a committee hearing. Sometimes we have votes on them. But these issues all have one thing in common—it is about the greater good versus special interests. Time and time again, Congress has wisely come down on the correct side of the issue and has rejected these proposals by special interests.

The environmental protections that we have continue in force today because we have consistently stood up to fight for them. Passing an anti-EPA amendment would hurt our economy. That certainly is the case with the McConnell-Inhofe amendment. It would overturn hard-won gains from the 2007 Energy bill that put CAPE standards in place to improve fuel economy standards for American consumers. These standards were passed with bipartisan support and save consumers as much as $3,500 over the life of a car through higher fuel efficiency. The proposed McConnell-Inhofe legislation seeks to overturn these advancements.

It is these fuel economy standards, which passed with bipartisan support in 2007, that are helping us to wean ourselves from dependence on foreign oil—not more domestic drilling. We could drill in every pristine, untouched corner of the United States—and some of these radical amendments that would effectively overturn it.

The environmental protections that we have continue in force today because we have consistently stood up to fight for them. Passing an anti-EPA amendment would hurt our economy. That certainly is the case with the McConnell-Inhofe amendment. It would overturn hard-won gains from the 2007 Energy bill that put CAPE standards in place to improve fuel economy standards for American consumers. These standards were passed with bipartisan support and save consumers as much as $3,500 over the life of a car through higher fuel efficiency. The proposed McConnell-Inhofe legislation seeks to overturn these advancements.

It is these fuel economy standards, which passed with bipartisan support in 2007, that are helping us to wean ourselves from dependence on foreign oil—not more domestic drilling. We could drill in every pristine, untouched corner of the United States—and sometimes it seems like the backers of these interests would like us to do just that. But in response to these calls, I would suggest you look at a recent letter Senator Bingaman and I received from the Energy Information Administration.
I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S2172


Hon. MARIA CANTWELL, Chairman, Subcommittee on Energy, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

Dear Chairman CANTWELL: This is in response to your letter of March 15, 2011, which seeks a better understanding of some of the long-term impacts of the Energy Independence and Security Act of 2007 (EISA).

As noted in your letter, the long-term energy outlook which the Energy Information Administration (EIA) released just before EISA was signed into law (Annual Energy Outlook 2008 Early Release) projected a significant increase in U.S. dependence on imported petroleum through 2030. This finding is reversed in EIA's latest Annual Energy Outlook (AEO2011 Early Release), which projects a decline in U.S. dependence on imported petroleum over a forecast horizon that extends through 2035. Furthermore, over the 2008 to 2030 period, the cumulative reduction in net petroleum imports between the two sets of projections is about 26 billion barrels.

The policies enacted in EISA are responsible for this change in projected U.S. oil use. In particular, EISA mandated significant strengthening of both the corporate average fuel economy (CAFE) standards for cars and light trucks and the Renewable Fuel Standard (RFS) that was first enacted in the Energy Policy Act of 2005. However, other changes that have occurred since the AEO2011 Early Release was issued, including the outlook for oil prices and economic growth, have also influenced the more recent projections presented in the AEO2011 Early Release.

Following enactment of EISA, EIA conducted sensitivity analyses starting from the AEO2008 Reference case to estimate the effect of its key provisions. From these calculations, it is clear that EISA alone is responsible for a major reduction in projected oil consumption, which in turn reduces oil imports. By 2030, the fuel economy standards provisions in EISA were estimated to reduce light-duty vehicle gasoline-equivalent fuel consumption by between 3.1 and 3.4 million barrels per day relative to a scenario where vehicle efficiency did not improve above the floor set by standards in effect at the time of enactment. Relative to a baseline that included projected market-driven improvements in fuel economy, the savings in fuel consumption due to the fuel economy provisions were still estimated at 1.7 to 1.8 million barrels per day.

Furthermore, the RFS provisions of EISA were estimated to further reduce petroleum consumption by 0.3 to 0.6 million barrels per day.

The AEO2011 Early Release, which reflects current laws and regulations, does not include a further increase in fuel economy standards for model years 2017 through 2025 that is now under consideration in the regulatory process. The forthcoming release of the full AEO2011 will include alternative scenarios of increased light-duty vehicle fuel efficiency to illustrate how further actions by policymakers in this area could affect projected U.S. oil use and imports over the next 25 years.

Finally, while there are a variety of ways to place the major change in projected net petroleum imports from 2008 to 2030 into perspective, comparisons to the level of U.S. proven crude oil reserves can be clarified by explicitly recognizing that reserves are only a subset of available domestic resources. As discussed in my recent testimony before the House Committee on Natural Resources, additional crude oil reserves replaced over 93 percent of cumulative U.S. crude oil production of 19.6 billion barrels from 2000 through 2009. For this reason, total U.S. crude oil reserves dropped by 3 percent during that decade, decreasing from 22.9 billion barrels at the start of 2000 to 20.7 billion barrels at the start of 2010.

I hope that this information is responsive to your inquiry. Please do not hesitate to contact me if you have any further questions or concerns.

Sincerely,

Richard G. Newell, Administrator, Energy Information Administration.

Ms. CANTWELL: In 2007, the Energy Information Administration was predicting that our foreign dependency was going to continue to increase in the coming decades. I should note that after the 2005 Energy bill, I heard some of my colleagues on the other side say that the EPA was going to be the great predictor and that it was going to help us reduce our dependence on foreign oil. But the truth is, the subsequent EIA analysis made after we passed the 2007 Energy bill says just two policies in that legislation—stronger CAFE standards and the renewable fuel standards—are responsible for a downward revision of projected U.S. dependence on foreign oil.

So the things that have made us less dependent on foreign oil are the very things people are trying to gut from important legislation that is already on the books. It is not the case that additional drilling, drilling, drilling and saying to the EPA: “Ignore the Supreme Court on the Clean Air Act,” is going to help us. Reducing demand is going to reduce prices at the pump. Look at the example of the U.K., which produces almost all of its own oil from the North Sea. They still got hammered in 2005, but they now at $147 a barrel because there is a world market price for oil. So to refute the notion that we should skirt our environmental responsibilities and drill, drill, drill to protect ourselves from high oil prices, we need to look no further than the U.K. example.

I don’t understand why the minority leader wants us to increase our Nation’s reliance on foreign oil. I think we should be getting off foreign oil and not alienate another generation to that product. I think we should be getting off foreign oil, rather than have future U.S. generations compete with the Chinese for every last remaining supply of ever more expensive oil.

I agree it would be better if Congress acted to address our need to diversify our Nation’s energy sources. I am anxious to work with my colleagues on the other side of the aisle to develop legislation that would use the power of the purse to protect consumers at the same time. I am certain there is a bipartisan solution we can all agree to. But we can do this and solve our carbon pollution problem by working together, not by burying our heads in the sand and saying we can ignore the Supreme Court’s edict to enforce the Clean Air Act.

There is a way to reduce carbon pollution and transition to a 21st century economy, and we can work together to achieve these goals. It does not have to be about picking winners and losers, and we can protect consumers in the process. I want to work with my colleagues on a framework that embodies these principles. But, until then, I urge my colleagues to vote against these amendments that will undermine our Clean Air Act; that will actually increase our dependence on foreign oil, force consumers to buy more gasoline, and make our air dirtier.

We can do better and I hope we will.

Mr. President, I ask unanimous consent that Senator Boxer, the chair of the Environment and Public Works Committee, be the next Democratic speaker and that she have up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I ask unanimous consent that at the conclusion of the remarks of Senator Boxer, who I understand stands to speak for 10 minutes, I be recognized for about 10 minutes. That will be about the timeframe we have.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. Hutchison are printed in today’s RECORD under “Morning Business.”)

Mrs. HUTCHISON. Mr. President, I wanted to speak on the McConnell amendment that Senator Inhofe has worked so hard to bring up, and also Lisa Murkowski from Alaska. We all know what is happening to gasoline prices in the United States right now. They have gone up now and the average is about $3.60 a gallon. What we are looking at is huge increases in those gasoline prices if the EPA is allowed to take an authority it does not have and regulate greenhouse gasses.
Some of the other amendments offered on this subject are well intentioned, but they do fall short of actually making a difference. The amendment before us repeals EPA’s effort. It is very simple and very clear. Small businesses are struggling to survive, struggling to keep workers, and trying to make it in very small margins in this economic time.

Families are facing higher energy costs. We are all suffering. I have a pickup truck which I love to drive. Filled up at the end of the week, it was about $60. That is a pickup truck. That is a basic form of transportation for many Americans. Farmers depend on affordable energy prices. They must put gasoline in their trucks, diesel in their harvesters, use energy-intensive fertilizer.

Higher costs for farmers means higher costs for food. You are talking about now an inflation we cannot afford in this kind of economic environment. During all of this, the EPA now wants to impose a new gas tax on America in the form of greenhouse gas regulation.

Last Congress I issued a report that documented how the Kerry-Lieberman climate legislation would impose a $3.6 trillion diesel fuel tax, and a $330 billion jet fuel tax. According to the EPA and the senior Obama administration officials, regulations would be even worse than legislation. That was one of the main arguments they used in support of climate legislation, that the regulations would be even worse than cap-and-trade legislation.

But that is exactly what we are getting with the EPA now trying to regulate what we could not pass in the legislation for good reason. The Senate amendment could shield small businesses and farmers from EPA permit requirements, but it codifies the requirements for energy and fuel producers, meaning everyone in America will still pay higher energy prices.

The Stabenow and Rockefeller amendment only delays the higher energy costs and job losses for 2 years. That is not good enough. I hope my colleagues will see that this is our time to tell the EPA we will determine what energy costs for food. You are talking about this economic time.

That is not good enough. I hope my colleagues will join me in supporting the McConnell-Inhofe-Murkowski amendment.

Mr. President, today, we are in the midst of another rapid increase in the price of oil and gas at the pump faced by our constituents. Rather than address this issue in a positive manner, we are once again debating an amendment whose authors believe that they have the expertise to determine that the EPA was wrong to conclude that greenhouse gases are pollutants, despite the preponderance of scientific evidence.

The McConnell amendment disregards the advice of leading scientists, doctors, and public health experts by not only overturning EPA’s scientific endangerment finding but also telling EPA that it must continue to ignore what America’s science experts are telling us about the dangerous impacts of carbon pollution.

The Supreme Court concluded in 2007 that air pollutant includes greenhouse gas emissions, rejecting the Bush administration’s refusal to determine whether that pollution endangers Americans’ health and welfare. The Senate should similarly reject this amendment, which would overturn that science-based decision.

There are many far-reaching consequences of this amendment, but I want to focus my attention on how it will disrupt the broadly supported and partnership-driven fuel efficiency standards for new cars and light trucks. That is the reason why I have the expertise to determine that greenhouse gases may endanger the public health and welfare of current and future generations. Further, the McConnell amendment would repeal the mandatory reporting of greenhouse gas emissions, which began in 2009. The results of that reporting will help inform important policy decisions regarding how to reduce greenhouse gas emissions.

Senator Rockefeller’s amendment would establish a 2-year delay on any EPA rule that would require reductions in greenhouse gas emissions from stationary sources, with the hope that Congress will act to reach a legislative solution to reduce greenhouse gas emissions economy-wide. I could support that because I prefer comprehensive climate legislation with targets and timetables that are technologically achievable instead of a regulatory regime administered by the EPA to address greenhouse gas emissions.

I cannot support the Rockefeller amendment because of its impact on the regulation of vehicle greenhouse gas emissions. The amendment would explicitly allow regulation of vehicle greenhouse gas emissions by EPA to go forward under the Clean Air Act, which leaves intact the authority for the EPA to grant a waiver to the State of California to regulate vehicle greenhouse gas emissions. The stated goal of the Obama administration, one I strongly support and have fought for, is to have a single standard for vehicle fuel economy and greenhouse gas emissions, as is currently the case for model years 2012-2016. That...
goal is defeated, however, if states can individually regulate these emissions, because the result is a patchwork of overlapping and conflicting regulations.

Senator STABENOW's amendment has many supporters, and I share their support, but, unfortunately, unlike the McConnell amendment, it would not nullify the EPA finding based on science that greenhouse gas emissions may endanger public health and the environment. It would instead move forward with its reporting requirements, which will help inform policy makers as to how to best reduce greenhouse gas emissions. The Stabenow amendment would also allow the EPA to move forward with its planning to reduce greenhouse gas emissions from stationary sources. Emissions of greenhouse gas emissions from agricultural sources would also be excluded from EPA regulation related to global climate change.

However, the Stabenow amendment would not obstruct EPA's authority under the Clean Air Act to issue vehicle greenhouse gas emissions standards and authority for EPA to grant a waiver to the State of California. I support the EPA and the Department of Transportation in their effort developing a single national standard. If there is going to be a single national standard for 2017–2025, then logically there must also be preemption of state authority in this area. I cannot support an amendment that addresses EPA authority but leaves in place its authority to grant a waiver that is so problematic for our manufacturing sector.

I particularly regret that I cannot support the Stabenow amendment because it also includes an extension of the so-called section 48C advanced energy manufacturing tax credit, which I support. This tax credit—enacted as part of the American Recovery and Reinvestment Act—provides an important incentive for energy manufacturers to continue to invest in facilities in the U.S. I very much support extension of this tax credit and will work with my colleagues to try to extend it.

Mr. LEAHY. Mr. President, I urge rejection of all of the amendments offered today that would gut the Environmental Protection Agency's authority to enforce our Clean Air Act.

It has been proven time and time again that we can have both a clean environment and grow our economy. In fact without a clean environment, it is more difficult for us to grow the economy. Without the Clean Air Act we would be spending trillions of dollars more on health care costs and lost work days. Over its 40 years the Clean Air Act has been one of the world's most successful environmental and health protection laws reducing exposure to pollutants such as lead, ozone, sulfur dioxide, smog-forming gases, and mercury and other heavy metals and toxics.

Thanks to the Clean Air Act millions of lives have been saved by preventing premature deaths, heart attacks, cancer, asthma, and other life-threatening illnesses. But even after 40 years of action, pollution in many areas of the country still violates basic health standards, putting tens of millions of Americans' lives at risk.

In Vermont, we don't have any coal-fired powerplants, we are still the victims of their pollution as it travels by wind across our borders into the Green Mountain State. Throughout the Nation, hundreds of thousands of Americans suffer every year from illnesses caused by powerplants, refineries and other large sources of air pollution and greenhouse gases.

Yet there are some powerful special interests and some Members of this body who would like to strip the EPA of its authorities to enforce the Clean Air Act because they reject the notion that greenhouse gases are air pollutants and harmful to public health, or they believe that we just cannot afford to clean up these dangerous pollutants. Carbon dioxide, hydrofluorocarbons and other compounds are the ingredients of a pollutant cocktail forced on many millions of Americans.

The Supreme Court has determined that the Clean Air Act is "unambiguous" and that greenhouse gases, such as those I just mentioned, are "without a doubt" air pollutants under the Clean Air Act. As such, EPA is required to regulate these emissions since they endanger public health. The Supreme Court has given the EPA little choice, and the science is clear they must act.

The McConnell amendment would have politics, not science, decide which pollutants are hazardous and which pollutants should be regulated. If politics had been allowed to trump the compelling scientific evidence, we may have never phased lead out of gasoline, or reduced ozone-depleting chemicals, or tackled acid rain. Over the years powerful special interests and some Members of this Congress have sought to block EPA's actions on all of these issues, arguing that the science was weak and the costs unjustified. Once again they are crying wolf and trotting out the same discredited arguments to fight greenhouse gas regulations today.

In enforcing the Clean Air Act, EPA is doing the job that Congress mandated decades ago. These amendments that attack the Clean Air Act would force the EPA to turn a blind eye toward polluters, the same polluters that are spending millions of dollars to lobby against the Clean Air Act.

I urge every Senator to talk to the parents and grandparents of children in their home States who suffer from asthma. Take the time to hear about the trips they have had to take to the emergency room and about the countless hospital stays because of the air they breathe, something so many of us take for granted. These attacks on the Clean Air Act would also lead to more heart attacks, strokes, more cancer, and shorter lives.

I arrived in the Senate just 5 years after the Clean Air Act of 1970 was introduced and unanimously passed by the Senate. I have supported efforts to reduce life-threatening pollutants, such as lead and mercury. And I will support efforts to reduce hazardous greenhouse gases, just as a majority of Americans do.

The truth is that the McConnell amendment and the other EPA amendments we will vote on today would hurt public health, cost consumers more, stifle the invention of new pollution prevention technologies which will help U.S. economy and further slow our transition to renewable energy sources. Since passage of the Clean Air Act, the benefits have proved to be 42 times greater than the estimated costs of cleaning our air. Our GDP has tripled since the Clean Air Act was passed.

In Vermont we are fortunate to have two of the preeminent innovation companies in the world, IBM and GE. These corporations and others like them rely on government investment in critical research and development to make what investments to make in research, technology, and expansion into new markets. These attempts to strip EPA of its authority under the Clean Air Act to regulate greenhouse gas emissions would send the wrong market signals to our innovators.

Myths are myths and facts are facts, and the fact is that pollution standards are by law both achievable and affordable.

They encourage energy efficiency, which reduces energy demand, reduces fuel consumption, drives down our dependency on fossil fuels and foreign oil, reduces operating costs, and lowers energy prices. In fact the most prevalent compliance response to EPA's carbon regulations will be using current and newly developed technologies to increase a plant's energy efficiency.

The McConnell amendment would render meaningless the progress that we could already made to invent new products that consume less fuel, pollute less, and create American jobs—jobs that cannot be sent overseas. The McConnell amendment would penalize those pioneering facilities that have already taken steps to clean up industry, and reward those who have seen these new standards coming for years, but have chosen to do nothing to protect the public. Instead they now pressure Congress to let them off the hook and to pass the long term health costs along to the public.

The evidence in favor of embracing a cleaner future is clear. We have an opportunity to encourage our innovative companies to be global leaders in new clean energy technologies that will create jobs here in America. We must stop supporting the dirty, outdated and inefficient technologies of the past.

By eliminating EPA's ability to impose scientific, health-based limits on carbon pollution from the Nation's largest polluters, the McConnell amendment and the other amendments that attack the EPA would only end up taking a hefty toll in Americans'
It is very clear in the Clean Air Act that, yes, Congress meant we should control this type of dangerous pollution once an endangerment finding is made. And that was made. What the McConnell amendment does—and my friend Senator Inhofe actually was the author of the bill, the same thing as that bill—that is essentially say that the EPA is overruled. They repeal the endangerment finding. That is like my coming here and saying, I want to repeal science that says that smoking causes lung cancer. I want to play scientist. It is absolutely a dangerous precedent because it involves our people. Climate change is expected to worsen regional smog pollution, which can cause decreased lung function, aggravated asthma, increased emergency room visits, and premature deaths.

Why on Earth do my colleagues want to repeal an endangerment finding—by the way, Senator MURKOWSKI tried and failed to do this all here today. But the fact is, why should we play doctor? I know some of us have a great elevation of ourselves; a couple have doctorate degrees, but most of us are not scientists and doctors. We act as if we are—and I am—I am not really to repeal science. That is what it means to do here.

Let’s look at the health successes of the Clean Air Act. In 2010 alone, the act prevented 160,000 premature deaths, 1.7 million asthma attacks, 130,000 heart attacks and non-fatal myocardial infarctions, 9 million days of school. I am telling you, the Clean Air Act has been a great success. The number of smog-related health advisories in Southern California has dropped from 166 days in 1976 to zero days in 2010.

Why on Earth would we want to mess with a law that has been working? It has been working. I defy anyone to point out a law that has worked as well as this one. We went from 166 days in 1976 to zero days in 2010. The EPA—by the way, created by a Republican President, Richard Nixon—does its job.

Look at the bipartisan support for the Clean Air Act. First of all, it passed the Senate 73 to 0, the House 375 to 1. The conference report was approved unanimously, and now, suddenly, I cannot find a Republican to support this. They failed in 2003, and William Ruckelshaus, EPA Administrator from 2001 and man, EPA Administrator from 2001 and 2003, had a very interesting article, an op-ed piece signed by Christie Todd Whitman, EPA Administrator from 2001 and 2003, and William Ruckelshaus, EPA Administrator from 1970 to 1973, two Republican former heads of the EPA. They wrote:

Today the agency President Richard Nixon created in response to the public outcry over visible air pollution and flammable rivers is under siege. The Senate is poised to vote on a bill that would, for the first time, disapprove of a scientifically based finding, in this case that greenhouse gases endanger public health and welfare.

This is signed by two Republican former heads of the Environmental Protection Agency. The McConnell amendment is radical in the extreme. We have never before played doctor around here and repealed a scientific finding that said a certain type of pollution is a problem.

They also said:

It is easy to forget how far we have come in the past 40 years. We should take heart from all the progress and not, as some in Congress have suggested, seek to tear down the agency that the president and Congress created to protect America’s health and environment.

If we are interested in bipartisanship, why don’t we look at the facts. The
fact is, the American public supports EPA and the Clean Air Act. The fact is, Richard Nixon created the EPA. The fact is, George Herbert Walker Bush signed the Clean Air Act amendments. The fact is, it is very clear in the Clean Air Act that carbon pollution, any pollution related to climate change, is covered.

This is a reality check from someone who believes we should not go down this dangerous path of playing doctor, playing scientist, overturning the Environmental Protection Agency, which enjoys almost 70 percent support among the people of this greatest of all nations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I agree in one respect with the Senator from California. Actually, we agree on a lot of points. We agree on infrastructure and the need to change the way we pay the nation’s needs. But in the area of the Clean Air Act, she said: Show me one Republican who supported it. I supported the Clean Air Act. It has been a tremendous success.

Stop and look at the real pollution. I am not talking about greenhouse gases. I am talking about the six real pollutants and what has happened. It is amazing the success of the Clean Air Act. I agree with that.

I remind everyone, though, that the Clean Air Act would not be regulating CO₂ except the court said: If you want to do it, you can. They did not mandate that it be done. That is worth considering.

Since I have the time until we will be voting on the first of three cover votes before they get to my amendment, I wish to correct my good friend from California. She referred to it as the McConnell amendment. It is the McConnell-Inhofe amendment. In fact, it came out somewhere in the neighborhood of between $500 and $600 billion. We never ratified it because the President never submitted it for ratification. Then in 2003, there came a number of votes. Almost every year we had legislation introduced that would do essentially what the Kyoto treaty would have done, which would have been cap and trade. We had MIT and others look at it to see what in fact would be the cost if we were to do this. As a matter of fact, I told the junior Senator from California, Mrs. Boxer, and I talked on the Senate floor the last time we defeated her bill—I think this might have been the Waxman-Markey bill, but it doesn’t matter. I told her, as a matter of fact, I stipulated to the science. I said: All right. Let’s assume the science is right. It isn’t, but let’s assume it is so we don’t have to talk about that. Assuming it is, let’s talk about the economics. That’s where we developed what it would cost.

In my State of Oklahoma, I have a policy that when we talk about billions and trillions of dollars I try to put it into context as to how it will affect the average American. I do a very simple thing I do. I take the total number of families who file tax returns and then I do the math. If I divide that, say $350 billion a year, that means the average American would have to pay an additional $100 a year. In other words, in order to pay $3,100 a year in additional taxes, the average taxpayer in my State would have to do it. The economic punishment to America would be tremendous.

Mr. INHOFE. Senator BAUCUS will have an amendment up. I think it is important that we do this. That is why I said at the time that we had this bill up, I will stipulate to the science, even though the science is not there. I know it is not there, but what is there is the economics.

Here we were, faced with a situation where we were looking at the possibility of the Environmental Protection Agency regulating CO₂. I contend that they can do it if they have an endangerment finding, but they don’t have to do it. The economic punishment we are going to put on the American people, it is ridiculous. However, it wouldn’t do any good.

Here is the big question: What if I am wrong? People have asked me: INHOFE, what if you are wrong? You have been leading this fight for 9 years. What if CO₂ does not endanger health and cause global warming and all these scary stories we hear?

My response to that is, if that is the case, it is not going to make any difference because even the EPA director said: There is no way we are going to pass some type of regulation that stops the regulation of greenhouse gases, it is not going to affect the overall release of CO₂ emissions.

The reason is simple. If we do it only in the United States, we would argue that is not where the problem is. The problem is in China, Mexico, India, and Third World countries that don’t have any emission controls at all. So I think everyone agrees if we pass something like this, it will regulate all of the EPA unilaterally, it would not reduce emissions at all. Consequently, we would be incurring economic punishment to achieve nothing.

I would take it one step further. As we chase away our manufacturing base, as they say would happen, we would be in a position where they would go to countries where there is no emission controls. It would actually have the result of increasing emissions.

Even if Senator Boxer is right in everything she says, she is wrong in the respect that if we pass it, it will not lower emissions. That is the fact.

We are running out of time, but I have the time right up to 4 o’clock. I will go over four things that will happen, finalizing the vote that is going to be at 4.

Mr. BAUCUS. Will the Senator yield?

Mr. INHOFE. Let me finish because I am going to need all the time.

Mr. BAUCUS. I ask unanimous consent to speak for 2 minutes prior to the vote on my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, is the Senator talking about doing it after 4 o’clock?

Mr. BAUCUS. Before the vote, yes.

Mr. INHOFE. If it would include me to speak for 1 minute at that time, I have no objection.

Mr. BAUCUS. That would be fine. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Senate Majority Leader BAUCUS will have an amendment up. I think it is interesting. I refer to these three amendments as cover amendments. In other
words, there are a lot of Democrats who don’t want to vote to take away the jurisdiction of the Environmental Protection Agency to regulate greenhouse gases, so they have offered other amendments. The Baucus amendment is one that is going to exempt certain small producers, some small farmers and all that. But that doesn’t exempt them from having their electricity rates escalate.

The American Farm Bureau says: We don’t want any of the cover votes. We don’t want the Baucus bill. We don’t want Rockefeller. Stabenow would also have a delay in certain parts of the regulation. The Rockefeller vote, which is going to be the third vote, is one that would have a 2-year delay. In other words, it says we can go ahead and do the regulation, but we will kind of put it off for 2 years.

The real vote and the one that is critical—and if there is anyone out there who doesn’t want to go home and say: I am responsible for passing the largest tax increase in the history of America by defeating the Inhofe-McConnell amendment, then go ahead and vote that way. That is going to be a serious problem, not for me but for the senators who might vote the wrong way.

The McConnell-Inhofe amendment will be the fourth vote. This is the critical one. The rest are cover votes. With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I ask unanimous consent that in addition to my being able to speak for 2 minutes and Senator Inhofe 1 minute, that Senator Boxer also be allowed to speak for 1 minute on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT No. 236

Mr. BAUCUS. Madam President, I have a very commonsense amendment. It basically says: The general rule makes sense, but there should be a couple exceptions. The general rule is that we should have regulations on greenhouse gas emissions, but not for agriculture. I am talking about agricultural producers, not processors, the regulations which would still apply to processors.

We are talking about producers, agricultural producers. They should be exempt. Currently, there are not regulations that exempt farmers and some small businesses from the higher costs and all that. But here is the problem with that: All we have to do is read the statement by the American Farm Bureau where they say: Look, all of our farmers across America—even if this only affects the refiners and the manufacturers, that increases the cost of fuel and the cost of fuel is going to go higher and we do not get anything for it. For that reason, they oppose the Baucus amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, when Senator Baucus talked to me about his amendment, it sounded quite reasonable to make sure we codify the tailoring rule of the EPA, which exempts broad swaths of American businesses from their work on enforcing carbon pollution reductions. But as it came out—and I discussed this with him—it goes further. It harms the promotion of clean, renewable biomass, effectively stopping EPA’s attempt to use the Clean Air Act to encourage this kind of alternative energy.

It also undermines the Clean Air Act’s New Source Review Program for carbon pollution, which ensures that the biggest polluters use modern pollution control technologies. It basically says the EPA cannot go and enforce it using the New Source Review unless there is another pollutant involved.

So as the chairman of the Environment and Public Works Committee, I have deep concerns. The Baucus amendment is opposed by leading public health organizations: the American Lung Association, the American Public Health Association, the American Thoracic Society, the Asthma and Allergy Foundation of America, Physicians for Social Responsibility, and the Trust for America’s Health, as well as clean energy business, environment, and conservation organizations.

For that reason—although I fully understood the initial intent, and I thought it was laudable—this has transformed into an amendment that I don’t support and the leading public health organizations do not support. So I would urge a “no” vote on the Baucus amendment.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to Baucus amendment No. 236.

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The result was announced:—yeas 7, nays 93, as follows:—

[Roll Call Vote No. 51 Leg.]

YEAS—7

Baucus (MT) Hagan (IL) Levin (PA)
Begich (AK) Johnson (SD) Murray (WY)
Conrad (ND) Klobuchar (MN)

NAYS—93

Akaka (HI) Alexander (HI) Shaheen (NH)
Ayorote (NY) Atwater (GA) Gillibrand (NY)
Baucus (NV) Benes (MO) Graham (NC)
Baucus (WI) Benet (CO) Grassley (IA)
Baucus (WY) Bingaman (WY) Harkin (IA)
Brown (CT) Bunning (KY) Hatch (UT)
Brown (MA) Boozman (AR) Hoeven (ND)
Brown (OH) Boozman (AR) Hutchison (KS)
Bunin (GA) Boozman (AR) Inouye (HI)
Carroll (IN) Brown (MA) Isakson (GA)
Cantwell (WA) Brown (MA) Johnson (Wash)
Cardin (MD) Brown (MA) Johnson (VA)
Cochran (MS) Brown (MA) Kyl (AZ)
Corker (TN) Brunner (OH) Landrieu (LA)
Collins (ME) Cullom (IL) Lautenberg (NJ)
Cochran (MS) Cochran (MS) Leahy (VT)
Cooper (TN) Collins (GA) Lieberman (CT)
Cornyn (TX) Coons (DE) Lugar (WV)
Corker (TN) Coons (DE) McCaskill (MO)
Corwin (OH) Crapo (ID) McCain (AZ)
Crapo (ID) Crapo (ID) Menendez (NJ)
Durbin (IL) Crapo (ID) McConnell (KY)
Ensign (NV) Crapo (ID) Menendez (NJ)
Espinosa (VA) Crapo (ID) Menendez (NJ)
Feinstein (CA) Crapo (ID) Menendez (NJ)
Franken (MN) Crapo (ID) Menendez (NJ)
Graham (SC) Crapo (ID) Menendez (NJ)
Grassley (IA) Crapo (ID) Menendez (NJ)
Harkin (IA) Crapo (ID) Menendez (NJ)
Hatch (UT) Crapo (ID) Menendez (NJ)
Hoeven (ND) Crapo (ID) Menendez (NJ)
Inouye (HI) Crapo (ID) Menendez (NJ)
Johnson (CO) Crapo (ID) Menendez (NJ)
Johnson (SD) Crapo (ID) Menendez (NJ)
Kerry (MA) Crapo (ID) Menendez (NJ)
Kirk (IL) Crapo (ID) Menendez (NJ)
Landrieu (LA) Crapo (ID) Menendez (NJ)
Leahy (VT) Crapo (ID) Menendez (NJ)
Levin (MI) Crapo (ID) Menendez (NJ)
Murray (WY) Crapo (ID) Menendez (NJ)
Nelson (FL) Crapo (ID) Menendez (NJ)
Nelson (NE) Crapo (ID) Menendez (NJ)
Portman (OH) Crapo (ID) Menendez (NJ)
Reed (WY) Crapo (ID) Menendez (NJ)
Roberts (WY) Crapo (ID) Menendez (NJ)
Rockefeller (WV) Crapo (ID) Menendez (NJ)
Rubio (FL) Crapo (ID) Menendez (NJ)
Sander (ND) Crapo (ID) Menendez (NJ)
Schumer (NY) Crapo (ID) Menendez (NJ)
Schaub (VA) Crapo (ID) Menendez (NJ)
Sessions (TX) Crapo (ID) Menendez (NJ)
Snowe (ME) Crapo (ID) Menendez (NJ)
Vitter (LA) Crapo (ID) Menendez (NJ)
Webb (VA) Crapo (ID) Menendez (NJ)
Warner (VA) Crapo (ID) Menendez (NJ)
Wicker (MS) Crapo (ID) Menendez (NJ)
Wyden (OR) Crapo (ID) Menendez (NJ)

votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 277

There will now be 2 minutes of debate on the Stabenow amendment. Who yields time?

The Senator from Michigan. Ms. STABENOW. For years, I have consistently and repeatedly said that we need to have a balanced and comprehensive American energy policy.

We can’t just impose regulations; we need smart incentives to create the technology for a clean energy economy.

The Stabenow-Brown amendment is based on the framework developed on a bipartisan basis for the past 2 years to develop a truly comprehensive policy that would allow us to phase in regulations.

This amendment would allow the EPA to do its work but would have the enforcement of that work be done in 2 years. We would build on the successful advance and energy manufacturing tax credit, known as 48C, which has created jobs at 183 businesses in 43 States.

We have put the right incentives into place because we know when we do that we help businesses create good-paying jobs, and we can reduce carbon pollution at the same time.

Our amendment also follows what the EPA has indicated is its intention to wait 2 years, and we can reduce carbon pollution at the same time.

We will close the right incentives into place because we know when we do that we help businesses create good-paying jobs, and we can reduce carbon pollution at the same time.

The amendment would allow the EPA to do its work but would have the enforcement of that work be done in 2 years. We would build on the successful advance and energy manufacturing tax credit, known as 48C, which has created jobs at 183 businesses in 43 States.

The amendment is rejected.

The PRESIDING OFFICER. The amendment is rejected.

AMENDMENT NO. 215

Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 215, offered by the Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, my plan would put EPA on hold for 2 years and no more, but not on hold from many of its other duties, for example, CAFE standards.

Many of our colleagues do not realize—and certainly the ones who are going to support the McConnell amendment do not realize—that 31 percent of all greenhouse gas emissions in this country come from the back of a truck and cars. I do not stop them from going ahead and doing that. But I want breathing space so we can take 2 years—yes, there is a lot of frustration in my State about EPA and permits, and I understand that very well. But I want to take 2 years so we can think as a body and actually come up with an energy policy. I am ready for that.

I am not the same person I was 2 or 3 years ago on this subject. But we need the right incentives to address the issue of clean energy.

The PRESIDING OFFICER. The amendments is rejected.

AMENDMENT NO. 277

Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 277, offered by the Senator from West Virginia.

Mr. INOUYE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 277.

Mr. INOUYE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll. The bill clerk called the roll.

The result was announced—yeas 7, nays 93, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—7

Brown (OR) Johnson (SD) Stabenow

Casey

Klobuchar

Conrad

Passage

NAYS—93

Akaka

Alexander

Ayotte

Barrasso

Baucus

Bayh

Begich

Boozman

Boxer

Brown (MA)

Boxer

Brown (WA)

Brown (MA)

Burns

Cardin

Carpenter

Chambliss

Coats

Cochran

Collins

Cuomo

Corry

Cornyn

Crapo

Crandon

Cochran

Feinstein

The result was announced—yeas 7, nays 93, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—7

Brown (OR) Johnson (SD) Stabenow

Casey

Klobuchar

Conrad

Passage

NAYS—93

Akaka

Alexander

Ayotte

Barrasso

Baucus

Bayh

Begich

Boozman

Boxer

Brown (MA)

Boxer

Brown (WA)

Brown (MA)

Burns

Cardin

Carpenter

Chambliss

Coats

Cochran

Collins

Cuomo

Corry

Cornyn

Crapo

Crandon

Cochran

Feinstein

The result was announced—yeas 7, nays 93, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—7

Brown (OR) Johnson (SD) Stabenow

Casey

Klobuchar

Conrad

Passage

NAYS—93

Akaka

Alexander

Ayotte

Barrasso

Baucus

Bayh

Begich

Boozman

Boxer

Brown (MA)

Boxer

Brown (WA)

Brown (MA)

Burns

Cardin

Carpenter

Chambliss

Coats

Cochran

Collins

Cuomo

Corry

Cornyn

Crapo

Crandon

Cochran

Feinstein

The result was announced—yeas 7, nays 93, as follows:

[Rollcall Vote No. 52 Leg.]
The PRESIDING OFFICER. On this vote, the yeas are 12, the nays are 88. Under the previous order requiring 60 votes for adoption of this amendment, this amendment is rejected.

The Senator from Delaware.

AMENDMENTS NOS. 241 AND 162 WITHDRAW

Mr. CARPER. Madam President, I ask unanimous consent to withdraw the pending second-degree amendment No. 241 and the Johanns amendment No. 161.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 183

Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 183 authored by the Senator from Kentucky.

The Senator from Oklahoma.

Mr. INHOFE. Madam President, I think we learned something just in the last half hour, and that is that 90 percent of the Members of this body, of the Senate, do not think the EPA is qualified to regulate greenhouse gases. They voted against the Baucus amendment, the Stabenow amendment, and the Rockefeller amendment. I have referred to those as cover amendments. You don’t get much cover when they turn that had adjusted gross incomes above $1 million per year. It is a very straightforward amendment. I hope we would support it.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I am pleased to join my friend from Oklahoma in supporting this amendment. He laid out the case in the strongest terms possible. We are spending $100 million a year providing unemployment insurance for people who make over $1 million a year. It doesn’t make any sense. It undercuts the integrity of the unemployment insurance program and it would save $100 million, as I mentioned. I ask all of you to join us in supporting this amendment. Let’s save the taxpayers some money.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. COBURN. Mr.President, this is a straightforward amendment that eliminates individuals who have adjusted gross incomes of over $1 million per year from receiving unemployment benefits. Last year, we had 2,000 people who received unemployment benefits and also had an income tax return that had adjusted gross incomes over $1 million. We had that that had adjusted gross incomes above $1 million per year. It is a very straightforward amendment. I hope we would support it.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I am pleased to join my friend from Oklahoma in supporting this amendment. He laid out the case in the strongest terms possible. We are spending $100 million a year providing unemployment insurance for people who make over $1 million a year. It doesn’t make any sense. It undercuts the integrity of the unemployment insurance program and it would save $100 million, as I mentioned. I ask all of you to join us in supporting this amendment. Let’s save the taxpayers some money.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I am pleased to join my friend from Oklahoma in supporting this amendment. He laid out the case in the strongest terms possible. We are spending $100 million a year providing unemployment insurance for people who make over $1 million a year. It doesn’t make any sense. It undercuts the integrity of the unemployment insurance program and it would save $100 million, as I mentioned. I ask all of you to join us in supporting this amendment. Let’s save the taxpayers some money.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I am pleased to join my friend from Oklahoma in supporting this amendment. He laid out the case in the strongest terms possible. We are spending $100 million a year providing unemployment insurance for people who make over $1 million a year. It doesn’t make any sense. It undercuts the integrity of the unemployment insurance program and it would save $100 million, as I mentioned. I ask all of you to join us in supporting this amendment. Let’s save the taxpayers some money.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I am pleased to join my friend from Oklahoma in supporting this amendment. He laid out the case in the strongest terms possible. We are spending $100 million a year providing unemployment insurance for people who make over $1 million a year. It doesn’t make any sense. It undercuts the integrity of the unemployment insurance program and it would save $100 million, as I mentioned. I ask all of you to join us in supporting this amendment. Let’s save the taxpayers some money.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I am pleased to join my friend from Oklahoma in supporting this amendment. He laid out the case in the strongest terms possible. We are spending $100 million a year providing unemployment insurance for people who make over $1 million a year. It doesn’t make any sense. It undercuts the integrity of the unemployment insurance program and it would save $100 million, as I mentioned. I ask all of you to join us in supporting this amendment. Let’s save the taxpayers some money.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I am pleased to join my friend from Oklahoma in supporting this amendment. He laid out the case in the strongest terms possible. We are spending $100 million a year providing unemployment insurance for people who make over $1 million a year. It doesn’t make any sense. It undercuts the integrity of the unemployment insurance program and it would save $100 million, as I mentioned. I ask all of you to join us in supporting this amendment. Let’s save the taxpayers some money.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I am pleased to join my friend from Oklahoma in supporting this amendment. He laid out the case in the strongest terms possible. We are spending $100 million a year providing unemployment insurance for people who make over $1 million a year. It doesn’t make any sense. It undercuts the integrity of the unemployment insurance program and it would save $100 million, as I mentioned. I ask all of you to join us in supporting this amendment. Let’s save the taxpayers some money.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. UDALL of Colorado. Mr. President, I am pleased to join my friend from Oklahoma in supporting this amendment. He laid out the case in the strongest terms possible. We are spending $100 million a year providing unemployment insurance for people who make over $1 million a year. It doesn’t make any sense. It undercuts the integrity of the unemployment insurance program and it would save $100 million, as I mentioned. I ask all of you to join us in supporting this amendment. Let’s save the taxpayers some money.

I yield the floor.
The PRESIDING OFFICER. On this vote, the yeas are 100, the nays are zero. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

AMENDMENT NO. 266

Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to Amendment No. 286 offered by the Senator from Hawaii, Mr. INOUYE.

Mr. INOUYE. Mr. President, my amendment addresses the concerns raised by the Coburn amendment, but it does so by using existing authorities established by the Impoundment Control Act of 1974. My amendment accomplishes the same objectives, but it maintains the proper deference to Congress on matters of appropriations.

The Coburn amendment simply duplicates that existing authority but removes the checks and balances. I urge a yes vote on the Inouye amendment and a no vote on the Coburn amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. COBURN. I was looking for Senator WARNER in the Chamber.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise to urge adoption of the Coburn amendment. I believe the Coburn amendment actually adds teeth. We have a study here of duplicative programs from GAO. We have got to make sure we are, as we debate closing down the Federal Government, attacking real programs.

We ought to be able to save $5 billion of administrative duplication within the 82 programs that were given in this guideline in the GAO report. I would urge adoption of the Coburn amendment after the Inouye amendment.

The PRESIDING OFFICER. The question is on agreeing to the Inouye amendment.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. There is a sufficient second.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerks will call the roll.

The result was announced—yeas 64, nays 36, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—57

Mr. WARNER. Mr. President, we have one more vote in this series of votes. This will be the last vote tonight. We are now going to continue working on this piece of legislation. People should take the time and look at the bill if they have other amendments. We have quite a few we have to work through, but I think we have had a lot of success today.

We are still working on seeing if we can get a budget deal, everybody. I have a meeting at the White House at a quarter to 9 tonight with Speaker BOEHRER.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise to speak in favor of the Coburn-Warner amendment. Refreshing everyone on the point I made just a couple moments ago, the GAO created a study that gives us a guidepost of where we can start eliminating some of the duplication and replication in Federal programs. This does not go to the heart of service delivery. It does go to anybody who has been a Governor or mayor in this body, who knows you can find, in moments of tough times, savings at the administrative level. This is a guideline. If we cannot find $5 billion in administrative savings from this guidepost, then this study will go, along with many others, to sit on a shelf.

So I urge my colleagues to vote in favor of the Coburn-Warner amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, since 1974, there has been a law on our books that does exactly what this amendment proposes to do. It does so without taking away the checks and balances we have in the government. It also does so in a proper way. It goes through the Congress of the United States.

This is an appropriations matter. So, therefore, I hope all of us can vote no on the Coburn amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The assistant legislative clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 56 Leg.]
percent of what we want. That is what this negotiation is all about. That is why this is a negotiation. It is not a winner-take-all situation.

Democrats have made tough choices because we want to get this agreement completed. We want to keep the country running and keep the momentum in the economy that is now creating jobs. We want to avoid a shutdown and the terrible consequences that would follow.

The only thing Republicans are trying to avoid is making the tough choices we need to make. We have been more than reasonable. We have been more than fair. We meet them halfway, and they say no. We meet them more than halfway, and they still say no. We meet them all the way, and they still say no. If Republicans were serious about keeping the country running, all they would have to do is say yes.

Now we learn House Republicans are going to make another excuse, create another jobs program, and start governing.

It is my hope then, that the Senate will consider thoughtful, constructive reforms to the ethanol tax incentive, rather than the proposal put forth by Senator Coburn with amendment No. 220 that would end the incentive immediately.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent to proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET NEGOTIATIONS

Mr. REID. Mr. President, this budget we have spent so much time talking about is really about making tough choices, hard choices, difficult choices. The American people understand this. They understand tough choices. They have to make them every day, especially now with the economy being in the shape it is in. So should their representatives in Congress make tough choices.

We are being honest with ourselves over here. We know we can’t get 100 percent of what we want. That is what this negotiation is all about. That is why this is a negotiation. It is not a winner-take-all situation.

Democrats have made tough choices because we want to get this agreement completed. We want to keep the country running and keep the momentum in the economy that is now creating jobs. We want to avoid a shutdown and the terrible consequences that would follow.

The only thing Republicans are trying to avoid is making the tough choices we need to make. We have been more than reasonable. We have been more than fair. We meet them halfway, and they say no. We meet them more than halfway, and they still say no. We meet them all the way, and they still say no. If Republicans were serious about keeping the country running, all they would have to do is say yes.

Now we learn House Republicans are going to make another excuse, create another jobs program, and start governing.

It is my hope then, that the Senate will consider thoughtful, constructive reforms to the ethanol tax incentive, rather than the proposal put forth by Senator Coburn with amendment No. 220 that would end the incentive immediately.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent to proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET NEGOTIATIONS

Mr. REID. Mr. President, this budget we have spent so much time talking about is really about making tough choices, hard choices, difficult choices. The American people understand this. They understand tough choices. They have to make them every day, especially now with the economy being in the shape it is in. So should their representatives in Congress make tough choices.

We are being honest with ourselves over here. We know we can’t get 100

I note the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOOD FAITH NEGOTIATIONS

Mr. CARDIN. Mr. President, I wish to spend a moment or two talking about how devastating it would be for our country and for the people of our country if, in fact, we have a government shutdown.

I represent Maryland, and there are a lot of Federal workers in Maryland. They are very concerned because it will affect them. A government shutdown will affect everyone in this country. It will affect people who depend upon their government being there to serve them.

If you are depending upon a timely IRS refund check and the government is shut down, you need that money to pay the bills. And counting on your money—you may find out, if the government is shut down, there is no one to talk to and that check will be delayed.

If you are a person who is entitled to Social Security disability payments and you have a case that is pending, there will not be people there to resolve that case and you will have to wait. That could also very well affect your ability to literally pay your bills.

The PRESIDING OFFICER. The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET NEGOTIATIONS

Mr. REID. Mr. President, this budget we have spent so much time talking about is really about making tough choices, hard choices, difficult choices. The American people understand this. They understand tough choices. They have to make them every day, especially now with the economy being in the shape it is in. So should their representatives in Congress make tough choices.

We are being honest with ourselves over here. We know we can’t get 100
on Head Start. In Maryland, 1,795 children who are on Head Start would lose their ability to go to that program. You know how important that is. For students in Maryland, they would find that their Pell grants would be reduced by almost $700. Women would be hurt by the loss of essential preventive health services. Families would be at risk with the lack of enforcement of our regulatory bills that protect us on public health issues. The list goes on.

It has been estimated that 700,000 jobs would be lost if the House budget became real. That would jeopardize our recovery. Now, we have to start seeing job growth. We certainly don’t want to take counterproductive steps in that recovery.

As we pointed out many times, the budget the House sent over is concentrating on 12 percent of Federal spending. We need to broaden this discussion, and we all understand that. It starts with allowing the political system to work and for us to get together and reach an agreement for the budget that is already 6 months—we are talking about the last 6 month’s budget.

In the House budget were to pass, Metro would lose $150 million. This is the Nation’s transit system. People would find that if the transit system can’t operate, the roads will be more congested and it will take a lot longer to commute.

My point is this: The House budget—the Republican budget—is not going to become law. It is not what the Republicans want. We have to come together, and we are doing that. But let’s not allow a minority in the House to tell us we are not going to let the system work for the best interests of the American people.

I think, though, we should be very concerned about whether this is part of a plan with the Republicans, when we look for the surety bond guarantees for the 2012 budget, which was released this week. There are disturbing signs as to what their intentions are. We saw it with the budget for this year and now we see it for their budget for next year. They literally want to turn the Medicare system into a voucher system, where seniors have to rely on private insurance companies. We tried that before Medicare. In the early 1960s, the number of seniors who could not get health care insurance was staggering. Why? Because private insurance companies are not interested in insuring the old. They make claims that the older you are, the more you will make claims on our health care system. If seniors are at the mercy of private insurance companies, it will be much more expensive for them, and they will not get adequate protection.

We should all be concerned about the budget that was brought out this week. The Medicaid system that protects our most vulnerable seniors, who rely, in large part, on the Medicare system to deal with long-term care and nursing care—the Republican budget would transfer that to the States with a block grant. It is unlike anything we’ve seen before the continuation of the program that is critically important, not just to people who are vulnerable, but if they have to rely on the use of emergency rooms to get care, it will be more expensive for all of us.

These short-term so-called budget savings will turn into long-term costs for our seniors. The Republican budget continues to do these domestic discretionary cuts—well beyond what we need as a nation to grow—taking, again, our most vulnerable, those who depend on walking a college education more expensive and denying young people the opportunities they need.

I guess what is missing in the Republican budget. There is no effort to deal with the revenue problems of America. I say there is a better way to do this, and there are 64 Senators who have come together and said: Look, we have to deal with our national debt with a credible budget plan—a credible budget plan that starts with discretionary spending cuts, and we all agree to that. We have to reduce military spending and deal with mandatory spending, but we have to also deal with the revenue side. Thirty-two Democrats and 32 Republicans want or what the Democrats want. We have to outeducate, outinnovate the Republicans want and reach an agreement for the budget that now if we work together and deal with the budget deficit that can pass and be enacted and go not only to the financial markets in America but around the world and tell the American people it puts their interests first.

I want you to understand we don’t want to jeopardize the recovery. We want to get our budget into balance, and we have to get this year’s budget behind us. We have to deal with the President’s budget when he said in the State of the Union Address that we have to beat our competition. We have to outeducate, outinnovate and outbuild them and we have to do it in a fiscally responsible way. We can do that now if we work together and deal with the budget we are currently in, which ends September 30 of this year, in a fiscally responsible way. Let’s get this done and work together for the sake of our Nation.

I am convinced that if we work together, we can have a responsible plan and we can allow a minority in the House to block a budget resolution for this year, causing the government shutdown. That is the worst case for the American people.

I urge my colleagues to continue to work together so we can keep the government operating, reduce the deficit, and allow America to grow and compete and meet the challenges of the future.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SBR/STTR REAUTHORIZATION ACT OF 2011—Continued

AMENDMENTS NOS. 240 AND 253

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate re-
I am pleased to tell the chairman that it has no scores as far as cost. This is a win-win situation to help small businesses get construction work, adding to our economy and job growth.

I look forward to talking about this amendment tomorrow. Hopefully, we will be able to get a vote. I again thank the Senator for her attention.

Mr. President, I yield the floor.

Ms. LANDRIEU. Mr. President, I wish to speak for 2 minutes in general wrapup. There may be other Senators coming to the floor. I am hopeful we can lock in a time to vote on Cardin amendment No. 240 and the Snowe amendment No. 253. There are other amendments, a few amendments that are pending. Many others have been filed. The Senators are working together to see what kind of accommodations we can make.

Again I respect everyone, while we are working hard behind the scenes in many rooms and meetings today to try to keep our government open and operating while reducing spending where we can in an effective and a smart and constructive way. I remind our Senate colleagues that the budget gap. If we can get a more balanced budget. We have heard a lot about cutting spending, operate more efficiently, but can be commercialized in a way that creates manufacturing jobs and service jobs in America.

There are many ways to get to a balanced budget. We have heard a lot about cutting spending. Yes, we need to do that. But we also need to create new jobs which generate income to close that budget gap. If we can get a more robust economy underway, this program most certainly is one of the ones.

I am proud of the new economic data that has come out. We are not where we need to be. Unemployment is still too high, but it is coming down. We are not creating enough jobs, but we are creating more and more every month. In large measure, it is because of some of the work our Committee on Small Business has done, adding to our stimulus package and in our last small business bill opening up lending, getting credit lines started in partnership with community banks. Part of it is smart programs such as this. There are some government programs that do not work. This is not one of them.

I thank our Members for being patient. We now have the Cardin-Snowe amendment pending. We would hope to lock in a time to vote on those and a few others we are considering as well.

Tomorrow, hopefully, we will start at an early hour and will continue to work on this important bill.

INTERCHANGE FEE REFORM

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I yield the floor.

INTERCHANGE FEE REFORM

Mr. DURBIN. Mr. President, I continue to receive letters weighing in on the issue of interchange fee reform. I ask unanimous consent to have printed in the RECORD letters or statements from the following organizations: the Rainbow PUSH Coalition, the Main Street Alliance, Consumer Federation of America, and the National Black Church Initiative.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR SENATOR: The Rainbow PUSH Coalition expresses its views on the Durbin swipe fee reform amendment now being debated in the Congress. Rainbow PUSH is a strong advocate of the Dodd-Frank financial reform legislation which provides critical consumer protections and safeguards against predatory lending.

The Durbin swipe fee reform amendment should be implemented as scheduled. It will usher in needed reform to bring competition, transparency and choice to the interchange system, and provide incentives for the retail sector to pass on interchange savings to lower the price of products for consumers. Numerous consumer rights organizations, civil rights groups, universities, unions, and other constituencies have weighed in to support swipe fee reform.

We respect the concerns that some groups have raised about the Durbin amendment, but have been convinced that a delay in its implementation as proposed by Sen. Tester and the American Banking Association (representing the financial services industry) will be beneficial to consumers and students, and small businesses. It appears that their interest is to maintain a deregulated environment to continue the virtual monopoly status of the credit card transaction process, and to protect their massive profits derived from debit interchange fees.

Delegation, greed and lack of congressional oversight led to the most severe economic collapse since the great depression. But Wall Street got billions in public funds to prop up the banks. We are seeing the increase into effect. We actually had a lot more contracts than we thought when we originally suggested this.
in executive bonuses, while homeowners and working families are still left out. The big banks are already charging consumers higher interest rates and raising consumer fees to recoup additional costs of new regulations on banking and credit card use. We stand ready to meet with all concerned to ensure the implementation of a sustainable debit card marketplace.

The Durbin credit card swipe fee amendment will afford the protections and regulations that consumers need.

REVEREND JESSE L. JACKSON, Sr.,
President and Founder
Rainbow PUSH Coalition
MARCH 31, 2011.

Senator Dick Durbin,
Assistant Majority Leader, Hart Senate Bldg.,
Washington, DC.

Dear Senator Durbin: We write to express the National Black Church Initiative’s continued support for the Durbin swipe fee amendment which we supported and was included in the Dodd-Frank Wall Street Reform and Consumer Protection Act. The current system is uncompetitive, non-transparent and harmful to consumers.

It is simply unjust to require less affluent Americans who do not participate in or benefit from the payment card or banking system to pay for excessive debit interchange fees that are passed through to the costs of goods and services. As a result, NBCI does not support Congressional delay of implementation of the new law.

As you may know, The National Black Church Initiative (NBCI) is a faith-based coalition of 11,000 churches comprised of 15 denominations and 15.7 million African Americans committed to eradicating racial disparities and improving the lives of African Americans nationwide.

We oppose efforts to delay implementation of the Durbin amendment through Congressional action. The new law gives the Federal Reserve adequate authority it can use without delay to make sure that the debit interchange reimbursement financial institutions receive covers their legitimate, incremental costs for providing debit card services. We know that there are banks, like BB&T for example, who would like to delay this process. They are profiting off the backs of low income African Americans who will no longer be tolerated and we will continue to advocate on behalf of laws that support our agenda.

From a consumer point of view, the current interchange system is not defensible. Feeble competition in the payment card marketplace has led to unjustifiably high debit interchange fees that the poorest Americans, generally cash customers, are required to subsidize at the store and at the pump.

Thank you for your consideration of our views. Please contact us directly to discuss these important issues.

Sincerely,

REV. ANTHONY EVANS,
President, National Black Church Initiative

President and Founder
Rainbow PUSH Coalition
MARCH 31, 2011.

To: U.S. Senators and Representatives.

Re: Main Street Alliance support for implementing debit interchange protections for small businesses in the Restoring American Financial Stability Act of 2010.

DEAR SENATOR DURBIN: The Main Street Alliance, a national network of small business coalitions representing small business owners across America, writes to express our strong support for the provision of the Restoring American Financial Stability Act of 2010 that set out to ensure that debit card interchange fees are reasonable and proportional. This provision is an important step toward putting small businesses back on stable footing by limiting burdensome fees on small businesses when we process debit transactions.

Small businesses have faced ever-rising fees on debit card transactions over the years. For some businesses, these interchange-rate provisions represent small percentages of their operating costs, rivals the costs of labor and utilities. There is no such thing as fair competition in this marketplace as large companies have a duopoly. Limiting fees to twelve cents per transaction, as proposed in new rules, will free small businesses from disproportionate and burdensome costs, allowing economic growth.

The new rules are a step forward, a step toward parity and a reasonable balance. We ask that these rules not be delayed further. Implementing them as planned this summer will provide a shot in the arm for small businesses and our local economies. Small businesses are better off with these protections; we urge you to allow the lobbying tactics of the big banks deter the enactment of rules that protect small business.

The country’s small businesses serve as an engine of economic recovery and create the jobs we need to get people back to work across America. The debit interchange fee reimbursement in the financial overhaul last year and codified in the new rules support these aims. We urge you to fight efforts to delay or derail the implementation of these rules.

Mike Craighill, Soup and Such, Billings, MT; Garry Owen Ault, All Makes Vacuums, Boise, ID; Nancie Koerber, Champions Real Time Training, Central Point, OR; David Norris, He’s Kitchen Catering, Northbrook, IL; Carson Lynch, Graham Grind, Grinah, ME; Tammy Rostov, Rostov’s Coffee & Tea, Richmond, VA.

Kelly Conklin, Foley-Waite Associates, Bloomfield, NJ; Melanie Collins, Melanie’s Home Childcare, Falmouth, MA; Rashonda Young, Alpha Express, Inc., Waterloo, IA; Jose Gozalez, Tu Casa Real Estate, Salem, OR; Rosario Reyes, Reyna’s Professional Business Center, Lynnwood, WA.

CONSUMER FEDERATION OF AMERICA
Washington, DC.

POSITION OF THE CONSUMER FEDERATION OF AMERICA ON DEBIT CARD “INTERCHANGE” FEE LEGISLATION AND RULES

NO POSITION ON DEBIT INTERCHANGE LAW OR ON LEGISLATION TO DELAY IT

CFA did not take a position on the “Durbin Amendment” to the Dodd-Frank Wall Street Reform and Consumer Protection Act and has also not supported or opposed legislation introduced in Congress to delay the interchange law.

FEDERAL RESERVE SHOULD ALTER PROPOSED RULE IMPLEMENTING DEBIT INTERCHANGE LAW

CFA filed comments with the Federal Reserve (http://www.consumerfed.org/pdfs/debit-cards-FRB-interchange-rule-comments-2-22-11.pdf) that came to the following conclusions:

The current interchange system is incompetent, non-transparent and harmful to consumers. Feeble competition in the payment card marketplace has led to unjustifiably high debit interchange fees that the poorest Americans are required to subsidize. It is simply unjust to require less affluent Americans who do not participate in or benefit from the payment card system to pay excessive fees that are passed through to the cost of goods and services.

The Federal Reserve should ensure that financial institutions are reimbursed for legitimate, incremental debit card costs as it finalizes rules that implement the new interchange-rate provisions. The Federal Reserve should increase proposed interchange price standards as allowed under law to include several specific expenses incurred by financial institutions when processing debit card transactions. If such compensations do not occur, these institutions could increase debit card and other related banking charges on their least desirable and most financially vulnerable consumers: low-to-moderate income account holders.

Once it is implemented, the Federal Reserve should pay close attention to how it affects the financial viability of small depositary institutions, especially credit unions, which often provide safe, lower-cost financial services to millions of Americans.

The Federal Reserve should launch a broad, balanced study upon implementation of the effects of the rule on consumers.

CONGRATULATIONS TEXAS A&M LADY AGGIES

Mrs. HUTCHISON. Mr. President, something happened last night, and I feel compelled to say on the floor of the Senate that I am very proud of the Texas A&M women’s basketball team who won the NCAA national basketball championship.

It is so important, I want to say a couple of words about that, because this is the first national championship that the Lady Aggies have ever won. It was a great game last night. I certainly congratulate the Notre Dame Fighting Irish as well. But the Texas Aggies played with spirit. They came from behind at the half, and 76 to 70, they defeated Notre Dame.

I congratulate the Texas Aggie ladies, but I also want to say that Texas A&M’s coach, Gary Blair, became the oldest coach to ever win a national women’s championship. He has turned this Lady Aggies team into this national championship team.

I mention Danielle Adams. Her All American performance last night was incredible. It is a great day. I am a Texas Longhorn, and most days I am for all of our Texas teams, and I love to say “Gig ‘Em Aggies.” There is one day that I cannot say that. That is Thanksgiving Day. But 364 days a year, I am all for the Aggies when they are playing. And when they played like they did last night in any sport, all America should recognize it.

With that, I wish to say that my colleague Senator CORNYN and I are going to ask unanimous consent to offer a resolution congratulating the Lady Aggies of Texas A&M on winning the 2011 National Collegiate Athletic Association women’s basketball championship.

Mr. CORNYN. Mr. President, congratulations to the Texas A&M Women’s Basketball team for their NCAA Women’s Division I Basketball Championship victory earlier this year. The game was an exciting and hard fought victory, and a fitting end to a championship season.
Thanks to the Aggies’ hard work, determination and tireless work ethic, they have finished out the 2010–2011 season with a strong 33–3 record, second place finish in the Big 12 Conference and a National Championship title.

I salute head coach Gary Blair for coaching the Aggies to their first NCAA Women’s Division I Basketball Championship after 38 years of helping young women compete and reach their full potential. Associate head coaches Vic Schaefer, John Neace and assistant coach Johnnie Harris also worked to lead the team to this fine achievement, and the Lady Aggies’ success would be incomplete without great athletes such as MVP and All-American, Danielle Adams and her teammates: Kelsey Asasarian, Maryann Baker, Kristi Bellock, Kelsey Bone, Sydney Carter, Skylar Collins, Sydney Colson, Adara Elouin, Karla Gilbert, Kristen Grant, Adrienne Pratcher, Catherine Snow, Tyra White, and Cierra Dillard.

Today, it is my honor to join with the entire Texas A&M University family and the State of Texas to honor the Aggies. This team has learned what it takes to become national leaders. The experience that each of these athletes has gained in this endeavor is invaluable, and it will surely lead to future success in life.

The following article written by Dawn Lee Wakefield for the Examiner describes Coach Blair’s and the Aggies’ persistent and positive approach to the game and this exciting championship series:

(From the Texas A&M University Arts Examiner, Apr. 6, 2011)

TEXAS A&M WOMEN’S BASKETBALL, NCAA CHAMPIONS WIN IT FOR THE AGGIE FAMILY

(BY DAWN LEE WAKEFIELD)

BRYAN-COLLEGE STATION.—Texas A&M University sports fans around the world celebrated another important first tonight, their very first NCAA Women’s Basketball National Championship. For almost as long as TAMU Women have been competing in NCAA athletic competition, the road has been long, and the respect for the Aggie Women’s Basketball program has been tough. A real battleground in fact. Women have been competing in NCAA athletic competition, the road has been long, and yet the words “national champions” have been never spoken, or expected by those who knew how important it was to stay true to Aggieland was fast asleep. The Lady Aggies gathered, the faithful, were loud, proud, and gold and green far outweighed the maroon and white.

Just being in the NCAA championship was enough, almost, for most Aggie fans. It was an unprecedented thrill to think that this year’s team had the perfect combination of talent and tenacity, and the hearts and minds of players who refused to let go of one goal, and one goal only: Victory. Getting that W. The girls studied in rooms, sat on planes, at 2 a.m. when the rest of Aggieland was fast asleep. The Lady Aggies knew how important it was to stay true to the little student-athlete-guts-and-grit.

On March 26th in Shreveport, the CenturyTel Center still had plenty of room in the stands for Aggie fans, but the faithful Aggie student body was out for ticket-pulls for student tickets were the only crowds of Aggies lined up to camp out for ticket-pulls for student tickets were for the men’s games.

They didn’t know what they were missing, the only crowds of Aggies lined up to camp out for ticket-pulls for student tickets were for the men’s games.

Today, it is my honor to join with the entire Texas A&M University family and the State of Texas to honor the Aggies. This team has learned what it takes to become national leaders. The experience that each of these athletes has gained in this endeavor is invaluable, and it will surely lead to future success in life.

The following article written by Dawn Lee Wakefield for the Examiner describes Coach Blair’s and the Aggies’ persistent and positive approach to the game and this exciting championship series:

(From the Texas A&M University Arts Examiner, Apr. 6, 2011)

TEXAS A&M WOMEN’S BASKETBALL, NCAA CHAMPIONS WIN IT FOR THE AGGIE FAMILY

(BY DAWN LEE WAKEFIELD)

BRYAN-COLLEGE STATION.—Texas A&M University sports fans around the world celebrated another important first tonight, their very first NCAA Women’s Basketball National Championship. For almost as long as TAMU Women have been competing in NCAA athletic competition, the road has been long, and the respect for the Aggie Women’s Basketball program has been tough. A real battleground in fact. Women have been competing in NCAA athletic competition, the road has been long, and yet the words “national champions” have been never spoken, or expected by those who knew how important it was to stay true to Aggieland was fast asleep. The Lady Aggies gathered, the faithful, were loud, proud, and gold and green far outweighed the maroon and white.

Just being in the NCAA championship was enough, almost, for most Aggie fans. It was an unprecedented thrill to think that this year’s team had the perfect combination of talent and tenacity, and the hearts and minds of players who refused to let go of one goal, and one goal only: Victory. Getting that W. The girls studied in rooms, sat on planes, at 2 a.m. when the rest of Aggieland was fast asleep. The Lady Aggies knew how important it was to stay true to the little student-athlete-guts-and-grit.

On March 26th in Shreveport, the CenturyTel Center still had plenty of room in the stands for Aggie fans, but the faithful Aggie student body was out for ticket-pulls for student tickets were the only crowds of Aggies lined up to camp out for ticket-pulls for student tickets were for the men’s games.
made new friends among those who'd lingered to absorb the joy of the Elite Eight to Final Four pathway. With tears in their eyes and joy shining from their countenance, three women who'd never before seen BCS fans, saying "that's our Coach, that's our Coach" about Blair. Turns out they'd been his pupils at South Oak Cliff High School back in '70. Coach Blair had mentioned each and every team he'd been a part of in his thank-you speech following the game. A man who's never forgotten who brought him to where he was, "was now going to the dance" in Indianapolis.

Though the distance was longer, those who could remember plans, the time and gas to drive made their plans to attend the Final Four in Indianapolis. The Final Four was in store, and all eyes were only on eliminating the second-rate Cardinal. No other goal was announced. Stanford was considered in the same light as the Aggies. A number 2 seed. Overlooked. Relegated to the category of "nice, but not a contender".

How wrong the rankings can be in predicting who is the champion of the day. The oft-used phrase "any given day" was more true than when the Lady Aggies went back to work, and walked out of Conoco Field House with a 63 to 62 win, thanking Coach Blair's grandson, Logan. His sign tonight, "Coach Blair is my hero". That went viral across Facebook and Twitter. Turns out, it was the coach's grandson's sign tonight that was shown to the nation, said, "after we win Coach Blair is taking me to Disneyland". That only seems fair, as Coach Blair took Aggies everywhere to the top of the college sports world tonight. And it was the ride of a lifetime, and sheer joy every minute of every game of every season. Gig em, Aggies, for tonight you are indeed the NCAA Champions.

NONPROLIFERATION BUDGET

Mr. CASEY. Mr. President, I rise today to discuss the proposed cuts to nuclear nonproliferation programs in the continuing resolution, which I believe seriously endangers our Nation's security. When the Senate was presented with H.R. 1, the House's fiscal year 2011 appropriations bill, we all knew that sacrifices were needed. We knew that we needed to examine programs and determine which were broken, which were redundant, and which were essential. In that process, we also had a responsibility to determine which programs worked and provided positive returns on investments for our security and economic stability. I would assert that the National Nuclear Security Administration's, NNSA, nonproliferation programs fall into this category. For the past decade, one threat has dominated our national security agenda: the threat of a nuclear weapon in the hands of a terrorist.

Yet when H.R. 1 passed in February, the House proposed a 24 percent cut to the President's request for NNSA nonproliferation programs. These cuts would endanger programs that have removed a total of 120 bombs' worth of highly enriched uranium, HEU, and nuclear material from six countries since April 2009. This past November, enough HEU to make 775 nuclear weapons was removed from Kazakhstan. I would consider these outcomes an under-reported, yet remarkable, success. I question why such highly effective programs, vital to our national security interests, were targeted in the first place.

I would contend that should a terrorist set off a nuclear or radiological explosion, the physical, psychological and economic consequences would far exceed the money saved by these short-sighted cuts.

The Congressional Commission on the Strategic Posture of the United States stated that "the surest way to prevent nuclear terrorism is to deny acquisitions of nuclear weapons or fissile material," and that the United States should "accelerate" not decelerate the process of securing nuclear material. In the Commission's opinion, "this would be the "best buys" for the United States, especially in light of al-Qaida's expressed desire to obtain nuclear material or weapons.

H.R. 1 cuts more than $600 million from the Global Threat Reduction Initiative, which seeks to secure nuclear material before it ends up in terrorist hands. These program cuts are not only irresponsible, they are negligent.

Nonproliferation programs are a vital part of our Nation's security and should be treated as such. This view is shared by former Presidents and national security experts and has been included in our National Security Strategy that was developed by various agencies, including the Departments of Defense, State and Energy, as well as the National Security Council. In a July 14, 2010 letter to the chairman and ranking member of the Senate Foreign Relations Committee, former Secretary of State George Shultz and former Chair of the Senate Armed Services Committee Sam Nunn wrote that they "believe the threat of nuclear terrorism remains urgent, fueled by the spread of nuclear weapons, materials and technology around the world." They further concluded that it "is absolutely essential" for the United States and Russia to lead these efforts.

I urge my colleagues today for their support in ensuring that we do all we can to limit the ability of terrorists to get their hands on fissile material. We all recognize and have referred to this threat. And now we have an opportunity to do something about it. Nuclear proliferation is a top concern and we as a nation can effectively lead the world in nuclear security and decrease the threat posed by nuclear terrorism.
ADDITIONAL STATEMENTS

FREDDIE AND ERNEST TAVARES
Mr. AKAKA. Mr. President, I congratulate Hawaiian music legends Frederick "Freddie" and Ernest Tavares for receiving the Lifetime Achievement Award from the Hawaii Academy of Recording Arts in recognition of their contributions to the music industry.

Both men enjoyed long careers in music and played important roles in popularizing Hawaiian music across the United States.

As a musician, Ernest did it all. He was a singer-songwriter, arranger, and inventor. His innovations led to the creation of the modern pedal steel guitar, which he played with the Harry Owens Royal Hawaiian Orchestra, Paul Page's South Sea Serenade, and T. Texas Tyler & His Western Dance Band. He also played the electric bass, ukulele, flute, clarinet, saxophone, piano, and Hawaiian & Tahitian drums.

Freddie Tavares, Ernest's younger brother, shared this love of music and innovation. Collaborating with guitar legend Leo Pender, Freddie played an important role in designing the Fender Stratocaster, a guitar that is the standard for many rock musicians. His work and dedication earned him induction into the Steel Guitar Hall of Fame and the Fender Hall of Fame. Freddie also performed with many notable artists, such as Bing Crosby, Elvis Presley, Dean Martin, the Andrews Sisters, and Henry Mancini.

Throughout their musical careers, Freddie and Ernest Tavares performed in many record albums and movie soundtracks. Both brothers also collaborated in numerous performances and shows. Their many talents and innovations had a great impact on the music industry and made Hawaii proud.

Long before being elected to Congress, I taught music and band in Hawaii's schools, and I am honored to recognize Freddie and Ernest for their numerous and invaluable accomplishments in the music business. Although both brothers are no longer with us, I extend my aloha and sincere thanks to the Tavares family for keeping the legacy of Freddie and Ernest Tavares alive.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:09 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4. An act to repeal the expansion of the Medicare program for long-term care to include hospice and home and community-based services.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. STAUB: S. 734. A bill to provide for a program of research, development, demonstration, and commercial application in vehicle technologies for improving energy efficiency and reducing petroleum dependence.

By Mr. KERRY: S. 735. A bill to authorize the Department of Energy to establish a research and development program for the development of vehicle technologies for improved energy efficiency and reduced petroleum dependence.

By Mr. BROWN of Ohio: S. 736. A bill to improve the Fugitive Safe Surrender Program; to the Committee on the Judiciary.

By Mr. MORA: S. 737. A bill to replace the Director of the Bureau of Consumer Financial Protection with a 5-person Commission, to bring the Bureau under the jurisdiction of the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW (for herself and Ms. COLSON): S. 738. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning; to the Committee on Finance.

By Mr. LEVIN (for himself, Mr. SCHUMER, Mr. ALEXANDER, Mr. KERRY, Ms. MURKOWSKI, Mr. BINGHAMAN, Mr. MERKLEY, and Ms. STABENOW): S. 739. A bill to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government; to the Committee on Rules and Administration.

By Mr. REED (for himself, Ms. MURKOWSKI, Mr. DURBIN, and Mr. UDALL of New Mexico): S. 740. A bill to revise and extend provisions under the Garrett Lee Smith Memorial Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of New Mexico (for himself, Mr. UDALL of Colorado, Mr. BENNET, Mr. CARDIN, Mr. KERRY, Mr. MENENDEZ, Mr. MERKLEY, Mr. SANDERS, Mr. WHITEHOUSE, and Ms. KLOBUCHAR): S. 741. A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWN of Ohio: S. 742. A bill to amend chapters 83 and 84 of title 5, United States Code, so that Members of Congress are eligible for an annuity at the same age as the retirement age under the Social Security Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA (for himself, Ms. COLINS, Mr. GRASSLEY, Mr. LIBERMAN, Mr. LEVIN, Mr. CARPER, Mr. LIEONY, Mr. HARKIN, Mr. PEYOR, Ms. LANDRIEU, Mrs. MCCASKILL, Mr. TESTER, Mr. BINGHAMAN, and Mr. CARDIN): S. 743. A bill to amend section 26 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Committee on Foreign Relations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself, Mrs. FEINSTEIN, Mr. LIBERMAN, and Mr. KERRY): S. 744. A bill to authorize certain Department of State personnel who are responsible for examining and processing United States passport applications, to access relevant information in Federal, State, and other records and databases for the purpose of verifying the identity of a passport applicant and detecting passport fraud, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER: S. 745. A bill to amend title 38, United States Code, to protect certain veterans who would otherwise be subject to a reduction in educational assistance benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SHELBY (for himself, Mr. DEMINT, Mr. ALEXANDER, Mr. COBURN, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. ENSIGN, Mrs. HUTCHISON, Mr. ISHOPE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. KIRK, Mr. KYL, Mr. LEE, Mr. MCCONNELL, Mr. MORA, Mr. PAUL, Mr. Risch, Mr. Sessions, Mr. Thune, Mr. TOOMY, Mr. VITTER, and Mr. WICKER): S. 746. A bill to repeal provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRAPO (for himself, Mr. KORL, Ms. COLLINS, and Mr. PORTMAN): S. 747. A bill to amend title 23, United States Code, with respect to vehicle weight limitations applicable to the interstate system, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mr. INOUYE, and Mr. KERRY): S. 748. A bill to amend the Internal Revenue Code of 1986 to expand the definition of cellulosic biofuel to include algae-based biofuel, for purposes of the cellulosic biofuel producer credit and the special allowance for cellulosic biofuel plant property; to the Committee on Finance.

By Mr. UDALL of New Mexico (for himself, Mr. UDALL of Colorado, Mr. BENNET, Mr. CARDIN, Mr. KERRY, Mr. MENENDEZ, Mr. MERKLEY, Mr. SANDERS, Mr. WHITEHOUSE, and Ms. KLOBUCHAR): S. 741. A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWN of Ohio: S. 742. A bill to amend chapters 83 and 84 of title 5, United States Code, so that Members of Congress are eligible for an annuity at the same age as the retirement age under the Social Security Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA (for himself, Ms. COLINS, Mr. GRASSLEY, Mr. LIBERMAN, Mr. LEVIN, Mr. CARPER, Mr. LIEONY, Mr. HARKIN, Mr. PEYOR, Ms. LANDRIEU, Mrs. MCCASKILL, Mr. TESTER, Mr. BINGHAMAN, and Mr. CARDIN): S. 743. A bill to amend section 26 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Committee on Foreign Relations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself, Mrs. FEINSTEIN, Mr. LIBERMAN, and Mr. KERRY): S. 744. A bill to authorize certain Department of State personnel who are responsible for examining and processing United States passport applications, to access relevant information in Federal, State, and other records and databases for the purpose of verifying the identity of a passport applicant and detecting passport fraud, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER: S. 745. A bill to amend title 38, United States Code, to protect certain veterans who would otherwise be subject to a reduction in educational assistance benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SHELBY (for himself, Mr. DEMINT, Mr. ALEXANDER, Mr. COBURN, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. ENSIGN, Mrs. HUTCHISON, Mr. ISHOPE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. KIRK, Mr. KYL, Mr. LEE, Mr. MCCONNELL, Mr. MORA, Mr. PAUL, Mr. Risch, Mr. Sessions, Mr. Thune, Mr. TOOMY, Mr. VITTER, and Mr. WICKER): S. 746. A bill to repeal provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRAPO (for himself, Mr. KORL, Ms. COLLINS, and Mr. PORTMAN): S. 747. A bill to amend title 23, United States Code, with respect to vehicle weight limitations applicable to the interstate system, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mr. INOUYE, and Mr. KERRY): S. 748. A bill to amend the Internal Revenue Code of 1986 to expand the definition of cellulosic biofuel to include algae-based biofuel, for purposes of the cellulosic biofuel producer credit and the special allowance for cellulosic biofuel plant property; to the Committee on Finance.
KLOBUCHAR, MR. LEARY, MR. MERKLEY, MS. MIKULSKI, MR. SANDERS, MRS. SHAHSEN, AND MR. TESTER: S. 749. A bill to establish a revenue source for fair elections financing of Senate campaigns by providing an excise tax on amounts paid pursuant to contracts with the United States Government; to the Committee on Finance.

By Mr. DURBIN (for himself, Mrs. BOXER, Mr. CARDIN, MR. FRANKEN, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. LEARY, Mr. MERKLEY, MS. MIKULSKI, MR. SANDERS, MRS. SHAHSEN, AND MR. TESTER):

S. 750. A bill to reform the financing of Senate elections and for other purposes; to the Committee on Rules and Administration.

By Mr. BROWN of Ohio (for himself and Mr. KIRK):

S. 751. A bill to require the Secretary of Commerce to develop a comprehensive national manufacturing strategy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself, Mr. ISAKSON, AND MR. KERRY):

S. 752. A bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 753. A bill to require the Assistant Secretary of Commerce for Economic Development to establish an early-stage business investment and incubation grant program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND
SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Nebraska (for himself, Mr. DURBIN, Ms. CANTWELL, AND MRS. MURRAY):

S. Res. 132. A resolution recognizing and honoring the zoos and aquariums of the United States; to the Committee on Environment and Public Works.

By Mr. FRANKEN:

S. Res. 133. A resolution to require that new war funding be offset; to the Committee on the Budget.

By Ms. STABENOW (for herself, Mr. ISAKSON, MR. UDALL of Colorado, MR. JOHNSON, AND MRS. HUTCHISON):

S. Res. 134. A resolution supporting the designation of April as Parkinson's Awareness Month; considered and agreed to.

By Mr. INHOFE:

S. Con. Res. 11. A concurrent resolution expressing the sense of Congress with respect to the Obama administration's discontinuing of its determination of the Defense of Marriage Act; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

At the request of MR. BAUCUS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 146, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 227

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 227, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 339

At the request of MR. BAUCUS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions to qualified conservation contributions.

S. 398

At the request of MR. BINGAMAN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 398, a bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes.

S. 431

At the request of MR. Pryor, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint commemorative coins in commemoration of the 225th anniversary of the establishment of the nation's first Federal law enforcement agency, the United States Marshals Service.

S. 491

At the request of MR. Pryor, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 578

At the request of MR. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 578, a bill to amend title V of the Social Security Act to require the abstinence-only education program.

S. 595

At the request of MRS. MURRAY, the name of the Senator from Idaho (Mr. CRAPPI) was added as a cosponsor of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to comply with grants under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 668

At the request of MR. CORNYN, the names of the Senator from Kansas (Mr. MORGAN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 668, a bill to remove unneeded, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 671

At the request of MR. Sessions, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 671, a bill to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders.

S. 691

At the request of MR. SCHUMER, the name of the Senator from New York (Ms. GILLIBRAND) was added as a cosponsor of S. 691, a bill to support State and tribal government efforts to promote research and education related to maple syrup production, natural resource sustainability in the maple syrup industry, market promotion of maple products, and greater access to lands containing maple trees for maple-sugaring activities, and for other purposes.

S. 706

At the request of MR. CARPER, the name of the Senator from Georgia (Mr. ISAKSON) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 706, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 707

At the request of MR. DURBIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 712

At the request of MR. DE MINT, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 712, a bill to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

S. 720

At the request of MR. THUNE, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 720, a bill to repeal the CLASS program.

S. 726

At the request of MRS. HUTCHISON, the names of the Senator from New Hampshire (Ms. AYOTTE), the Senator from Ohio (Mr. PORTMAN), the Senator from Maine (Ms. COLLINS), the Senator from Nebraska (Mr. JOHANNIS), the Senator from Texas (Mr. CORNYN), the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. KYL), the Senator from South Carolina (Mr. DE MINT), the Senator from Nevada (Mr. ENSIGN), the Senator from Utah (Mr. HATCH), the Senator from South Dakota (Mr. THUNE), the Senator from Idaho (Mr. CRAPO), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BUHR), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Michigan (Ms. STABENOW), the Senator from Utah (Mr. HATCH), the Senator from Kansas (Mr. ROBERTS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Florida (Mr. RUHLO), the Senator from South Carolina (Mr. GRAHAM), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from...
Idaho (Mr. Risch), the Senator from Kansas (Mr. Moran), the Senator from Wyoming (Mr. Barrasso), the Senator from Kentucky (Mr. McConnell), the Senator from Indiana (Mr. Coats) and the Senator from North Carolina (Mrs. Hagan) were added as cosponsors of S. 721, a bill to reauthorize such programs may be necessary to ensure that members of the Armed Forces, including reserve components thereof, and supporting civilian and contractor personnel continue to receive pay and allowances when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services.

S. RES. 80

At the request of Mr. Kirk, the names of the Senator from Wisconsin (Mr. Kohl) and the Senator from California (Mrs. Feinstein) were added as cosponsors of S. Res. 80, a resolution condemning the Government of Iran for its state-sponsored persecution of its Bahá’í minority and its continued violation of the International Covenant on Human Rights.

S. RES. 95

At the request of Mrs. Feinstein, the name of the Senator from Connecticut (Mr. Lieberman) was added as a co-sponsor of S. Res. 86, a resolution recognizing the Defense Intelligence Agency on its 50th Anniversary.

S. RES. 99

At the request of Mr. DeMint, the name of the Senator from Tennessee (Mr. Alexander) was added as a co-sponsor of S. Res. 99, a resolution expressing the sense of the Senate that the primary safeguard for the well-being of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 125

At the request of Mr. Udall of New Mexico, the name of the Senator from Oregon (Mr. Merkley) was added as a co-sponsor of S. Res. 125, a resolution supporting the goals and ideals of National Public Health Week.

AMENDMENT NO. 297

At the request of Mr. Sanders, the names of the Senator from Nevada (Mr. Reid), the Senator from New York (Mr. Schumer), the Senator from Rhode Island (Mr. Reed), the Senator from Iowa (Mr. Harkin), the Senator from Maryland (Ms. Mikulski), the Senator from New Jersey (Mr. Menendez), the Senator from Washington (Ms. Cantwell), the Senator from Minnesota (Mr. Franken) and the Senator from Oregon (Mr. Merkley) were added as cosponsors of amendment No. 297. S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 281

At the request of Mr. Coburn, the name of the Senator from Alaska (Mr. Begich) was added as a cosponsor of amendment No. 281. S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 285

At the request of Mr. Rockefeller, the name of the Senator from Iowa (Mr. Grassley) was added as a co-sponsor of amendment No. 285 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Levin (for himself, Mr. Schumer, Mr. Alexander, Mr. Kerry, Ms. Murkowski, Mr. Bingaman, Mr. Merkley, and Mrs. Cantwell)

S. 739. A bill to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government; to the Committee on Rules and Administration.

Mr. Levin. Mr. President, today a bipartisan group of Senators has introduced legislation that would allow the Senate to convert their vehicles toward a clean-energy future. Senators Schumer, Alexander, Kerry, Murkowski, Bingaman, and I have introduced a bill that would authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government. Among the most successful job-creation efforts we have undertaken since the financial crisis devastated our economy are the efforts of American manufacturers to create the batteries and other components that will power the next generation of electric-powered vehicles. In my State of Michigan and in other places around the country, the grant program we enacted as part of the Recovery Act has sparked a boom of manufacturing job growth.

As the nation continues to move toward a future liberated from imported oil, American manufacturers create the batteries and other components that will power the next generation of electric-powered vehicles. In my State of Michigan and in other places around the country, the grant program we enacted as part of the Recovery Act has sparked a boom of manufacturing job growth. Given a choice between watching our global competitors create those jobs and creating them in the United States, we have chosen the wiser course. This has been part of a larger, and largely successful, effort to support the electric revolution in transportation.

President Obama’s goal of 1 million electric vehicles on the road by 2015 is one part of that effort. He announced last week that by 2015, the government will buy only alternative-energy vehicles for its fleets as part of a strategy to cut U.S. oil imports by 1/3. Such a strategy would help our country economically, protect our environment and enhance our national security.

The legislation we introduce today is another, though smaller, part of that effort. It would ensure that the Senate leads by example as we transition to a clean-energy future. It would establish—at no net cost to the taxpayer—charging stations to power plug-in hybrid electric vehicles. While these vehicles are an important part of our future, they will bring changes in how we think about cars and driving. Instead of looking for gas stations, drivers will need charging stations where they can recharge their batteries that power their vehicles.

The President and others have proposed plans to help encourage the creation of that infrastructure in communities around the country. It should be the Senate. This bill would ensure that Senate employees have available the infrastructure to support next-generations vehicles. It would be an important statement of leadership from the Senate. It would provide an example to other employers of how they can support both the needs of their employees and our national interest in energy security.

I am thankful for the support of Senators Schumer, Alexander, Kerry, Murkowski, and Bingaman on this bill, and for the assistance of the staffs of Senators Schumer and Alexander on the Rules Committee. These Senators have recognized the value of Senate leadership in moving our nation toward a future liberated from imported oil, and I hope our other colleagues will as well.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 739

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

SECTION 1. BATTERY RECHARGING STATIONS FOR PRIVATELY OWNED VEHICLES IN PARKING AREAS UNDER THE JURISDICTION OF THE SENATE AT NO NET COST TO THE FEDERAL GOVERNMENT.

(a) DEFINITION.—In this Act, the term ‘covered employee’ means—

(1) an employee whose pay is disbursed by the Secretary of the Senate; or

(2) any other individual who is authorized to park in any parking area under the jurisdiction of the Senate on Capitol Grounds.

(b) AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (3), funds appropriated to the Architect of the Capitol under the heading ‘CAPITOL POWER PLANT’ under the heading ‘ARCHITECT OF THE CAPITOL’ in any fiscal year are available to construct, operate and maintain on a reimbursable basis battery recharging stations in parking areas under the jurisdiction of the Senate.

(2) FUNDING.—

(A) IN GENERAL.—The Architect of the Capitol shall ensure that the battery recharging stations constructed under this section are designed and constructed to—

(i) comply with applicable Federal, State, and local laws, regulations, and codes; and

(ii) ensure the safety of the public using the stations;

(B) RELATION TO OTHER FUNDING.—Nothing in this section shall affect the availability of funds appropriated to the Architect of the Capitol for the construction of battery recharging stations in parking areas under the jurisdiction of the Senate.

(3) LIMITATION.—A covered employee shall not be reimbursed by the Senate for travel costs associated with the use of a battery recharging station.

(4) REPORT.—Not later than 90 days after the date of enactment of this Act, the Architect of the Capitol shall submit to the Senate and the House of Representatives a report on the battery recharging stations constructed under this section.

SEC. 2. BATTERY RECHARGING STATIONS FOR FEDERAL AGENCIES.

AMENDMENT NO. 271

AMENDMENT NO. 277
of the Senate on Capitol Grounds for use by privately owned vehicles used by Senators or covered employees.

(2) Vendors Authorized.—In carrying out paragraph 1, the Architect of the Capitol may use 1 or more vendors on a commission basis.

(3) Approval of Construction.—The Architect of the Capitol may construct facilities to effect the construction of battery recharging stations described under paragraph (1) after—

(A) submission of written notice detailing the numbers and locations of the battery recharging stations to the Committee on Rules and Administration of the Senate; and

(B) approval by such Committee.

(c) Fees and Charges.—

(1) In General.—Subject to paragraph (2), the Architect of the Capitol shall charge fees or charges for electricity provided to Senators and covered employees sufficient to cover the costs to the Architect of the Capitol to carry out this section, including costs to any vendors or other costs associated with maintaining the battery recharging stations.

(2) Approval of Fees or Charges.—The Architect of the Capitol may establish and adjust fees or charges under paragraph (1) after—

(A) submission of written notice detailing the amount of the fee or charge to be established or adjusted to the Committee on Rules and Administration of the Senate; and

(B) approval by that Committee.

(3) Availability of Fees, Charges, and Commissions.—Any fees, charges, or commissions collected by the Architect of the Capitol under this section shall be—

(A) deposited in the Treasury to the credit of the appropriations account described under subsection (b); and

(B) available for construction without further appropriation during—

(a) the fiscal year collected; and

(b) the fiscal year following the fiscal year collected.

(e) Annual Reports.—Not later than 30 days after the end of each fiscal year, the Architect of the Capitol shall submit a report on the financial administration and cost recovery of activities under this section with respect to that fiscal year to the Committee on Rules and Administration of the Senate.

(7) Ensure the surveillance of suicide intervention and prevention programs to reach at risk youth before it is too late.

It was appropriately granted level to States, tribes, and college campuses for the implementation of proven programs and initiatives designed to address mental health and wellness and reduce youth suicide.

Additionally, I am particularly pleased that the bill would enable college counseling centers to have greater flexibility in their use of Federal resources. Counseling centers will continue to be able to apply for funds to operate to better serve and organize educational and awareness efforts about youth suicide prevention; however, with this bill they will also be able to use funds for the provision of counseling services to students and the hiring of appropriately trained personnel.

These two components are integral to identifying and treating students who may be at risk with the goal of preventing suicide and attempted suicide on campuses.

Our bipartisan legislation is supported by 43 coalition members of the Mental Health Liaison Group and the American Council on Education.

Mr. President, I unambiguously endorse the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

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 is referred to as the “Garrett Lee Smith Memorial Act Reauthorization of 2011”.

SEC. 2. SUICIDE PREVENTION TECHNICAL ASSISTANCE CENTER.

(a) Repeal.—Section 520C of the Public Health Service Act (42 U.S.C. 290bb-34) is repealed.

(b) Suicide Prevention Technical Assistance Center.—Title V of the Public Health Service Act (42 U.S.C. 290b et seq) (as amended by subsection (a)) is amended by inserting after section 520B the following:

"SEC. 520C. SUICIDE PREVENTION TECHNICAL ASSISTANCE CENTER.

"(a) Program Authorized.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a research, training, and technical assistance resource center to provide appropriate information, training, and technical assistance to State political subdivisions of States, federally recognized Indian tribes, tribal organizations, institutions of higher education, public organizations, or private nonprofit organizations concerning the prevention of suicide among all ages, particularly among groups that are at high risk for suicide.

"(b) Responsibilities of the Center.—The center established under subsection (a) shall—

"(1) assist in the development or continuation of statewide and tribal suicide early intervention and prevention strategies for all ages, particularly among groups that are at high risk for suicide;

"(2) study the costs and effectiveness of statewide and tribal suicide early intervention and prevention strategies in order to provide information concerning relevant issues of importance to State, tribal, and national policymakers;

"(3) further identify and understand causes and associated risk factors for suicide for all ages, particularly among groups that are at high risk for suicide;

"(4) analyze the efficacy of new and existing suicide early intervention and prevention techniques and technology for all ages, particularly among groups that are at high risk for suicide;

"(5) ensure the surveillance of suicide early intervention and prevention strategies for all ages, particularly among groups that are at high risk for suicide;

"(6) study the costs and effectiveness of statewide and tribal suicide early intervention and prevention strategies for all ages, particularly among groups that are at high risk for suicide on the overall wellness and health promotion strategies related to suicide attempts;

"(7) develop the promotion of data regarding suicide with Federal agencies involved with suicide early intervention and prevention, and State-sponsored statewide and tribal suicide early intervention and prevention strategies for all ages, particularly among groups that are at high risk for suicide on the overall wellness and health promotion strategies related to suicide attempts;

Sec. 3. YOUTH SUICIDE INTERVENTION AND PREVENTION STRATEGIES.

3. Sec. 520E of the Public Health Service Act (42 U.S.C. 290b-36) is amended to read as follows:

"SEC. 520E. ASSISTANCE CENTER.

"(a) Program Authorized.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a research, training, and technical assistance resource center to provide appropriate information, training, and technical assistance to State political subdivisions of States, federally recognized Indian tribes, tribal organizations, institutions of higher education, public organizations, or private nonprofit organizations concerning the prevention of suicide among all ages, particularly among groups that are at high risk for suicide.

"(b) Responsibilities of the Center.—The center established under subsection (a) shall—

"(1) assist in the development or continuation of statewide and tribal suicide early intervention and prevention strategies for all ages, particularly among groups that are at high risk for suicide;

"(2) study the costs and effectiveness of statewide and tribal suicide early intervention and prevention strategies in order to provide information concerning relevant issues of importance to State, tribal, and national policymakers;

"(3) further identify and understand causes and associated risk factors for suicide for all ages, particularly among groups that are at high risk for suicide;

"(4) analyze the efficacy of new and existing suicide early intervention and prevention techniques and technology for all ages, particularly among groups that are at high risk for suicide;

"(5) ensure the surveillance of suicidal behavior and nonfatal suicide attempts;

"(6) study the costs and effectiveness of statewide and tribal suicide early intervention and prevention strategies for all ages, particularly among groups that are at high risk for suicide on the overall wellness and health promotion strategies related to suicide attempts;

"(7) develop the promotion of data regarding suicide with Federal agencies involved with suicide early intervention and prevention, and State-sponsored statewide and tribal suicide early intervention and prevention strategies for all ages, particularly among groups that are at high risk for suicide on the overall wellness and health promotion strategies related to suicide attempts;

"(8) study the costs and effectiveness of statewide and tribal suicide early intervention and prevention strategies for all ages, particularly among groups that are at high risk for suicide on the overall wellness and health promotion strategies related to suicide attempts;
SEC. 520E. YOUTH SUICIDE EARLY INTERVENTION AND PREVENTION STRATEGIES.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall award grants or cooperative agreements to—

(1) develop and implement State-sponsored statewide or tribal youth suicide early intervention and prevention strategies in schools, educational institutions, juvenile justice systems, substance use disorder programs, mental health programs, foster care systems, and other child and youth support organizations;

(2) support public organizations and private nonprofit organizations actively involved in State-sponsored statewide or tribal youth suicide early intervention and prevention strategies and in the development and continuation of State-sponsored statewide youth suicide early intervention and prevention strategies;

(3) provide grants to institutions of higher education to coordinate the implementation of State-sponsored statewide or tribal youth suicide early intervention and prevention strategies;

(4) collect and analyze data on State-sponsored statewide or tribal youth suicide early intervention and prevention services that can be used to monitor the effectiveness of such services and for research, technical assistance, and policy development; and

(5) utilize, through State-sponsored statewide or tribal youth suicide early intervention and prevention strategies, in achieving targets for youth suicide reductions under title V of the Social Security Act.

(b) ELIGIBLE ENTITY.—

(1) DEFINITION.—In this section, the term "eligible entity" means—

(A) a State;

(B) a public organization or private nonprofit organization designated by a State to develop or direct the State-sponsored statewide youth suicide early intervention and prevention strategy; or

(C) a federally recognized Indian tribe or tribal organization (as defined in the Indian Self-Determination and Education Assistance Act) or an urban Indian organization (as defined in the Indian Health Care Improvement Act) that is actively involved in the development and continuation of a tribal youth suicide early intervention and prevention strategy.

(2) LIMITATION.—In carrying out this section, the Secretary shall ensure that a State does not receive more than one grant or cooperative agreement under this section at any one time. For purposes of the preceding sentence, a State shall be considered to have received a grant or cooperative agreement if the eligible entity to which the grant or cooperative agreement is awarded is a State or an entity designated by the State under paragraph (1)(B).

(c) PREFERENCE.—In providing assistance under a grant or cooperative agreement under this section, an eligible entity shall give preference to public organizations, private nonprofit organizations, political subdivisions, institutions of higher education, and tribal organizations actively involved with the State-sponsored statewide or tribal youth suicide early intervention and prevention strategy that—

(1) provide early intervention and assessment services, including screening programs, to youth who are at risk for mental or emotional disorders that may lead to a suicide attempt or who are integrated with school systems, educational institutions, juvenile justice systems, substance use disorder programs, mental health programs, foster care systems, and other child and youth support organizations;

(2) demonstrate collaboration among early intervention and prevention services or certify that entities will engage in future collaboration;

(3) employ or include in their applications a commitment to evaluate youth suicide early intervention and prevention practices and strategies adapted to the local community;

(4) provide timely referrals for appropriate community-based mental health care and treatment of youth who are at risk for suicide in child-serving settings and agencies;

(5) provide immediate support and information resources to families of youth who are at risk for suicide;

(6) offer access to services and care to youth with diverse linguistic and cultural backgrounds;

(7) offer appropriate postsuicide intervention services, care, and information to families, friends, schools, educational institutions, juvenile justice systems, substance use disorder programs, mental health programs, foster care systems, and other child and youth support organizations of youth who recently completed suicide;

(8) offer continuing and up-to-date information and awareness campaigns that target parents, family members, child care professionals, community care providers, and the general public to help identify the risk factors associated with youth suicide and the life-saving help and care available from early intervention and prevention services;

(9) ensure that information and awareness campaigns on youth suicide risk factors, and early intervention and prevention services, use effective communication mechanisms that are targeted to youth, families, schools, educational institutions, and youth organizations;

(10) provide a timely response system to ensure that child-serving professionals and providers are properly trained in youth suicide early intervention and prevention services or strategies;

(11) provide continuous training activities for child care professionals and community care providers on the latest youth suicide early intervention and prevention services practices and strategies;

(12) conduct annual self-evaluations of outcomes and activities, including consulting with interested families and advocacy organizations;

(13) provide services in areas or regions with rates of youth suicide that exceed the national average identified by the Centers for Disease Control and Prevention; and

(14) obtain signed written consent from a parent or legal guardian of an at-risk child before involving the child in youth suicide early intervention and prevention program.

(d) REQUIREMENT FOR DIRECT SERVICES.—Not less than 38 percent of grant funds received under this section shall be used to provide direct services, of which not less than 5 percent shall be used for activities authorized pursuant to subsection (a)(3).

(e) CONSULTATION AND POLICY DEVELOPMENT.—

(1) IN GENERAL.—In carrying out this section, the Secretary shall—

(A) coordinate and collaborate on policy development at the Federal level with the relevant Department of Health and Human Services agencies, and suicide working groups; and

(B) consult on policy development at the Federal level with the relevant Department of Health and Human Services agencies, and suicide working groups; and

(C) consult on policy development at the Federal level with the relevant Department of Health and Human Services agencies, and suicide working groups.

(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report concerning the results of—

(A) the evaluations conducted under paragraph (1); and

(B) the evaluation conducted by the Secretary to analyze the effectiveness and efficiency of the activities conducted with grants, collaborations, and consultations under this section.

(f) RULE OF CONSTRUCTION; RELIGIOUS AND MORAL ACCOMMODATION.—Nothing in this section shall be construed to require suicide assessment, early intervention, or treatment services for youth whose parents or legal guardians object based on the parents' or legal guardians' religious beliefs or moral objections.

(g) EVALUATIONS AND REPORT.—

(1) EVALUATIONS BY ELIGIBLE ENTITIES.—Not later than 18 months after receiving a grant or cooperative agreement under this section, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant or agreement.

(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report concerning the results of—

(A) the evaluations conducted under paragraph (1); and

(B) the evaluation conducted by the Secretary to analyze the effectiveness and efficiency of the activities conducted with grants, collaborations, and consultations under this section.

(h) RULE OF CONSTRUCTION; STUDENT MEDICATION.—Nothing in this section shall be construed to require school personnel to receive or administer a medication as a condition of attending school or receiving services.

(i) FUNDING.—Funds appropriated to carry out this section, section 527, or section 529 shall not be used to pay for or refer for abortion.

(j) PARENTAL CONSENT.—States and entities receiving funding under this section shall obtain prior written, informed consent.
from the child’s parent or legal guardian for assessment services, school-sponsored programs, and treatment involving medication related to youth suicide conducted in elementary and secondary schools. The requirement of the preceding sentence does not apply in the following cases:

(1) In an emergency, where it is necessary to provide health and safety of the student or other students.

(2) Other instances, as defined by the State, where parental consent cannot reasonably be obtained.

(k) RELATION TO EDUCATION PROVISIONS.—Nothing in this section shall be construed to supersede section 444 of the General Education Provisions Act, including the requirement of prior parental consent for the disclosure of any education records. Nothing in this section shall be construed to modify or affect parental notification requirements for programs authorized under the Elementary and Secondary Education Act of 1965 (as amended by the No Child Left Behind Act of 2001; Public Law 107–110).

(1) DEFINITIONS.—In this section:

(1) EARLY INTERVENTION.—The term ‘early intervention’ means an educational strategy or approach that is intended to prevent an outcome or to alter the course of an existing condition.

(2) EDUCATIONAL INSTITUTION; INSTITUTION OF HIGHER EDUCATION.—The term ‘educational institution’ means a school or institution of higher education;

(3) ‘Institution of higher education’ has the meaning such term in section 101 of the Higher Education Act of 1965; and

(4) ‘School’ means an elementary or secondary school (as such terms are defined in section 101 of the Elementary and Secondary Education Act of 1965).

(2) PREVENTION.—The term ‘prevention’ means a strategy or approach that reduces the likelihood or risk of onset, or delays the onset, of adverse health problems that have been known to lead to suicide.

(4) YOUTH.—The term ‘youth’ means individuals who are between 10 and 24 years of age.

CARDINAL RULES OF APPOINTMENTS.—For the purpose of carrying out this section, there are authorized to be appropriated $32,000,000 for each of the fiscal years 2012 through 2016.

SEC. 4. MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES AND OUTREACH ON CAMPUS.

Section 520E–2 of the Public Health Service Act (42 U.S.C. 290bb–38b) is amended to read as follows:

SEC. 520E–2. MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES ON CAMPUS.

(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services and in consultation with the Secretary of Education, shall award grants on a competitive basis to institutions of higher education to enhance services for students, faculty, staff, and communities to increase awareness of mental health and substance use disorders.

(1) The employment of appropriately trained staff, including administrative, support, and non-mental health providers, when available, to conduct outreach services to students, faculty, and staff to respond effectively to students with mental health and substance use disorders.

(2) The creation of a networking infrastructure to link colleges and universities with providers who can treat mental health and substance use disorders.

(3) Devoting funds to training, evaluating, and disseminating evidence-based and emerging best practices.

(4) IMPLEMENTATION OF ACTIVITIES USING GRANTS.—An institution of higher education that receives a grant under this section may carry out activities under the grant through:

(i) college counseling centers;

(ii) college and university psychological service centers;

(iii) mental health centers;

(iv) psychology training clinics;

(v) institution of higher education supported, evidence-based, mental health and substance use disorder programs that are designed to meet the needs of those they are intended to serve.

(vi) any other entity that provides mental health and substance use disorder services at an institution of higher education.

Applies.—(1) EARLY INTERVENTION.—The term ‘early intervention’ has the meaning such term in section 101 of the Higher Education Act of 1965; and

(b) ‘School’ means an elementary or secondary school (as such terms are defined in section 101 of the Elementary and Secondary Education Act of 1965).

(3) PREVENTION.—The term ‘prevention’ means a strategy or approach that reduces the likelihood or risk of onset, or delays the onset, of adverse health problems that have been known to lead to suicide.

(4) YOUTH.—The term ‘youth’ means individuals who are between 10 and 24 years of age.

MENDEZ, N.J.—The undersigned organizations in the Mental Health Liaison Group are pleased to write in support of the legislation you will soon introduce, the Garrett Lee Smith Memorial Act Reauthorization of 2011. This legislation renews the commitment to critically important youth and college suicide prevention programs administered by the Substance Abuse and Mental Health Services Administration, as well as strength-
grades 9–12 in public and private schools in the United States (U.S.) found that 15% of students reported seriously considering suicide, 11% reported creating a plan, and 7% reported attempting suicide in the 12 months preceding the survey.” The 2010 American College Health Association’s National College Health Assessment II noted that 12% of students reported feeling that things were hopeless and 30.7% reported feeling so depressed it was difficult to function during the past 12 months.

Since 2006, the Garrett Lee Smith Memorial Act has provided resources to communities and college campuses all across the country and supported technical assistance to develop and disseminate effective strategies and best practices related to youth suicide prevention.

Our organizations support all three elements of the GLSMA, which provide a comprehensive approach to addressing the national problem of youth suicide. Specifically, the State and Tribal program fosters the creation of public-private collaborations and the development of critically needed prevention and early intervention strategies. Next, the College Suicide Prevention Program enhances services, outreach and education for students with mental health or substance use disorders and calls for the development of a national system of delivery of such services. Finally, the Suicide Prevention Resource Center provides information and training to States, Tribes, and tribal organizations, higher education institutions, public organizations or private non-profit groups in an effort to prevent suicide among all ages, particularly among high risk groups, such as youth.

We are especially pleased that you have included modest but needed growth in the authorization levels for these programs. This measure underscores the invaluable and constant efforts that have come from the development of these programs as well as the significant work that remains to build suicide prevention capacity across the country.

Our organizations are grateful to you and your colleagues for your strong bipartisan approach regarding this program. We thank Senators Murkowski, Durbin and Tom Udall for joining with you in support of this effort and demonstrating extraordinary leadership on yourside of the aisle.

We are most grateful to you and your staff for your tireless work on this legislation over the past years. Your unwavering leadership and tireless efforts on youth suicide prevention undoubtedly has important implications for the current and future health and wellbeing of our nation’s youth. We welcome the opportunity to work with you and your staff to ensure that the Garrett Lee Smith Memorial Act is promptly reauthorized.

Sincerely,

* not a MHLG member

Mr. DURBIN. Mr. President, three years ago, a mentally disturbed gunman walked into a campus lecture hall at Northern Illinois University and shot 22 students, killing 5 of them. Northern Illinois University is not the first college to experience this kind of tragedy. We all remember the horrific events at Virginia Tech in 2007 where 32 lives were taken by a gunman.

In the aftermath of these shootings, we asked what could have been done to prevent it. We are still trying to make sense of it. Some believe nothing can be done to stop a disturbed person from committing acts of violence. But I believe we can and should do more.

For a long time, we have overlooked the mental health needs of students on college campuses. We know now that many mental illnesses start to manifest in this period when young people are more likely to experiment with drugs or alcohol than when they are at home. The college environment is easier for a young person’s problems to manifest in the company of parents, old friends, and high school teachers. College also isn’t always completely prepared. It is easier for a young person’s problems to go unnoticed when he or she is away from home than when they are at home, in the company of parents, old friends, and high school teachers. College also provides a new opportunity for young people to experiment with drugs or alcohol.

The consequences of not detecting or addressing mental health needs among students are real. Suicide remains the third leading cause of death for adolescents and young adults between ages 10–24. Suicide takes the lives of more young adults than AIDS, cancer, heart disease, pneumonia, birth defects, and influenza combined. Forty-five percent of college students report having felt so depressed that it was difficult to function. Ten percent have contemplated suicide. There are over 1,000 college students who commit suicide each year. These heartbreaking and traumatic incidents demonstrate the tragic consequences of mental instability and help us recognize we need to do more to support students during what can be very tough years.

Fortunately, many students can succeed in college if they have appropriate counseling services and access to needed medications. But they take a real impact. Students who seek help are six times less likely to kill themselves. Colleges are welcoming students today who 10 or 20 years ago would not have been able to attend school due to mental illness, but who can today because of advances in treatment.

But while the needs for mental health services on campus are rising, colleges are facing financial pressures and having trouble meeting this demand. As I have travelled around my State, I have learned just how thin colleges and universities are stretched when it comes to providing counseling and other support services to students.

Take Southern Illinois University in Carbondale. SIUC has 8 full-time counselors for 20,000 students. That is 1 counselor for every 2,500 students. The recommended ratio is 1 counselor for every 1,500 students. And there is another problem. Like many rural campuses, Carbondale does not have a community mental health agency. That agency is overwhelmed by the mental health needs of the community and refuses to serve students from SIUC. The campus counseling center is the only mental health option for students. The eight hard-working counselors at SIUC do their best under impossible conditions. They triage students who come in seeking help so that the ones who might be a threat to themselves or others are seen first. The waitlist of students seeking services has reached 45 students.

The story is the same across the country. Colleges are trying to fill in the gaps, but because of the shortage of counselors, students’ needs are not being overlooked. A recent survey of college counseling centers indicates that the average ratio of professional-staff-to-students is 1 to 1,900. Although interest in mental health services is high, the recession has put pressure on administrators to cut budgets wherever they can. At times, counseling centers are in the crosshairs. Ten percent of survey respondents said their budgets were cut during the 2007–8 academic year, half their budgets a year later, and nearly a quarter reported that their funds increased by 3 percent or less.

With so many students looking for help and so few counselors to see them, counseling centers have to cut back on outreach. Without outreach, the chances of finding students who need help but don’t ask for it goes down. This is a serious problem. We know that some students exhibit warning signs of a tortured mental state and four out of five young adults show signs of depression. Without outreach, the chances of finding students who need help but don’t ask for it goes down. This is a serious problem. We know that some students exhibit warning signs of a tortured mental state and four out of five young adults show signs of depression. Without outreach, the chances of finding students who need help but don’t ask for it goes down.
not wait to act on measures to make sure the government uses taxpayer money efficiently and effectively.

This legislation will help us hold those who manage the public’s dollars accountable by strengthening protections for federal employees who shed light on government waste, fraud, and abuse. Studies have shown that employee whistleblowers are responsible for uncovering more fraud than auditors, internal compliance officers, and law enforcement officials combined. As more cases of the abuse of disclosures we need to encourage, in one of the few cases in which a whistleblower prevailed, an internal Revenue Service manager disclosed alleged fraud and preferential treatment of certain wealthy and influential taxpayers. The Merit Systems Protection Board denied his claim, but five years after the whistleblower retaliation occurred, the Court of Appeals reversed. Ensuring that dedicated civil servants can come forward and report wrongdoing without facing retaliation is an important step for saving taxpayer dollars, reducing the deficit, and improving our country’s long-term economic health.

Our bill also will contribute to public health and safety and civil liberties, national security, and other critical interests. Federal employees may be the only people in the position to observe a problem with a drug safety trial, a cover up of violations during a food inspection, or a false accounting of Federal law enforcement, or safety concerns at a nuclear plant. But few employees will have the courage to disclose Federal Government wrongdoing, which can affect every aspect of government operations, without meaningful whistleblower protections. The Whistleblower Protection Act, WPA, was intended to shield Federal whistleblowers from retaliation, but the Court of Appeals or the Federal Circuit and the Merit Systems Protection Board repeatedly have issued decisions that misconstrue the WPA and scale back its protections. Federal whistleblowers have prevailed on the merits of their claims before the Federal Circuit which has sole jurisdiction over Federal employee whistleblower appeals, only three times in hundreds of cases since 1994. correction is urgently needed.

Our bill would eliminate a number of restrictive provisions that the Federal Circuit has read into the law regarding when disclosures are covered by the WPA. Because of the Federal Circuit’s restrictive reading of the WPA, it would establish a pilot program to allow multi-circuit review for 5 years, and would require a Government Accountability Office review of that change 40 months after enactment. This bill would also bar agencies from revoking an employee’s security clearance in retaliation for whistleblowing. Additionally, the bill expands coverage to new groups of whistleblowers. This bill would expand the coverage of the Whistleblower Protection Act to include employees of the Transportation Security Administration. Intelligence Community employees for the first time would be protected as well, with an administrative process modeled on the protections for Federal Bureau of Investigations employees. Moreover, it would make clear that whistleblowers who disclose censorship of scientific information that could lead to gross government waste or mismanagement, danger to public health or safety, or a violation of law are protected.

I have been a long-time proponent of strengthening oversight by protecting Federal whistleblowers. Last Congress, my Whistleblower Protection Enhancement Act, S. 372, passed both the Senate and the House of Representatives by unanimous consent in December 2010. In the 110th Congress, my bill, the Federal Employee Protection of Disclosures Act, S. 274, passed the Senate by unanimous consent in December 2007, and a similar bill, H.R. 985, also passed in the House of Representatives in March 2008. Unfortunately, both times, we were not able to reconcile the two bills and enact whistleblower protections before the Congress adjourned. I intend to finish the job this Congress. Whistleblowers simply cannot wait any longer.

Congress has a duty to provide strong protections for Federal whistleblowers. Only when Federal employees are confident that they will not face retaliation for being the voice of conscience will they feel free to take away the future as well.” I hope the Garrett Lee Smith Memorial Act will help prevent the unnecessary loss of more young lives and bright futures.

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. LEVIN, Mr. CARPER, Mr. LEAHY, Mr. HARKIN, Mr. PRYOR, Ms. LANDRIEU, Mr. McCASKILL, Mr. TETELETTI, Mr. BEGICH, and Mr. CARDIN):

S. 743. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in non-disclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to instruct the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I rise to reintroduce the whistleblower Protection Enhancement Act. I am pleased that Senators COLLINS, GRASSLEY, LIEBERMAN, LEVIN, CARPER, LEAHY, HARKIN, PRYOR, LANDRIEU, McCASKILL, TETELETTI, BEGICH, and CARDIN have joined as cosponsors of this bill. The need for stronger whistleblower protections is clear. As we slowly recover from the deepest recession since the Great Depression, and grapple with unsustainable budget deficits, we can...
SEC. 102. DEFINITIONAL AMENDMENTS.

Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in paragraph (B)(ii), by striking "and" at the end and inserting "; and"; and

(2) in subparagraph (C)(ii), by adding at the end of the following:

"(D) ‘disclosure’ means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee or applicant providing the disclosure reasonably believes that the disclosure evidences—

(i) any violation of any law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or

(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;"

SEC. 103. REDUCTIBLE PRESUMPTION.

Section 2302(b) of title 5, United States Code, is amended by adding the matter following paragraph (12) to read as follows:

"This section shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information that is a disclosure. For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee whose conduct is the subject of a disclosure as defined under subsection (a)(2)(D) may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee reasonably believes that such employee or applicant has disclosed information that evidences—

(A) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation; or

(B) with regard to remedying a violation of any other law, rule, or regulation;"; and

(2) (as added by this Act) for implementation or enforcement of the statement on the agency website for the 1-year period following that effective date.

SEC. 104. PERSONNEL ACTIONS AND PROHIBITED PERSONNEL PRACTICES.

(a) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(1) in clause (x), by striking "and" after the semicolon; and

(ii) by redesigning clause (xi) as clause (xii) and inserting after clause (xii) the following:

"(xii) the implementation or enforcement of any nondisclosure policy, form, or agreement; and"

(b) PROHIBITED PERSONNEL PRACTICE.—

(1) IN GENERAL.—Section 2302(b)(9) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking "or" at the end;

(B) in paragraph (12), by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (12) the following:

"(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: ‘These provisions are incorporated into this agreement that was in effect before the date this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.’."

(b) DAMAGES.—Section 2302(b)(9) of title 5, United States Code, is amended by adding at the end the following:

"(4) Any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.’."

SEC. 105. EXCLUSION OF AGENCIES BY THE PENT.

Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (i) and inserting the following:

"(i) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and"

"(ii) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, provided that the determination be made prior to personnel action that formed the basis of the corrective action.’."

SEC. 106. DISCIPLINARY ACTION.

Section 2302(a)(3) of title 5, United States Code, is amended to read as follows:

"(3)(A) A final order of the Board may impose—

"(i) disciplinary action consisting of removal, reduction in grade, or debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand; or

(ii) an assessment of a civil penalty not to exceed $1,000; or

(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii)."

"(B) In any case brought under paragraph (1) in which the Board finds that an employee has committed a prohibited personnel practice under section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D), the Board may impose disciplinary action if the Board finds that the activity protected under section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D) was a significant motivating factor, even if the Board determines that the employee did not engage in substantial evidence."

"(C) In any case brought under paragraph (1) in which the Board finds that an agency where the prevailing party was employed or had applied for employment at the time of the events giving rise to the case—

"(1) any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.’."

SEC. 107. REMEDIES.

(a) ATTORNEY FEES.—Section 120(h)(m)(1) of title 5, United States Code, is amended by adding at the end the following:

"(9) In any case brought under paragraph (1) in which the Board finds that an employee has committed a prohibited personnel practice under section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D), the Board may impose disciplinary action if the Board finds that the activity protected under section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D) was a significant motivating factor, even if the Board determines that the employee engaged in substantial evidence."

(b) DAMAGES.—Sections 121(g)(1) and 121(g)(2) of title 5, United States Code,
are amended by striking all after “travel exp-
enses,” and inserting “any other reasonable and 
foreseeable consequential damages, and 
compensatory damages (including interest, 
reasonable attorney fees, and costs),” each place it appears.

SEC. 108. JUDICIAL REVIEW.
(a) In General.—Section 7703(b) of title 5, United States Code, is amended by striking the last sentence of paragraph (2) and in-
serting the following: 
“(b)(1)(A) Except as provided in subpara-
graph (B) and paragraph (2) of this sub-
section, the Director may petition the Board to review a final order or 
final decision of the Board shall be filed in the United States Court of Appeals for the
Federal Circuit. Notwithstanding any other provision of law, any individual
petition for review before the Board shall be filed within 60 days after the Board 
issues notice of the final order or decision of the Board.

(B) During the 5-year period beginning on the effective date of the Whistleblower Pro-
tection Enhancement Act of 2011, a petition to review a final order or final decision of the Board that raises no challenge to the 
Board’s disposition of allegations of a pro-
hibited personnel practice described in sec-
tion 2302(b) other than practices described in sections 2302(2)(A), (B), (C), and (D) shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any individu-
al petition for review before the Board shall have the right to appear 
in the proceeding before the court of appeals.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 
date of enactment of this section.

SEC. 109. PROHIBITED PERSONNEL PRACTICES
AFFECTING THE TRANSPORTATION SECURITY ADMINIS-
TRATION.
(a) In General.—Chapter 23 of title 5, 
United States Code, is amended by adding the 
following:

“§ 2304. Prohibited personnel practices affect-
ing the Transportation Security Adminis-
tration
“(a) In General.—Notwithstanding any 
other provision of law, any individual hold-
ing a position within the Transportation Security Administration shall be covered by—

(1) the provisions of section 2302(b)(1), (8), and (9); 
(2) any provision of law implementing section 2302(b)(1), (8), or (9) by providing any right or remedy available to an employee or applicant for employment in the civil serv-
vice; and
(3) any rule or regulation prescribed under such provision of law referred to in paragraph (1) or (2).

(b) RULE OF CONSTRUCTION.—Nothing in this 
section shall be construed to affect any rights, apart from those described in sub-
section (a), to which an individual described in subsection (a) might otherwise be entitled under law.

(c) PROTECTED DISCLOSURE.—
(1) DEFINITIONS.—In this subsection—
(I) the term “agency” has the meaning given under section 2802(a)(2)(C) of title 5, United States Code;
(II) the term “applicant” means an appli-
cant for a covered position;
(III) the term “covered position” has the meaning given under section 2302(a)(2)(B) of title 5, United States Code;
(IV) the term “agency employee” means an em-
ployee in a covered position in an agency;
and
(V) the term “disclosure” has the meaning given under section 2302(a)(2)(D) of title 5, United States Code.

(2) PROTECTED DISCLOSURE.—
(1) In General.—Any disclosure of informa-
tion by an employee or applicant for employ-
ment that the employee or applicant reason-
ably believes is evidence of censorship related to research, analysis, or technical in-
formation shall be covered by—
(A) shall come within the protections of section 2302(b)(8)(A) of title 5, United States Code, if—
(I) the employee or applicant reasonably believes that the censorship related to re-
search, analysis, or technical information is or will cause—
(i) any violation of law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or
(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

SEC. 110. DISCLOSURE OF CENSORSHIP RELATED
TO RESEARCH, ANALYSIS, OR TECH-
NICAL INFORMATION.
Section 214(c) of the Homeland Security
Act of 2002 (6 U.S.C. 133(c)) is amended by 
adding at the end the following: “For pur-
poses of this section a permissible use of 
information obtained information includes the 
disclosure of such information under sec-
tion 2302(b)(8) of title 5, United States Code.”.

SEC. 111. CLARIFICATION OF WHISTLEBLOWER
RIGHTS FOR CRITICAL INFRASTRUCTURE
INFORMATION.
Section 2302(c) of title 5, United States Code, is amended by inserting “; and
including how to make a lawful disclosure of infor-
mation that is specifically required by Executive order to be kept classified in the 
interest of national defense or the conduct of foreign affairs to the Special Counsel, the In-

(2) DISCLOSURES NOT EXCLUDED.—A disclo-
sure shall not be excluded from paragraph (1) for any reason described under section 2302(f)(1) or (2) of title 5, United States Code.

(3) any rule or regulation prescribed under such provision of law referred to in paragraph (1) or (2).

(II) gross mismanagement, a gross waste of
funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(III) the disclosure is made to the Special Counsel, or to the Inspector General of an agency or another person designated by the head of the agency to receive such disclo-
sures, consistent with the protection of sources and methods.

SEC. 112. ADVISING EMPLOYEES OF RIGHTS.
Section 2302(c) of title 5, United States Code, is amended by inserting “; and
including how to make a lawful disclosure of information that is specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Ins-
pector General of an agency, Congress, or another person designated by the agency to receive such disclosures” after “chapter 12 of this title”. 

SEC. 113. SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.

Section 1212 of title 5, United States Code, is amended by adding at the end the following:

"(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to a nondisclosure policy, or agreement with respect to compliance with section 2302(b) (8) or (9), or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to enforcement of such provisions of law."

"(2) The United States shall grant the application of the Special Counsel to appear in any such action for the purposes described under subsection (a)."

SEC. 114. SCOPE OF DUE PROCESS.

(a) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting "a finding that a protected disclosure was a contributing factor," after "ordered if.".

(b) INDIVIDUAL ACTION.—Section 1212(e)(2) of title 5, United States Code, is amended by inserting after "finding that a disclosure was a contributing factor," after "ordered if.".

SEC. 115. NONDISCLOSURE POLICIES, FORMS, OR AGREEMENTS.

(a) IN GENERAL.—

(1) REQUIREMENT.—Each agreement in Standard Forms 312 and 4114 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: "These restrictions are consistent with and do not supersede, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information), or any successor thereto; Executive Order 12968 (60 Fed. Reg. 40245; relating to classified information), or any successor thereto; section 7211 of title 5, United States Code, is amended by adding at the end the following:

(ii) may continue to be enforced after the effective date of this Act with regard to a former employee if the agency posts notice of the statement on the agency website for the 3-year period following that effective date.

(b) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding subsection (a), a nondisclosure policy, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee of the Intelligence Community, may contain provisions appropriate to the particular activity for which such document is to be used. Such policy, form, or agreement shall also make it clear that such forms or agreements are controlling."

SEC. 116. REPORTS.

(a) GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) REPORT.—Not later than 40 months after the date of enactment of this Act, the Comptroller General shall report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the implementation of this title.

(2) CONTENTS.—The report under this paragraph shall include:

(A) an analysis of any changes in the number of cases filed with the United States Merit Systems Protection Board alleging violations of section 2302(b) (8) or (9) of title 5, United States Code, since the effective date of this Act;

(B) the outcome of the cases described under subparagraph (A), including whether or not the United States Merit Systems Protection Board, the Federal Circuit Court of Appeals, or any other court determined the allegations to be frivolous or malicious;

(C) an analysis of the outcome of cases described under subparagraph (A) that were decided by a United States District Court and the impact the process has on the Merit Systems Protection Board and the Federal court system; and

(D) any other matter as determined by the Comptroller General.

(b) MERIT SYSTEMS PROTECTION BOARD.—

(1) IN GENERAL.—Each report submitted annually by the Merit Systems Protection Board under section 1116 of title 31, United States Code, shall, with respect to the period covered by such report, include as an addendum the following:

(A) Information relating to the outcome of cases decided during the applicable year of the report in which violations of section 2302(b) (8) or (9) (A)(i), (B)(i), (C), or (D) of title 5, United States Code, were alleged.

(B) The number of such cases filed in the regional and field offices, the number of petitions for review filed in such cases, and the outcomes of such petitions.

(2) FIRST REPORT.—The first report described under paragraph (1) submitted after the date of enactment of this Act shall include an addendum to that subparagraph that covers the period beginning on January 1, 2009 through the end of the fiscal year 2009.

SEC. 117. ALTERNATIVE REVIEW.

(a) IN GENERAL.—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

"(k)(1) In this subsection, the term ‘appropriate United States district court’, as used with respect to an alleged prohibited personnel practice, means the United States district court for the judicial district in which—

(A) the prohibited personnel practice is alleged to have been committed; or

(B) the employee, former employee, or applicant for employment is alleged to have been adversely affected by such prohibited personnel practice.

(2)(A) An employee, former employee, or applicant for employment against whom a prohibited personnel practice is alleged to have been committed may file an action at law or for de novo review in the appropriate United States district court in accordance with this title.

(B) Upon initiation of any action under subparagraph (A), the Board shall stay any other claims of such employee, former employee, or applicant pending before the Board at the time which arise out of the same set of operative facts. Such claims shall be stayed pending completion of the action filed under subparagraph (A) before the appropriate United States district court and any associated appellate review.

(c) This paragraph applies in any case in which—

"(A) an employee, former employee, or applicant for employment—

(i) seeks corrective action from the Merit Systems Protection Board against an employee, former employee, or applicant for employment allegedly affected by a prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B)(i), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542; or

(ii) files an appeal under section 7701(a) alleging as an affirmative defense the commission of a prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B)(i), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542; or

(b) no final order or decision is issued by the Board within 270 days after the date on which a request for that corrective action or appeal has been duly submitted, unless the Board determines that the employee, former employee, or applicant for employment engaged in conduct intended to delay the Board's decision of a final order or decision by the Board; and

(C) such employee, former employee, or applicant provides written notice to the Board of filing an appeal as described in subparagraph (A) before the filing of that action.

(d) This paragraph applies in any case in which—

"(A) an employee, former employee, or applicant for employment—

(i) seeks corrective action from the Merit Systems Protection Board against an employee, former employee, or applicant for employment allegedly affected by a prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B)(i), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542; or

(ii) files an appeal under section 7701(a) alleging as an affirmative defense the commission of a prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B)(i), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542; or

(B) within 30 days after the date on which the request for corrective action or appeal was duly submitted, such employee, former employee, or applicant for employment is alleged to have been adversely affected by such prohibited personnel practice; and

(C) the employee, former employee, or applicant provides written notice to the Board of filing an appeal as described in subparagraph (A) before the filing of that appeal.
“(ii) such employee has not previously filed a motion under clause (i) related to that request for corrective action; and
“(C) the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case certifies that—
“(I) under standard applicable to the review of motions to dismiss under rule 12(b)(6) of the Federal Rules of Civil Procedure, including rule 12(d), the request for corrective action (including any allegations made with the motion under paragraph (B)) would not be subject to dismissal; and
“(II) the Board is not likely to dispose of the case within 270 days after the date on which a request for that corrective action has been duly submitted; or
“(II) the case—
“‘(aa) consists of multiple claims;
“‘(bb) requires complex or extensive discovery;
“‘(cc) arises out of the same set of operative facts as any civil action against the Government filed by the employee, former employee, or applicant pending in a Federal court; or
“‘(dd) involves a novel question of law.
“(5) The Board shall grant or deny any motion for certification described under paragraph (4)(ii) within 90 days after the submission of such motion and the Board may not issue a decision on the merits of a request for corrective action within 15 days after granting or denying a motion requesting certification.
“(6) Any decision of the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case to grant or deny a certification described under paragraph (4)(ii) shall be reviewed on appeal of a final order or decision of the Board under section 7703 only if—
“(I) a motion requesting a certification was denied; and
“(ii) the reviewing court vacates the decision of the Board on the merits of the claim under the standards set forth in section 7703(c).
“(b) The decision to deny the certification shall be overturned by the reviewing court, and an order granting certification shall be issued by the reviewing court, if such decision is found to be arbitrary, capricious, or an abuse of discretion.
“(C) The reviewing court’s decision shall not be considered evidence of any determination by the Board, any administrative law judge appointed by the Board under section 3105 of this title, or any employee of the Board designated by the Board on the merits of the underlying allegations during the course of any action at law or equity for de novo review in the appropriate United States district court in accordance with this subsection.
“(7) In any action filed under this subsection—
“(A) any district court shall have jurisdiction without regard to the amount in controversy;
“(B) at the request of either party, such action shall be tried by the court with a jury;
“(C) the court—
“(i) subject to clause (iii), shall apply the standards set forth in subsection (e); and
“(ii) shall award any relief which the court considers appropriate under subsection (g), except—
“(I) relief for compensatory damages may not exceed $150,000; and
“(II) relief may not include punitive damages; and
“(III) notwithstanding subsection (e)(2), may not order relief if the agency demonstrates by a preponderance of the evidence that the agency would have taken the same personnel action in the absence of such disclosure; and
“(D) the Special Counsel may not represent the employee, former employee, or applicant in any court of appeals of competent jurisdiction.
“(9) This subsection applies with respect to any appeal, petition, or other request for corrective action submitted to the Board, whether under section 1212(b)(2), the preceding provisions of this section, section 7513(d), section 7701, or any otherwise applicable provisions of law, rule, or regulation.
“(b) SUNSET.—
“(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall cease to have effect 5 years after the effective date of this Act.
“(2) PENDING CLAIMS.—The amendments made by this section shall continue to apply with respect to any appeal, petition, or other request for corrective action submitted to the Board on the last day of the 5-year period described under paragraph (1).

SEC. 118. MERIT SYSTEMS PROTECTION BOARD

(a) IN GENERAL.—Section 1204(b) of title 5, United States Code, is amended—
“(1) by designating paragraph (3) as paragraph (4); and
“(2) by inserting after paragraph (2) the following:
“(3) With respect to a request for corrective action based on an alleged prohibited personnel practice described in section 2302(b)(8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an adverse action, as defined under section 7512 or 7542, the Board, any administrative law judge appointed by the Board under section 3105 of this title, or any employee of the Board designated by the Board may, with respect to any party, grant a motion for summary judgment when the Board or the administrative law judge determines that there is no genuine issue of material fact and that the moving party is entitled to a judgment as a matter of law.
“(b) SUNSET.—
“(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall cease to have effect 5 years after the effective date of this Act.
“(2) PENDING CLAIMS.—The amendments made by this section shall continue to apply with respect to any claim pending before the Board on the last day of the 5-year period described under paragraph (1).

SEC. 119. DISCLOSURES OF CLASSIFIED INFORMATION.

(a) PROHIBITED PERSONNEL PRACTICES.—Section 2302(b)(1) of title 5, United States Code, is amended—
“(1) in subparagraph (A), by striking ‘or’ after the semicolon; and
“(2) in subparagraph (B), by adding ‘or’ after the semicolon; and
“(3) by adding at the end of the following:
“(C) any communication that complies with subsection (a)(1), (d), or (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.)

(b) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—
“(1) in subsection (a)(1), by adding at the end the following:
“(A) Any employee of any agency, as that term is defined under section 2302(1)(2)(C) of title 5, United States Code, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the Inspector General (or designee) of the agency of which the employee is employed.
“(2) in subsection (c), by striking ‘intelligence committees’ and inserting ‘appropriate committees’;
“(3) in subsection (d)—
“(A) in paragraph (1), by striking ‘either or both of the intelligence committees’ and inserting ‘any of the appropriate committees’;
“(B) in paragraphs (2) and (3), by striking ‘intelligence committees’ each place that term appears and inserting ‘appropriate committees’; and
“(4) in subsection (h)—
“(A) in paragraph (1)—
“(i) in subparagraph (A), by striking ‘intelligence’; and
“(ii) in subparagraph (B), by inserting ‘or an activity involving classified information’ after ‘an intelligence activity’; and
“(B) in paragraph (2), and inserting the following:
“(‘(2) The term ‘appropriate committees’ means the Permanent Select Committee on Intelligence, the Select Committee on Intelligence of the Senate, except that with respect to disclosures made by employees described in subsection (a)(1)(D) the term ‘appropriate committees’ means the committees of appropriate jurisdiction.’

SEC. 120. WHISTLEBLOWER PROTECTION OMNIBUS

(a) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—
“(1) by striking subsection (d) and inserting the following:
“(d)(1) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service—
“(A) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the establishment;
“(B) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations; and
“(C) designate a Whistleblower Protection Ombudsman who shall educate agency employees—
“(i) about prohibitions on retaliation for protected disclosures; and
“(ii) who have made or are contemplating making a protected disclosure about the rights and remedies against retaliation for protected disclosures.

“(2) The Whistleblower Protection Ombudsman shall not act as a legal representative, agent, or advocate of the employee or former employee.
“(3) For the purposes of this section, the requirement of the designation of a Whistleblower Protection Ombudsman under paragraph (1) shall not apply to—
“(A) any agency that is an element of the intelligence community (as defined in section 3(d) of the National Security Act of 1947 (50 U.S.C. App.) or
“(B) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counter intelligence activities.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 4(d)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—
“(1) by striking ‘section 3(d)(1)’ and inserting ‘section 3(d)(1)(A)’; and
“(2) by striking ‘section 3(d)(2)’ and inserting ‘section 3(d)(1)(B)’.
“(c) SUNSET.—

April 6, 2011
(1) In General.—The amendments made by this section shall cease to have effect on the date that is 5 years after the date of enactment of this Act.

(2) Delegation of Authority.—Upon the date described in paragraph (1), section 3(d) and section 8D(i) of the Inspector General Act of 1978 (5 U.S.C. App.) shall read as such section would read on the day before the date of enactment of this Act.

TITLE II—INTELLIGENCE COMMUNITY WHISTLEBLOWER PROTECTIONS

SEC. 201. PROHIBITION OF INTELLIGENCE COMMUNITY WHISTLEBLOWERS.

(a) In General.—Chapter 23 of title 5, United States Code, is amended by inserting after section 2302 the following:

"§ 2303A. Prohibited personnel practices in the intelligence community."

"(a) Definitions.—In this section—

"(1) the term ‘agency’ means an executive department or independent establishment, as defined under sections 101 and 104, that contains an intelligence community element, except the Federal Bureau of Investigation; and

"(2) the term ‘intelligence community element’—

"(A) means—

"(i) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

"(ii) any executive agency or unit thereof determined by the President under section 229A(a)(3) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities; and

"(B) does not include the Federal Bureau of Investigation; and

"(3) the term ‘personnel action’ means any action described in clauses (1) through (4) of section 2302(a)(2)(A) with respect to an employee in a position in an intelligence community element (other than a position of a confidential, policy-determining, policy-making, or policy-advocating character).

"(b) In General.—Any employee of an agency who has authority to take, direct others to take, recommend, or approve any personnel action shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee of an intelligence community element as a reprisal for a disclosure of information by an employee reasonably believes evidences—

"(i) a violation of any law, rule, or regulation, including section 2303, the following:

"(F) for the use of information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, in a manner consistent with applicable provisions of the Code of Federal Regulations.

"(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 23 of title 5, United States Code, is amended by inserting after the item relating to section 2303 the following:

"2303A. Prohibited personnel practices in the intelligence community."

SEC. 202. REVIEW OF SECURITY CLEARANCE OR ACCESS DETERMINATIONS.

(a) In General.—Section 3003(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(b)) is amended—

"(1) in the matter preceding paragraph (1), by striking ‘‘Not’’ and inserting ‘‘Except as otherwise provided, not’’;

"(2) in paragraph (5), by striking ‘‘and’’ after the semicolon;

"(3) in paragraph (6), by striking the period at the end and inserting ‘‘; and’’; and

"(4) by inserting after paragraph (6) the following:

"(7) not later than 180 days after the date of enactment of the Whistleblower Protection Enhancement Act of 2011—

"(A) developing uniform and consistent policies and procedures to ensure proper protections during the process for denying, suspending, or revoking a security clearance or access to classified information, including the provision of a right to appeal such a denial, suspension, or revocation, except that there shall be no appeal of an agency’s suspension or revocation of a security clearance or access determination for purposes of conducting an investigation, if that suspension lasts no longer than 1 year or the head of the agency certifies that a longer suspension is needed before a final decision on denial or revocation to prevent imminent harm to the national security.

"Any limitation period applicable to an appeal under paragraph (7) shall be tolled until the head of the agency (or in the case of a civilian employee of the Department of Defense, the Secretary of Defense) determines, with the concurrence of the Director of National Intelligence, that the policies and procedures prescribed under paragraph (7) have been established for the agency or the Director of National Intelligence promulgates the policies and procedures under paragraph (7). The policies and procedures for appeals developed under paragraph (7) shall be comparable to the policies and procedures pertaining to prohibited personnel practices defined under section 202(b)(8) of title 5, United States Code, and provide—

"(A) for an independent and impartial fact-finder;

"(B) for notice and the opportunity to be heard, including the opportunity to present relevant evidence, including witness testimony;

"(C) that the employee or former employee may be represented by counsel;

"(D) that the employee or former employee has a right to a decision based on the record developed during the appeal; and

"(E) that not more than 180 days shall pass from the filing of the appeal to the report of the impartial fact-finder to the agency head or designated of the agency head, unless—

"(i) the employee and the agency concerned agree to an extension; or

"(ii) the impartial fact-finder determines in writing that—

"(A) the employee reasonably believes evidences—

"(i) a violation of any law, rule, or regulation, except the Federal Bureau of Investigation, an abuse of authority, or a substantial and specific danger to public health or safety;

"(B) any disclosure to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee reasonably believes evidences—

"(i) a violation of any law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or

"(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

"(C) any communication that complies with—

"(i) subsection (a)(1), (d), or (h) of section 8h of the Inspector General Act of 1978 (5 U.S.C. App.); or

"(ii) subsection (d)(5)(A), (D), or (G) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a); or

"(iii) subsection (k)(3)(D), or (G), of section 103H of the National Security Act of 1947 (50 U.S.C. 403h-3h);

"(D) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

"(E) testifying for or otherwise lawfully assisting any individual in the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation; or

"(F) cooperating with or disclosing information to the Inspector General of an agency, in accordance with applicable provisions of title 5, United States Code, or in connection with an audit, inspection, or investigation conducted by the Inspector General, if the actions described under subparagraph (A) do not result in the employee or applicant unlawfully disclosing information specifically required by Executive order
to be kept classified in the interest of national defense or the conduct of foreign affairs.

(2) RULE OF CONSTRUCTION.—Consistent with the policies and procedures of the Congress and nothing in paragraph (1) shall be construed to authorize the withholding of information from the Congress or the taking of any personnel action against any employee who discloses information to the Congress.

(3) DISCLOSURES.—

(A) IN GENERAL.—A disclosure shall not be excluded from the definition of disclosure prescribed in the disclosure.

(B) DISCLOSED TO PERSON.—A disclosure shall not be excluded from the definition of disclosure prescribed in the disclosure.

(C) RULES OF PROCEDURE .—In determining whether a disclosure is made under paragraph (1) of this subsection, the Board shall not be bound by the rules of procedure by the Board.

(4) REMEDIAL ACTION .—

(A) REMEDIAL PROCEDURE.—An employee or former employee who believes that he or she has been subjected to a personnel action prohibited by paragraph (1) of this subsection may, within 90 days after the issuance of notice of such determination, appeal that appeal to the Board, except that no appeal shall be taken of a personnel action taken in accordance with Executive Order 12968 (60 Fed. Reg. 1583; relating to safeguarding classified information).

(B) REMEDIAL ACTION .—If the Board finds that an employee or former employee reasonably believes that he or she has been subjected to a personnel action prohibited by paragraph (1) of this subsection, the Board shall make a de novo determination, based on the record that was made available to the Board.

(5) ACCESS AND ACCESS DETERMINATIONS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

(A) DEFINITION.—In this section, the term ‘Board’ means the Board established under section 204 of the Whistleblower Protection Enhancement Act of 2011.

(B) APPEAL.—Within 60 days after receiving notice of an adverse final agency determination under a proceeding under paragraph (4), an employee or former employee may appeal to the Board.

(C) POLICIES AND PROCEDURES.—The Board, in consultation with the Attorney General, the Director of National Intelligence, and the Secretary of Defense, shall develop and implement policies and procedures for adjudicating the appeals authorized by subparagraph (A). The Board may, with the concurrence of the National Intelligence and Secretary of Defense shall jointly approve any rules, regulations, or guidance issued by the Board.

(D) REVIEW.—The Board’s review shall be on the complete agency record, which shall be made a part of the record. The Board may not hear witnesses or admit additional evidence. Any portions of the record that were submitted ex parte during the agency proceeding shall be submitted ex parte to the Board.

(E) FURTHER FACT-FINDING OR IMPROPER DENIAL.—If the Board concludes that further fact-finding is necessary for the Board to make its determination, the Board may authorize the withholding of information

(F) DE NOVO DETERMINATION.—The Board shall make a de novo determination, based on the entire record and under the standards specified in paragraph (4), of whether the employee or former employee received an adverse security clearance or access determination in violation of paragraph (1). In considering the record, the Board may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact. In doing so, the Board may consider the prior fact-finder’s opportunity to see and hear the witnesses.

(G) ADVERSE SECURITY CLEARANCE OR ACCESS DETERMINATION.—If the Board finds that the adverse security clearance or access determination violated paragraph (1), it shall order the head of the employing agency to reinstate the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the violation not occurred. Such corrective action shall include reasonable attorney’s fees and any other reasonable costs incurred, and may include back pay and related benefits, travel expenses, and compensatory damages not to exceed $300,000.

(H) REMEDIES.—

(i) CORRECTIVE ACTION.—If the Board finds that the adverse security clearance or access determination violated paragraph (1), it shall order the head of the employing agency to take specific corrective action to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the violation not occurred. Such corrective action shall include reasonable attorney’s fees and any other reasonable costs incurred, and may include back pay and related benefits, travel expenses, and compensatory damages not to exceed $300,000.

(ii) REMEDIES.—If the Board finds that the adverse security clearance or access determination violated paragraph (1), it shall order the head of the employing agency to take specific corrective action to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the violation not occurred. Such corrective action shall include reasonable attorney’s fees and any other reasonable costs incurred, and may include back pay and related benefits, travel expenses, and compensatory damages not to exceed $300,000.

(6) JUDICIAL REVIEW.—Nothing in this section shall be construed to permit or require judicial review of any (A) agency action under this section; or (B) action of the appellate review board established under section 204 of the Whistleblower Protection Enhancement Act of 2011.

(7) PRIVATE CAUSE OF ACTION.—Nothing in this section shall be construed to permit, authorize, or require a private cause of action to challenge the merits of a security clearance determination.

(8) ACCESS AND ACCESS DETERMINATIONS DEFINED.—Section 3001(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435(a)) is amended by adding at the end the following:

(9) The term ‘access determination’ means the process for determining whether an employee—

(i) is eligible for access to classified information in accordance with Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information); and (ii) possesses a need to know under that Order.”
SEC. 301. REPORT ON THE STATUS OF IMPLEMENTATION OF REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, the Attorney General, and the heads of appropriate agencies, shall establish an appeal review board that is broadly representative of affected Departments and agencies and is made up of individuals with expertise in merit systems principles and national security issues.

(c) REPORT ON THE STATUS OF IMPLEMENTATION OF REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Director of National Intelligence shall submit a report on the status of the implementation of the regulations promulgated under subsection (b) to the congressional oversight committees.

(d) NONAPPLICABILITY TO CERTAIN TERMINATIONS.—(1) section 3001 of title 5, United States Code, as added by this Act, and section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as amended by this Act, shall not apply to adverse security clearance or access determinations if the affected employee is—

(ii) determined by the agency head personally terminates the individual; and

(iii) not later than 5 years after such termination, notifies the congressional oversight committees of the termination.

TITLE III—SAVINGS CLAUSE; EFFECTIVE DATE

SEC. 301. SAVINGS CLAUSE.

Nothing in this Act shall be construed to imply any limitation on any protections afforded by any other provision of law to employees and applicants.

SEC. 302. EFFECTIVE DATE.

This Act shall take effect 30 days after the date of enactment of this Act.

By Mr. CARDIN (for himself, Mrs. FEINSTEIN, Mr. LIEBERMAN, and Mr. KERRY):

S. 744. A bill to authorize certain Department of State personnel, who are responsible for examining and processing United States passport applications, to access relevant information in Federal, State, and other records and databases, for the purpose of verifying the identity of a passport applicant and detecting passport fraud, and for other purposes; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, this weekend I know that Marylanders will be taking advantage of Passport Day this Saturday, April 9. During these peak hours at our passport acceptance facilities in Maryland, my constituents will have the ability to renew their passports or apply for a new passport, as we get ready for the summer travel season.

While Marylanders apply for and ultimately receive their passports, I want them to continue to have confidence that the U.S. passport is the gold standard for identification. It certifies...
an individual's identity and U.S. citizenship, and allows the passport holder to travel in and out of the United States and to foreign countries. It allows the passport holder to obtain further identification documents, and to set up bank accounts.

The U.S. Government simply cannot allow U.S. passports to be issued in this country on the basis of fraudulent documents. There is too much at stake. Unfortunately, hearings that I have chaired in the last Congress have convinced me that we have serious vulnerabilities in our passport issuance process that need to be closed quickly.

Nearly two years ago, on May 5, 2009, I chaired a Judiciary Terrorism Subcommittee hearing entitled “The Passport Issuance Process: Closing the Door to Fraud.” During the hearing last year, we learned about a Government Accountability Office, GAO undercover investigation that had been requested by Senators Kyi and Feinstein to test the effectiveness of the passport issuance process, and to determine whether malicious individuals such as terrorists, spies, or other criminals could use counterfeit documents to obtain a genuine U.S. passport. What we learned from GAO was that “terrorists or criminals could steal an American citizen’s identity, use basic counterfeiting skills to create fraudulent documents for that identity, and obtain a genuine U.S. passport.” But that 2009 GAO report was not the first time that problems with the passport issuance process were identified. In 2005 and 2007, GAO also brought these issues to light.

Vulnerabilities in the passport issuance process are very serious because it can have a profound impact on the national security of the United States.

A new GAO undercover investigation that I requested, along with Senators Kyi, Feinstein, Lieberman, and Collins, also revealed that while some improvements have been made by the State Department, the passport issuance process is still susceptible to fraud. A Judiciary Terrorism Subcommittee hearing that I chaired in July of 2010 revealed that the State Department issued five additional passports on the basis of fraudulent identity documents that had been submitted by undercover GAO agents.

As you know, I am now introducing the Passport Identity Verification Act, or PIVA. This legislation is co-sponsored by Senators Feinstein, Lieberman, and Kerry. It is a common-sense solution that will give the State Department the legal authorities that it needs to access relevant information contained in federal, state, and other databases that can be used to verify the identity of every passport applicant, and to detect passport fraud, without extending the time that the State Department takes to approve passports. The legislation also requires the State Department to promulgate regulations to limit access to this information, and to ensure that personnel involved in the passport issuance process only access this information for authorized purposes. These are very important privacy and security protections in this legislation.

The legislation also requires the Secretary of State to conduct a formal study examining whether biometric information and technology can be used to enhance the ability to verify the identity of a passport applicant and to detect passport fraud.

I understand that American people can become concerned when their travel plans, whether for leisure or business, are linked to their ability to obtain a passport in a timely fashion. My legislation would not lengthen the average amount of time it takes U.S. citizens to obtain passports. We have got to get this right, and it is not simply a question of process, techniques, and training. We need to make sure that the agencies that are responsible for processing passport application documents are able to use national security as well as customer service, and we need to make sure they have the legal authorities, the resources, and the technology they need to verify the identity of a passport applicant and to detect passport fraud.

We already have much of the technology and the information to prevent such issuance of genuine U.S. passports based on fraudulent documents or information. The Passport Identity Verification Act will dramatically improve the State Department’s ability to detect passport fraud, and strengthen the integrity of every American’s passport.

By Mr. DURBIN (for himself, Mrs. BOXER, Mr. CARDIN, Mr. FRANKEN, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCAR, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mrs. SHAHEEN, and Mr. TESTER):

S. 749. A bill to reform the financing of Senate elections, and for other purposes; to the Committee on Rules and Administration.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 759

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Fair Elections Now Act”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Title I—Fair Elections Financing of Senate Election Campaigns

Subtitle A—Fair Elections Financing Program

SEC. 1. Findings and declarations.

SEC. 2. Fair Elections Fund revenue.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by inserting after chapter 36 the following new chapter:

“CHAPTER 37—TAX ON PAYMENTS PURSUANT TO CERTAIN GOVERNMENT CONTRACTS

“Sec. 4501. Imposition of tax.

“(a) TAX IMPOSED.—There is hereby imposed on any payment made to a qualified person pursuant to a contract with the Government of the United States a tax equal to 0.50 percent of the amount paid.

“(b) LIMITATION.—The aggregate amount of tax imposed under subsection (a) for any calendar year shall not exceed $500,000.

“(c) QUALIFIED PERSON.—For purposes of this section, the term ‘qualified person’ means any person who—

“(1) is not a State or local government, a foreign nation, or an organization described in section 501(c)(3) which is exempt from tax under section 501(a), and

“(2) has contracts with the Government of the United States with a value in excess of $10,000,000.

“(d) PAYMENT OF TAX.—The tax imposed by this section shall be paid by the person receiving such payment.

“(e) USE OF REVENUE GENERATED BY TAX.—It is the sense of the Senate that amounts equivalent to the revenue generated by the tax imposed under this chapter should be appropriated for the financing of a Fair Elections Fund and used for the public financing of Senate elections.

(2) CONFORMING AMENDMENT.—The table of chapter of the Internal Revenue Code of 1986 is amended by inserting after the item relating to chapter 36 the following:

“CHAPTER 37—TAX ON PAYMENTS PURSUANT TO CERTAIN GOVERNMENT CONTRACTS”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into after the date of the enactment of this Act.

SEC. 2. Fair Elections Fund revenue.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by inserting after chapter 36 the following new chapter:

“CHAPTER 37—TAX ON PAYMENTS PURSUANT TO CERTAIN GOVERNMENT CONTRACTS

“Sec. 4501. Imposition of tax.

“(a) TAX IMPOSED.—There is hereby imposed on any payment made to a qualified person pursuant to a contract with the Government of the United States a tax equal to 0.50 percent of the amount paid.

“(b) LIMITATION.—The aggregate amount of tax imposed under subsection (a) for any calendar year shall not exceed $500,000.

“(c) QUALIFIED PERSON.—For purposes of this section, the term ‘qualified person’ means any person who—

“(1) is not a State or local government, a foreign nation, or an organization described in section 501(c)(3) which is exempt from tax under section 501(a), and

“(2) has contracts with the Government of the United States with a value in excess of $10,000,000.

“(d) PAYMENT OF TAX.—The tax imposed by this section shall be paid by the person receiving such payment.

“(e) USE OF REVENUE GENERATED BY TAX.—It is the sense of the Senate that amounts equivalent to the revenue generated by the tax imposed under this chapter should be appropriated for the financing of a Fair Elections Fund and used for the public financing of Senate elections.

(2) CONFORMING AMENDMENT.—The table of chapter of the Internal Revenue Code of 1986 is amended by inserting after the item relating to chapter 36 the following:

“CHAPTER 37—TAX ON PAYMENTS PURSUANT TO CERTAIN GOVERNMENT CONTRACTS”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mrs. BOXER, Mr. CARDIN, Mr. FRANKEN, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCAR, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mrs. SHAHEEN, and Mr. TESTER):

S. 759. A bill to reform the financing of Senate elections, and for other purposes; to the Committee on Rules and Administration.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 759

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Fair Elections Now Act”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Title I—Fair Elections Financing of Senate Election Campaigns

Subtitle A—Fair Elections Financing Program

SEC. 1. Findings and declarations.

SEC. 2. Fair Elections Fund revenue.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by inserting after chapter 36 the following new chapter:

“CHAPTER 37—TAX ON PAYMENTS PURSUANT TO CERTAIN GOVERNMENT CONTRACTS

“Sec. 4501. Imposition of tax.

“(a) TAX IMPOSED.—There is hereby imposed on any payment made to a qualified person pursuant to a contract with the Government of the United States a tax equal to 0.50 percent of the amount paid.

“(b) LIMITATION.—The aggregate amount of tax imposed under subsection (a) for any calendar year shall not exceed $500,000.

“(c) QUALIFIED PERSON.—For purposes of this section, the term ‘qualified person’ means any person who—

“(1) is not a State or local government, a foreign nation, or an organization described in section 501(c)(3) which is exempt from tax under section 501(a), and

“(2) has contracts with the Government of the United States with a value in excess of $10,000,000.

“(d) PAYMENT OF TAX.—The tax imposed by this section shall be paid by the person receiving such payment.

“(e) USE OF REVENUE GENERATED BY TAX.—It is the sense of the Senate that amounts equivalent to the revenue generated by the tax imposed under this chapter should be appropriated for the financing of a Fair Elections Fund and used for the public financing of Senate elections.

(2) CONFORMING AMENDMENT.—The table of chapter of the Internal Revenue Code of 1986 is amended by inserting after the item relating to chapter 36 the following:

“CHAPTER 37—TAX ON PAYMENTS PURSUANT TO CERTAIN GOVERNMENT CONTRACTS”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mrs. BOXER, Mr. CARDIN, Mr. FRANKEN, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCAR, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mrs. SHAHEEN, and Mr. TESTER):

S. 759. A bill to reform the financing of Senate elections, and for other purposes; to the Committee on Rules and Administration.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
“Sec. 512. Qualifying contribution requirement.

“Sec. 513. Contribution and expenditure requirements.

“Sec. 514. Certification.

“Subtitle C—Benefits

“Sec. 521. Benefits for participating candidates.

“Sec. 522. Allocations from the Fund.

“Sec. 523. Matching payments for qualified small dollar contributions.

“Sec. 524. Political advertising vouchers.

“Subtitle D—Administrative Provisions

“Sec. 531. Fair Elections Oversight Board.

“Sec. 532. Administration provisions.

“Sec. 533. Violations and penalties.

Sec. 103. Prohibition on joint fundraising committees.

Sec. 104. Exception to limitation on coordinated expenditures by political party committees with participating candidates.

TITLE II—IMPROVING VOTER ENGAGEMENT

Sec. 201. Broadcasts relating to all Senate candidates.


Sec. 203. FCC to prescribe standardized form for reporting candidate campaign ads.

TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION

Sec. 301. Petition for certiorari.

Sec. 302. Filing by Senate candidates with Commission.

Sec. 303. Electronic filing of FEC reports.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Severability.

Sec. 402. Effective date.

TITLE I—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS Subtitle A—Fair Elections Financing Program

SEC. 101. FINDINGS AND DECLARATIONS.

(a) UNDERSMING OF DEMOCRACY BY CAMPAIGN CONTRIBUTIONS FROM PRIVATE SOURCES. The Senate finds and declares that the current system of privately financed campaigns for election to the United States Senate has the capacity, and is often perceived by the public, to undermine democracy in the United States by—

(1) creating a culture that fosters actual or perceived conflicts of interest by encouraging Senators to accept large campaign contributions from private interests that are directly affected by Federal legislation;

(2) diminishing or appearing to diminish Senators’ accountability to constituents by compelling legislators to be accountable to the major contributors who finance their election campaigns;

(3) undermining the meaning of the right to vote by allowing monied interests to have a disproportionate and unfair influence within the political process;

(4) imposing unreasonable and unwarranted costs on taxpayers through legislative and regulatory distortions caused by unequal access to lawmakers for campaign contributors;

(5) making it difficult for some qualified candidates to mount competitive Senate election campaigns;

(6) disadvantaging challengers and discouraging public options; and

(7) burdening incumbents with a preoccupation with fundraising and thus decreasing the time available to carry out their public responsibilities.

(b) ENHANCEMENT OF DEMOCRACY BY PROVIDING ALLOCATIONS FROM THE FAIR ELECTIONS FUND.—The Senate finds and declares that providing the option of replacing large private campaign contributions with allocations from the Fair Elections Fund for all primary, general election, and general election runoff, and general election runoff as prescribed by State law as the last day to qualify for a position on the primary election ballot.

(5) FUND.—The term ‘Fund’ means the Fair Elections Fund established by section 532.

(6) IMMEDIATE FAMILY.—The term ‘immediate family’ means, with respect to any candidate—

(A) the candidate’s spouse;

(B) a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate’s spouse;

(C) the spouse of any person described in subparagraph (B).

(7) MATCHING CONTRIBUTION.—The term ‘matching contribution’ means, with respect to a candidate, a contribution that—

(A) is in an amount not less than the greater of $5 or the amount determined by the Commission under section 531; and

(B) is made by an individual—

(i) who is a resident of the State in which such Candidate is seeking election; and

(ii) who is not otherwise prohibited from making a contribution under this Act.

(C) the aggregate amount of which does not exceed the greater of—

(i) $100 per election; or

(ii) the amount per election determined by the Commission under section 531.

(8) PARTICIPATING CANDIDATE.—The term ‘participating candidate’ means a candidate for Senator who is certified under section 515; and

(9) MATCHING CONTRIBUTION.—The term ‘matching contribution’ means, with respect to a candidate a contribution that—

(A) is in an amount not less than the greater of $5 or the amount determined by the Commission under section 531; and

(B) is made by an individual—

(i) who is a resident of the State in which such Candidate is seeking election; and

(ii) who is not otherwise prohibited from making a contribution under this Act.

(C) the aggregate amount of which does not exceed the greater of—

(i) $100 per election; or

(ii) the amount per election determined by the Commission under section 531.

(10) QUALIFYING CONTRIBUTION.—The term ‘qualifying contribution’ means, with respect to a candidate a contribution that—

(A) is in an amount not less than the greater of $5 or the amount determined by the Commission under section 531; and

(B) is made by an individual—

(i) who is a resident of the State in which such Candidate is seeking election; and

(ii) who is not otherwise prohibited from making a contribution under this Act.

(C) the aggregate amount of which does not exceed the greater of—

(i) $100 per election; or

(ii) the amount per election determined by the Commission under section 531.

(11) QUALIFIED SMALL DOLLAR CONTRIBUTION.—The term ‘qualified small dollar contribution’ means, with respect to a candidate, any contribution (or series of contributions)—

(A) which is not a qualifying contribution (or does not include a qualifying contribution); and

(B) which is made by an individual who is not prohibited from making a contribution under this Act; and

(C) the aggregate amount of which does not exceed the greater of—

(i) $100 per election; or

(ii) the amount per election determined by the Commission under section 531.

(12) APPROPRIATED AMOUNTS.—

(A) IN GENERAL.—Amounts appropriated to the Fund.

(B) SENSE OF THE SENATE REGARDING APPROPRIATION.—It is the sense of the Senate that—

(i) there should be imposed on any payment made to any person (other than a State or local government or a foreign nation who has contracts with the Government of the United States in excess of $10,000,000 a tax equal to 0.50 percent of amount paid pursuant to such contracts); and

(ii) the aggregate tax for any person for any taxable year shall not exceed $500,000; and
(ii) the revenue from such tax should be appropriated to the Fund.

(2) VOLUNTARY CONTRIBUTIONS.—Voluntary contributions to the Fund.

(3) Open account.—Amounts deposited into the Fund under—

(a) section 513(c) (relating to exceptions to contribution requirements);

(b) section 521(c) (relating to remittance of allocations from the Fund);

(c) section 533 (relating to violations); and

(d) any other section of this Act.

(4) INVESTMENT RETURNS.—Interest on, and the proceeds from, the sale or redemption of, any obligations held by the Fund under subsection (a), shall—

(A) be paid to the State with respect to which the candidate qualified for Fair Elections financing; and

(B) the proceeds from, the sale or redemption of, any obligations held by the Fund under subsection (a), shall—

(i) be paid to the candidate;

(ii) be paid to the State with respect to which the candidate qualified for Fair Elections financing; and

(iii) be paid to the State with respect to which the candidate qualified for Fair Elections financing;

(iv) be paid to the State with respect to which the candidate qualified for Fair Elections financing;

(v) be paid to the State with respect to which the candidate qualified for Fair Elections financing;

(vi) be paid to the State with respect to which the candidate qualified for Fair Elections financing;

(vii) be paid to the State with respect to which the candidate qualified for Fair Elections financing;

(viii) be paid to the State with respect to which the candidate qualified for Fair Elections financing;

(ix) be paid to the State with respect to which the candidate qualified for Fair Elections financing;

(x) be paid to the State with respect to which the candidate qualified for Fair Elections financing;

(xi) be paid to the State with respect to which the candidate qualified for Fair Elections financing;

(xii) be paid to the State with respect to which the candidate qualified for Fair Elections financing;

(xiii) be paid to the State with respect to which the candidate qualified for Fair Elections financing;

(xiv) be paid to the State with respect to which the candidate qualified for Fair Elections financing;

(xv) be paid to the State with respect to which the candidate qualified for Fair Elections financing;

(xvi) be paid to the State with respect to which the candidate qualified for Fair Elections financing;

(xvii) be paid to the State with respect to which the candidate qualified for Fair Elections financing;

(xviii) be paid to the State with respect to which the candidate qualified for Fair Elections financing;

(xix) be paid to the State with respect to which the candidate qualified for Fair Elections financing;

(xx) be paid to the State with respect to which the candidate qualified for Fair Elections financing;

(2) INSUFFICIENT AMOUNTS.—Under regulations established by the Commission, rules similar to the rules of section 9006(c) of the Internal Revenue Code of 1986.

(3) IN GENERAL.—Not later than the date prescribed in subsection (a), a candidate shall not be treated as having failed to meet the requirements of this section if any contributions that are not qualified small dollar contributions, qualifying contributions, or contributions that meet the requirements of subsection (b) and that are accepted before the date the candidate files a statement of intent under section 511(a)(1) are—

(i) returned to the contributor; or

(ii) submitted to the Commission for deposit in the Fund.

SEC. 514. DEBATE REQUIREMENT.

A candidate for Senator meets the requirements of this section if the candidate participates in at least—

(1) 1 public debate before the primary election with other participating candidates and other willing candidates seeking the same nomination as such candidate; and

(2) 2 public debates before the general election with other participating candidates and other willing candidates seeking the same office as such candidate.

SEC. 515. CERTIFICATION IN GENERAL.—Not later than 5 days after a candidate for Senator files an affidavit under section 511(a)(3), the Commission shall—

(1) certify whether or not the candidate is a participating candidate; and

(2) notify the candidate of the Commission’s determination.

(3) REVOCATION OF CERTIFICATION.—Notwithstanding section 515, if a candidate files an affidavit furnished under section 511(a)(3), the Commission may not revoke a certification under subsection (a) if—

(A) a candidate fails to qualify to appear on the ballot at any time after the date of certification; or

(B) a candidate otherwise fails to comply with the requirements of this title, including any regulatory requirements prescribed by the Commission.

(4) REPAYMENT OF BENEFITS.—If certification is revoked under paragraph (3), the candidate shall repay to the Fund an amount equal to the value of benefits received under this title plus interest (at a rate determined by the Commission) on any such amount received.

SEC. 512. QUALIFYING CONTRIBUTION REQUIREMENTS.

(a) IN GENERAL.—For each election with respect to which a candidate is certified as a participating candidate, such candidate shall be entitled to—

(i) an allocation from the Fund to make or obligate to make expenditures with respect to such election, as provided in section 522; and

(2) MATCHING CONTRIBUTIONS UNDER SECTION 523; and

(3) VOUCHERS PROVIDED TO THE CANDIDATE UNDER SECTION 524.

(b) MATCHING CONTRIBUTIONS UNDER SECTION 523; and

(c) VOUCHERS PROVIDED TO THE CANDIDATE UNDER SECTION 524.

(1) makes no expenditures from any amounts other than—

(A) qualifying contributions;

(B) qualified small dollar contributions; and

(C) allocations from the Fund under section 522.

(2) makes no expenditures from any amounts other than—

(A) qualifying contributions;

(B) qualified small dollar contributions; and

(C) allocations from the Fund under section 522.

(3) makes no expenditures from any amounts other than—

(A) qualifying contributions;

(B) qualified small dollar contributions; and

(C) allocations from the Fund under section 522.

(4) makes no expenditures from any amounts other than—

(A) qualifying contributions;

(B) qualified small dollar contributions; and

(C) allocations from the Fund under section 522.

(5) shall be acknowledged by a receipt that is sent to the contributor with a copy kept by the candidate for the Commission and a copy kept by the candidate for the election authorities in the State with respect to which the candidate is seeking election.

(c) VErIFICATION OF QUALIFYING CONTRIBUTIONS.—The Commission shall establish procedures for the audit and verification of qualifying contributions to ensure that such contributions meet the requirements of this section.

SEC. 513. CONTRIBUTION AND EXPENDITURE REQUIREMENTS.

(a) GENERAL RULE.—A candidate for Senator meets the requirements of this section if, during the election cycle of the candidate, the candidate—

(i) except as provided in subsection (b), accepts no contributions other than—

(A) qualifying contributions;

(B) qualified small dollar contributions; and

(C) allocations from the Fund under section 522.

(ii) makes no expenditures from any amounts other than—

(A) qualifying contributions;

(B) qualified small dollar contributions; and

(C) allocations from the Fund under section 522.

(iii) has made the contribution willingly; and

(iv) has not received any thing of value in return for the contribution; and

(3) shall be acknowledged by a receipt that is sent to the contributor with a copy kept by the candidate for the Commission and a copy kept by the candidate for the election authorities in the State with respect to which the candidate is seeking election.

(c) VERIFICATION OF QUALIFYING CONTRIBUTIONS.—The Commission shall establish procedures for the audit and verification of qualifying contributions to ensure that such contributions meet the requirements of this section.

SEC. 512. QUALIFYING CONTRIBUTION REQUIREMENTS.

(a) IN GENERAL.—A candidate for Senator meets the requirements of this section if, during the election cycle of the candidate, the candidate—

(i) understands that the purpose of the qualifying contribution is to show support for the candidate so that the candidate may qualify for Fair Elections financing;

(ii) makes the contribution in his or her own name and from his or her own funds; and

(iii) has made the contribution willingly; and

(iv) has not received any thing of value in return for the contribution; and

(3) shall be acknowledged by a receipt that is sent to the contributor with a copy kept by the candidate for the Commission and a copy kept by the candidate for the election authorities in the State with respect to which the candidate is seeking election.

(d) USE OF FUND.—

(1) IN GENERAL.—A candidate for Senator shall be eligible to receive an allocation from the Fund for any election if the candidate meets the following requirements:

(i) The candidate files with the Commission a statement containing—

(A) the contributor's name and the contribution—

(i) understands that the purpose of the qualifying contribution is to show support for the candidate so that the candidate may qualify for Fair Elections financing;

(ii) makes the contribution in his or her own name and from his or her own funds; and

(iii) has made the contribution willingly; and

(iv) has not received any thing of value in return for the contribution; and

(3) shall be acknowledged by a receipt that is sent to the contributor with a copy kept by the candidate for the Commission and a copy kept by the candidate for the election authorities in the State with respect to which the candidate is seeking election.

(c) VERIFICATION OF QUALIFYING CONTRIBUTIONS.—The Commission shall establish procedures for the audit and verification of qualifying contributions to ensure that such contributions meet the requirements of this section.

(2) REPAYMENT OF BENEFITS.—If certification is revoked under paragraph (3), the candidate shall repay to the Fund an amount equal to the value of benefits received under this title plus interest (at a rate determined by the Commission) on any such amount received.

(2) MATCHING CONTRIBUTIONS UNDER SECTION 523; and

(3) E VOUCHERS PROVIDED TO THE CANDIDATE UNDER SECTION 524.

(2) makes no expenditures from any amounts other than—

(A) qualifying contributions;

(B) qualified small dollar contributions; and

(C) allocations from the Fund under section 522.

(2) makes no expenditures from any amounts other than—

(A) qualifying contributions;

(B) qualified small dollar contributions; and

(C) allocations from the Fund under section 522.

(2) makes no expenditures from any amounts other than—

(A) qualifying contributions;

(B) qualified small dollar contributions; and

(C) allocations from the Fund under section 522.
SEC. 522. ALLOCATIONS FROM THE FUND.

(a) In General.—The Commission shall make an allocation from the Fund under section 522(a)(1) to a participating candidate—

(1) in the case of amounts provided under subsection (c)(1), not later than 48 hours after the date on which such candidate is certified as a participating candidate under section 515;

(2) in the case of a general election, not later than 48 hours after—

(A) the date of the certification of the results of the primary election or the primary runoff election; or

(B) a record in which there is no primary election, the date the candidate qualifies to be placed on the ballot; and

(3) in the case of a primary runoff election or a general runoff election, not later than 48 hours after the certification of the results of the primary election or the general election, as the case may be.

(b) Method of Payment.—The Commission shall distribute funds available to participating candidates under this section through the use of an electronic funds exchange or a debit card.

(c) Amounts.—

(1) Primary Election Allocation; Initial Allocation provided in Paragraph (5), the Commission shall make an allocation from the Fund for a primary election to a participating candidate in an amount equal to 67 percent of the base amount with respect to such participating candidate.

(2) Primary Runoff Election Allocation.—The Commission shall make an allocation from the Fund for a primary runoff election to a participating candidate in an amount equal to 25 percent of the amount the participating candidate was entitled to receive under this section for the primary election.

(3) General Election Allocation.—Except as provided in paragraph (5), the Commission shall make an allocation from the Fund for a general election to a participating candidate in an amount equal to 75 percent of the base amount with respect to such candidate.

(4) General Runoff Election Allocation.—The Commission shall make an allocation from the Fund for a general runoff election to a participating candidate in an amount equal to 25 percent of the base amount with respect to such candidate.

(5) Uncontested Elections.—

(A) In General.—The case of a primary or general election that is an uncontested election, the Commission shall make an allocation from the Fund to a participating candidate in an amount equal to 25 percent of the allocation which such candidate would be entitled to under this section for such election if this paragraph did not apply.

(B) Uncontested Election Defined.—For purposes of this subparagraph, an election is uncontested if not more than 1 candidate has campaigned (including payee of the Fund) in an amount equal to or greater than 10 percent of the allocation a participating candidate would be entitled to receive under this section for such election if this paragraph did not apply.

(d) Base Amount.—Except as otherwise provided in this subsection, the base amount for any candidate is an amount equal to the greater of—

(A) the sum of—

(i) $750,000; plus

(ii) $150,000 for each congressional district in the State with respect to which the candidate is seeking election;

(B) the amount determined by the Commission under section 531.

(2) Indexing.—In each even-numbered year after 2011—

(A) each dollar amount under paragraph (1)(A) shall be increased by the percent difference in the price index (as defined in section 35C(c)(2)(A)) for the 12 months preceding the beginning of such calendar year and the price index for calendar year 2012;

(B) each dollar amount so increased shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased; and

(C) if any amount after adjustment under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.

SEC. 523. MATCHING PAYMENTS FOR QUALIFIED SMALL DOLLAR CONTRIBUTIONS.

(a) In General.—The Commission shall pay to each participating candidate an amount equal to 50 percent of the amount of qualified small dollar contributions received by the participating candidate who are residents of the State in which such participating candidate is seeking election after the date on which such candidate is certified under section 515.

(b) Limitation.—The aggregate payments under subsection (a) with respect to any candidate shall not exceed the greater of—

(1) 300 percent of the allocation such candidate is entitled to receive for such election under section 522 (determined without regard to subsection (c)(5) thereof); or

(2) the amount such candidate determines, in accordance with the provisions of this section, to support candidates for State or local office in a general election, or to support participating candidates of the party in a primary election for the office of Senator or Representative in Congress.

(c) Matching Payment with Respect to Matching Payment.—

(A) The amount of each qualified small dollar contribution received by the candidate; or

(B) the amount of each qualified small dollar contribution received by each political party, to a committee of the political party of that candidate's choice) in exchange for money in an amount equal to the cash value of the voucher or portion thereof.

(d) Exchange with Political Party Committee.—

(A) In General.—A participating candidate who receives a voucher under this section may transfer the right to use all or a portion of the voucher or portion thereof to any political party, to a committee of the political party of that candidate's choice) in exchange for money in an amount equal to the cash value of the voucher or portion thereof.

(B) Continuation of Candidate Obligations.—The transfer of a voucher, in whole or in part, to a political party committee authorized by subparagraph (a) does not relieve the participating candidate of any obligation under the agreement made under subsection (b) or otherwise modify that agreement or its application to such candidate.

(C) Party Committee Obligations.—Any political party committee to which a voucher or portion thereof is transferred under subparagraph (a) shall—

(1) account fully, in accordance with such requirements as the Commission may establish, for the receipt of the voucher; and

(2) not use the voucher or portion thereof for any purpose other than a purpose described in paragraph (1)(B).

SEC. 524. POLITICAL ADVERTISING VOUCHERS.

(a) In General.—The Commission shall establish and administer a voucher program for the purchase of broadcast airtime on radio and television stations for political advertisements in accordance with the provisions of this section.

(b) Candidates.—The Commission shall only disburse vouchers under the program established under subsection (a) to participants certified pursuant to section 515 who have agreed in writing to keep and furnish to the Commission such records, books, and other information as it may require.

(c) Amounts.—The Commission shall disburse vouchers to each candidate certified under subsection (b) in an aggregate amount equal to the greater of—

(1) $100,000 multiplied by the number of congressional districts in the State with respect to which such candidate is running for office; or

(2) the amount determined by the Commission under section 531.

(d) Use.—

(1) Exclusive Use.—Vouchers disbursed by the Commission under this section may be used only for the purchase of broadcast airtime for political advertisements for generic party advertising (as defined by the Commission in regulations), to support candidates for State or local office in a general election, or to support participating candidates of the party in a primary election for the office of Senator or Representative in Congress.

(2) Exchange with Political Party Committee.—A participating candidate who receives a voucher under this section may transfer the right to use all or a portion of the voucher or portion thereof to any political party, to a committee of the political party of that candidate's choice) in exchange for money in an amount equal to the cash value of the voucher or portion thereof.

(3) Contents of Reports.—Each participating candidate shall file reports of receipts of qualified small dollar contributions at such times and in such manner as the Commission may by regulations prescribe.

(4) Limitation on Regulations.—The Commission may not prescribe any regulations with respect to reporting under this subsection with respect to any election after the date that is 180 days before the date of such election.

(e) Appeals.—The Commission shall provide a written explanation with respect to and reconsideration of any application for a voucher denial and shall provide the opportunity for review and reconsideration within 5 business days of such denial.
“(D) VOUCHER AS A CONTRIBUTION UNDER FEDERAL ELECTIONS LAW.—If a candidate transfers a voucher or any portion thereof to a political party committee under subparagraph (A)—

“(i) the voucher or portion thereof transferred shall be treated as a contribution from the candidate to the committee, and from the committee to the candidate under sections 302 and 394; and

“(ii) the committee may, in exchange, provide to the candidate only funds subject to the prohibitions, limitations, and reporting requirements of this Act and section 303.

“(iii) the amount, if identified as a ‘voucher exchange’, shall not be considered a contribution for the purposes of sections 315 and 513.

“(e) VALUE; ACCEPTANCE; REDEMPTION.—

“(1) VOUCHER.—Each voucher disbursed by the Federal Election Commission under this section shall have a value in dollars, redeemable upon presentation to the Commission, together with such documentation and other information as the Commission may require, for the purchase of broadcast airtime for political advertisements in accordance with this section.

“(2) ACCEPTANCE.—A broadcasting station shall accept vouchers in payment for the purchase of broadcast airtime for political advertisements in accordance with this section.

“(3) REDEMPTION.—The Commission shall redeem vouchers accepted by broadcasting stations under paragraph (2) upon presentation, subject to such documentation, verification, accounting, and application requirements as the Commission may impose to ensure the accuracy and integrity of the voucher redemption system.

“(4) EXPIRATION.—

“(A) CANDIDATES.—A voucher may only be used for broadcast airtime for political advertisements to be broadcast before midnight on the day before the date of the Federal election in connection with which it was issued and shall be null and void for any other use or purpose.

“(B) EXCEPTION FOR POLITICAL PARTY COMMITTEES.—A voucher held by a political party committee may be used to pay for broadcast airtime for political advertisements to be broadcast before midnight on December 31st of the odd-numbered year following the year in which the voucher was issued by the Commission.

“(5) VOUCHER AS EXPENDITURE UNDER FEDERAL ELECTIONS LAW.—Each voucher to purchase broadcast airtime constitutes an expenditure as defined in section 301(9)(A).”

“(f) DEFINITIONS.—In this section—

“(1) STATION.—The term ‘broadcasting station’ has the meaning given that term by section 315(v)(1) of the Communications Act of 1934.

“(2) POLITICAL PARTY.—The term ‘political party’ means a major party or a minor party as defined in section 902(3) or (4) of the Internal Revenue Code of 1986 (26 U.S.C. 902 (3) or (4)).”

“Subtitle D—Administrative Provisions

“SEC. 531. FAIR ELECTIONS OVERSIGHT BOARD.

“(a) ESTABLISHMENT.—There is established within the Federal Election Commission an entity to be known as the ‘Fair Elections Oversight Board’.

“(b) STRUCTURE AND MEMBERSHIP.—

“(1) IN GENERAL.—The Board shall be composed of 5 members appointed by the President by and with the advice and consent of the Senate, of whom—

“(A) 2 shall be appointed after consultation with the majority leader of the Senate;

“(B) 2 shall be appointed after consultation with the minority leader of the Senate; and

“(C) 1 shall be appointed upon the recommendation of the members appointed under subparagraphs (A) and (B).

“(2) QUALIFICATIONS.—

“(A) IN GENERAL.—The members shall be individuals who are nonpartisan and, by reason of their education, experience, and attainments, qualified to perform the duties of members of the Board.

“(B) PROHIBITION.—No member of the Board may be—

“(i) an employee of the Federal Government;

“(ii) a registered lobbyist; or

“(iii) an officer or employee of a political party or political action committee.

“(3) DATE.—Members of the Board shall be appointed not later than 60 days after the date of the enactment of this Act.

“(4) TERMS.—A member of the Board shall be appointed for a term of 5 years.

“(5) VACANCIES.—A vacancy on the Board shall be filled not later than 30 calendar days after the date on which the Board is given notice of the vacancy, in the same manner as the original appointment. The individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual’s predecessor was appointed.

“(6) CHAIRPERSON.—The Board shall designate a Chairperson from among the members of the Board.

“(c) DUTIES AND POWERS.—

“(1) ADMINISTRATION.—

“(A) IN GENERAL.—The Board shall have such duties and powers as the Commission may provide, including the power to administer the provisions of this title.

“(B) REVIEW OF FAIR ELECTIONS FINANCING.—

“(A) IN GENERAL.—After each general election for Federal office, the Board shall conduct a comprehensive review of the Fair Elections financing program under this title, including—

“(i) the maximum dollar amount of qualified small dollar contributions under section 501(11);

“(ii) the maximum and minimum dollar amounts for qualifying contributions under section 501(10);

“(iii) the number and value of qualifying contributions a candidate is required to obtain under section 512(a)(1);

“(iv) the base amount for candidates under section 522(d); and

“(v) the dollar amount for vouchers under section 524(c).

“(ii) REGULATIONS.—The Commission shall promulgate regulations providing for the adjustments made by the Board under clause (i).

“(b) REPORT.—Not later than March 30 following any general election for Federal office, the Board shall submit a report to Congress on the review conducted under paragraph (1). Such report shall contain a detailed statement of the findings, conclusions, and recommendations of the Board based on such review.

“(d) MEETINGS AND HEARINGS.—

“(1) MEETINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out the purposes of this Act.

“(2) QUORUM.—Three members of the Board shall constitute a quorum for purposes of voting, but a quorum is not required for members to meet and hold hearings.

“(e) REPORTS.—Not later than March 30, 2012, and every 2 years thereafter, the Board shall submit to the Senate Committee on Rules and Administration a report documenting, evaluating, and making recommendations relating to the administrative implementation and enforcement of the provisions of this title.

“(f) ADMINISTRATION.—

“(1) COMPENSATION OF MEMBERS.—

“(A) IN GENERAL.—Each member, other than the Chairperson, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(B) CHAIRPERSON.—The Chairperson shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level III of the Executive Schedule under section 3341 of title 5, United States Code.

“(2) PERSONNEL.—

“(A) DIRECTOR.—The Board shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate equal to the rate established for the Senior Executive Service under section 5382 of title 5, United States Code.
"(B) STAFF APPOINTMENT.—With the approval of the Chairperson, the Executive Director may appoint such personnel as the Executive Director and the Board determines to be necessary for the performance of their duties.

"(C) ACTUARIAL EXPERTS AND CONSULTANTS.—With the approval of the Chairperson, the Executive Director may procure temporary or intermittent services under section 3109(b) of title 5, United States Code.

"(D) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Chairperson, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Board to assist in carrying out the duties of the Board. Any such detail or other action taken to acquire the services of an individual for the Board shall be made in a manner to prevent or otherwise affect the civil service status or privileges of the Federal employee.

"(E) OTHER RESOURCES.—The Board shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress and other agencies of the executive and legislative branches of the Federal Government. The Chairperson of the Board shall make requests for such access in writing when necessary.

"(F) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this title.

"SEC. 335. VIOLATIONS AND PENALTIES.

"(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBUTION AND EXPENDITURE REQUIREMENTS.—If a candidate who has been certified as a participating candidate under section 515(a) accepts a contribution or makes an expenditure that is prohibited under section 513, the Commission shall assess a civil penalty against the candidate in an amount that is not more than 3 times the amount of the contribution or expenditure. Any amounts collected under this subsection shall be deposited into the Fund.

"(b) REIMBURSEMENT FOR IMPROPER USE OF FAIR ELECTIONS FUND.—(1) IN GENERAL.—If the Commission determines that any benefit made available to a participating candidate under this title was not used as provided for in this title or that a participating candidate has violated any of the dates for remission of funds contained in this title, the Commission shall notify the candidate and the candidate shall pay to the Fund an amount equal to—

"(A) the amount of benefits so used or not remitted, as applicable; and

"(B) interest on any such amounts (at a rate determined by the Commission).

"(2) NOTICE AND PROOF OF VIOLATION.—Any action by the Commission in accordance with this subsection shall not preclude enforcement proceedings by the Commission in accordance with section 309(a), including a referral by the Commission to the Attorney General in the case of an apparent knowing and willful violation of this title.

"SEC. 103. PROHIBITION ON JOINT FUNDRAISING COMMITTEES.

Section 312(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(e)) is amended by adding at the end the following new paragraph:

"(6) no authorized committee of a participating candidate (as defined in section 501), any separate political committee, or any candidate or a party advertising spot scheduled to be broadcast during that program shall be treated in the same fashion as a comparable commercial advertising spot.

"SEC. 104. ENFORCEMENT OF PROVISIONS ON CO-ORDINATED EXPENDITURES BY POLITICAL PARTY COMMITTEES WITH PARTICIPATING CANDIDATES.

Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (3)(A), by striking ‘‘in the case of’’ and inserting ‘‘except as provided in paragraph (5), in the case of’’ and

(2) by adding at the end the following new paragraph:

"(B) The limitation under paragraph (3)(A) shall not apply with respect to any expenditure from a qualified political party-participating candidate coordinated expenditure fund established by the national committee of a political party, or a State committee of a political party, including any subordinate committees of such committees, for purpose of making expenditures in connection with the general election campaign of a candidate for election to the office of Senator who is a participating candidate, under this Act; and

"(C) there shall be treated in the same fashion as a comparable commercial advertising spot.

"SEC. 201. BROADCASTS RELATING TO ALL SENATE CANDIDATES.

"(a) LOWEST UNIT CHARGE; NATIONAL COMMITTEES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking ‘‘for pre-emptible use’’ in paragraph (1); and

(2) by inserting ‘‘or cable system’’ after ‘‘broadcaster’’.

"(b) STYLISTIC AMENDMENTS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) in subsection (a), by striking ‘‘to such office’’ in paragraph (1), before ‘‘the’’;

(2) by striking ‘‘in the’’ in subsection (e)(1), as redesignated by subsection (b)(1), and inserting ‘‘broadcasting station’’; and

(3) by striking ‘‘the candidacy of the candidate, under the same terms, conditions, and business practices as apply to the most favored advertiser of the licensee’’.

"(c) REGULATIONS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) in paragraph (1)(A), by striking ‘‘for pre-emptible use’’ and inserting ‘‘for broadcast.’’

"(d) STYLISTIC AMENDMENTS.—Section 302 of such Act (47 U.S.C. 302) is amended—

(1) in subsection (a)(1), by striking ‘‘the 60 days preceding the date of a general or special election’’;

(2) by striking ‘‘in the’’ in subsection (e)(2), as redesignated by subsection (b)(1), and inserting ‘‘licensee, station licensee’’; and

(3) by inserting ‘‘Regulations’’ in subsection (f), as redesignated by subsection (b)(1), before ‘‘in the’’.

"SEC. 202. BROADCAST RATES FOR PARTICIPATING CANDIDATES.

Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)), as amended by subsection (a), is amended—

(1) in paragraph (1)(A), by striking ‘‘paragraph (2)’’ and inserting ‘‘paragraphs (2) and (3)’’;

(2) by striking ‘‘2’’ in subsection (e)(3), as redesignated by subsection (b)(1), and inserting ‘‘3’’; and

(3) by adding at the end the following:

"(C) the aggregate amount of which does not exceed $500 per election.’’

"TITLE II—IMPROVING VOTER INFORMATION

"SEC. 201. BROADCASTS RELATING TO ALL SENATE CANDIDATES.

"(a) LOWEST UNIT CHARGE; NATIONAL COMMITTEES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking ‘‘to such office’’ in paragraph (1), and inserting ‘‘of the licensee’’ after ‘‘the’’; and

(2) by striking ‘‘in the’’ in subsection (e)(1), as redesignated by subsection (b)(1), and inserting ‘‘broadcasting station’’; and

(3) by striking ‘‘in the’’ in subsection (e)(2), as redesignated by subsection (b)(1), and inserting ‘‘licensee, station licensee’’; and

(4) by adding the following:

"(C) the aggregate amount of which does not exceed $500 per election.’’

"(D) the method that the licensee uses to determine the rate charged under this subsection.

"SEC. 202. FCC TO PRESCRIBE STANDARDIZED FORM FOR REPORTING CANDIDATE CAMPAIGN ADS.

"(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall initiate a rulemaking proceeding to establish a standardized form to be used by broadcasting stations to report any advertisement of a campaign advertisement.

"(b) DEFINITIONS.—For purposes of this section:

"‘(1) IN GENERAL.—Except as provided in paragraph (2), and notwithstanding the requirements of subsection (b)(1)(A), a licensee shall not preempt the use of a broadcasting station by a legally qualified candidate for Senate who has purchased and paid for such use.

"‘(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the licensee, any candidate or party advertising spot scheduled to be broadcast during that program shall be treated in the same fashion as a comparable commercial advertising spot.

"‘(c) AUDITS.—During the 30-day period preceding a primary election and the 60-day period preceding a general election, the Commission shall conduct such audits as it deems necessary to ensure that each broadcaster to which this section applies is allocating television broadcasting advertising time in accordance with this section and section 312’’.

"(d) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

(1) by striking ‘‘or repeated’’;

(2) by inserting ‘‘or cable system’’ after ‘‘broadcasting station’’; and

(3) by striking ‘‘his candidacy’’ and inserting ‘‘the candidacy of the candidate, under the same terms, conditions, and business practices as apply to the most favored advertiser of the licensee’’.

"SEC. 2207
of advertising time by or on behalf of a candidate for nomination for election, or for election, to Federal elective office.

(b) CONTENTS.—The form prescribed by the Commission under subsection (a) shall require, broadcasting stations to report to the Commission and to the Federal Election Commission, at a minimum—

(1) the station call letters and mailing address;
(2) the name and telephone number of the station's sales manager (or individual with responsibility for advertising sales);
(3) the name of the candidate who purchased the advertising time, or on whose behalf the advertising time was purchased, and the Federal elective office for which he or she is a candidate;
(4) the name, mailing address, and telephone number of the person responsible for purchasing broadcast political advertising for the candidate;
(5) notation as to whether the purchase agreement for which the information is being reported is a draft or final version; and
(6) the following information about the advertisement:
(A) the date and time of the broadcast.
(B) the program in which the advertisement was broadcast.
(C) the length of the broadcast airtime.
(c) FILING WITH THE COMMISSION.—In its rulemaking under subsection (a), the Commission shall require any broadcasting station required to file a report under this section that maintains an Internet website to make available a link to such reports on that website.

TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION

SEC. 301. PETITION FOR CERTIORARI. Section 307(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437d(a)(6)) is amended by inserting "(including a proceeding before the Supreme Court on certiorari)" after "appeal"

SEC. 302. FILING BY SENATE CANDIDATES WITH COMMISSION. Section 326(a)(10) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended by inserting "(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.")."

SEC. 303. ELECTRONIC FILING OF FEC REPORTS. Section 326(a)(11) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended—

(1) in subparagraph (A), by striking "under this Act" and all that follows and inserting "under this Act shall be required to maintain and file such designation, statement, or report in electronic form accessible by computers;";
(2) in subparagraph (B), by striking "48 hours" and all that follows through "filed electronically" and inserting "24 hours"; and
(3) by striking subparagraph (D).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. SEVERABILITY. If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 402. EFFECTIVE DATE. Except as otherwise provided for in this Act, this Act and the amendments made by this Act shall take effect on January 1, 2012.

By Mrs. FEINSTEIN (for herself, Mr. ISAKSON, and Mr. KERRY):

S. 752. A bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Lung Cancer Mortality Reduction Act. I am pleased to be joined by my cosponsors, Senator ISAKSON and Senator KERRY on this very important bill. This is a new and improved Federal government’s efforts to combat lung cancer. It will: set a goal to reduce lung cancer mortality by 50 percent by 2020; establish a Lung Cancer Mortality Reduction Program, with comprehensive interagency coordination, to develop and implement a plan to meet this goal; improve disparity programs to ensure that the burdens of lung cancer on minority populations are addressed; create a computed tomography screening demonstration project based on recent science; and establish a Lung Cancer Advisory Board, which will provide an annual report to Congress on the progress of the Mortality Reduction Program.

We have made great strides against many types of cancer in the last several decades. However, these gains are uneven. When the National Cancer Act was passed in 1971, lung cancer had a 5-year survival rate of only 12 percent. After decades of research, with scientific advances, this survival rate remains only 15 percent.

In contrast, the 5 year survival rates of breast, prostate, and colon cancer have risen to 89, 99 and 65 percent respectively. Lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths.

Lung cancer causes more deaths annually than: colon cancer, breast cancer, prostate cancer, and pancreatic cancer combined. A National Cancer Institute study in 2009 indicated that the value of life lost to lung cancer will exceed $433 billion annually by 2020.

A four percent annual decline in mortality would reduce this amount by more than half.

A lung cancer diagnosis can be devastating. The average life expectancy following a lung cancer diagnosis is only 9 months.

This is because far too many patients are not diagnosed with lung cancer until it has progressed to the later stages. Lung cancer can be hard to diagnose, and symptoms may at first appear to be other illnesses, such as bronchitis, chronic obstructive pulmonary disease, or asthma.

As a result, only 16 percent of lung cancer patients are diagnosed when their cancer is still localized, and is the most treatable. When I introduced this legislation in 2009, lung cancer lacked early detection technology, to find the cancer when it was most treatable. Now, however, preliminary results show a screening method with a demonstrated reduction in mortality for lung cancer.

In 2010, the National Cancer Institute released initial results from the National Lung Screening Trial, a large-scale study of screening methods to detect lung cancers at earlier stages. The National Lung Screening Trial found a 20 percent reduction in lung cancer mortality among participants compared with the currently used tomography screening versus a traditional X-ray.

This is the first time that researchers have seen evidence of a significant reduction in lung cancer mortality with a screening test.

This is why this legislation also includes the creation of a computed tomography screening demonstration project, to assess public health needs of screening for lung cancer, and develop the most effective, safe, equitable, and efficient process to maximize the benefit of screening.

Efforts to fight lung cancer lag behind other cancers, in part, due to stigma from smoking. Make no mistake, tobacco use causes the majority of lung cancer cases.

Tobacco cessation is a critical component of reducing lung cancer mortality. Less smoking means less lung cancer. Period.

The President’s National Cancer Advisory Board Report of 2010 identified radon as the second leading cause of lung cancer after smoking and listed 15 other environmental contaminants strongly associated with lung cancer.

We believe that we have the expertise and technology to make serious progress against this deadly cancer, and to reach the goal of halving lung cancer mortality by 2020. We need this legislation to ensure that our government’s resources are focused on this mission in the most efficient way possible.

Agency efforts must be coordinated, and all sectors of the federal government that may have some ideas to lend should be participating. That is what the Lung Cancer Mortality Reduction Program will accomplish.

In this bill the Secretary of Health and Human Services is tasked to work

April 6, 2011
in consultation with Secretaries and Directors from the Department of Defense, Veterans Affairs, the National Institutes of Health, the Centers for Disease Control and Prevention, and Food and Drug Administration, the Centers for Medicare and Medicaid, and the National Center on Minority Health and Health Disparities.

This means that each agency with an expertise on lungs, imaging, and cancer will be included in this long overdue process.

We can do better for Americans diagnosed with lung cancer. I ask my colleagues to support this legislation. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

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

SECTION 1. SHORT TITLE. This Act may be cited as the “Lung Cancer Mortality Reduction Act of 2011”.

SECTION 2. FINDINGS.

Congress makes the following findings:

(1) Lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths.

(2) The National Cancer Institute estimates that in 2010, there were 222,520 new diagnoses of lung cancer and 157,300 deaths attributed to the disease.

(3) According to projections published in the Journal of Clinical Oncology in 2009, between 2010 and 2030, the incidence of lung cancer will increase by 46 percent for women and by 58 percent for men. The increase in the incidence of lung cancer among minority communities during that time period will range from 74 percent to 191 percent.

(4) Lung cancer causes more deaths annually than the next 4 leading causes of cancer deaths, colon cancer, breast cancer, prostate cancer, and pancreatic cancer, combined.

(5) The 5-year survival rate for lung cancer is only 15 percent, while the 5-year survival rate for breast cancer is 89 percent, for prostate cancer 99 percent, and for colon cancer 65 percent. The research dollars invested in lung cancer, the least funded of the major cancers.

(6) In 2001, the Lung Cancer Progress Review workshop of the National Cancer Institute stated that funding for lung cancer research was “far below the levels characterized for other common malignancies and far out of proportion to the massive health impact” and it gave the “highest priority” to the creation of an integrated multidisciplinary, multi-institutional research program. No comparable funds have been provided to the area.

(7) While smoking is the leading risk factor for lung cancer, the President’s National Cancer Advisory Board Report of 2010 identified radon as the second leading cause of lung cancer and listed 15 other environmental contaminants strongly associated with lung cancer, and there is accumulating evidence that hormonal and genetic factors may influence the onset.

(8) Lung cancer is the most stigmatized of all the cancers and the only cancer blamed on past life choices when no evidence exists or not.

(9) Nearly 20 percent of lung cancer patients have never smoked. Sixty percent of individuals diagnosed with lung cancer are former smokers who quit, often decades ago.

(10) Lung cancer in men and women who never smoked is the sixth leading cause of cancer death. Of individuals diagnosed with lung cancer who have never smoked, 5% are of women.

(11) Lung cancer is the leading cause of cancer death among all paracancer and in every major ethnic grouping, including white, African American, Hispanic, Asian and Pacific Islander, American Indian, and Alaskan Native. There is an disproportionately higher impact on African American males that has not been addressed.

(12) Military personnel, veterans, and military veterans who smoke, such as Agent Orange, crystalline forms of silica, arsenic, uranium, beryllium, and battlefield fuel emissions have increased risk for lung cancer.

(13) Only 16 percent of lung cancer is being diagnosed at an early stage and there were no targets for the early detection or treatment of lung cancer included in the Department of Health and Human Services’ “Healthy People 2010” or “Healthy People 2020”.

(14) An actuarial analysis carried out by Milliman Inc. and published in Population Health Management Journal in 2009 indicated that early detection of lung cancer could save up to 70,000 lives a year in the United States.

(15) A National Cancer Institute study in 2009 indicated that while the value of life lost cost $90,000 a year by 2020, a 4 percent annual decline in lung cancer mortality would reduce that amount by more than half.

(16) In 2010, the National Cancer Institute released initial results from the National Lung Screening Trial, a large-scale randomized national trial that compared the effect of low-dose helical computed tomography (“CT”) and a standard chest x-ray on lung cancer mortality. The study found 20 percent fewer lung cancer deaths among study participants with the CT scan.

SECTION 3. SENSE OF THE SENATE CONCERNING INVESTMENT IN LUNG CANCER RESEARCH.

It is the sense of the Senate that—

(a) Lung cancer mortality reduction should be made a national public health priority; and

(b) A comprehensive mortality reduction program coordinated by the Secretary of Health and Human Services is justified and necessary to address all aspects of lung cancer and reduce lung cancer mortality among current smokers, former smokers, and non-smokers.

SECTION 4. LUNG CANCER MORTALITY REDUCTION PROGRAM.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

“SEC. 3909. LUNG CANCER MORTALITY REDUCTION PROGRAM.

“(a) In General.—Not later than 180 days after the date of enactment of the Lung Cancer Mortality Reduction Act of 2011, the Secretary, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, the Director of the National Institutes of Health, the Commissioner of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, the Administrator of the Centers for Medicare & Medicaid Services, the Director of the National Center on Minority Health and Health Disparities, and other members of the Lung Cancer Advisory Board established under section 7 of the Lung Cancer Mortality Reduction Act of 2011, shall implement a comprehensive program to achieve a 50 percent reduction in the mortality rate of lung cancer by 2020.

“(b) Requirements.—(i) The program implemented under subsection (a) shall include at least the following:

“(A) A strategic review and prioritization by the National Cancer Institute of research to achieve the goal of the lung cancer mortality reduction program in reducing lung cancer mortality;

“(B) The provision of funds to enable the Agency for Healthcare Research and Quality to conduct research on environmental contaminants strongly associated with lung cancer in the workplace and implement measures to reduce lung cancer risk and provide for an early detection program; and

“(C) The provision of funds to enable the National Institute of Environmental Health Sciences to implement research programs relative to lung cancer incidence and prevention.

“(D) The provision of funds to enable the National Institute on Minority Health and Health Disparities to conduct research on environmental contaminants strongly associated with lung cancer in the workplace and implement measures to reduce lung cancer risk and provide for an early detection program.

“(E) The provision of funds to enable the Centers for Disease Control and Prevention to conduct outreach programs in order to address the impact of lung cancer on minority populations.

“(F) With respect to the Food and Drug Administration, the provision of funds to enable the Center for Devices and Radiological Health to—

“(i) Establish quality standards and guidelines for hospitals, outpatient departments, clinics, radiology practices, mobile units, physician offices, or other facilities that conduct computed tomography screening for lung cancer;

“(ii) Provide for the expedited revision of standards and guidelines, as required to accommodate technological advances in imaging;

“(iii) Conduct an annual random sample survey to review compliance and evaluate diagnostic accuracy performance;

“(iv) With respect to the Centers for Disease Control and Prevention—

“(A) The provision of funds to establish a Lung Cancer Early Detection Program that provides low-income, uninsured, and underserved populations that are at high risk for lung cancer access to early detection services;

“(B) The provision of funds to enable the National Institute for Occupational Safety and Health to conduct research on environmental contaminants strongly associated with lung cancer in the workplace and implement measures to reduce lung cancer risk and provide for an early detection program; and

“(C) A requirement that State, tribal, and territorial plans developed under the National Comprehensive Cancer Control Program include lung cancer mortality reduction measures commensurate with the public health impact of lung cancer.

“(G) With respect to the Agency for Healthcare Research and Quality, the annual revision of cancer early detection methods, diagnostic and treatment protocols, and the issuance of updated guidelines.

“(H) The cooperation and coordination of all the agencies for work on lung cancer mortality, and health disparities within the Department of Health and Human Services to ensure that
all aspects of the Lung Cancer Mortality Reduction Program adequately address the burden of lung cancer on women, minority, rural, and underserved populations.

(6) Coordination and coordination of all tobacco control and cessation programs within agencies of the Department of Health and Human Services to achieve the goals of the Lung Cancer Mortality Reduction Program with particular emphasis on the coordination of drug and other cessation treatments with early detection protocols.

SEC. 5. DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Defense and the Secretary of Veterans Affairs shall coordinate with the Secretary of Health and Human Services:

(1) in developing the Lung Cancer Mortality Reduction Program under section 399V-6 of the Public Health Service Act, as added by section 4;

(2) in implementing the demonstration project under section 6 within the Department of Defense and the Department of Veterans Affairs with respect to military personnel and veterans whose smoking history and exposure to carcinogens during active duty service has increased their risk for lung cancer; and

(3) in implementing coordinated care programs for military personnel and veterans diagnosed with lung cancer.

SEC. 6. LUNG CANCER SCREENING DEMONSTRATION PROJECT.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that a national computed tomography lung cancer screening demonstration project should be carried out expeditiously in order to assess the public health infrastructure needs and to develop the most effective, safe, equitable, and efficient process that will maximize the public health benefits of screening.

(b) DEMONSTRATION PROJECT IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this Act as the ‘‘Secretary’’), in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, the Administrator of the Centers for Medicare & Medicaid Services, and the other members of the Lung Cancer Demonstration Project established under section 7 of the Lung Cancer Mortality Reduction Act of 2011, shall establish a demonstration project, to be known as the Lung Cancer Screening and Treatment Demonstration Project (referred to in this section as the ‘‘demonstration project’’).

(c) PROGRAM REQUIREMENTS.—The Secretary shall ensure that the demonstration project—

(1) identifies the optimal risk populations that would benefit from screening;

(2) develops the most effective, safe, equitable and cost-efficient process for screening and early disease management;

(3) allows for continuous improvements in quality controls for the process; and

(4) serves as a model for the integration of health information technology and the concept of a rapid learning into the health care system.

(d) PARTICIPATION.—The Secretary shall select not less than 5 National Cancer Institute designated comprehensive cancer centers, Clinical Care Centers, centers within the Veterans Affairs Healthcare Network, 5 International Early Lung Cancer Action Programs, university-based health care delivery systems, community and minority and underserved populations, and additional sites as the Secretary determines appropriate, as sites to carry out the demonstration project described under this section.

(e) QUALITY STANDARDS AND GUIDELINES FOR SCREENING OF TOMOGRAPHY SCREENING FACILITIES.—The Secretary shall establish quality standards and guidelines for the licensing of hospitals, outpatient departments, clinical practices, mobile units, physician offices, or other facilities that conduct computed tomography screening for lung cancer through the demonstration project, that will require the establishment and maintenance of a quality assurance and quality control program at each such facility that is adequate and appropriate to ensure the reliability, clarity, and accuracy of the equipment and interpretation of the screening scan and set appropriate standards to control the levels of radiation dose.

(f) TIMELINE.—The Secretary shall conduct the demonstration project under this section for a 5-year period.

(g) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress on the projected cost of the demonstration project, and shall submit annual reports to Congress thereafter on the progress of the demonstration project and preliminary findings.

SEC. 7. LUNG CANCER ADVISORY BOARD.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a Lung Cancer Advisory Board (referred to in this section as the ‘‘Board’’) to monitor the programs established under this Act (and the amendments made by this Act), and provide annual reports to Congress concerning benchmarks, lung cancer statistics, and the public health impact of such programs.

(b) COMPOSITION.—The Board shall be composed of—

(1) the Secretary of Health and Human Services;

(2) the Secretary of Defense;

(3) the Secretary of Veterans Affairs;

(4) the Director of the Occupational Safety and Health Administration;

(5) the Director of the National Institute of Standards and Technology; and

(6) one representative each from the fields of clinical medicine focused on lung cancer, lung cancer research, radiology, imaging research, health education, lung cancer statistics, and the public health impact of such programs.

(c) TIMEFRAME.—The Secretary shall conduct the demonstration project under this section for a 5-year period.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress on the projected cost of the demonstration project, and shall submit annual reports to Congress thereafter on the progress of the demonstration project and preliminary findings.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

To carry out this Act (and the amendments made by this Act), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2012 through 2016.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 132—RECOGNIZING AND HONORING THE ZOOS AND AQUIARUMS OF THE UNITED STATES

Mr. NELSON of Nebraska (for himself, Mr. DURBIN, Ms. CANTWELL, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. Res. 132

Whereas the 223 zoos and aquariums accredited by the Association of Zoos and Aquariums support more than 142,000 jobs nationwide, making such zoos and aquariums a valuable part of local and national economies;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums generate more than $15,000,000,000 in economic activity in the United States annually;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums attract more than 165,000,000 visitors each year and are a valuable part of regional, State, and local tourist economies;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums have formally trained more than 400,000 teachers, and such zoos and aquariums support science curricula with effective teaching materials and hands-on opportunities and host more than 12,000,000 students annually on school field trips;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums provide a unique opportunity for the public to engage in conservation and education efforts, and more than 60,000 people invest more than 3,000,000 hours per year and volunteers at such zoos and aquariums;

Whereas public investment in accredited zoos and aquariums has dual benefits, including immediate job creation and environmental education for children in the United States;

Whereas accredited zoos and aquariums focus on connecting people and animals, and such zoos and aquariums provide a critical link to helping animals in their native habitats;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums have provided more than $90,000,000 per year over the past 5 years to support more than 4,000 field conservation and research projects in more than 100 countries; and

Whereas many Federal agencies have recognized accredited zoos and aquariums as critical partners in research, rehabilitation, confiscation, and reintroduction efforts for distressed, threatened, and endangered species; Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the zoos and aquariums of the United States;

(2) commends the employees and volunteers at each accredited zoo and aquarium for their hard work and dedication;

(3) recommends that people in the United States visit their local accredited zoo and aquarium and take advantage of the educational opportunities that such zoos and aquariums offer; and

(4) urges continued support for accredited zoos and aquariums and the important conservation, education, and recreation programs of such zoos and aquariums.

SENATE RESOLUTION 133—TO REQUIRE THAT NEW WAR FUNDING BE OFFSET

Mr. FRANKEN submitted the following resolution; which was referred to the Committee on the Budget:

S. Res. 133

Resolved.

SECTION 1. SHORT TITLE.

This resolution may be cited as the ‘‘Pay for War Resolution’’.

SEC. 2. DEFICIT-NEUTRAL WAR SPENDING.

(a) IN GENERAL.—For purposes of budget enforcement and conformity, as provided in this section, it shall not be in order for the Senate to consider budget authority for overseas
contingency operations if it increases the on-
budget deficit over the period of the budget year
and the ensuing 9 fiscal years following the
budget year.
(b) PAY-FOR-WAR.—Budget authority provided
for overseas contingency operations in a bill,
resolution, amendment, motion, or con-
ference report shall be considered deficit
neutral, with the purpose of this section if such
authority—
(1) is considered subsequent to an Act of
Congress that raises revenue for the des-
ignated purpose of paying for such overseas
contingency operations; or
(2) includes new reductions in spending au-
thority.
(c) IRAQ AND AFGHANISTAN.—For purposes
of this section, the following amounts are
not required to be offset with respect to the
overseas contingency operations in Iraq and
Afghanistan:
(1) For fiscal year 2012, $18 billion.
(2) For fiscal years 2013 through 2016, an
amount equal to 1.5% of the President's budg-
et request for that fiscal year for overseas con-
tingency operations funds for Iraq and Afghani-
stan.
(d) BUDGET DETERMINATIONS.—Compliance
with this section shall be determined on the
basis of estimates provided by the Com-
mittee on the Budget of the Senate.
(e) WAIVER AND APPEAL.—
(1) WAIVER.—The provisions of this section
may be waived or suspended in the Senate
only by the affirmative vote of three-fifths
of the Members of the Senate, duly chosen
and sworn, shall be required to sustain an appeal
of the ruling of the Chair on a point of order
raised under this section.
Mr. FRANKEN. Mr. President, I rise to speak on my pay-for-war resolution, which I am submitting today. This res-
olution would change the way we pay for war spending, and it would change the way we deliberate about going to war.
This is not a symbolic resolution. It would return us to the traditional American way of paying for wars, where the Congress and the Nation confront head-on the financial cost, commitment, and sacrifice of going to war. This is something I believe in strongly. It is an issue I have been working on for months. This did not start with Libya, though Libya cer-
tainly gives it a new urgency.
A number of my friends on both sides of the aisle have expressed concerns about the potential costs of the war in Libya, but this resolution is broader than Libya. It is about how we are going to pay for any wars in the future. The resolution seeks to reestablish a fiscally responsible way of paying for our wars.
It is fiscally responsible because it would require that war spending be paid for or offset, as we say in the Sen-
ate. It is also morally and politically responsible because it would reestablish the connection between the citi-
zeny of the United States and the cost of going to war—a burden that is now shared solely by the men and women of
the military and their families, while the rest is passed on to future genera-
tions in the form of debt.
Over the last 10 years, our wars have been paid for by borrowing, mostly from China and other countries willing to finance the wars as a result of giant emerg-
ency spending bills. This is unusual in American history and, frankly, my resolution is aimed at making sure it stays unusual. Iraq and Afghanistan have cost us well over $1 trillion. In fact, the Congressional Research Serv-
cice estimates that is the total cost—
including this fiscal year, Congress will have approved $1.4 trillion for Iraq and Afghanistan—$806 billion for Iraq and
$444 billion for Afghanistan.
That is a staggering sum of money, and it has been financed through debt, through borrowing from other coun-
tries, and emergency supplemental spending bills which go on our debt. What is more, the Iraq war was accom-
panied by a massive tax cut. That failed fiscal discipline sent the impression that going to war requires no financial sacrifice. We know that is not true.
The question is, Who will bear the fi-
ancial sacrifice, the generation that has served in the military, its children and grandchildren? The Iraq and Af-
ghanistan wars drove up our deficit. They didn't single-handedly create our deficit problem, but they made it much worse. If we are going to fix our deficit problem, reducing how we finance those wars must be part of the solu-
tion.
We have to ensure that the manner of
funding—by borrowing—the Iraq and
Afghanistan wars remains an anomaly in American history. That is exactly what my resolution seeks to do. It will ensure that future wars don't make our deficit and debt problem worse. It will ensure that Congress and the American people face the financial sacrifice of going to war, and it will force us to de-
scribe whether a war is worth that sacri-
fice.
A huge gap has grown between the
majority of the American people and the small proportion who serve in the
military. So much sacrifice has been asked of them and their families, yet so little of the rest of us. My resolution
will reconnect those who serve and our larger society.
The Obama administration is taking
an important step in working to reduce reliance on emergency spending bills and, instead, budget for war through the regular budget process. They have included an overseas contingency opera-
tions account over and above the budget for the day-to-day operations of the Defense Department. That account is where we now find our war funding. But the improvements the Obama ad-
ministration has made are not enough. The momentous decision to go to war deserves a way of paying for those wars that matches the seriousness of that decision.
Overseas contingency operations
should be paid for. Thus, my resolution
simply says that if there is a new over-
seas contingency operation requiring new funding beyond the Defense base budget, that funding must be offset. It does not specify how that offset is to be found, leaving it up to Congress to de-
cide. Different people have different ideas. Some may propose spending cuts, others may propose revenue in-
creases or a combination of the two. But the bottom line is, Congress must find a way to pay for the cost of new wars we decide to undertake.
More specifically, this pay-for-war resolution creates a point of order so any Senator can object to a legislative proposal that allows for spending on new overseas contingency operations that is not deficit neutral. But it has some flexibilities. First, it allows the cost for war in a given year to be offset over 10 years. Because of how the budg-
eting process works now, spending cuts economics found in this make it much worse. It will. But if
there is any offset on the revenue side, it can be spread out over 10 years.
My resolution also allows the offset requirement to be offset by the vote of 60 Senators. So if three-fifths of us deem it important enough to spend on an overseas contingency operation without paying for it ourselves, that can happen. I believe this fully address-
es any concerns people might have about unduly tying the hands of the President or of the Congress, for that matter. If there were a genuine emer-
gency that required immediate mili-
ary response in the short term, and that could not be covered by our base defense budget, my resolution would not tie our hands. Any true emergency would certainly motivate enough of us to vote to waive the point of order.
Similarly, if at a particular time our economic circumstances make it es-
pecially ill-advised to offset the spending on a war, we would be able to waive or override the offset requirement with 60 votes here in the Senate.
Let me talk briefly about how this resolution handles Iraq and Afghani-
stan. Unfortunately, we are where we are on Iraq and Afghanistan. This reso-
lution is not meant to drive policy on those wars. It is forward looking. Ear-
lier I mentioned the Obama adminis-
tration's praiseworthy effort to reduce reliance on emergency supplemental spending bills. My resolution would strengthen that effort by exempting the spending on those wars from this offset require-
ment. That is, the amount of the President's regular budget request. Anything above that cap would be subject to the offset re-
quirement. For example, for fiscal year
2012 the President requested $118 bil-
lion for Iraq and Afghanistan. Any costs over and above that request would need to be offset. That number should go down as we draw down from Iraq and Afghanistan. This idea is de-
rived, by the way, from a recommenda-
tion of the President's fiscal commis-
sion.
The idea that we should pay for our wars is not a Democratic idea. It is not
a Republican idea. It is not left or right, it is not antiwar—it is common sense. That is why my resolution has garnered expressions of support from a diverse range of organizations and defense and budget experts. It is supported by the Center for American Progress, the Bipartisan Policy Center, and by the Committee for a Responsible Federal Budget. Noted fiscal hawk David Walker, the former Comptroller General of the United States, has expressed his support. So has Maya MacGuineas of the Committee for a Responsible Federal Budget.

A number of experts have stated the rationale for the bill very powerfully. Here is what Michael O’Hanlon of the Brookings Institution said:

Senator Franken’s proposal is serious and smart. It seeks to remedy a major problem of the last decade—fighting wars while not asking the broader nation for sacrifice and commitment, and meanwhile racking up Federal debt in a way that endangers the economic progress of future generations.

Here is what William Niskanen and Ben Friedman of the Cato Institute said:

Democracies cannot accurately evaluate policies with hidden costs. Deficit financing sends war bills to future taxpayers. That limits the extent to which voters and their Representatives, the war’s costs against other priorities. The effect is to make war feel cheaper than it is.

Here is what Dean Baker of the Center for Economic and Policy Research said:

The vast majority of people in the country have no direct connection to the people serving in the military. If we think that a situation requires the men and women in our military to risk their own lives, then the rest of us should at least be willing to pay for the costs of this adventure with our tax dollars.

My resolution makes budgetary sense and it makes moral and political sense. That is why a confident my resolution will garner the support of my colleagues and of the American people. I think Americans understand that the way we have gone about paying for the wars in Iraq and Afghanistan—by borrowing and putting the financial burden on later generations instead of taking on the costs—has been declared unconstitutional by separate Federal district courts in the cases of Florida v. United States Department of Health and Human Services, Case No.: 3:10-cv-91-RV/EMT (N.D. Fla., Jan. 31, 2011), and Virginia ex rel. Cuccinelli v. Sebelius, 728 F. Supp. 2d 768 (E.D. Va., 2010)

And whereas the vast majority of Americans believe that marriage should continue to be what it always has been—the legal and spiritual union between one man and one woman. Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the Obama administration’s decision that the Department of Justice should discontinue defending the Defense of Marriage Act; and

(2) demands that the Department of Justice continue to defend the Defense of Marriage Act in all instances.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on April 6, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 6, 2011, at 9:30 a.m., to conduct a hearing entitled “The Role of the Accounting Profession in Preventing Another Financial Crisis.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 6, 2011, at 9:15 a.m. in Dirksen 406 to hold a hearing entitled: “The Role of the Accounting Profession in Preventing Another Financial Crisis.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 134—SUPPORTING THE DESIGNATION OF APRIL AS PARKINSON’S AWARENESS MONTH

Ms. STABENOW (for herself, Mr. ISAKSON, Mr. UDALL, of Colorado, Mr. JOHANNS, and Mrs. HUTCHISON) submitted the following resolution; which was considered and agreed to:

S. Res. 134

Whereas Parkinson’s disease is the second most common neurodegenerative disease in the United States, second only to Alzheimer’s disease;

Whereas even though there is inadequate comprehensive data on the incidence and prevalence of Parkinson’s disease, as of 2011, it is estimated that the disease affects over 1,000,000 people in the United States;

Whereas although research suggests the cause of Parkinson’s disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown;

Whereas there is no objective test for Parkinson’s disease, and the rate of misdiagnosis can be high;

Whereas symptoms of Parkinson’s disease vary from person to person and include tremors, slowness, difficulty with balance, swallowing, chewing, and speaking, rigidity, cognitive problems, dementia, mood disorders, sleep disorders, such as depression, anxiety, constipation, skin problems, and sleep disruptions;

Whereas medications mask only some symptoms of Parkinson’s disease for a limited amount of time each day, often with dose-limiting side effects;

Whereas ultimately the medications and treatments lose their effectiveness, generally after 4–8 years, leaving the person unable to move, speak, or swallow;

Whereas there is no cure, therapy, or drug to slow or halt the progression of Parkinson’s disease;

Whereas increased education and research are needed to help find more effective treatments with fewer side effects and, ultimately, an effective treatment or cure for Parkinson’s disease;

Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of April as Parkinson’s Awareness Month;

(2) supports the goals and ideals of Parkinson’s Awareness Month;

(3) continues to support research to find better treatments, and eventually, a cure for Parkinson’s disease;

(4) recognizes the people living with Parkinson’s disease, and the critical individual mandate provision has been declared unconstitutional by separate Federal district courts in the cases of Florida v. United States Department of Health and Human Services, Case No.: 3:10-cv-91-RV/EMT (N.D. Fla., Jan. 31, 2011), and Virginia ex rel. Cuccinelli v. Sebelius, 728 F. Supp. 2d 768 (E.D. Va., 2010);

(5) commends the dedication of local and regional organizations, volunteers, and millions of Americans across the country working to improve the quality of life for persons with Parkinson’s disease and their families.

SENATE CONCURRENT RESOLUTION 11—EXRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE OBAMA ADMINISTRATION’S DISCONTINUING TO DEFEND THE DEFENSE OF MARRIAGE ACT

Mr. INHOFE submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. Con. Res. 11

Whereas on February 23, 2011, President Barack Obama ordered the Department of Justice to drop its defense of a central part of the 1996 law that bars the Federal Government from recognizing same-sex unions, the Defense of Marriage Act (adding section 7 of title 1, United States Code), and both President Obama and Attorney General Eric Holder concluded the law is unconstitutional;

Whereas President Obama himself has said that marriage is something sanctified between a man and a woman;

Whereas, by passing significant majorities in both chambers of Congress and signed into law by President Bill Clinton, the Defense of Marriage Act has been overturned in any Federal lawsuit challenging that Act’s constitutionality by a Federal court, yet the Department of Justice has decided not to defend that Act in Federal court;

Whereas, on the contrary, the Department of Justice is vigorously defending in numerous cases in which the Obama administration has asked pursuing our country’s signature health care reform law, the Patient Protection and Affordable Care Act (Public Law 111–149), and the related Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), after the bills involved barely passed both chambers of Congress on party line votes, and whose critical individual mandate provision has been declared unconstitutional by separate Federal district courts in the cases of Florida v. United States Department of Health and Human Services, Case No.: 3:10-cv-91-RV/EMT (N.D. Fla., Jan. 31, 2011), and Virginia ex rel. Cuccinelli v. Sebelius, 728 F. Supp. 2d 768 (E.D. Va., 2010);

Whereas the vast majority of Americans believe that marriage should continue to be what it always has been—the legal and spiritual union between one man and one woman;

Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) demands that the Department of Justice continue to defend the Defense of Marriage Act; and

(2) demands that the Department of Justice continue to defend the Defense of Marriage Act in all instances.
Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 6, 2011, at 10 a.m., to hold a hearing entitled, “Perspectives on the Crisis in Syria.”

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 6, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 6, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on April 6, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Electronic Communications Privacy Act: Government Perspectives on Protecting Privacy in the Digital Age.”

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on April 6, 2011. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on April 6, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Robyn Varner, have floor privileges for the remainder of the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD. The resolution (S. Res. 134) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

WHEREAS Parkinson’s is the second most common neurodegenerative disease in the United States, second only to Alzheimer’s disease;

WHEREAS even though there is inadequate comprehensive data on the incidence and prevalence of Parkinson’s disease, as of 2011, it is estimated that the disease affects over 1,000,000 people in the United States;

WHEREAS although research suggests the cause of Parkinson’s disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown;

WHEREAS there is no objective test for Parkinson’s disease, and the rate of misdiagnosis can be high;

WHEREAS symptoms of Parkinson’s disease vary from person to person and include tremors, slowness, stiffness, difficulty with balance, swallowing, chewing, and speaking, rigidity, cognitive problems, dementia, mood disorders, such as depression and anxiety, constipation, skin problems, and sleep disruptions;

WHEREAS medications mask some symptoms of Parkinson’s disease for a limited amount of time each day, often with dose-limiting side effects;

WHEREAS ultimately the medications and treatments lose their effectiveness, generally after 4 to 8 years, leaving the person unable to move, speak, or swallow;

WHEREAS there is no cure, therapy, or drug to slow or halt the progression of Parkinson’s disease; and

WHEREAS increased education and research are needed to help find more effective treatments with fewer side effects and, ultimately, an effective treatment or cure for Parkinson’s disease;

NOW, therefore, be it

Resolved, That the Senate—

(1) supports the designation of April as Parkinson's Awareness Month;

(2) supports the goals and ideals of Parkinson’s Awareness Month;

(3) continues to support research to find better treatments, and eventually, a cure for Parkinson's disease;

(4) recognizes the people living with Parkinson's who participate in vital clinical trials to advance knowledge of this disease; and

The National Institutes of Health is the largest contributor to Parkinson’s research, along with the Department of Veteran Affairs and the Department of Defense. Texas has committed to leading the way in Parkinson’s disease research and has received more than $2.7 million in Federal funds. These dollars are being put to use at some of our top university and medical research facilities across the State, including the University of Texas, Baylor College of Medicine, Texas Tech University Health Science Center, and the Audie L. Murphy VA Medical Center in San Antonio.

Today, I am proud to recognize April as Parkinson’s Awareness Month, and I hope that this will not only raise awareness of this devastating disease, but will also renew focus and vigor to the fight to treat and ultimately eliminate Parkinson’s disease.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD. The resolution (S. Res. 134) was agreed to.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD. The resolution (S. Res. 134) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

WHEREAS Parkinson's is the second most common neurodegenerative disease in the United States, second only to Alzheimer's disease;

WHEREAS even though there is inadequate comprehensive data on the incidence and prevalence of Parkinson's disease, as of 2011, it is estimated that the disease affects over 1,000,000 people in the United States;

WHEREAS although research suggests the cause of Parkinson’s disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown;

WHEREAS there is no objective test for Parkinson’s disease, and the rate of misdiagnosis can be high;

WHEREAS symptoms of Parkinson’s disease vary from person to person and include tremors, slowness, stiffness, difficulty with balance, swallowing, chewing, and speaking, rigidity, cognitive problems, dementia, mood disorders, such as depression and anxiety, constipation, skin problems, and sleep disruptions;

WHEREAS medications mask some symptoms of Parkinson’s disease for a limited amount of time each day, often with dose-limiting side effects;

WHEREAS ultimately the medications and treatments lose their effectiveness, generally after 4 to 8 years, leaving the person unable to move, speak, or swallow;

WHEREAS there is no cure, therapy, or drug to slow or halt the progression of Parkinson’s disease; and

WHEREAS increased education and research are needed to help find more effective treatments with fewer side effects and, ultimately, an effective treatment or cure for Parkinson’s disease;

NOW, therefore, be it

Resolved, That the Senate—

(1) supports the designation of April as Parkinson's Awareness Month;

(2) supports the goals and ideals of Parkinson’s Awareness Month;

(3) continues to support research to find better treatments, and eventually, a cure for Parkinson's disease;

(4) recognizes the people living with Parkinson's who participate in vital clinical trials to advance knowledge of this disease; and

...
ORDERS FOR THURSDAY, APRIL 7, 2011

Mr. DURBIN. Mr. President, I ask unanimous consent when the Senate completes its business today, it recess until 10 a.m. on Thursday, April 7; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes; further, that Senator HOUND be recognized at noon for up to 25 minutes to deliver his maiden speech to the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, we continue to work to complete action on the small business bill. We also hope to deal with the continuing resolution by the end of the week. Senators will be notified when votes are scheduled.

RECESS UNTIL 10 A.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent the Senate recess until 10 a.m. tomorrow.

There being no objection, the Senate, at 7:10 p.m., recessed until Thursday, April 7, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

D. BRITT HARDY, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CONSULOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CO-OPERATIVE REPUBLIC OF GUATEMALA.

GORDON W. KOFAR, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CONSULOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SWAZILAND.

JENNIER LORAIN E. ORICO, OF WISCONSIN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UGANDA.

THE JUDICIARY

SHARON L. GLEASON, OF ALASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ALASKA, VICE JOHN W. SEDGWICK, RETIRED.

SUSAN OWENS HICKY, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF ARKANSAS, VICE HARRY F. BABEN, RETIRED.

DEPARTMENT OF DEFENSE

ALAN F. ESTEVES, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE. (NEW POSITION)

IN THE AIR FORCE


To be brigadier general

COL. TIMOTHY J. LEAHY

IN THE ARMY


To be lieutenant general

MAJ. GEN. DAVID S. PADOK

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS FLEET COMMANDER, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 610.

To be admiral

Vice Adm. William R. McRaven

DEPARTMENT OF COMMERCE

JONATHAN DANIEL ADAMS, OF NEW YORK, TO BE ASSISTANT SECRETARY FOR PROFESSIONAL AND MATERIEL READINESS. (NEW POSITION), WHICH WAS APPOINTED TO THE GRADE INDICATED UNDER TITLE 50, U.S.C., SECTIONS 601 AND 303.

DEPARTMENT OF STATE

JANET HE M. SCHMITT, OF ILLINOIS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CO-OPERATIVE REPUBLIC OF GUYANA.

DONALD M. GROFF, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ALAN F. ESTEVES, OF THE DISTRICT OF COLUMBIA, TO BE A CONSULAR OFFICER AND SECRETARY.

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES OR DEPARTMENTS OF THE UNITED STATES MAY BE APPOINTED TO THE GRADE INDICATED

IN THE NAVY

Vice Adm. William R. McRaven

IN THE ARMY

Col. Timothy J. Leahy

IN THE AIR FORCE

Col. Timothy J. Leahy

IN THE DIPLOMATIC SERVICE

Alan F. Estevez

WITHDRAWAL

Executive message transmitted by the President to the Senate on April 6, 2011 withdrawing from further Senate consideration the following nomination:

ALAN F. ESTEVES, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIAL Readiness. (NEW POSITION), WHICH WAS SENT TO THE SENATE ON MARCH 14, 2011.
EXTENSIONS OF REMARKS

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—SAMANTHA TODD

HON. SAM JOHNSON OF TEXAS IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my privilege and honor to recognize the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District’s young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, “CYAC in the Community has allowed me to realize my calling to serve.”

Volunteering in my community has been enjoyable the time I have spent at Mustang Creek Nursing Home, where I played bingo and talked with the residents. I have sincerely enjoyed the time I have spent at Mustang Creek and I plan on continuing to visit the residents there. One of the longest events I have volunteered in was at my church’s aide station in Dallas’s Whiteroon marathon. I spent six and a half hours helping set up and run the station. These volunteering experiences have changed my perspective and made me feel like a greater part of my community. In the future I plan on continuing to volunteer in my community and help other people.

—Samantha Todd

THE RESTART ACT

HON. MIKE COFFMAN OF COLORADO IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today I am introducing a bipartisan bill to avert a U.S. rare earth supply crisis by restoring our nation’s production of rare earth metals. This bill, the Rare Earths Supply-Chain Technology and Resources Transformation Act of 2011 (RESTART Act), would achieve this by establishing a domestic rare earth industry in the United States.

Currently, the world is nearly 100 percent reliant on Chinese exports for these critical materials and China’s trade policies of restricting rare earth exports pose a serious threat to both the economic and national security of the United States. China supplies about 95 percent of the world’s rare earth metals, used in everything from wind turbines, electric car batteries, television sets, smart phones, and advanced weapons systems. Chinese officials have announced a decision to cut exports of rare earth metals by 35 percent in the first half of 2011. The Chinese government-ordered reduction in rare earth metals exports demonstrates the urgent need for us to act to correct our rare earth supply chain vulnerability.

In my state of Colorado, when I learned that many U.S. defense contractors rely heavily on Chinese imports of rare earth metals to make everything from night vision goggles, tanks, and fighter aircraft, to precision guided munitions. This reliance on China poses a key vulnerability.

My comprehensive, bipartisan legislation will put in place mechanisms to assist U.S. companies with meeting their needs for rare earth metals and ensure our national security needs are met in the near term.

The legislation does not waive environmental laws, but it directs appropriate federal agencies to expedite the permitting process in order to increase the exploration and development of domestic rare earth elements, and the legislation establishes a multi-agency Task Force to carry out this process. The legislation makes federally-backed loans available to start rare earth production only when private capital is not available. The bill sets-up a Defense Logistics Agency rare earth domestic inventory to generate a domestic market and facilitate the domestic sourcing of rare earth alloys and magnets. It establishes a rare earth program at the U.S. Geological Survey, and it requires the various cabinet Secretaries appoint Executive Agents for rare earths.

Our Nation must act to protect our security interests with regard to rare earth elements. China is neither an ally of the United States nor is it a reliable trade partner when it comes to these strategic metals.

My legislation has the support of the Coalition for a Prosperous America, CPA, the United States Magnets Materials Association, USMMA, and their members who are most affected by the disruption in the rare earth metals market.

HONORING STAFF SERGEANT JOSHUA S. GIRE

HON. STEVE AUSTRIA OF OHIO IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. AUSTRIA. Mr. Speaker, while we can never fully express the depth of our appreciation for those who give their lives to protect us, I rise today on behalf of the constituents of Ohio’s seventh congressional district to recognize and honor the life of Army Staff Sergeant Joshua S. Gire.

Gire, 28, lived a purposeful life. He served the United States with honor. Regrettably, it was Staff Sergeant Gire’s duty as a soldier defending the interests of this great country of ours that lead to his death. He was killed in combat in Afghanistan on March 22, 2011. Staff Sgt. Gire showed exceptional courage and bravery while defending the United States.

Joshua S. Gire graduated from Huntington High School in 2000 and enlisted in the Army in 2001, just prior to the terrorist attacks of September 11th. This was Gire’s second deployment to Afghanistan. He also served time in Iraq and Kosovo. Staff Sergeant Gire comes from a family dedicated to military service. He followed his grandfather, a World War II veteran, and father, a Vietnam veteran, into the Army.

He had recently been promoted to Staff Sergeant. Gire was based in Germany before his deployment to Afghanistan, where he lived with his immediate family. Staff Sergeant Gire is survived by his wife Jackie, as well as their 5-year-old son Nicolas and their daughter Riley, who just turned 3.

Those who know Staff Sergeant Gire speak highly of him, saying he is a role model to young children, and that he did his job and he did it right. My heart goes out to his widow and their children. Joshua S. Gire is a true hero who will never be forgotten.

Thus, today I ask my colleagues to join me and the constituents of the Ohio’s seventh
congressional district in honoring the life and memory of Staff Sergeant Joshua S. Gire.

A TRIBUTE TO MR. BILL SAMUELS, JR.

HON. BRETT GUTHRIE
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. GUTHRIE. Mr. Speaker, I rise today to honor a great Kentuckian, Mr. Bill Samuels Jr. On April 15, Mr. Samuels will retire as President of Maker’s Mark Distillery in Loretto, Ky., leaving a legacy of old fashioned integrity and quality craftsmanship.

Our Commonwealth produces many incredible products. Along with Kentucky grown horses and tobacco, we are also known for our fine bourbon.

Samuels has dedicated his career to Kentucky’s signature industry, helping to make Kentucky bourbon world renowned and contributing so much to such a vital part of the Commonwealth’s heritage that provides thousands of jobs.

A seventh-generation distiller, Samuels took over the family business from his father, Bill Samuels, Sr., who invented the Maker’s Mark recipe.

Samuels followed his father’s lead in crafting a superior product by continuing the tradition of small, closely supervised production—keeping the bottling to about 600,000 cases per year, a fraction of most distilleries. Though Samuels grew up around the bourbon industry, playing Lincoln Logs with an aged Col. Jim Beam, he had other ideas for his future. Samuels played basketball in high school; however, he realized he was not very good.

He then went to college at Case Western Reserve University where he studied rocket science and solid propellants. When solid propellants became obsolete, Samuels decided to attend law school at Vanderbilt University.

When he finished law school, he returned to Kentucky to work temporarily for his father, but 13 years later he was still with the company, and his father, Samuels, Sr., passed him the mantle of Maker’s Mark.

Of the Nation’s bourbon distilleries, Maker’s Mark is the oldest distillery, continuously operating on its own site. I am proud to represent them here in Washington and look forward to their continued success.

I ask my colleagues to join me in honoring Mr. Bill Samuels, Jr., for his dedication and contributions to the Commonwealth of Kentucky.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—ZACHARY STUBBLEFIELD

HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District’s young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important

HON. MAX POMERANC
OF NEW YORK
HON. ANTHONY D. WEINER
OF NEW YORK
HONORING MAX POMERANC
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. WEINER. Mr. Speaker, I rise today in recognition of Max Pomeranc. Mr. Pomeranc has been a member of my staff since 2007. For almost four years, he has served the

United States Congress and the people of Brooklyn and Queens with honor and distinction.

Max is a native New Yorker who brought the characteristics associated with being a New Yorker to work with him every day: hard-nosed determination, a keen sense of justice and fairness, and a strong willful refusal to allow any of my constituents to get anything less than fierce advocacy and unyielding assistance from my office.

Over his many years of service, Mr. Pomeranc helped secured millions of dollars for the communities I represent. He worked with all levels of government to get the 9th district in New York as much funding as possible.

Max oversaw the operations in my office that protected the elderly and disabled, give a voice in government to the disenfranchised, and honored the sense among citizens that elected officials are here to help people, first and foremost.

Max steered my district ship through many battles. There was an historic presidential election, budget battles with an all-time fever pitch, and the passing of the most sweeping health care reform legislation since the creation of Medicare.

This chapter of Max’s storied career gives way to his next adventure, and I rise to give him due recognition. He will be missed by his colleagues, my constituents, and by me.

PERSONAL EXPLANATION

HON. RON KIND
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. KIND. Mr. Speaker, I was unable to record my vote on the House floor during the vote on H.R. 1246 on Monday, April 4, 2011 because of family commitments in Wisconsin. Had I been present, I would have voted in favor of H.R. 1246 (Roll no. 225).

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—TINA SHARMA

HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District’s young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important

HON. ANTHONY D. WEINER
OF NEW YORK
HONORING MAX POMERANC
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. WEINER. Mr. Speaker, I rise today in recognition of Max Pomeranc. Mr. Pomeranc has been a member of my staff since 2007. For almost four years, he has served the
truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, “CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces.” I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, “A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization.”

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

“We make a living by what we do, but we make a life by what we give.” This quote by Winston Churchill describes me and my life. Since the seventh grade, I have dedicated my time in volunteering for various organizations that bring the community together. As teenagers, there are times when we are all busy with homework or competition, but there is always a time where we have nothing scheduled. It’s moments like these where I know that instead of watching television and being a couch potato, I could actually be helping my community. I have volunteered at numerous school events, programs held by the Salvation Army, as well as activities at retirement homes. Throughout my experiences with volunteering for these activities, I have learned how to speak with the different age groups, which has improved my communication skills greatly. I also learned how many teenagers take basic necessities for granted and that we should think of those less fortunate. There is nothing better than the feeling of giving back to the community, not in one way, but in many! There is no better feeling that knowing that I helped the community by dedicating my time.

—Tina Sharma

HONORING STEPHEN M. BLOCK
HON. CHRIS VAN HOLLEN
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. VAN HOLLEN. Mr. Speaker, I rise today to honor my constituent, Stephen M. Block, who is retiring as Legislative Director of the American Civil Liberties Union for the National Capital Area.

Steve has demonstrated outstanding leadership and integrity during his service with the ACLU. Throughout the past 17 years, Steve has worked tirelessly on a broad range of civil liberties matters in order to bring about a more fair and just society.

One of Steve’s most noteworthy accomplishments was his work on the Sexual Offenders Registration Act (Megan’s Law). Steve identified numerous objectionable features that would have discriminated against the lesbian, gay, bisexual, and transgender community. Thanks to his tireless efforts, the bill that was enacted was significantly improved. For his effective and determined work on this law, Steve received the 2004 Award for the Advancement of the Gay and Lesbian Activists Alliance.

Steve also played an invaluable role in drafting and lobbying for the First Amendment Rights and Police Standards Act of 2004, which established a new regime for the exercise of First Amendment rights in the District. And he was integral to the passage of the statute establishing the Office of Police Complaints.

ACLU Executive Director Johnny Barnes puts it well:

"Steve Block, in my view, cannot be replaced. A combination of intellect, wisdom, vision, grit, gnash, and tenacity, this is one gentle man with whom you don’t want to tangle. He is not deceived by his soft eyes, ready smile and grandfather-like persona, this is one tough cowboy. A former Navy officer and CIA and State Department employee, Steve reflects, in every respect, the highest honor, unblemished integrity, and flawless principle. Yet, while he is strong, he can be very sensitive. He has the capacity to address complications and problems dispersionately, and at the same time demonstrate appropriate compassion. He is easy to work with, yet unafraid to stand alone. He hears the call of Ghandi and respects the legacy of King. Still, Steve happily follows, and readily leads. He is a brilliant thinker, a superb researcher, and a provocative and penetrating writer. He has been the sine qua non on our staff, one who is always able to find a way to bring seemingly diametrically opposing forces to the same end. . . . He cannot be replaced, his impact will be felt well into the future. Yet, at the same time, the imprint he leaves will serve as a guidepost for the one who comes after him.

Steve will be sorely missed by the ACLU and the countless people for whom he has fought so hard, but his work for the advancement of civil liberties will continue to benefit us all for many years.

HONORING BOB YOUNG
HON. PETER WELCH
OF VERMONT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. WELCH. Mr. Speaker, today I stand before you to honor Bob Young, the retiring president of Central Vermont Public Service.

Bob will leave a lasting legacy when he retires on May 31, 2011. Please join me today in thanking Bob Young for his leadership and in wishing him and his wife, Vicky, the very best in the next phase of their lives.

PERSONAL EXPLANATION

HON. RON KIND
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. KIND. Mr. Speaker, I was unable to have my votes recorded on the House floor on Tuesday, April 5, 2011 due to a flight delay caused by mechanical difficulties. Had I been present, I would have voted in against the previous question motion on H. Res. 200 (Roll no. 226), against H. Res. 200 (Roll no. 227), and in favor of approving the Journal (Roll no. 228).

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—ANNA SHAPOVALOVA

HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirement of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District’s young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, “CYAC in the Community has
allowed me to realize my calling to serve those in the U.S. Armed Forces.” I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, “A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization.”

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

For the 2010–2011 Congressional Youth Advisory Council year I participated in the Piano Teen Court program. This program deals with underage teenagers who have committed class “C” misdemeanors, whether it is a theft, disturbance of peace, assault, or possession of drug paraphernalia. To be able to participate in the role that I am honored enough to have been able to land, that is, the role of one of the most loved (or the most ill despised) people in the court room (chiefly, rotating between the prosecuting and defense attorney positions), I had to attend a training session. The training was aimed at making me acquainted with the more simple aspects of the judicial system, with the proper way to carry myself in a court of law, and with oratory skills necessary for proper presentation of the circumstances. As a Teen Attorney I defended/prosecuted the defendants, in order to give them a punishment, consisting of simple court fees and community service. This community service, with specialized hour ranged being given for each offense. A panel of peers, teenagers who have volunteered their time to admonish a punishment that they feel is fair to the miscreants.

—Anna Shapovalova

HONORING RALPH M. BARUCH
HON. NITA M. LOWEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mrs. LOWEY. Mr. Speaker, I rise to pay tribute to Ralph M. Baruch, who will receive the WNET Distinguished Service Award, to honor his pivotal role in American broadcast media.

Ralph Baruch has led a truly remarkable life. Born in Frankfurt, Germany, he fled as a young child from Nazi Germany to Paris. He again sought exile from France during the war and on a three-month journey through France he heroically transported his grandmother over the Pyrenees Mountains.

From an early age, Ralph understood the vital power of the free media to ensure a just and free world. Following his immigration to the United States in 1940, Mr. Baruch began his long and distinguished career in communications in radio then joined the DuMont Television Network in 1950. As television became a force in the American lifestyle, he began a long stint at CBS in 1954, then co-founded Viacom International Inc. and served as President and CEO from 1971 to 1983. During his tenure, he played a role in establishing or acquiring some of the most popular cable networks in the world, including Lifetime, MTV, Nickelodeon, The Movie Channel, and VH-1.

Events during Ralph’s formative years were perhaps the most poignant in history in demonstrating the influence of media and the suppression of information on society. Perhaps that is why he sought to ensure an open government and free press throughout his career, including by co-founding C-SPAN. He believed strongly in the public’s right to a real-time connection to our government’s proceedings and in the responsibility of our citizens to actively participate in our government. C-SPAN has grown to provide unprecedented unedited coverage of government events throughout the nation as well as cultural and educational opportunities, like literary discussions and materials for teachers and students.

Mr. Baruch has already been honored with numerous awards, including an induction into the Cable Hall of Fame in 2006, cable television industry’s highest honor, the Vanguard Award, their Chairman of the Year Award, and the International Radio & Television Society’s Gold Medal.

Mr. Baruch has also donated his time to a number of important positions in his community to support public television and to promote the history of broadcast media. He served as vice chairman of Carnegie Hall, a Trustee of the Museum of Television and Radio, and a member of the New York City Cultural Affairs Advisory Commission under former Mayor Rudolph W. Giuliani. He currently serves on the board of Thirteen and as a Trustee of Lenox Hill Hospital.

Mr. Baruch has balanced his distinguished career and philanthropic work with an equally impressive family life. He and his wife Jean have four daughters, Eve Baruch, Renee Baruch, Alice Baruch, M.D., and Michele Baruch Jeffery. Mr. Baruch is the author of an autobiography, Television Tightrope—How I Escaped Hitler, Survived CBS and Fathered Viacom, published in April 2007.

I urge my colleagues to join me in honoring a national broadcast media icon, Mr. Ralph Baruch.

HONORING CAPTAIN BRIAN RINGER
HON. TODD ROKITA
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. ROKITA. Mr. Speaker, I rise today to recognize and congratulate an important member of Indiana’s Morgan County Sheriff’s Department.

Captain Brian Ringer served the Morgan County Sheriff’s Department with distinction, integrity, and dedication. He consistently demonstrated the highest standards of outstanding leadership and public service.

Captain Ringer has been a trusted member of the Morgan County Sheriff’s Department for over 29 years and has played a central role in securing and protecting the citizens of Morgan County. He left the Department on January 20 of this year to begin work as a fulltime instructor with the Indiana Law Enforcement Academy and will continue his dedication to public service.

I am proud to honor Captain Brian Ringer in recognition of his accomplishments, exemplary leadership, and outstanding contributions to the Morgan County Sheriff’s Department.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—CATLYNN WOOLUM
HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirement that was assigned CYAC in the Community Service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District’s young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, “CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces.” I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, “A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization.”

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements that were assigned CYAC in the Community Service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District’s young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, “CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces.” I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, “A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization.”

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements that were assigned CYAC in the Community Service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District’s young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, “CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces.” I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, “A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization.”

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements that were assigned CYAC in the Community Service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District’s young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, “CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces.” I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.
TRIBUTE TO DR. LEROY DAVIS

HON. JAMES E. CLYBURN
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to one of South Carolina’s outstanding academic leaders, as he is honored by his peers in the business of higher education.

Dr. Leroy Davis Jr. has contributed to our quality of life, and in so doing, he has contributed to the quality of our education. He understands the importance of a strong educational foundation.

Waging his educational journey in the early 70s, Dr. Davis earned a master’s degree in Microbiology from Purdue University. A couple of years later, he received his Ph.D. in Molecular Biology. He has held positions in academia and business, each contributing to his academic leadership.

Dr. Davis has been a mentor to many young people and has given them opportunities to learn and grow.

Dr. Davis’ research has been recognized with awards, including the SACS Distinguished Service Award and the Order of the Palmetto.

Dr. Davis has served as President of South Carolina State University, and Purdue University. In 1993, he was elected President of the Southern Association of Colleges and Schools.

Dr. Davis is married to the former Christine and has two adult children—Tonya and Leroy, Jr.—and five grandchildren.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Dr. Leroy Davis on his extraordinary distinguished career in academia. It is fitting that he is being recognized for his lifetime of contributions to South Carolina State University. I look forward to his continued contributions to academia and society as a whole.
Humboldt County Democratic Central Committee, Aligning Forces 4 Quality Care Leadership Team, and Timber Heritage Museum Advisory Council. She has also previously served on the North Coast Regional Land Trust Advisory Council, Humboldt Child Care Council, Women’s Resources For Work Board, and the North Coast Pro-Choice Pac Board. In 1988, Liz was selected as Democrat of the Year by the Humboldt County Democratic Central Committee.

Liz is fortunate to be surrounded by a large circle of loving family and lifelong friends. She shared 33 years with the great love of her life, her late husband Sef, with whom she shares four children, Todd, Dana, Adam, and Michael, and nine grandchildren. Liz has a deep appreciation for the arts and music, and is known for her warm and welcoming nature as a hostess of frequent dinner parties, as well as being a passionate gardener, how she spends much of her time.

Mr. Speaker, it is appropriate at this time that we acknowledge Elizabeth Okerstrom Murguia for her 35-plus years of dedicated service and extend our best wishes for a well-deserved retirement. She will be greatly missed.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—SEAN WHITNEY

HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District’s young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, “CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces.” I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, “A volunteer is a person who can see what others cannot see; who can feel what most do not feel; who can think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization.”

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to summarize their work to the CONGRESSIONAL RECORD and preserve it for posterity and recognition. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

For my mandatory service project, “CYAC in the Community,” I had the distinct privilege of serving my community both physically and intellectually. Specifically, I, on behalf of the Frisco Blackbird Squadron of the Civil Air Patrol, was a road guard for Frisco’s annual Gary Burns Fun Run as well as a tutor for many of my fellow peers. My intellectual service presented itself in the form of tutoring. During what was, for many, the most stressful time academically of the whole year, I was repeatedly asked to help the struggling with certain tough concepts. I gladly agreed and spent the time that I could have used to study for my tests in order to prepare them. My physical service was given in the name of the entire community in the form of the City of Frisco’s 11th Annual Gary Burns Fun Run. By setting up barriers, managing the obstruction-free race route, and controlling the restless spectators, I was able to contribute Frisco’s biggest event and one of the nation’s largest “fun runs.” Additionally, I learned that the nature of servant leadership necessitates actively looking for needs in the community or in an individual.

—Sean Whitney

PERSONAL EXPLANATION

HON. DAVID LOEBSACK
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. LOEBSACK. Mr. Speaker, I mistakenly cast my vote on rollcall vote No. 209 on Representative DeFazio’s Amendment No. 9 to H.R. 658 as a “no” vote. I intended to cast an “aye” vote on this measure.

RECOGNIZING ROGER KIRWIN

HON. BILL SHUSTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. SHUSTER. Mr. Speaker, I rise today to recognize Mr. Roger Kirwin of Everett for being named Bedford County’s Historian of the Year for 2011 by the Bedford County Historical Society.

Mr. Kirwin is commended for his efforts in preserving, protecting, and documenting the history and heritage of Bedford County and its people.

The Historian of the Year Committee selected Roger in recognition of his contributions to the historical programs at Old Bedford Village. Throughout his term as Executive Director he enhanced many of the already existing programs and added many new programs to the Village’s calendar.

Roger has helped provide resources for educational programs for use by local schools.

He also routinely takes educational materials to schools in the county to make presentations on various topics of interest in the county. Roger has often provided programs for senior citizens, civil groups, and organizations such as the Rotary Club, Lions, churches and Scouts.

These events have always been exceptional and well-received by locals and the many tourists who come to participate. Not only did he plan these events, but he has been a part of the many re-enactments and programs.

Roger’s visits to the schools and youth organizations of Bedford County to educate young people on county history are greatly appreciated.

Mr. Kirwin’s enthusiasm for the history and heritage of Bedford County is admirable and I commend him for his efforts.

HONORING FISHER/NIGHTINGALE HOUSES

HON. STEVE AUSTRIA
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. AUSTRIA. Mr. Speaker, I rise today on behalf of the constituents of Ohio’s Seventh Congressional District to recognize and celebrate the grand opening of the new Fisher House located on Wright-Patterson Air Force Base Ohio.

Wright-Patterson Air Force Base is the birthplace, home, and future of aerospace, but most people are not aware that it is also the birthplace of compassionate care housing in the Department of Defense. The base opened the Nightingale house in May of 1990 by converting a base house, making it the first compassionate care house in all of DoD.

In 1991, Zach and Elizabeth Fisher were asked to build one Ronald McDonald type house at Bethesda Naval Medical Center, Maryland. What started as a request to build one house has blossomed into a network of 53 compassionate care locations worldwide. Although both Zach and Elizabeth have passed on, their legacy continues today through their nethew and grandnephews.

The Wright-Patterson AFB Fisher and Nightingale Houses provide an opportunity for wounded, injured, and ill military men and women and their families to stay together and support each other while undergoing medical treatment. Guests do not pay for their stay in one of the homes. Furthermore, each house has a wonderful staff and volunteers who provide loving support and ensure all of their needs are met. In 2010, the two Wright-Patterson AFB houses assisted more than 600 families from all branches of our Armed Forces, and more than 10,000 families since the opening of the first home nearly 22 years ago.

The new Fisher home opening today is a 10,000 square foot single story home, with 12 bedrooms, 12 handicapped accessible bathrooms, formal living room, large family room, large kitchen and dining room, and expanded laundry facilities. This new home will give Wright-Patterson an additional 1,460 bed nights a year, bringing the entire capacity to 7,665 bed nights a year.

Thus, today I ask my colleagues to join me and the constituents of the Ohio’s Seventh Congressional District in celebrating the grand
opening of Wright-Patterson AFB's new Fisher House and Compassionate Care Facility.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR THEIR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—JILL WALLER

HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 45 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the SO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can see what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to Congress for their consideration.

For my volunteer work, I went to Truett Elementary School on three occasions. During my time there, I got to work with underprivileged kids in their after-school program, because many of the children have working parents who cannot pick them up from school until 2 hours after the school day ends. Depending on the day and time, I would help with homework for the day, do arts and crafts, and play with the kids on the playground. Each time, I made friends with the kids and helped them in some way or another—whether it was walking with them to the bathroom or teaching them how to do their math homework. Much of the after-school program is run by volunteers, and without all of us the teachers would not be able to have as many activities for the children or be able to control all of them. This experience showed me how well I had it as a child, as well as how young children in our community need people to look up to and help them. I plan on going back to Truett at least once a week if I can, and continuing to help all of the children with their work.

—Jill Walter

RESTORING GI BILL FAIRNESS ACT OF 2011

HON. JEFF MILLER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. MILLER of Florida. Mr. Speaker, today, I have introduced the Restoring GI Bill Fairness Act of 2011.

This bill will temporarily authorize the Department of Veterans Affairs, VA, to pay tuition and fees on behalf of eligible veterans attending non-public education and training institutions in an amount that is the greater of $17,500 the in-state rate for undergraduate tuition and fees in effect on October 27, 2010.

Mr. Speaker, this temporary change would prevent students who have already enrolled in non-public schools from experiencing a reduction in tuition and fees paid by VA on their behalf due to changes made under Public Law 111–377, the Post-9/11 Veterans Educational Assistance Improvements Act of 2010.

Under the original Post 9/11 GI Bill passed in 2008, the maximum tuition and fees paid to any school—public or private—was equal to the highest in-state rate for undergraduate tuition and fees. Most students attending private institutions in a few states with high public school tuition and fees like New York, Michigan, and Texas receive more assistance under the state-based formula than they will beginning next August under the $17,500 per year cap required by Public Law 111–377. Such was the expectation of those who enrolled in private schools before the changes were made. I believe it is only fair to "grandfather" those veterans who, through no fault of their own, were adversely affected.

I am pleased to note that this bill is fully paid for in compliance with House rules. The offsets required by this bill are preliminarily estimated to be about $105 million and will be covered by a temporary, short-term freeze in the monthly Post 9/11 GI Bill housing stipend amounts at the current level for a period of 30 months beginning August 1, 2011. After that period, the monthly housing stipend will be restored to the full rate in effect at that time.

Mr. Speaker, this is a temporary, but important fix to the GI Bill that will benefit hundreds of veterans in several states and I encourage all Members to cosponsor the bill.

IRAN’S NUCLEAR PROGRAM

HON. TOM REED
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. REED. Mr. Speaker, I rise today because the threat posed by a nuclear armed Iran poses an unacceptable risk to the United States and our close ally Israel.

It is clear that Iran is not pursuing a purely civilian nuclear program, but rather one that is designed to further their ability to access and utilize nuclear weapons. This is supported by our country’s military and intelligence leaders. Chairman of the Joint Chiefs of Staff Adm. Michael Mullen said he doesn’t believe “for a second” that Iran’s nuclear program is for civilian use. While Director of Intelligence James Clapper testified to Congress that Iran is developing “various nuclear capabilities that better position it to produce the weapon.

Yet, Iran’s nuclear program continues unabated.

With enough low-enriched nuclear material to produce three nuclear bombs, Iran could be at most two or three years away from a nuclear weapon. They are also developing the capacity to stockpile highly enriched nuclear material.

Quite simply, United States policy must remain focused on preventing Iran from acquiring a nuclear weapon. I believe that sanctions remain the best tool at our disposal to peacefully persuade Iran to abandon its reckless defiance of international law.

While existing sanctions from the U.S. and the international community had achieved a crippling effect on the Iranian economy, I believe that our sanctions should be tougher to keep pressure on the Iranian leadership. This includes sanctioning foreign banks and energy companies.

The choice is ours: we must continue to engage the international community and do everything in our power to protect our vital ally Israel.

RECOGNIZING REV. CHARLES L. CURRIE, S.J.

HON. TIMOTHY H. BISHOP
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. BISHOP of New York. Mr. Speaker, I rise today to offer my heartfelt congratulations to a dear friend, Rev. Charles L. Currie, S.J., on his retirement from the presidency of the Association of Jesuit Colleges and Universities (AJCU).

For over four decades, Father Currie has served as a tireless advocate of independent higher education. His passion and dedication have had a tremendous influence on the lives of countless students through his multiple roles as an educator, spiritual leader, and humanitarian. A true renaissance man, Father Currie has personified the AJCU mission of leading a meaningful life of leadership and service.

A product of the Jesuit system, Father Currie earned degrees from Fordham University, Boston College, and Woodstock College, as well as a doctorate in physical chemistry from the Catholic University of America. Following his post-doctoral studies at Cambridge University, Father Currie went on to serve as a noted faculty member at Georgetown University before serving as president of Wheeling College (1972–1982) and Xavier University (1982–1986). At Wheeling and Xavier, his vision and leadership placed an emphasis on the importance of academic quality, effective
planning and management, active involvement and commitment to the community, and strong public-private and ecumenical partnerships.

Following his tenure at Wheeling and Xavier, Father Currie returned to Georgetown University to direct the University’s Bicentennial Celebration, which included over 90 academic, cultural and celebratory events from September 1988 through September of 1989. Later in 1989, following the assassination of six Jesuit priests and two female coworkers by members of the El Salvadoran military, Father Currie was named special assistant to the President of Georgetown to coordinate the university's response to this tragedy. Working closely with congressional leaders and aides, Father Currie successfully organized a number of educational programs at Georgetown and participated in the extensive Congressional response to block military aid to El Salvador.

In 1997, following several years serving as Rector of the Jesuit Community at Saint Joseph’s University in Philadelphia, Father Currie took the reins as president of the AJCU. Under his leadership, the AJCU has implemented numerous initiatives to increase the free flow of information and communication between the 28 member institutions of the Association. The development of the Jesuit Distance Education Network (JesuitNET) has earned national acclaim, receiving two federal grants and selection by the U.S. Department of Education to participate in the Distance Education Demonstration Program. Similarly, the creation of the AJCU Leadership Development Seminar, the promotion of mission and identity activities, and the concerted effort to promote the education of justice have combined to significantly enhance the coordination of Association goals among member institutions.

Perhaps Father Currie’s greatest accomplishment as president of the AJCU arose out of tragedy. In 2005, following the Hurricane Katrina catastrophe, Father Currie organized a rapid response from the AJCU members to admit over 1,600 students from Loyola University New Orleans and other affected area universities. By allowing the affected students to continue their studies before returning to the Gulf area in the spring semester, the students were able to maintain uninterrupted instruction and remain on track for timely graduation.

Mr. Speaker, I applaud Father Currie for his measurable contributions to the cause of higher education and I congratulate him on his well earned retirement following a distinguished career of service and advocacy. In closing, I would be remiss if I did not include the following Ignatian prayer, dedicated to Father Currie and the devoted Jesuit educators like him:

*Eternal Word, only begotten Son of God, Teach me true generosity. Teach me to serve you as you deserve. To give without counting the cost, To fight heedless of wounds. To labor without seeking rest, To sacrifice myself without thought of any reward, Save the knowledge that I have done your will. Amen.*

---

**HON. SAM JOHNSON OF TEXAS IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, April 6, 2011**

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As Congress considers important legislation at this time—bipartisan in nature—the 2010–2011 CYAC from the Third District of Texas have volunteered their time with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, “CYAC in the Community has allowed me to realize my calling to serve those in need.”

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As Congress considers important legislation at this time—bipartisan in nature—the 2010–2011 CYAC from the Third District of Texas have volunteered their time with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, “CYAC in the Community has allowed me to realize my calling to serve those in need.”

Mr. Speaker, I applaud Father Currie for his measurable contributions to the cause of higher education and I congratulate him on his well earned retirement following a distinguished career of service and advocacy. In closing, I would be remiss if I did not include the following Ignatian prayer, dedicated to Father Currie and the devoted Jesuit educators like him:

*Eternal Word, only begotten Son of God, Teach me true generosity. Teach me to serve you as you deserve. To give without counting the cost, To fight heedless of wounds. To labor without seeking rest, To sacrifice myself without thought of any reward, Save the knowledge that I have done your will. Amen.*

---

**HON. EDWARD J. MARKEY OF MASSACHUSETTS IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, April 6, 2011**

Mr. MARKEY, of Speaker, I rise today along with my fellow co-chair of the bipartisan Alzheimer’s Task Force Mr. SMITH (R–NJ) and colleagues Rep. MCDERMOTT (D–WA), BURGESS (R–TX), BORDALLO (D–GU), CHRISTENSEN (D–VI), GRIJALVA (D–AZ) and PIERLUISI (D–PR) to introduce the bipartisan Alzheimer’s Prevention, Caregiving, and Support Act (ALZPACS).

The bill would also improve care and reduce costs by providing information and resources to newly diagnosed patients and their families by including, for the first time, caregivers in discussions with doctors and patients.

At present, most people with Alzheimer’s disease and other dementias have no diagnosis and no opportunities to plan for the future. The bill provides Medicare coverage for comprehensive diagnosis of Alzheimer’s disease to guarantee that seniors who show signs of Alzheimer’s can receive a formal diagnosis from their doctor and that this diagnosis is documented in their medical record.

The bill would also improve care and reduce costs by providing information and resources to newly diagnosed patients and their families by including, for the first time, caregivers in discussions with doctors and patients.

At present, most people with Alzheimer’s disease and other dementias have no diagnosis and no opportunities to plan for the future. The bill provides Medicare coverage for comprehensive diagnosis of Alzheimer’s disease to guarantee that seniors who show signs of Alzheimer’s can receive a formal diagnosis from their doctor and that this diagnosis is documented in their medical record.

The bill would also improve care and reduce costs by providing information and resources to newly diagnosed patients and their families by including, for the first time, caregivers in discussions with doctors and patients.

The bill would also improve care and reduce costs by providing information and resources to newly diagnosed patients and their families by including, for the first time, caregivers in discussions with doctors and patients.

At present, most people with Alzheimer’s disease and other dementias have no diagnosis and no opportunities to plan for the future. The bill provides Medicare coverage for comprehensive diagnosis of Alzheimer’s disease to guarantee that seniors who show signs of Alzheimer’s can receive a formal diagnosis from their doctor and that this diagnosis is documented in their medical record.

The bill would also improve care and reduce costs by providing information and resources to newly diagnosed patients and their families by including, for the first time, caregivers in discussions with doctors and patients.

At present, most people with Alzheimer’s disease and other dementias have no diagnosis and no opportunities to plan for the future. The bill provides Medicare coverage for comprehensive diagnosis of Alzheimer’s disease to guarantee that seniors who show signs of Alzheimer’s can receive a formal diagnosis from their doctor and that this diagnosis is documented in their medical record.
While we work here in Congress to invest more funding for Alzheimer’s research to find a cure, we must continue to help the families who have been impacted by this devastating disease. This bipartisan legislation is a good step toward ensuring these important measures are taken.

The Alzheimer’s Association, Alzheimer’s Foundation, Cure Alzheimer’s Fund, and UsAgainstAlzheimer’s have endorsed our legislation, which will increase the likelihood that Alzheimer’s will be diagnosed sooner and help families plan for the necessary treatments and care. I look forward to continuing to work with my colleagues on this important issue throughout the legislative process.

CONGRATULATING THE RESIDENTS OF PLUM LAKE, WI ON THEIR CENTENNIAL ANNIVERSARY

HON. REID J. RIBBLE
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. RIBBLE. Mr. Speaker, I rise to congratulate the residents of the Town of Plum Lake in Vilas County, Wisconsin, as they celebrate the 100th anniversary of their town’s founding.

Plum Lake comprises the communities of Sayner and Star Lake, which have long been vacation destinations for Wisconsin residents because of their friendly people, magnificent lakes and forests, and abundant fish and game. Folks looking to escape the daily grind can retire to this beautiful area year-round to hunt, fish, ski, and hike along lovely nature trails. Visitors are often surprised to discover that the Town’s slogan, “Birthplace of the snowmobile,” reflects its invention there by Carl Eliason in 1924.

The Town of Plum Lake was officially formed by an ordinance passed by the Vilas County Board on January 5, 1911. The ordinance went into effect on April 1, 1911, creating the new town from territory detached from the Town of Arbor Vitae. The first town meeting was held in Sayner on April 14, 1911.

In the 19th century, Plum Lake was the center of a vibrant lumber industry, which eventually gave way to tourism. Two years before the founding of the Town, in the summer of 1909, Herb Warner and others began construction on the Plum Lake Golf Club, which opened in 1912 and is today one of Wisconsin’s oldest golf courses. Plum Lake also boasts one of Wisconsin’s oldest summer camps, Camp Highlands, which began when Harry O. Gilette, a University of Chicago laboratory School Headmaster, brought ten boys to a remote point on Plum Lake for a summer in the wilderness in 1904.

Today, Plum Lake maintains both its majestic landscape and its place as a prime vacation destination. I am very proud to represent this community and I congratulate the Town of Plum Lake on this historic milestone. I join with all Wisconsinites in expressing pride in the treasures of our state.

PROTECT THE FAMILIES OF FALLEN SERVICEMEMBERS

HON. BOB FILNER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. FILNER. Mr. Speaker, today I am proud to introduce H.R. 1263, to amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures.

Protecting our veterans and service members is important, but their families are an extension of our military families and affording them equal mortgage foreclosure protection is just as important.

The death of a servicemember while in service, can be hard for a spouse as they adjust to a new life without their loved one, this includes a single family income, which in many instances is not enough to provide for a family and make their mortgage payments. Extending these protections would allow grieving spouses 9 months to work on a resolution with their lender or sell their home, if necessary.

Servicemembers currently receive foreclosure protections for 9 months after the end of military service. These protections under the Servicemembers Civil Relief Act (SCRA) are meant to allow a period of transition and adjustment after service. Unfortunately, this protection does not exist for spouses. That is why today I am introducing this legislation.

H.R. 1263 amends the SCRA by extending protection against mortgage foreclosure for 9 months to a surviving spouse of a servicemember who died while in military service and their death is service connected and the individual is the successor of the servicemember’s property. In conclusion, H.R. 1263 takes an important step toward protecting the families of our brave fallen heroes. I urge my colleagues to support H.R. 1263.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—CALVIN TSAY

HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Honorable Calvin Tsay, a 2010–2011 Congressional Youth Advisory Council member, that the CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces.” I am beyond thrilled that CYAC has helped students unlash their full potential and chase their dreams.

President George H.W. Bush once said, “A volunteer is a person who can see what others cannot see; who can do what others do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization.”

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

On the weekend of February 18–19th, I volunteered at the carnival at Shepard Elementary School. I spent time setting up the carnival, running the actual activities, and taking down all of the decorations. I had been to many school fairs when I was in elementary school, but I had never seen the behind-the-scenes action. Volunteering and working the carnival taught me to be more appreciative, as I learned of the efforts involved in running an event. The carnival benefited the community as children were allowed time to play with their families and enjoy time off school. As we finished up cleaning, I talked with many of the other volunteers and realized that many of them wished the carnival were not over. Many volunteers, including myself, enjoy spending their time helping others and having the satisfaction of bettering others’ lives. More than two hundred volunteers were a part of the Shepard School Carnival, and I truly believe the carnival would have been impossible without their help. This experience taught me a valuable lesson in the importance of volunteering in the community, and I will definitely continue to serve my community to the best of my ability.

—Calvin Tsay

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is $14,262,144,462,897.94.

On January 6, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80. That means the national debt has increased by $3,623,718,716,604.10 since then.

This debt and its interest payments we are passing to our children and all future Americans.
HONORING BARBARA ANN ZAJBEL
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. AUSTRIA. Mr. Speaker, I rise today on behalf of the people of Ohio's Seventh Congressional District to honor the life and memory of Barbara Ann Zajbel.

As a former Xenia business woman and Xenia Area Chamber of Commerce executive, Barbara Zajbel was known as one of Xenia's most loyal, positive and significant leaders. Those who met or knew Barbara benefited from her uplifting attitude and abundant warmth.

As a dedicated and faithful community servant, Barbara encouraged and motivated others through personal example. Over the years, she spearheaded countless community projects that required hundreds of hours of community service. She would not only organize the projects but would also work with volunteers to perform the necessary tasks in order to make the events successful. Beth Zajbel and her husband, Tom, are particularly remembered for their 15 years or so of commitment to and involvement with the annual Xenia Old Fashioned Days Festival.

From arriving to Xenia in the late 1970's, Barbara devoted her life to service organizations like Rotary, civic groups and boards, education committees and governmental projects. She served on boards of numerous organizations, such as Greene County Convention & Visitors Bureau, Xenia Educational Endowment Fund, Miami Valley Military Affairs Association, Greene County Economic Development Roundtable, Xenia Downtown Revitalization as well as many other commendable associations. She was also a member of St. Brigid Catholic Church.

One of Barbara's most favorite quotes was "I am only one, but I am one. I cannot do everything, but I can do something. And I will not let what I cannot do interfere with what I can do." Barbara exemplified this quote with her love and energy towards Xenia and the many different organizations she served.

After a hard fought battle with cancer, Barbara Zajbel, 67, passed away on March 28, 2011, surrounded by her husband, Tom Zajbel; sons, Jim and Tom Zajbel; and daughter, Tracy Zajbel Palmer. Barbara's life will be remembered for their 15 years or so of commitment to and involvement with the annual Xenia Old Fashioned Days Festival.

I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

I volunteered at Friday Nite Friends (FNF) located at the Custer Road United Methodist Church. Every other Friday, FNF provides nurses and volunteers to offer free childcare for special needs children and their siblings. As a volunteer, I was placed with a group of boy siblings to entertain and interact with for the evenings I volunteered. I would spend the evenings playing board games and watching movies with my group or playing tag or scooter races in the large rec room. By the end of the evenings, both the kids and the volunteers would be exhausted. When the parents would pick up their families they would look so happy and refreshed. But they were always so happy to see their kids and to be reunited with them. In some cases this program provides the only opportunity for many of the moms to have any time away from their families to do chores, run errands or just have a quiet moment for themselves. I have come to realize how important this program is to the special needs community. I feel very blessed for my own family and feel fortunate that I am able to help other families.

-Honorable Grant Tollette

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—GRANT TOLLETTE

HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

I volunteered at Friday Nite Friends (FNF) located at the Custer Road United Methodist Church. Every other Friday, FNF provides nurses and volunteers to offer free childcare for special needs children and their siblings. As a volunteer, I was placed with a group of boy siblings to entertain and interact with for the evenings I volunteered. I would spend the evenings playing board games and watching movies with my group or playing tag or scooter races in the large rec room. By the end of the evenings, both the kids and the volunteers would be exhausted. When the parents would pick up their families they would look so happy and refreshed. But they were always so happy to see their kids and to be reunited with them. In some cases this program provides the only opportunity for many of the moms to have any time away from their families to do chores, run errands or just have a quiet moment for themselves. I have come to realize how important this program is to the special needs community. I feel very blessed for my own family and feel fortunate that I am able to help other families.

-Honorable Grant Tollette

HONORING THE LIFE AND LEGACY OF MEMPHIS STATE BASKETBALL PLAYER AND COACH, LARRY FINCH

HON. STEVE COHEN
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 2011

Mr. COHEN. Mr. Speaker, I rise today to pay tribute to the life and legacy of former Memphis State basketball player and men's basketball coach, Larry Finch. Coach Finch was born on February 16, 1951 in Memphis, Tennessee. He grew up in the historic Orange Mound neighborhood and attended Melrose High School. Unaware of the impact his life and love for basketball would have on the city of Memphis, Larry Finch would help ease race relations during a sharply divided era and go on to lead the Memphis State Tigers to the NCAA Tournament finals then coach the team to its greatest number of wins.

Larry Finch joined the Memphis State Tigers in 1969. During a time of high racial upheaval in Memphis, he along with his teammate, Melrose graduate Ronnie Robinson, helped integrate the Tigers. Although he received much advice on schools to attend, he ultimately chose Memphis State because of his love and pride for his city. It was during his time at both basketball and Memphis that united the city like never before. Blacks and whites came together, unconcerned about race, to cheer for the Tigers and for Larry Finch.

During Finch's college career, the Tigers had a 63–21 record and went on to win or tie for two Missouri Valley Conference championships. In 1972, Larry was the Missouri Valley Conference Player of the Year and was named All-America honorable mention by both the Associated Press and UPI. In his senior year, Larry Finch led his team to the 1973 NCAA Tournament championship game against the UCLA Bruins. He scored an impressive 29 points but the Tigers still fell to the Bruins, 87–66. It's reported that when asked why he helped UCLA lead Bill Walton off the court after sustaining an injury to his ankle, he replied with laughter, "Because he was kicking our butt." Bill Walton later noted that it was Larry Finch alone among all players on the court that helped the star when he was in need of assistance.

After helping lead his team to the 1973 finals, Larry's No. 21 jersey was retired. He was the Tiger's all-time leading scorer and currently ranks fourth with 1,869 points. The Tigers had never won an NCAA Tournament game before Larry Finch joined the team.

Larry Finch was drafted by the Los Angeles Lakers after graduating but instead decided to sign with the local American Basketball Association team, the Memphis Tams. From 1975 to 1979, Larry Finch was the assistant coach to his former coach Gene Bartow at the University of Alabama Birmingham and then the associate coach at Memphis State. From 1979 to 1986 before replacing Dana Kirk as head coach.

Larry Finch served as the first African American head coach for the Memphis State Tigers from 1986 to 1997. He was responsible for recruiting and training Memphis greats such as Elliot Perry, Anfernee “Penny” Hardaway, David Voughn and the late Lorenzen Wright. During his tenure, Coach Finch ammassed...
Mr. DAVIS of Kentucky. Mr. Speaker, I rise today to honor the career of Mr. Bill Samuels, Jr. After 40 years of working for his family’s company, Bill is retiring as President of Maker’s Mark Distillery in Loretto, Kentucky to become the company’s Chairman Emeritus. As the seventh generation in a long line of Kentucky bourbon makers, Bill took over the family business in 1980. Through clever marketing and an unwavering commitment to the tradition and quality of his bourbon, he was able to make the company a global icon. In 1980, the Maker’s Mark Distillery became the first distillery in the country to be designated a National Historic Landmark. All Kentuckians can be proud of the work that Bill has done to grow a family business into a successful brand. In doing so, he has represented and shared part of the spirit of the Commonwealth across the country and around the world.

I thank Bill for his contributions to Kentucky and our community and wish him the best of luck in his new endeavors. I ask my colleagues in the House of Representatives to join me in recognizing Bill’s significant accomplishments.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and conference committees. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 7, 2011 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

APRIL 11

4 p.m.
Appropriations

Commerce, Justice, Science, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2012 for the National Aeronautics and Space Administration (NASA).

SD–192

APRIL 12

10 a.m.
Armed Services

To hold hearings to examine U.S. Pacific Command and U.S. Forces Korea in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SH–219 following the open session.

SD–106

Judiciary

Constitution Subcommittee
To hold hearings to examine the “Fair Elections Now Act”, focusing on a comprehensive response to Citizens United.

SD–226

Energy and Natural Resources

Business meeting to consider the nomination of Peter Bruce Lyons, of New Mexico, to be Assistant Secretary of Energy for Nuclear Energy.

SD–366

Environment and Public Works

Water and Wildlife Subcommittee
To hold joint hearings to examine natural gas drilling, focusing on public health and environmental impacts.

SD–406

Appropriations

State, Foreign Operations, and Related Programs Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2012 for the U.S. Agency for International Development.

SD–138

10:30 a.m.
Homeland Security and Governmental Affairs

To hold hearings to examine the President’s plan for eliminating wasteful spending in information technology.

SD–342

2:15 p.m.
Foreign Relations

Business meeting to consider S. Res. 109, honoring and supporting women in North Africa and the Middle East whose bravery, compassion, and commitment to putting the wellbeing of others before their own have proven that courage can be contagious, and the nominations of Nils Maarten Parin Daulaire, of Virginia, to be Representative of the United States to the Executive Board of the World Health Organization, Joseph M. Torsella, of Pennsylvania, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador, and to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform, and Suzan D. Johnson Cook, of New York, to be Ambassador at Large for International Religious Freedom, all of the Department of State.

S–116, Capitol

2:30 p.m.
Judiciary

Crime and Drugs Subcommittee
To hold hearings to examine cyber security, focusing on responding to the threat of cyber crime and terrorism.

SD–226

Armed Services

Emerging Threats and Capabilities Subcommittee
To hold hearings to examine Department of Defense plans and programs relating to counterterrorism, counternarcotics, and building partnership capacity; with the possibility of a closed session in SVC–217 following the open session.

SR–232A

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine financial literacy, focusing on empowering Americans to make informed financial decisions.

SD–628

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

2:45 p.m.
Banking, Housing, and Urban Affairs

To hold hearings to examine building the new derivatives regulatory framework, focusing on oversight of Title VII of the “Dodd–Frank Act”.

SD–538

Environment and Public Works

Clean Air and Nuclear Safety Subcommittee
To hold joint hearings to examine a review of the nuclear emergency in Japan and implications for the U.S.

SD–406

APRIL 13

Time to be announced
Health, Education, Labor, and Pensions
Business meeting to consider any pending nominations.

Room to be announced

10 a.m.
Environment and Public Works

To hold an oversight hearing to examine domestic renewable fuels, focusing on ethanol and advanced biofuels.

SD–406

Finance

To hold hearings to examine perspectives on deficit reduction.

SD–215

Judiciary

To hold hearings to examine fulfilling our commitment to support victims of crime.

SD–226

Armed Services

Readiness and Management Support Subcommittee


SR–232A

Rules and Administration

Business meeting to consider the nomination of William J. Boarman, of Maryland, to be Public Printer, Government Printing Office.

SR–301

Veterans’ Affairs

To hold hearings to examine veterans’ employment, focusing on improving the transition from the battlefield to the workforce.

SR–418

10:30 a.m.
Appropriations

Department of Defense Subcommittee

To receive a closed briefing on the proposed budget estimates for fiscal year 2012 United States Pacific Command (PACOM).

S–217, Capitol

1 p.m.
Homeland Security and Governmental Affairs

Personnel Subcommittee

To hold hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program.

SR–222

2 p.m.
Appropriations

Energy and Water Development Subcommittee

To hold hearings to examine proposed budget estimates and justification for fiscal year 2012 for the Army Corps of Engineers and Bureau of Reclamation.

SD–192

Foreign Relations

To hold hearings to examine international development policy priorities in the fiscal year 2012 budget.

SD–419

Aging

To hold hearings to examine the Food and Drug Administration (FDA) and the reform of the medical device approval process.

SD–562
April 6, 2011

Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold hearings to examine the President’s proposed budget request and oversight for fiscal year 2012 for the National Oceanic and Atmospheric Administration (NOAA).

SR–253

Armed Services
Strategic Forces Subcommittee
To hold hearings to examine ballistic missile defense policies and programs in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.

SR–232A

Judiciary
To hold hearings to examine certain nominations.

SD–226

Energy and Natural Resources
To hold hearings to examine S. 343, to amend Title I of PL 99-658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau following the Compact of Free Association Section 432 Review, and to appropriate funds for the purpose of the amended PL 99-658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review.

SD–366

Intelligence
To hold closed hearings to examine certain intelligence matters.

SH–219

Appropriations
To receive a closed briefing on the United States Northern Command (NORTHCOM) and the United States Southern Command (SOUTHCOM).

SVC–217

To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Missile Defense Agency.

SD–192

To receive a closed briefing on the United States Central Command (CENTCOM) and United States African Command (AFRICOM).

SVC–217

To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Guard and Reserve.

SD–192

To receive a closed briefing on the United States Special Operations Command (SOCOM), and the United States European Command (EUCOM).

SVC–217

To hold hearings to examine the Secretary of Defense and the Chairman of the Joint Chiefs of Staff.

SD–192
Wednesday, April 6, 2011

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2145–S2214

Measures Introduced: Twenty bills and three resolutions were introduced, as follows: S. 734–753, and S. Res. 132–134.

Measures Passed:

Parkinson’s Awareness Month: Senate agreed to S. Res. 134, supporting the designation of April as Parkinson’s Awareness Month.

Measures Considered:

SBIR/STTR Reauthorization Act: Senate continued consideration of S. 493, to reauthorize and improve the SBIR and STTR programs, taking action on the following amendments proposed thereto:

Adopted:

By a unanimous vote of 100 yeas (Vote No. 55), Landrieu (for Coburn) Amendment No. 281, to save at least $20 million annually by ending federal unemployment payments to jobless millionaires and billionaires. (Pursuant to the order of April 5, 2011, requiring 60 affirmatives votes for the adoption of the amendment, the amendment was agreed to).

Pages S2154–81, S2182

By 64 yeas to 36 nays (Vote No. 57), Landrieu (for Coburn) Amendment No. 273, to save at least $5 billion by consolidating some duplicative and overlapping government programs. (Pursuant to the order of April 5, 2011, requiring 60 affirmatives votes for the adoption of the amendment, the amendment was agreed to).

Pages S2156, S2168–71, S2179–80

Coburn Amendment No. 184, to provide a list of programs administered by every Federal department and agency.

Pages S2154, S2180–81

Landrieu (for Coburn) Amendment No. 217, to save at least $8.5 million annually by eliminating an unnecessary program to provide federal funding for covered bridges.

Pages S2156, S2180–81

Rejected:

By 7 yeas to 93 nays (Vote No. 51), Landrieu (for Baucus) Amendment No. 236, to prohibit the regulation of greenhouse gasses from certain sources. (Pursuant to the order of April 5, 2011, requiring 60 affirmatives votes for the adoption of the amendment, the amendment was not agreed to).

Pages S2155–56, S2158–61, S2177–78

By 7 yeas to 93 nays (Vote No. 52), Landrieu (for Stabenow/Brown (OH)) Amendment No. 277, to suspend, for 2 years, any Environmental Protection Agency enforcement of greenhouse gas regulations, to exempt American agriculture from greenhouse gas regulations, and to increase the number of companies eligible to participate in the successful Advanced Energy Manufacturing Tax Credit Program. (Pursuant to the order of April 5, 2011, requiring 60 affirmatives votes for the adoption of the amendment, the amendment was not agreed to).

Pages S2155–56, S2178

By 12 yeas to 88 nays (Vote No. 53), Landrieu (for Rockefeller) Amendment No. 215, to suspend, until the end of the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions. (Pursuant to the order of April 5, 2011, requiring 60 affirmatives votes for the adoption of the amendment, the amendment was not agreed to).

Pages S2155–56, S2178–79

By 50 yeas to 50 nays (Vote No. 54), McConnell Amendment No. 183, to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change. (Pursuant to the order of April 5, 2011, requiring 60 affirmatives votes for the adoption of the amendment, the amendment was not agreed to).

Pages S2154, S2165, S2178–79

By 57 yeas to 43 nays (Vote No. 56), Landrieu (for Inouye) Amendment No. 286, to provide for the Director of the Office of Management and Budget to submit recommended rescissions in accordance with the Congressional Budget and Impoundment Control Act of 1974 for Government programs and agencies with duplicative and overlapping missions. (Pursuant to the order of April 5, 2011, requiring 60
affirmatives votes for the adoption of the amend-
ment, the amendment was not agreed to).

Withdrawn:
Landrieu Amendment No. 244 (to Amendment
No. 183), to change the enactment date.

Inhofe (for Johanns) Amendment No. 161, to
amend the Internal Revenue Code of 1986 to repeal
the expansion of information reporting requirements
to payments made to corporations, payments for
property and other gross proceeds, and rental prop-
erty expense payments.

Pending:
Vitter Amendment No. 178, to require the Fed-
eral Government to sell off unused Federal real prop-
erty.

Cornyn Amendment No. 186, to establish a bi-
partisan commission for the purpose of improving
oversight and eliminating wasteful government
spending.

Paul Amendment No. 199, to cut
$200,000,000,000 in spending in fiscal year 2011.

Sanders Modified Amendment No. 207, to express
the sense of the Senate that Social Security benefits
for current and future beneficiaries should not be cut
and that the Social Security program should not be
privatized as part of any legislation to reduce the
Federal deficit.

Hutchison Amendment No. 197, to delay the im-
plementation of the health reform law in the United
States until there is final resolution in pending law-
suits.

Pryor Amendment No. 229, to establish the Pat-
riot Express Loan Program under which the Small
Business Administration may make loans to mem-
bers of the military community wanting to start or
expand small business concerns.

Landrieu (for Cardin) Amendment No. 240, to re-
inestate the increase in the surety bond guarantee
limits for the Small Business Administration.

Landrieu (for Snowe) Amendment No. 253, to
prevent fraud in small business contracting.

Donald W. Koran, of California, to be Ambas-
sador to the Republic of Rwanda.

Geeta Pasi, of New York, to be Ambassador to
the Republic of Djibouti.

Sharon L. Gleason, of Alaska, to be United States
District Judge for the District of Alaska.

Susan Owens Hickey, of Arkansas, to be United
States District Judge for the Western District of Ar-
kanas.

Alan F. Estevez, of the District of Columbia, to
be an Assistant Secretary of Defense.

2 Air Force nominations in the rank of general.
1 Army nomination in the rank of general.
1 Navy nomination in the rank of admiral.
A routine list in the Foreign Service.

Nomination Withdrawn: Senate received notifica-
tion of withdrawal of the following nomination:

Alan F. Estevez, of the District of Columbia, to
be Assistant Secretary of Defense for Logistics and
Materiel Readiness, which was sent to the Senate on
March 14, 2011.

Messages from the House:

Nominations Received:

D. Brent Hardt, of Florida, to be Ambassador to
the Co-operative Republic of Guyana.

Committee Meetings

(Business not listed did not meet)

Committee on Agriculture, Nutrition, and Forestry:
Committee announced the following subcommittee as-
signments for the 112th Congress:

Subcommittee on Commodities, Markets, Trade and
Risk Management: Senators Nelson (NE) (Chair),
Conrad, Baucus, Brown (OH), Bennet, Gillibrand,
Chambliss, Cochran, Johanns, Boozman, and Grass-
ley.

Subcommittee on Nutrition, Specialty Crops, Food and Agricultural Research: Senators Casey (Chair), Leahy, Harkin, Brown (OH), Bennet, Gillibrand, Lugar, Cochran, McConnell, and Chambliss.

Subcommittee on Livestock, Dairy, Poultry, Marketing and Agriculture Security: Senators Gillibrand (Chair), Leahy, Harkin, Brown (OH), Bennet, Gillibrand, Lugar, Cochran, McConnell, and Chambliss.

Subcommittee on Conservation, Forestry and Natural Resources: Senators Bennet (Chair), Leahy, Harkin, Conrad, Baucus, Klobuchar, Boozman, Lugar, Cochran, McConnell, and Chambliss.

Subcommittee on Energy Innovation: Senators Brown (OH) (Chair), Harkin, Conrad, Nelson (NE), Casey, Klobuchar, Thune, Lugar, Chambliss, Grassley, and Hoeven.

Subcommittee on Conservation, Forestry and Natural Resources: Senators Bennet (Chair), Leahy, Harkin, Conrad, Baucus, Klobuchar, Boozman, Lugar, Cochran, McConnell, and Chambliss.

Committee on Armed Services:

FUTURE YEARS DEFENSE PROGRAM

Department of Defense Health Programs

Committee on Appropriations: Subcommittee on Department of Defense announced a hearing to examine Department of Defense Health Programs, after receiving testimony from Lieutenant General Eric B. Schoomaker, Surgeon General, and Major General Patricia D. Horoho, Chief, Nurse Corps, both of the Army; Vice Admiral Adam M. Robinson, Jr., Surgeon General, and Rear Admiral Elizabeth S. Niemyer, Director, Nurse Corps, both of the Navy; Lieutenant General Charles B. Green, Surgeon General, and Major General Kimberly A. Siniscalchi, Assistant Surgeon General, Nursing Services, both of the Air Force, all of the Department of Defense.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

Committee on Armed Services: Subcommittee on Strategic Forces concluded open and closed hearings to examine strategic systems in review of the Defense Authorization Request for fiscal year 2012 and the Future Years Defense Program, after receiving testimony from Lieutenant General James M. Kowalski, USAF, Commander, Air Force Global Strike Force, Lieutenant General Mark D. Shackelford, USAF, Military Deputy, Office of the Assistant Secretary for Acquisition, Major General David J. Scott, USAF, Director, Operational Capability Requirements, and Deputy Chief of Staff for Operations, Plans, and Requirements, Major General William A. Chambers, USAF, Assistant Chief of Staff for Strategic Deterrence and Nuclear Integration, and Brigadier General Garrett Harencak, USAF, Commander, Air Force Nuclear Weapons Center, all of the Air Force, and Rear Admiral Terry J. Benedict, USN, Director of Strategic Systems Programs, Navy, all of the Department of Defense.

ACCOUNTING PROFESSION

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment concluded a hearing to examine the role of the accounting profession in preventing another financial crisis, after receiving testimony from James L. Kroeker, Chief Accountant, and Lynne E. Turner, former Chief Accountant, both of the United States Securities and Exchange Commission; James R. Doty, Public Company Accounting Oversight Board, Cynthia Fornelli, Center for Audit Quality, and Thomas Quadman, U.S. Chamber of Commerce Center for Capital Markets Competitiveness, all of Washington, D.C.; Leslie Seidman, Financial Accounting Standards Board, Norwalk, Connecticut; and Anton R. Valukas, Jenner and Block, Chicago, Illinois.

THE STATE OF COMMUNITY BANKING

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions and Consumer Protection to examine the state of community banking, focusing on opportunities and challenges, after receiving testimony from Maryann F. Hunter, Deputy Director, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System; Sandra L. Thompson, Director, Risk Management Supervision, Federal Deposit Insurance Corporation; Jennifer Kelly, Senior Deputy Comptroller for Midsized and Community Bank Supervision, Office of the Comptroller of the Currency, Department of the Treasury; John P. Ducrest, Louisiana Office of Financial Institutions Commissioner, Broussard, on behalf of the Conference of State Bank Supervisors; William A. Loving, Pendleton Community Bank, Franklin, West Virginia, on behalf of the Independent Community Bankers of America (ICBA); Paul Reed, Ohio Bankers League, Pomeroy; and Tommy G. Whittaker, First Farmers Bancshares, Inc., Portland, Tennessee, on behalf of the American Bankers Association.

STATE AND LOCAL PERSPECTIVES ON TRANSPORTATION

Committee on Environment and Public Works: Committee concluded a hearing to examine state and local perspectives on transportation, after receiving testimony from Cindy McKim, California Department of Transportation Director, Sacramento; Paul D. Degges, Tennessee Department of Transportation Chief Engineer, Nashville; Isiah Leggett, Montgomery County Executive, Rockville, Maryland;
William Kennedy, Yellowstone County Commissioner, Billings, Montana; Thomas K. Wright, Regional Plan Association (RPA), Princeton, New Jersey; and Mike Malone, Northwest Arkansas Council, Fayetteville.

**PERSPECTIVES ON THE CRISIS IN LIBYA**


**NOMINATIONS**

*Committee on Foreign Relations:* Committee concluded a hearing to examine the nominations of David Bruce Shear, of New York, to be Ambassador to the Socialist Republic of Vietnam, and Kurt Walter Tong, of Maryland, for the rank of Ambassador during his tenure of service as United States Senior Officer for the Asia-Pacific Economic Cooperation (APEC) Forum, both of the Department of State, after the nominees testified and answered questions in their own behalf.

**NOMINATION**

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine the nomination of Rafael Borras, of Maryland, to be Under Secretary of Homeland Security for Management, after the nominee, who was introduced by Senator Akaka, testified and answered questions in his own behalf.

**THE 2010 CENSUS AND PLANNING FOR 2020**

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine the census, focusing on learning lessons from 2010 and planning for 2020, including preliminary lessons learned that highlight the need for fundamental reforms, after receiving testimony from Robert M. Groves, Director, U.S. Census Bureau, and Todd J. Zinser, Inspector General, both of the Department of Commerce; Robert Goldenkoff, Director, Strategic Issues, Government Accountability Office; Daniel Castro, Information Technology and Innovation Foundation (ITIF), Pittsburgh, Pennsylvania; Thomas M. Cook, The National Academies, Houston, Texas; and Arturo Vargas, National Association of Latino Elected and Appointed Officials (NALEO) Education Fund, Los Angeles, California.

**ELECTRONIC COMMUNICATIONS PRIVACY ACT**

*Committee on the Judiciary:* Committee concluded a hearing to examine the Electronic Communications Privacy Act, focusing on government perspectives on protecting privacy in the digital age, after receiving testimony from Cameron F. Kerry, General Counsel, Department of Commerce; and James A. Baker, Associate Deputy Attorney General, Department of Justice.

**NOMINATIONS**

*Committee on Veterans’ Affairs:* Committee concluded a hearing to examine the nominations of Allison A. Hickey, of Virginia, to be Under Secretary for Benefits, and Steve L. Muro, of California, to be Under Secretary for Memorial Affairs, both of the Department of Veterans Affairs, after the nominees testified and answered questions in their own behalf.

**SYNTHETIC CANNABINOIDS AND STIMULANTS**

*United States Senate Caucus on International Narcotics Control:* Caucus concluded a hearing to examine the dangers of synthetic cannabinoids and stimulants, including S. 605, to amend the Controlled Substances Act to place synthetic drugs in Schedule I, and S. 409, to ban the sale of certain synthetic drugs, after receiving testimony from Joe Rannazzisi, Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration; Erica Leary, North Coastal Prevention Coalition, Vista, California; and Mike Rozga, Indianola, Iowa.
House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 29 public bills, H.R. 1380–1408; and 2 resolutions, H.J. Res. 54; and H. Res. 207 were introduced.

Pages H2409–11

Additional Cosponsors:

Pages H2411–12

Reports Filed: Reports were filed today as follows:

H.R. 1232, to amend the Internal Revenue Code of 1986 to eliminate certain tax benefits relating to abortion, with an amendment (H. Rept. 112–55) and

H. Res. 206, providing for consideration of the bill (H.R. 1363) making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes; and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 112–56).

Page H2409

Speaker: Read a letter from the Speaker wherein he appointed Representative Ellmers to act as Speaker pro tempore for today.

Page H2329

Recess: The House recessed at 10:50 a.m. and reconvened at 12 noon.

Page H2333

Chaplain: The prayer was offered by the guest chaplain, Bishop Henry Fernandez, The Faith Center, Sunrise, Florida.

Page H2334

Journal: The House agreed to the Speaker’s approval of the Journal by a yea-and-nay vote of 321 yeas to 98 nays with 1 voting “present”, Roll No. 232.

Page H2350

Motion to Adjourn: Rejected the Jackson (IL) motion to adjourn by a yea-and-nay vote of 36 yeas to 367 nays, Roll No. 229.

Page H2338

Energy Tax Prevention Act of 2011: The House began consideration of H.R. 910, to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change. Consideration is expected to resume tomorrow, April 7th.

Pages H2338–91

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

Page H2361

Agreed to:

McNerney amendment (No. 3 printed in H. Rept. 112–54) that clarifies that voluntary programs addressing climate change classify as exceptions to the bill’s prohibitions.

Page H2368

Rejected:

Cuellar amendment (No. 4 printed in H. Rept. 112–54) that sought to amend the definition of greenhouse gas, to remove water vapor as a part of the definition, amend the act by striking the removal of existing EPA findings and rules, and exempt all auto standards from the legislation;

Pages H2368–69

Quigley amendment (No. 7 printed in H. Rept. 112–54) that sought to require GAO to report to Congress the results of a study of health care costs in the U.S. as affected by the elimination of EPA regulation under this Act, as compared to health care costs in the U.S. as would be affected by the EPA proceeding under their regulating authority as determined in Massachusetts v. EPA;

Pages H2374–75

Jackson Lee (TX) amendment (No. 1 printed in H. Rept. 112–54) that sought to require an EPA study to determine the long term impact of a complete ban on their authority to regulate greenhouse gases (by a recorded vote of 161 ayes to 259 noes, Roll No. 233);

Pages H2362–66, H2385–86

Jackson Lee (TX) amendment (No. 2 printed in H. Rept. 112–54) that sought to insert a new section to provide considerations and procedures in finalizing greenhouse gas regulations (by a recorded vote of 157 ayes to 266 noes, Roll No. 234);

Pages H2366–68, H2386–87

Murphy (CT) amendment (No. 5 printed in H. Rept. 112–54) that sought to clarify that the Agency can continue to provide technical assistance to states taking action to limit greenhouse gas emissions (by a recorded vote of 182 ayes to 240 noes, Roll No. 235);

Pages H2369–72, 2387

Waxman amendment (No. 6 printed in H. Rept. 112–54) that sought to add a new section with respect to Congressional Acceptance of Scientific Findings: Congress accepts the scientific findings of the Environmental Protection Agency that climate changes is occurring, is caused largely by human activities, and poses significant risks for public health and welfare (by a recorded vote of 184 ayes to 240 noes, Roll No. 236);

Pages H2372–74, H2387–88

Polis amendment (No. 8 printed in H. Rept. 112–54) that sought to ensure the EPA Administrator can protect the public health in case of public health emergency (by a recorded vote of 168 ayes to 257 noes, Roll No. 237);

Pages H2375–79, H2388–89
Markey amendment (No. 9 printed in H. Rept. 112–54) that sought to ensure that any prohibition on or limitation to EPA’s Clean Air Act authority contained in the bill would not apply to any action EPA could take to reduce demand for oil (by a recorded vote of 156 ayes to 266 noes, Roll No. 238);

Rush amendment (No. 10 printed in H. Rept. 112–54) that sought to prevent the provisions of this act from going into effect until the EPA Administrator, in consultation with the Secretary of Defense, certifies that the consequences of not regulating greenhouse gas emissions, and its subsequent impact on climate change, including the potential to create sustained natural and humanitarian disasters and the ability to likely foster political instability where societal demands exceed the capacity of governments to cope, do not jeopardize American security interests at home or abroad (by a recorded vote of 165 ayes to 260 noes, Roll No. 239);

Doyle amendment (No. 11 printed in H. Rept. 112–54) that sought to include a study to determine whether regulations of the Environmental Protection Agency under the Clean Air Act to address climate change, if not repealed or otherwise made unauthorized by section 2 of the bill, would cause greenhouse gas leakage and reduce the international competitiveness of United States producers of energy-intensive products (by a recorded vote of 173 ayes to 250 noes, Roll No. 240); and

Kind amendment in the nature of a substitute (No. 12 printed in H. Rept. 112–54) that sought to codify the Environmental Protection Agency’s Tailoring Rule in order to protect farms, small businesses, and small- and medium-sized stationary sources from greenhouse gas regulation (by a recorded vote of 160 ayes to 264 noes, Roll No. 241).

H. Res. 203, the rule providing for consideration of the bill, was agreed to by a recorded vote of 250 ayes to 172 noes, Roll No. 231, after the previous question was ordered by a yea-and-nay vote of 173 ayes to 250 noes, Roll No. 230.

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, April 7th.


Adjournment: The House met at 10 a.m. and adjourned at 9:59 p.m.

Committee Meetings

STATE OF THE BEEF INDUSTRY

Committee on Agriculture: Subcommittee on Livestock, Dairy, and Poultry, hearing on the state of the beef industry. Testimony was heard from public witnesses.

COMMERCE, JUSTICE, STATE

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies held a hearing on the Federal Bureau of Investigations—FY 2012 Budget Request. Testimony was heard from Robert S. Mueller, Ill, Director, FBI.

HOMELAND SECURITY

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on FEMA budget. Testimony was heard from William Craig Fugate, FEMA Administrator.

LABOR, HEALTH AND HUMAN SERVICES

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies held a hearing on National Labor Relations Board—FY 2012. Testimony was heard from Wilma B. Liebman, Chairman, National Labor Relations Board; and Lafe Solomon, Acting General Counsel.

STATE, FOREIGN OPERATIONS


TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT

Committee on Appropriations: Subcommittee on Transportation and Housing and Urban Development and Related Agencies held a hearing on Federal Aviation Administration—FY 2012 Oversight & Budget. Testimony was heard from Randy Babbitt, FAA Administrator.

FINANCIAL SERVICES AND GENERAL GOVERNMENT

Committee on Appropriations: Subcommittee on Financial Services and General Government held a hearing on the Administrative Office of the U.S. Courts—FY 2012 Budget. Testimony was heard from Julia S. Gibbons, Judge; and James C. Duff, Director.
MILITARY CONSTRUCTION, VETERANS AFFAIRS
Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a hearing on the Army. Testimony was heard from Katherine Hammack, Assistant Secretary of the Army for Installations, Environment and Energy; and MG James Boozer, Director of Operations for U.S. Army Installations Command.

FY 2012 BUDGET—NATIONAL DEFENSE
Committee on Armed Services: Full Committee held a hearing on the fiscal year 2012 national defense authorization budget requests from the U.S. Pacific Command and U.S. Forces Korea. Testimony was heard from Admiral Robert F. Willard, USN, Commander, U.S. Pacific Command; and General Walter (Skip) Sharp, USA, Commander, U.S. Forces Korea.

INFORMATION TECHNOLOGY SYSTEMS—DEPARTMENT OF DEFENSE
Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities held a hearing on improving management and acquisition of information technology systems in the Department of Defense. Testimony was heard from Elizabeth A. McGrath, Deputy Chief Management Officer, Department of Defense; and Teresa M. Takai, Acting Assistant Secretary of Defense for Networks and Information Integration and Department of Defense Chief Information Officer.

MISCELLANEOUS MEASURES
Committee on the Budget: Full Committee held a markup of the concurrent resolution on the budget for Fiscal Year 2012.

STREAMLINING FEDERAL EDUCATION AND WORKFORCE PROGRAMS
Committee on Education and the Workforce: Full Committee held a hearing on “Streamlining Federal Education and Workforce Programs: A Look at the GAO Report on Government Waste.” Testimony was heard from Gene L. Dodaro, Comptroller General, GAO.

NUCLEAR POWER PLANT INCIDENT IN JAPAN
Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled “The U.S. Government Response to the Nuclear Power Plant Incident in Japan”. Testimony was heard from Martin J. Virgilio, Deputy Executive Director, Reactor and Preparedness Programs, Nuclear Regulatory Commission; and public witnesses.

COST OF MEDICAL LIABILITY SYSTEM PROPOSALS FOR REFORM
Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled “The Cost of the Medical Liability System Proposals for Reform, including H.R. 5, the Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2011”. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES
Committee on Financial Services: Subcommittee on Capital Markets and Government Sponsored Enterprises continued markup on the following: H.R. 31, the Fannie Mae and Freddie Mac Accountability and Transparency for Taxpayers Act; H.R. 1221, the Equity in Government Compensation Act of 2011; H.R. 1222, the GSE Subsidy Elimination Act of 2011; H.R. 1223, GSE Credit Risk Equitable Treatment Act of 2011; H.R. 1224, the Portfolio Risk Reduction Act of 2011; H.R. 1225, the GSE Debt Issuance Approval Act of 2011; H.R. 1226, the GSE Mission Improvement Act of 2011; and H.R. 1227, the GSE Risk and Activities Limitation Act of 2011; 10 a.m., 2128 Rayburn. The following were forwarded to the full Committee with amendment: H.R. 31; H.R. 1222; H.R. 1223; H.R. 1224; H.R. 1226; H.R. 1227. The following was forwarded to the full Committee, without amendment: H.R. 1222; and H.R. 1225.

CONSUMER FINANCIAL PROTECTION BUREAU
Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled “Legislative Proposals to Improve the Structure of the Consumer Financial Protection Bureau”. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES
Committee on Financial Services: Subcommittee on Insurance and Housing held a markup of H.R. 1309, flood insurance reform act of 2011. The bill was forwarded to the full Committee with amendments.

AMERICA’S OVERSEAS BROADCASTING
Committee on Foreign Affairs: Subcommittee on Oversight and Investigations held a hearing on Is America’s Overseas Broadcasting Undermining our National Interest and the Fight Against Tyrannical Regimes? Testimony was heard from Jennifer Park Stout, Deputy Assistant Secretary of State, Bureau of East Asian and Pacific Affairs, Department of State; Philo L. Dibble, Deputy Assistant Secretary of State, Bureau of Near Eastern Affairs, Department of State; and public witnesses.
FINANCIAL HARDBALL—TERRORISTS AND PROLIFERATORS
Committee on Foreign Affairs: Subcommittee on Terrorism, Nonproliferation and Trade held a hearing on Financial Hardball: Corralling Terrorists and Proliferators. Testimony was heard from public witnesses.

UNREST IN THE MIDDLE EAST AND NORTH AFRICA
Committee on Homeland Security: Subcommittee on Counterterrorism and Intelligence held a hearing entitled “Unrest in the Middle East and North Africa: Ramifications for U.S. Homeland Security.” Testimony was heard from public witnesses.

ONLINE COMMERCE
Committee on the Judiciary: Subcommittee on Intellectual Property, Competition and the Internet held a hearing on Promoting Investment and Protecting Commerce Online: Legitimate Sites v. Parasites, Part II. Testimony was heard from John Morton, Director, Immigration and Customs Enforcement; and public witnesses.

MISCELLANEOUS MEASURES
Committee on Natural Resources: Subcommittee on Energy and Mineral Resources held a hearing on H.R. 1229, to amend the Outer Continental Shelf Lands Act to facilitate the safe and timely production of American energy resources from the Gulf of Mexico; H.R. 1230, Restarting American Offshore Leasing Now Act; and H.R. 1231, to amend the Outer Continental Shelf Lands Act to require that each 5-year offshore oil and gas leasing program offer leasing in the areas with the most prospective oil and gas resources, to establish a domestic oil and natural gas production goal, and for other purposes, 10 a.m., 1324 Longworth. Testimony was heard from Doug Domenech, Secretary of Natural Resources of Virginia; and public witnesses.

IMPACT OF GREENHOUSE GAS REGULATIONS ON SMALL BUSINESS
Committee on Oversight and Government Reform: Subcommittee on Regulatory Affairs, Stimulus Oversight and Government held a hearing entitled “Assessing the Impact of Greenhouse Gas Regulations on Small Business”. Testimony was heard from Gina McCarthy, Assistant Administrator, Office of Air and Radiation, EPA; Claudia Rodgers, Deputy Chief Counsel, Office of Advocacy, Small Business Administration; and public witnesses.

TSA’S SPOT PROGRAM
Committee on Science, Space, and Technology: Subcommittee on Investigations and Oversight held a hearing on Behavioral Science and Security: Evaluating TSA’s SPOT Program. Testimony was heard from Stephen Lord, Director, Homeland Security and Justice Issues, GAO; Larry Willis, Program Manager, Homeland Security Advanced Research Projects Agency, Science and Technology Directorate, Department of Homeland Security; and public witnesses.

OFFSHORE DRILLING SAFETY AND RESPONSE TECHNOLOGIES
Committee on Science, Space, and Technology: Subcommittee on Energy and Environment held a hearing on Offshore Drilling Safety and Response Technologies. Testimony was heard from Victor Der, Acting Assistant Secretary for Fossil Energy, Department of Energy; and public witnesses.

FREE TRADE AGREEMENTS AND SMALL BUSINESSES
Committee on Small Business: Full Committee held a hearing entitled “Help Wanted: How Passing Free Trade Agreements Will Help Small Businesses Create New Jobs”. Testimony was heard from public witnesses.

BRAC AND OFFICE SPACE
Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing on Can a Civilian BRAC Commission Consolidate Federal Office Space and Save Taxpayers Billions? Testimony was heard from Daniel I. Werfel, Controller, OMB; Martha Johnson, Administrator, GSA; David J. Wise, Director, Physical Infrastructure Team, GAO; Brian Lepore, Director, Defense Capabilities and Management Issues, GAO; and Anthony J. Principi, Former Secretary, Department of Veterans Affairs, Chairman, 2005 Defense Base Realignment and Closure Commission.

DEPARTMENT OF DEFENSE AND FURTHER ADDITIONAL CONTINUING APPROPRIATIONS ACT, 2011
Committee on Rules: Granted, by voice vote, a closed rule providing one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. The rule provides that the bill shall be considered as read. The rule waives all points of order against provisions in the bill. The rule provides one motion to recommit. Finally, the rule waives clause 6(a) of Rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against any resolution reported before April 11, 2011, providing
for consideration or disposition of a measure making or continuing appropriations for the fiscal year ending September 30, 2011. Testimony was heard from Chairman Rogers of Kentucky, Representatives Dicks and Norton.

**Joint Meetings**

No joint committee meetings were held.

**COMMITTEE MEETINGS FOR THURSDAY, APRIL 7, 2011**

(Committee meetings are open unless otherwise indicated)

**Senate**

Committee on Appropriations: Subcommittee on Transportation and Housing and Urban Development, and Related Agencies, to hold hearings to examine an overview of the Federal Housing Administration and the future of housing finance, 9:30 a.m., SD–138.

Subcommittee on Commerce, Justice, Science, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2012 for the Federal Bureau of Investigation; to be followed by a closed session in SH–219 at approximately 11:15 a.m, 10 a.m., SD–192.

Subcommittee on Military Construction and Veterans Affairs, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of Defense and the Department of Navy, 2 p.m., SD–124.

Committee on Armed Services: To hold hearings to examine U.S. Transportation Command and U.S. Africa Command in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session, 9:30 a.m., SD–106.

Committee on Energy and Natural Resources: To hold hearings to examine Department of Energy biofuel programs and biofuel infrastructure issues, including S. 187, to provide for the expansion of the biofuels market, 9:30 a.m., SD–366.

Committee on Finance: To hold hearings to examine the nominations of David S. Cohen, of Maryland, to be Under Secretary for Terrorism and Financial Crimes, and Jenni Rane LeCompte, of the District of Columbia, to be Assistant Secretary, both of the Department of the Treasury, 10 a.m., SD–215.

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine combating human trafficking in Asia, 2:15 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: To hold hearings to examine securing the border, focusing on progress at the local level, 2:30 p.m., SD–342.

Committee on Indian Affairs: Business meeting to consider S. 675, to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and S. 676, to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes; to be immediately followed by an oversight hearing to examine the role of SBA 8(a) Program in enhancing economic development in Indian Country, 2:15 p.m., SD–628.

Committee on the Judiciary: Business meeting to consider S. 410, to provide for media coverage of Federal court proceedings, S. 627, to establish the Commission on Freedom of Information Act Processing Delays, S. 394, to amend the Sherman Act to make oil-producing and exporting cartels illegal, and the nominations of Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit, Esther Salas, to be United States District Judge for the District of New Jersey, J. Paul Oetken, and Paul A. Engelmayer, both to be United States District Judge for the Southern District of New York, and Ramona Villagomez Manglona, to be Judge for the District Court for the Northern Mariana Islands, 10 a.m., SD–226.

Select Committee on Intelligence: To hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

**House Committees**

Committee on Agriculture, Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture, hearing to review market promotion programs and their effectiveness on expanding exports of U.S. agricultural products, 9:30 a.m., 1500 Longworth.

Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, hearing on National Institute of Standards and Technology—FY 2012 Budget Request, 10 a.m., H–309 Capitol.

Subcommittee on Labor, Health and Human Services, Education and Related Agencies, hearing on DOL Job Training Programs, 10 a.m., 2358–C Rayburn.

Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, hearing on Air Force Posture, 10 a.m., H–140 Capitol.

Subcommittee on Transportation and Housing and Urban Development and Related Agencies, hearing on Amtrak—FY 2012 Oversight & Budget, 10 a.m., 2358 Rayburn.

Committee on Armed Services, Subcommittee on Readiness, hearing on Sustaining the Force: Challenges to Readiness, 10:30 a.m., 2212 Rayburn.

Full Committee, hearing on repeal of law and policies governing service by openly gay and lesbian service members, 1 p.m., 2118 Rayburn.

Committee on Education and the Workforce, Full Committee, hearing on Education Reforms: Promoting Flexibility and Innovation, 10 a.m., 2175 Rayburn.

Committee on Commerce, Manufacturing, and Trade, hearing on discussion draft legislation to revise the Consumer Product Safety Improvement Act, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Domestic Monetary Policy and Technology, hearing entitled “Bullion Coin Programs of the United States Mint: Can They Be Improved?” 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Full Committee, hearing on Reforming the United Nations: The Future of U.S. Policy, 10 a.m., 2172 Rayburn.


Committee on the Judiciary, Subcommittee on Energy and Mineral Resources, hearing entitled “Effect of the President’s FY–2012 Budget and Legislative Proposals for the Office of Surface Mining on Private Sector Job Creation, Domestic Energy Production, State Programs and Deficit Reduction.” 10 a.m., 1324 Longworth.

Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs, hearing on the following: H.R. 306, Corolla Wild Horses Protection Act; H.R. 588, to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge; S. 266, to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge; H.R. 258, Chesapeake Bay Accountability and Recovery Act of 2011. 10 a.m., 1334 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform, hearing entitled “Regulatory Barriers to American Indian Job Creation”, 1:30 p.m., 2154 Rayburn.

Committee on Rules, Hearing on H.R. 3, the No Taxpayer Funding for Abortion Act, 3 p.m., H–313 Capitol.

Hearing on H.R. 1363, the Department of Defense and Further Additional Continuing Appropriations Act, 2011, 5:40 p.m., H–313 Capitol.

Committee on Science, Space, and Technology, Subcommittee on Technology and Innovation, hearing on Are We Prepared? Assessing Earthquake Risk Reduction in the United States, 10 a.m., 2318 Rayburn. Testimony was heard from public witnesses.


Committee on Transportation and Infrastructure, Subcommittee on Railroads, Pipelines, and Hazardous Materials, hearing on Railroad and Hazardous Materials Transportation Programs: Reforms and Improvements to Reduce Regulatory Burdens, 9 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Trade, hearing on the pending trade agreement with South Korea, 10 a.m., 1100 Longworth.

House Permanent Select Committee on Intelligence, Full Committee, hearing on National Reconnaissance Program and National Geospatial Program FY 2012 Budget Overview, 10 a.m., HVC–304 Capitol. This is a closed hearing.
Next Meeting of the Senate
10 a.m., Thursday, April 7

Senate Chamber

Program for Thursday: Senate will be in a period of morning business.

Next Meeting of the House of Representatives
10 a.m., Thursday, April 7

House Chamber


Extensions of Remarks, as inserted in this issue

HOUSE
Austria, Steve, Ohio, E645, E650, E654
Bishop, Timothy H., N.Y., E651
Clyburn, James E., S.C., E649
Coffman, Mike, Colo., E648, E653
Cohen, Steve, Tenn., E654
Davis, Geoff, Ky., E655
Filner, Bob, Calif., E653

Guthrie, Brett, Ky., E646
Johnson, Sam, Tex., E645, E646, E646, E647, E648, E650, E651, E652, E653, E654
Kind, Ron, Wisc., E646, E647
Loebsack, David, Iowa, E650
Lowey, Nita M., N.Y., E648
Markey, Edward J., Mass., E652
Miller, Jeff, Fla., E651
Pence, Mike, Ind., E655

Reed, Tom, N.Y., E651
Ribble, Reid J., Wisc., E653
Rokita, Todd, Ind., E648
Strater, Bill, Pa., E650
Thompson, Mike, Calif., E649
Van Hollen, Chris, Md., E647
Weiner, Anthony D., N.Y., E646
Welch, Peter, Vt., E647
Weedall, Rob, Ga., E655

The Congressional Record (USPS 087-390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. Public access to the Congressional Record is available online through the U.S. Government Printing Office at www.fdsys.gov, free of charge to the user. The information is updated online each day the Congressional Record is published. For more information, contact the GPO Customer Contact Center, U.S. Government Printing Office, Phone 202-512-1800, or 866-512-1800 (toll-free). E-Mail, contactcenter@gpo.gov. The Congressional Record paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, or phone orders to 866-512-1800 (toll-free), 202-512-1800 (D.C. area), or fax to 202-512-2104. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.

POSTMASTER: Send address changes to the Superintendent of Documents, Congressional Record, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.