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# House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. POE of Texas).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*September 15, 2011.*

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

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

## PRAYER

Most Reverend Thomas John Paprocki, Bishop of Springfield, Illinois, offered the following prayer:

Almighty God, we come to You in prayer and seek Your blessing on the United States House of Representatives.

Because our vision of Your goodness is clouded by sin, we seek Your light to guide us on our way.

Because we do not always listen as we should to Your commands, help us to hear Your Word.

Because we often fail to think in accord with Your wisdom, we need Your truth to enlighten our minds.

Because Your ways are not our ways, give us prudence and courage to follow Your will.

May we take inspiration from Springfield's most famous citizen, Abraham Lincoln, who reminded us that ''a house divided against itself cannot stand.'' May we heed his call and follow his example.

We ask You, dear God, to grant these prayers and lead us to the glory of Your Kingdom, where You live and reign forever and ever.

Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. SCOTT) come forward and lead the House in the Pledge of Allegiance.

Mr. SCOTT of South Carolina 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.

## WELCOMING BISHOP THOMAS PAPROCKI

The SPEAKER pro tempore. Without objection, the gentleman from Illinois (Mr. QUIGLEY) is recognized for 1 minute.

There was no objection.

Mr. QUIGLEY. Mr. Speaker, I rise to honor today's guest chaplain, Bishop Thomas Paprocki of Springfield, Illinois. I've known Bishop Paprocki for over 20 years, as he served as auxiliary bishop of the Archdiocese of Chicago before becoming Bishop of Springfield.

The good bishop is also known in other circles only as the ''Holy Goalie''—the man who saves souls and goals. Bishop Paprocki and I have played hockey together many times, and it's always a comfort to know I've got the bishop behind me manning the net.

But his heroics on the ice pale in comparison to his service to our community. In these years since joining the priesthood in 1978, he has shown a dedication to helping the poor and disadvantaged. With his DePaul law degree, he set forth to found the Chicago Legal Clinic to assist these struggling communities.

His work is an inspiration to us all. I am lucky to call the bishop a good friend.

Thank you, Bishop Paprocki, for joining us here today. See you on the ice.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

## HOUSE REPUBLICANS FIGHTING TO PROTECT AMERICAN JOBS

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

Mr. WILSON of South Carolina. Mr. Speaker, with more than 14 million Americans unemployed, the irresponsible agenda of the National Labor Relations Board is destroying more jobs. In April, the NLRB filed a complaint against The Boeing Company for creating thousands of jobs in a right-to-work State, South Carolina.

The Protecting Jobs from Government Interference Act will promote, today, a positive environment for job creators by developing their businesses in a State that offers the best opportunities for job growth. The new law will prohibit the NLRB from dictating where employers can relocate, shut down, or transfer employment.

I am proud of the leadership of the four freshmen from South Carolina making a difference promoting jobs, led by Congressman TIM SCOTT of North Charleston who introduced this legislation, and I'm grateful to be an original cosponsor with Congressman



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TREY GOWDY of Spartanburg, Congressman JEFF DUNCAN of Laurens, and Congressman MICK MULVANEY of Indian Land.

This legislation will provide the certainty for job creators to invest in the economy and put Americans back to work.

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

## CLIMATE CHANGE AND ITS THREAT TO FUTURE GENERATIONS

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

Mr. INSLEE. Mr. Speaker, during our discussion of the Federal debt, we heard a lot of discussion about threats to our children's and our grandchildren's future. What we have not heard enough discussion about is another threat to our children's and our grandchildren's future, and that is the threat of climate change.

We have seen the first bitter taste of this oncoming tsunami of change with 7 inches of rain in 3 hours in Virginia, with wildfires in Texas that have been unprecedented in our Nation's history. And now our current job crisis does not give us the luxury of ignoring this long-term threat to our children's and our grandchildren's future.

I want to alert Members to a thing they can check on right now, the Climate Reality Project, which is something going on until 7 o'clock tonight—climaterealityproject.org. If people are interested in what is happening to our country today, around the country and the world, check out climaterealityproject.org. It is a bitter taste. Let's keep our eye on that ball as well.

## REFUNDABLE CHILD TAX CREDIT

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

Mr. SAM JOHNSON of Texas. Last year, illegal immigrants bilked $4.2 billion from U.S. taxpayers due to a loophole with the refundable child tax credit. According to a new report, this rampant abuse has cost American taxpayers billions. That's just wrong.

It's time to close this loophole. That's why I've reintroduced the commonsense legislation, H.R. 1956, that stops the child tax credit sham.

The bill requires tax filers to provide their Social Security number to receive that benefit. With the dire need to cut government spending, I hope this simple fix gets a serious look as a way to stamp out waste, fraud, and abuse.

If you want to stop illegal immigrants from duping taxpayers for billions of dollars every year by fraudulently claiming this credit, call the White House at 202–456–1414. Tell them to pass this bill right now. Tell them that H.R. 1956 should be a top priority.

## BIPARTISAN APPROACH

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

Mr. BARROW. Mr. Speaker, today I rise to draw attention to a September 8 Washington Post editorial written by the dean of the House, the Honorable JOHN DINGELL, entitled ''Congress Needs a Fresh, Bipartisan Approach.''

Congressman DINGELL reminds us of a time not too long ago when Members from both sides of the aisle worked together for long hours for months on end to solve the problems of the day. These were times when Members were motivated less by the reward of a good media hit and more by the reward of overcoming the challenges that confronted the Nation.

Today, we face the critical challenge of getting Americans back to work. This isn't a Republican or a Democratic problem, and the fix that will get folks back to work doesn't prefer one side or the other. Americans can no longer afford the political games that consume us now.

I encourage my colleagues to heed the advice of our distinguished colleague. Let's roll up our sleeves and work together to get our economy back on track.

□ 0910

## TAX HIKES ON JOB CREATORS

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

Mr. OLSON. Mr. Speaker, last week in this Chamber, the President challenged a joint session of Congress to pass his jobs stimulus bill. He promised the American people that it would be paid for. This week, we learned that it will be 100 percent paid for through tax hikes on job creators.

Pinnacle Asset Integrity Services is a small business engineering firm employing 100 people in the district I represent in Pasadena, Texas. Pinnacle's president told me that the higher taxes proposed by President Obama would not affect his personal salary, but higher taxes would severely restrict the funds available to him to pay employees while maintaining the reserve cash needed for monthly salaries. The result? Layoffs.

Mr. Speaker, tax hikes on job creators like Pinnacle are simply not the solution. Regulatory certainty and reasonable tax rates will do wonders for job creation. I urge my colleagues to stand with the job creators and reject this tax increase.

Let's get America back to work.

## PASS JOBS LEGISLATION

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

Mr. WALZ of Minnesota. In this Chamber, there is a lot of back and forth about who creates jobs and who doesn't. Some have suggested it's not government, only business, or vice versa. It's both.

How about the construction worker who built a Federal highway so businesses can ship their products? That's how we work together.

How about the teacher who works a 14-hour day to educate the next generation of small business owners? That's how we work together.

Tell it to a veteran that's not a real job if he spent 2 years away from his wife and child to protect our democracy and the freedom of business owners to expand their wealth. That's how we work together.

Personally, I don't think I or the American people give a dang who creates the jobs. All that matters is that the jobs are created. Let's get to work for America. We don't have to sit here and set up false choices and pit the worker at a private factory against the teacher who teaches our children. We all have a role to play in getting this country back to work. Let's end the partisanship, work together and pass jobs legislation.

## HOLDING OUR MILITARY FAMILIES FISCALLY HOSTAGE

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

Mrs. ROBY. Our military families are the heart and soul of our Armed Forces. Recognizing this, tomorrow in Fort Rucker, Alabama, there will be a spouse day. Army husbands and wives will run an obstacle course, fly simulators, and shoot M16s to experience life as an Army soldier.

Military families are a vital part of my district, and it is my great honor to represent them. Recently, I was in Fort Rucker and I was speaking to a soldier, and his expectant wife was sitting next to me. With tears in his eyes, he said, Don't worry about me. I'm okay. Just make sure she's okay.

Unnecessary defense cuts could change our military as we know it today. These cuts will not affect military operations as much as they could weaken viable support for military spouses and their children. Regardless of politics, our military families must continue to have the resources necessary to serve in their support role as military dependents.

## LET'S PASS THE AMERICAN JOBS ACT

(Mr. MURPHY of Connecticut asked and was given permission to address

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

Mr. MURPHY of Connecticut. Mr. Speaker, I have a great idea. Let's pass the American Jobs Act.

It cuts taxes, it invests in infrastructure, and most importantly, it helps small businesses be more competitive in the global economy. Economists of all political stripes tell us that this act will create 1.9 million jobs, and it does it, in part, by making sure that U.S. taxpayer dollars are spent on U.S. jobs by applying the Buy American provisions.

We should pass the American Jobs Act, and then we should take the simple idea that U.S. taxpayer dollars should go to create U.S. jobs and then apply it to every corner of the Federal Government. For instance, we could create another 600,000 jobs on top of the 1.9 million if we'd just clean up loopholes that allow for thousands of defense contracts to go to overseas companies.

You see, rhetoric on the floor of the House of Representatives doesn't create jobs. Real, now-focused policies do, like the American Jobs Act and the Buy American policy.

## U.S. OBJECTION TO PALESTINIAN STATEHOOD IN THE U.N.—A HOLLOW, LONE VOICE OF REASON

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

Mr. POE of Texas. Mr. Speaker, the Palestinians are going to the United Nations to seek some type of recognition as a state, but this decision should only be decided with direct negotiations with Israel and Palestine. The Palestinians have rejected this proper process for peace and go instead to the anti-Israel U.N. for recognition.

Dore Gold, a former Israeli ambassador to the U.N., said: ''If there was a U.N. resolution whose first clause was anti-Israel and whose second clause was that the Earth was flat, the U.N. would pass it.''

The U.S. has come to this issue late, and even though it will object to the Palestinian statehood through the U.N., in recent years, the United States has given mixed signals about its support for Israel. That is unfortunate. Israel is our most loyal friend and ally in the Middle East.

The U.S. objection to the Palestinian statehood in the U.N. will be a hollow, lone voice of reason. It will show once again that the U.S. has little leadership in the United Nations. However, the U.N. will reaffirm its position of bigotry against all things Israel even if it means proclaiming the Earth is flat.

This is yet another reason to cut U.S. aid to the U.N. We don't need to pay the U.N. to hate Israel. They will do it for free.

And that's just the way it is.

## PASS THE JOBS ACT

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

Mrs. CHRISTENSEN. I am very worried about our country. Democrats and our President are calling on the Congress to pass the Jobs Act so that our fellow Americans who have been unemployed can go back to work; so that teachers, firemen, and police can keep their jobs; so that those whose incomes have dropped will have a little more money to spend on their families; so that our children will have schools that show we care about them; and so that struggling small businesses will get the help they need.

Building the political will to do this requires not only patriotism; it requires compassion. After watching the Tea Party debate, where the audience and some candidates indicated an uninsured person should be left to die and where there was loud applause for capital punishment, I wonder if we can still feel another's pain.

This calls out to the good people that I know who remain the majority in this country to do more, to speak louder to drown out the voice of hate, and to renew and strengthen the values that have always made the United States of America the greatest country in the world.

We are commanded to love our neighbor. As my pastor preached last Sunday, if we do, we will not wish our neighbors ill or do them harm.

## PROVIDING FOR CONSIDERATION OF H.R. 2587, PROTECTING JOBS FROM GOVERNMENT INTERFERENCE ACT

Mr. SCOTT of South Carolina. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 372 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 372

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2587) to prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstance. All points of order against consideration of the bill are waived. The amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

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

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

GENERAL LEAVE

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

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

There was no objection.

□ 0920

Mr. SCOTT of South Carolina. Because the one Republican amendment submitted to the Rules Committee was not germane and because the Democrats chose not to offer any amendments at all, House Resolution 372 provides for a closed rule for consideration of H.R. 2587, the Protecting Jobs from Government Interference Act.

Mr. Speaker, I rise today in support of this rule and the underlying bill. The underlying bill would amend the National Labor Relations Act to prohibit the NLRB from ordering any employer to relocate, shut down or transfer employment beginning the date of passage. Since the NLRB filed suit against Boeing, I have been reminded of an old saying: ''A government that is big enough to give you all you want is big enough to take it all away.''

What you see now is exactly that, Big Government killing jobs under the guise of protecting workers. Let me be clear. Despite what opponents will say, this is not a union issue. This is a classic example of government overreach which will, in the end, destroy American jobs and encourage companies to look elsewhere in the world.

With unemployment at 9.1 percent and an economy which is best described as fragile, we do not have the luxury of being able to afford this action. Plain and simple, my legislation will remove the NLRB's ability to kill jobs.

The government, especially an unelected board, does not need to be involved in the business decisions of the private sector. In fact, it cannot be. We already live in a country where our corporate tax structure is the second highest in the world, and we cannot add another strike against us.

Today, the NLRB's overreach threatens 1,100 jobs in my hometown of north Charleston. Let me say that again: 1,100 jobs already created and filled. Who is to say tomorrow it does not preclude another company from looking to expand, not just in South Carolina, a State where our unemployment rate is at 10.9 percent, but anywhere in the country. This instability is the last thing our job creators need right now.

Once again, Mr. Speaker, I rise in support of this rule and the underlying legislation. This commonsense solution will help spur job creation and, more importantly, it will remove impediments to job creation.

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

Mr. MCGOVERN. I thank the gentleman from South Carolina (Mr. SCOTT) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this yet another closed rule and in even stronger opposition to the underlying bill.

The difference between the two parties could not be any clearer. While Democrats continue to push for legislation that will create American jobs, Republicans continue to attack American workers.

After more than 250 days, the majority, House Republicans, have no jobs agenda, nothing. Instead, they have brought forth job-destroying legislation that could cost up to nearly 2 million jobs, and they have voted to end Medicare, cut Social Security and slash Medicaid.

Today, sadly, is no different. Instead of bringing the American Jobs Act to the floor, the Republican leadership gives us H.R. 2587, the ''GOP Job Outsourcers' Bill of Rights.''

Mr. Speaker, it is no secret that my Republican colleagues detest the National Labor Relations Board. They have made that crystal clear in the past few months with their amendments to cut the NLRB's funding and undermine its authority.

But today they have sunk to a new low. The bill before us guts the very fundamental rights of American workers to fight for better wages and working conditions, and it makes it easier for companies to outsource American jobs overseas.

Not a single hearing was held on this bill, not one. No objective assessments were done by the GAO or the Congressional Research Service, not even any evaluation on the impact on wages or job security of the millions of American workers who will be touched by this legislation.

If this is the Republicans' idea of a job-creation plan, they are even further off base than I thought.

I would like to think that my Republican colleagues haven't thought through the wide-ranging repercussions of this bill. So let me take a moment to educate them.

Companies in the United States are free to move their operations as they see fit, as long as it's not in retaliation for workers exercising their right to organize, to demand better benefits and safer working conditions, or to ensure a full day's pay for an honest day's work.

And the plain fact is, if a company is allowed to retaliate against its workers simply for exercising their lawful rights, every worker in every other State, including South Carolina, will lose some of their fundamental rights. A year from now, if Boeing decides to move production from South Carolina to China, to retaliate against workers who try to organize a union, the NLRB would have no power to order those jobs to be kept or transferred back to the United States. For many American workers today, the NLRB's authority to restore or reinstate work that has been unlawfully transferred, outsourced, or subcontracted away from workers exercising their lawful rights is the only remedy they have to keep their jobs.

By eliminating the power of the NLRB to order work be restored or reinstated, a CEO may simply eliminate the work and thereby the worker. That CEO may even explain to the workforce that he eliminated the work because it was pro-union. Even worse, H.R. 2587 would apply retroactively to any complaint that has not been resolved by the time of enactment, including the Boeing case.

This is a terrible, terrible, terrible precedent. Congress has no business sticking its nose into an ongoing legal proceeding. We have no business changing the rules of the game in the middle of the game.

Republicans have sent a clear message: if you aren't a CEO of a Fortune 500 company, you shouldn't have any rights in the workplace. For the millions of hardworking middle class workers who are struggling to support their families and pay their bills, H.R. 2587 is a slap in the face.

Democrats will not stand idly by as this Republican Congress tries to dismantle the rights of American workers. American workers have fought hard and earned these rights. They have sweated and bled and sometimes died to secure them. I am proud to stand with those workers and their families.

I find it sad that this Republican leadership, a leadership that routinely fights to protect tax loopholes for corporations that shift jobs overseas, is now bringing this horrible anti-worker bill to the floor.

I urge my colleagues to reject this far-reaching legislation and get back to work to bring real and meaningful job creation bills to the floor. Stop this assault against American workers.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. There are a couple of comments I would like to make on my good friend's comments.

For one thing, not a single union employee, not a single employee in Washington State—Puget Sound, Washington State—has lost their job because of the new line of work being done in North Charleston, South Carolina.

Another comment that my good friend made had to do with Medicare and what the Republicans are doing to Medicare. Let us not forget the fact that without any question the legislation that has the greatest impact on Medicare and its funding for the future happens to be the national health care plan passed by the Democrats where they stripped $500 billion, $500 billion, out of Medicare to pay for the debacle known as national health care.

Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina, Mr. JOE WILSON.

Mr. WILSON of South Carolina. Thank you, Mr. SCOTT, for your leadership.

The Protecting Jobs from Government Interference Act will prohibit the National Labor Relations Board from dictating where private businesses can and cannot choose to create jobs.

The legislation ensures private businesses across America will be able to promote job growth by making decisions based on the best interests of their shareholders and workers. The act prohibits the NLRB from ordering employers to relocate, shut down, or transfer employment. It fosters a positive environment for employers to develop their businesses and the State that offers the best opportunities for growth and job creation.

It's truly sad that this legislation must be created to counter the overreaching agenda of the job-killing NLRB. Earlier this month, the Bureau of Labor Statistics announced that the national unemployment rate is at 9.1 percent. This means there were 14 million Americans that were without jobs. So I find it bizarre that in this climate of high unemployment, the NLRB is attempting to destroy thousands of jobs in South Carolina.

In fact, as Politico has reported, the 1.1 million square-foot building is built. I was there for the groundbreaking. I was there for the topping out.

Already, as my colleague, Congressman SCOTT, has pointed out, 1,100 people are employed today. Another 8,000 people will be employed across this State of South Carolina. This is not a hypothetical issue. It is a completed plant with jobs, with families at risk today.

This year, my birthplace has served as the center of this controversial ruling by the administration that a large manufacturer that's created jobs across the country cannot relocate.

□ 0930

This is now unprecedented. The Boeing complaint is a threat to all right-to-work States, not just South Carolina. The NLRB is chasing jobs overseas. Being a right-to-work State means employees in those States can choose for themselves whether to join a union. The NLRB complaint against Boeing is really without merit. It falsely indicates that Boeing ''transferred work'' of the 787 Dreamliner assembly line from Washington State. However, not a single union employee has lost a job due to the decision to locate a new, second line for 787s.

The NLRB efforts may have an unintended consequence. With the legal theory a business cannot expand from a union State to a right-to-work State, business will get the message never to

locate in a union State in the first place. The only safe location is to establish a business in a right-to-work State.

I applaud the proactive efforts of Congressman SCOTT in introducing the bill. I want to thank the chairman of the Education and Workforce Committee, JOHN KLINE, along with the distinguished subcommittee chairman of Health, Employment, and Labor, Congressman PHIL ROE of Tennessee.

I urge support by my colleagues.

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

I just want to clarify a few points. I would remind my friend from South Carolina that he and every single Republican in this House voted for the Republican line budget, which basically destroys Medicare as we know it, voucherizing the entire system.

I also will remind him that it is his party's leading Presidential candidate right now who is advocating eliminating Social Security. And now we have a bill on the floor that my Republican friends are supporting that will make it easier and more likely that U.S. corporations will ship U.S. jobs overseas.

Stop the assault on American workers.

At this time I would like to yield 2 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentleman for yielding me this time.

Mr. Speaker, I just want to point out and clarify a few points that have been made here this morning. Regarding the Boeing case, this is a clear overreach into the decision of the National Labor Relations Board.

The National Labor Relations Act, section 7, establishes the basic right for employees in this country to self-organize, to join, to form, and to assist labor organizations.

The Boeing workers have been organized with and by the Machinists Union since the 1970s. There has been a long and good relationship there. The union and the employees at Boeing were trying to exercise their basic section 7 rights. However, the management of Boeing, which is a good company, but clearly in this case the management of Boeing committed an unfair labor practice by threatening the employees that if they exercised their rights under section 7, they would move the work out of Washington, out of Puget Sound, and relocate it down to South Carolina, which they did.

The National Labor Relations Board followed the law. This is not a close case. This is the only decision that the board could possibly come up with under the law. We are a nation of laws. You may not like the result, but like it or not, workers in this country have a basic right to join unions. I know that that's not a popular idea lately. However, in this case, I completely support the board's actions. I think they followed the law.

I rise in strong opposition to the rule and to the underlying bill, and I ask my colleagues on both sides of the aisle to vote against this bill.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee, Mr. PHIL ROE.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

I rise in strong support of America's job creators, the rule, and H.R. 2587, Protecting Jobs from Government Interference Act.

What this bill does is it simply amends the NLRA, which was passed in 1935, and prohibits the National Labor Relations Board from ordering employees to relocate, shut down, or transfer employment under any circumstances. In other words, it allows managers to make business decisions that are in the best interest of their company and their employees.

Let's just give a CliffsNotes version of this.

Boeing is a great American company. I visited that company in Washington State. I've also seen the Boeing plant in Charleston, South Carolina. What happened was they moved a second line of business there. The Machinists Union disagreed with that. Lodge 751 lodged a complaint.

What the NLRB is supposed to be is an impartial referee. It's like a basketball game. When you go into a gym, you expect the referees to be fair to both sides. And to my friend on the other side, the NLRB oversees elections, but you have a right as an employee to vote for or against a union. You have both rights.

What this is doing is: What about the people who work in South Carolina? The company has invested over a billion dollars to create good-paying American jobs. One week ago today, the President of the United States stood right where you are and made a very eloquent speech about job creation. But I guess it doesn't matter in South Carolina where those 1,000 jobs—1,100 people are working. It's not a very complicated issue. A company should be allowed to move within the borders of this country.

I was raised in a union household. My father belonged to the union. He lost his job several decades ago to a foreign country, so I know what that's like. Certainly I am very pleased that the people in Washington State have added jobs, not lost jobs out there.

So I believe that this absolutely is an egregious overreach of the NLRB, and I encourage my colleagues to vote for this rule and vote for this very important piece of legislation.

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, I just want to respond to those statements.

It is a simple case; I agree with that part. And Boeing is a good company, a good American company. But in this case, if you read the facts of the case, their management made multiple threats to the employees that, if they chose to exercise their rights as employees under the law, that they would move the work away from Puget Sound and locate it in South Carolina. And that's exactly what they did. That's exactly what they did.

You can manage a company, but you cannot use your management rights to trample on the rights of those basic employees.

Mr. SCOTT of South Carolina. Mr. Speaker, I would certainly love to hear a single case, a single specific comment, a single specific fact to undergird your comments, I would say to my friend from Massachusetts.

I yield 3 minutes to the gentleman from Tennessee, JOHN DUNCAN.

Mr. DUNCAN of Tennessee. Mr. Speaker, I rise in support of this rule and H.R. 2587, the bill that it brings to the floor, and I thank the gentleman for yielding.

The Boeing Company, which operates a huge manufacturing plant in Puget Sound, has built a new production line for its 787 Dreamliner fleet in South Carolina. There has been no coinciding layoff at the Puget Sound facility. In fact, not a single job was lost in the State of Washington as a result of Boeing's decision. On the contrary, Boeing has added an additional 2,000 jobs in Puget Sound since that time; yet the National Labor Relations Board decided that Boeing was harming the labor unions in Washington, so they made this unfortunate decision.

No department or agency of the Federal Government has ever told any business that it could not or even should not move from one State to another without demonstrating the type of violation alleged in its case. For the National Labor Relations Board to tell Boeing that it cannot move from Washington to South Carolina with no substantive evidence of antiunion hostility is an unprecedented, a dictatorial power grab that makes people wonder if we still live in a free country.

If the shoe was on the other foot, Mr. Speaker, if a conservative majority on the NLRB told a company it could not move from a basically nonunion State to a heavily unionized State, those who are opposing this bill would be screaming to the high heavens.

This action by the NLRB will stifle economic growth all across this Nation and could cause more American companies to go to other countries or discourage businesses from moving here in the first place.

□ 0940

I am certain that those who created the NLRB could never have imagined that a future board would make such an extreme, radical decision such as this. The NLRB was not set up to be a one-sided, unfair, biased agency that was set up just to protect unions. It was and is supposed to be a fair, impartial, nonpolitical arbiter between labor and management, business and unions. Every Member who represents a right-to-work State, such as my State of Tennessee, should be very concerned about this decision.

Boeing had a 39-day strike in 2008 that cost the company an estimated $2 billion. The CEO of Boeing Commercial told the Seattle Times last year, ''We can't afford to have a work stoppage every 3 years. And we can't afford to continue this rate of escalation of wages.''

This administration claims to be concerned about jobs.

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

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

Mr. DUNCAN of Tennessee. Just a few weeks ago, The Washington Post showed that 82 percent of the American people believe it is either very hard or somewhat hard to find a job. Now, unelected power-mad bureaucrats at the NLRB, who do not have to worry about their jobs, have made a decision that will stifle job creation and business growth and expansion all over the country. We should pass this bill and overturn this shortsighted decision that could possibly protect some jobs in Washington, but will ultimately hurt working people all through this Nation.

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

I want to make it crystal clear that this Republican bill does not protect or create jobs. What it does is it forces American workers to fight over existing jobs by giving up their legal rights and underbidding each other. This is about a race to the bottom.

The problem I have with my Republican friends is their economic policies are all about lowering the standard of living for working families in this country. We should be trying to increase the living standards for American workers.

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

Mr. MCGOVERN. I yield myself an additional 30 seconds.

Rather than bringing up a bill that makes it easier and more likely for U.S. corporations to send U.S. jobs overseas, they ought to be bringing to the floor the President's jobs bill that he talked about here in the United States Congress about putting people back to work. He came up with a series of bipartisan initiatives that will help stimulate and jump-start this economy. Rather than doing that, which will put people back to work, we're debating an anti-worker bill that's going to make it more likely that U.S. corporations will ship U.S. jobs overseas.

It is wrong, and I would urge my Republican friends to stop your assault on American workers.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. I would just say to my good friend, Mr. MCGOVERN, that there's no doubt about it that the President's jobs plan does one thing. And it's consistent with what the NLRB would do as well. It doesn't simply ship American jobs overseas. It ships American companies overseas so they do not have to play in the quagmire pit called the regulations that this President and the Federal Government have imposed on businesses.

To quote from the conservative Chicago Tribune: The NLRB's worst decision, however, is its unprovoked ''hit'' job on Boeing. There's no question that whether you're a conservative, a liberal; whether you are a passionate believer in the future of this Nation and this world, here's one thing we all have in common: the decision for the NLRB to attack America's greatest and largest exporter is wrong and indefensible.

I yield 3 minutes to the gentleman from South Carolina (Mr. MULVANEY).

Mr. MULVANEY. Mr. Speaker, we just spent several weeks back in our own districts, and I had a chance to talk to a lot of folks—and a lot of my Democrat friends. I do have some of those. They're always asking me, Why can't you just agree with the President? Why can't we go along with what the President says? And I always enjoy when I get the opportunity to come before this body and look exactly at what the President says and to look at what he says about what we're talking about today.

What do we know what the President has said? The President said in this very room just last week that he was for jobs. That's what Boeing is doing. And the NLRB is fighting them. The President has said he's for manufacturing jobs. He said that he's calling for all of us to come together—private sector, industry, universities, and the government—to spark a renaissance in American manufacturing and help our manufacturers develop cutting-edge tools. That is exactly what Boeing is doing and exactly what the Obama administration's NLRB is fighting, Mr. Speaker.

What else is the President for? He's for exports. He's called on us to double our exports. In fact, he pointed out, correctly so, that 95 percent of the world's customers and the world's fastest growing markets are outside our borders. We need to compete for those customers because other nations are. We need to up our game, and that is exactly what Boeing is trying to do in North Charleston and exactly what the Obama administration's NLRB is fighting right now.

What else has he talked to us about? He's told us how important it is to have jobs here. Again, just last Thursday night, in this very Chamber, he said, And we're going to make sure the next generation of manufacturing takes root not in China or Europe, but right here in the United States of America.

That is exactly what Boeing is doing in North Charleston. They could have opened this plant overseas. In fact, in hindsight, given the treatment of the NLRB, maybe they should have. But they didn't. They chose to create jobs here in the United States in Charleston, South Carolina, and the Obama administration is fighting them at every particular step.

Why are we here, Mr. Speaker? We're here because the President's words don't match his actions. We're here and we are not agreeing with our colleagues across the way because they are not backing up what they say with what they do. If the President would do the right thing and do what he did last week—he rolled back—and give credit where credit is due—he rolled back the new EPA rules on the ozone emissions, he could do the exact same thing before the end of the day today on this NLRB action against Boeing. And he could do the right thing and encourage jobs here in the United States, exactly as he said we would be doing.

But since he won't match his words to his actions, we must pass this rule and we must pass this bill.

Mr. MCGOVERN. Mr. Speaker, at this time I yield 2 minutes to the gentlewoman from Ohio (Ms. SUTTON), who believes that it is wrong for the Republicans to pass legislation to make it easier for U.S. corporations to ship U.S. jobs overseas.

Ms. SUTTON. I thank the gentleman for the time.

Mr. Speaker, it is no secret that the American people are very concerned about the failure of House Republicans to help the American people get back to work. But, Mr. Speaker, it seems that we may have it all wrong. It turns out that House Republicans have been working to create jobs, just not here in America.

While the American people are suffering, H.R. 2587 gives big corporations which are already flush with profits and tax breaks yet another free pass to take jobs from hardworking American men and women and ship them overseas. Without the support of the National Labor Relations Board to help American families get a fair shake, we can only expect to see more layoffs, lower wages, and a bleaker future for America's middle class.

Instead of stripping power away from the NLRB to ensure the rights of workers are upheld and handing it to corporations to bust unions and outsource jobs, we should be working to create good-paying jobs right here in America, right in Ohio. We should be working to level the playing field for the American workers, who are the best, hardest-working, most innovative workers in the world.

It is time that the Republicans join us in that fight, and it's time that they join us in voting ''no'' on this rule and on this very bad legislation, H.R. 2587. Stand up for the American worker.

Mr. SCOTT of South Carolina. My good friends on the left continue to talk about shipping jobs out of America. I want to make sure that everyone still recognizes the fact that the great State of South Carolina is still a part of the United States of America. In fact, when you think about it, you must scratch your head when in fact the Washington State employees now

have more people there working than they had when we opened the plant in North Charleston. In fact, if you're talking about creating American jobs in American States—U.S. States—South Carolina—you would simply look at the fact that 1,100 employees have been hired in North Charleston. You would think about the fact that the compounding impact of those jobs in North Charleston could create up to 12,000 new American jobs in our States.

So the fallacy of the left is nothing more than rhetoric.

Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina, Mr. JEFF DUNCAN.

Mr. DUNCAN of South Carolina. Ladies and gentlemen, I rise today in support of H.R. 2587, the Protecting Jobs from Government Interference Act, that would end the funding for the NLRB's lawsuit against Boeing.

□ 0950

I'm an original cosponsor of this legislation because I believe that what the NLRB has done to Boeing and to the people of South Carolina is one of the most egregious bureaucratic abuses of power that this administration has perpetrated. And with this administration, honestly, that's saying something.

Earlier this year, the NLRB decided that it had the power to tell a company where it could move, what it could build, and how much. Whatever you think of the NLRB, whatever stance you have on Big Labor and labor unions, would you ever think that our government would consider such an unconstitutional power grab?

In the midst of this Great Recession, when our number one focus should be on creating jobs, the NLRB is trying to stop an American company from building American airplanes with American workers, South Carolinians, right here in America.

During a recent Congressional hearing, one of my colleagues from South Carolina, he asked the head lawyer for NLRB if he knew of a single union worker who had lost their job because Boeing decided to expand production in South Carolina. NLRB's lawyer did not have an answer.

But if NLRB wins this lawsuit—listen clearly, America: If NLRB wins this lawsuit, the decision will be made, not whether to locate in a union State or a right-to-work State, the decision American companies will make will be about whether to continue production in the United States of America or take those jobs and that manufacturing process to another country. That is the hard reality of what NLRB is doing today.

I ask my colleagues to join the South Carolina delegation, and America, today in standing up for freedom, standing up for the right to start a business, standing up for American jobs, standing up to the bullying tactics of an out-of-control bureaucracy.

Mr. Speaker, let's pass this bill. Let's pass it right away. This is an actual jobs bill that you can go and read. And this is one that we can pass right now. We can pass this bill today, and we can get Americans back to work.

Mr. MCGOVERN. Mr. Speaker, let there be no mistake. The Republican bill creates open season for CEOs to punish workers for exercising their basic rights.

My friends on the other side fight tooth and nail to protect all these corporate tax loopholes that actually encourage companies to move their jobs overseas. We can't touch them. They fight with passion on the floor to protect them.

But when it comes to protecting American workers, they're AWOL. I don't know what it is that they have against American workers, but this bill undermines the rights of American workers to be able to stand up and ask for a decent wage for an honest day's work. It undermines their ability to ask for benefits like a good retirement benefit. This is about taking away rights and powers of workers.

Granted, these workers don't give big PAC checks. They're not the leaders of the Fortune 500 companies. But these people are the backbone of our economy. We should be standing up for American workers in this Congress. We should be fighting to protect American jobs to keep them in the United States.

This bill makes it easier, in fact, more likely that corporations and companies will retaliate against workers who stand up for their rights by sending their jobs overseas to places like China. Why in the world are we doing this?

We should be trying to find a way to empower workers in this country. It shouldn't be about a race to the bottom. And it shouldn't be about States competing for existing jobs.

This is a bad bill. This is a bad precedent. And quite frankly, again, it is typical of what the Republican agenda is all about when it comes to the economy. It's about a race to the bottom. It's about lowering the standard of living for American workers while protecting the big CEOs, the heads of the Fortune 500 companies. Their rights are always protected. But when it comes to the little guy, my Republican friends are on the opposite side.

Mr. Speaker, I now yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Let's be clear. Let's talk about South Carolina for a second. No one has mentioned this. South Carolina is a right-to-work State. What does that mean?

It guts the ability of workers to organize and to form unions to fight for higher wages and safer workplaces. Why do you think Boeing was going to South Carolina? Because they thought it was going to be worse for them or better for them? A right-to-work State that guts unions, that's why they went.

Millions of Americans are working today and they're looking for work. They're struggling to keep their homes. They are out of work. They're not working. And yet we are debating legislation that tries, once again, to eviscerate unions, accelerate that race to the bottom.

This bill does nothing to create good, well-paying jobs here in America. It guts the regulatory powers of the National Labor Relations Board. It legalizes runaway shops. It allows companies to fire employees trying to start a union. It's a right-to-work State, and actually makes it easier to ship jobs overseas.

None of this is what our economy needs right now. It's like what we have seen from Republican governors in States like Wisconsin, Ohio, Indiana. This legislation represents yet another front in the majority's ideological assault against workers' rights all across the country.

I represent a community where the right to organize was hard won at the dress shops, where my mother sewed collars for pennies, at the gun factories, the aerospace industry, the government offices, and the great universities of my state.

The families of my district know from hard-won experience that labor unions fight for employee rights, higher standards, greater equality, security in work and retirement. They help ensure that workplaces and politics are driven by the dreams and the aspirations of working people, not by corporate power and the narrow agenda of the elites.

Unions were instrumental in forming the broad-based middle class in this country, and thanks to decades of systematic efforts by companies to deny their rights, as well as misguided trickle-down policies that never do trickle down, union membership has fallen in our country.

Middle class workers have been squeezed. Their wages have stagnated, their benefits cut, their job security weakened, their wage and hour protections have been violated, and all the while, income inequality has steadily risen in this Nation, to the point where even as over 15 percent of the population today lives in poverty, 1 percent of people now make 23 percent of income in America.

This Republican majority is trying to go for the killing blow. They, once again, attempt here to make a bogey man of the NLRB.

The Board's function is only to defend the rights that we consider fundamental, the right to form a union, the right to be represented by that union in dealings with employers, and the right to be free from retaliation from doing so.

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

Mr. MCGOVERN. I yield the gentlewoman an additional 1 minute.

Ms. DELAURO. The Board also enforces laws that protect employers and third parties against practices by unions considered to be unfair or harmful. In fact, the NLRB charter and

structure were amended to meet Republican concerns in 1947 by the Taft-Hartley legislation.

Today the NLRB is simply doing its job, finding fair remedies for employees and employers in workplace disputes and prosecuting violations when they occur. Nothing radical about the NLRB.

What's radical is the anti-union message that this majority continues to try to foist on the American people. They've tried to slash funding for the NLRB. They've tried several times to repeal Davis-Bacon. They're trying now to severely limit workers' fundamental right to organize collectively.

The bill is not a serious attempt to restore jobs, restore economic growth, or address budget deficits. It's about marginalizing the labor movement—and with it the capacity for working people to find fairness in the workplace. It will harm middle class families already dealing with a tough economy. It will grease the wheels for companies to move jobs overseas.

I urge my colleagues to stand with American workers and vote against this rule.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 90 seconds to the gentlewoman from Tennessee, Mrs. DIANE BLACK.

□ 1000

Mrs. BLACK. I thank my colleague from South Carolina for yielding time.

Mr. Speaker, I'm here today as a member of a right-to-work State and a cosponsor of this legislation to speak out against NLRB's actions against Boeing in South Carolina and NLRB's assault on the right-to-work States. Not only are the NLRB's actions a gross intrusion of government on private business, but this suit, if allowed to proceed, would have a chilling effect on the business growth in all right-to-work States like Tennessee.

In my home State, the unemployment rate is at a staggering 9.8 percent. And in some of my counties, we are well over a double digit in unemployment. Too many Tennesseeans are out of work, and I don't want companies with good-paying jobs to feel like they can no longer move a facility to Tennessee for fear that there will be an NLRB lawsuit.

The actions of NLRB set a very dangerous precedent that the Federal Government can tell a private company in which State they can or cannot locate. Policies like this could very well drive a company to leave the United States and go overseas where agencies like this don't exist. That is why I stand here today in strong support of the Protecting Jobs from Government Interference Act. This is an important first step not only to put NLRB on notice that their actions will be checked by Congress, but also to ensure that NLRB cannot dictate which State an employer can locate jobs in the United States.

At a time when 14 million workers are unemployed, we must get Federal agencies like NLRB out of the way and clear the path for job creation.

Mr. MCGOVERN. Mr. Speaker, I remind my colleagues on the other side of the aisle that it's September. When are you going to bring a jobs bill to the floor? When are you going to bring legislation that's going to help put people back to work during this difficult economy?

At this time I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I don't mean to contradict my colleague, but the Republicans do have a jobs plan. Now, it's true that Majority Leader CANTOR kicked off the week by saying, Not a penny for infrastructure. We don't want to just build things in America. We don't want to invest. That doesn't put people to work. You know, the $50 billion the President proposed, that would create about 1.5 million private sector jobs in the construction industry, but they're not interested in that.

They do have a jobs plan: snakes. Yes, snakes. Yesterday, in the Oversight Committee, they held a hearing similar to what we're talking about here today on a job-killing regulation being proposed by the Obama administration. Keep out invasive species. Giant pythons, which are taking over the Everglades, the Republicans say that is a job-killing restriction. Just think of all the jobs related to snakes. First, there's the importer of these invasive species. Secondly, we sell them. Then there are people who raise things for them to eat.

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

Mr. MCGOVERN. I yield the gentleman 1 additional minute.

Mr. DEFAZIO. I thank the gentleman.

Then when they escape, we hire people, pest control eliminators, to go out and try to find them when people abandon them. What a jobs creator.

No, we're not going to rebuild our infrastructure. We're not going to try and continue to have fair wages for people who build the best airplanes in the world, Boeing. No, those things are off the table as far as the Republicans are concerned. It's job-killing regulations, that's what's hurting America.

Come on guys, get real. Let's rebuild America. Let's invest. Let's pay workers a fair wage. You know, when a worker earns a fair wage, they can afford to go to the small business down the street and patronize them and buy their goods. And then maybe some day, if you stop these job-killing trade deals, they'll be able to buy goods that are actually made in America with their decent wages at an American company. Get real.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Kansas, Mr. MIKE POMPEO.

Mr. POMPEO. I thank the gentleman for yielding and for his hard work on this important piece of legislation.

In Kansas, we build airplanes with American workers. The Boeing Company has a big facility there. Indeed, last night, on a telephone town hall, I had a worker from Boeing call in. He was very worried about his continued employment right in Wichita, Kansas, and in America. He was worried because this administration has taken actions to destroy manufacturing and aviation manufacturing here in America.

I rise in support of this rule and the underlying legislation because the NLRB has no business telling The Boeing Company, who wants to invest hundreds of millions of its own dollars—not taxpayer dollars, its own dollars—creating jobs in South Carolina. What next? An attack on Kansas? An attack on aviation workers all across America?

We need to pass this piece of legislation immediately and ask the President to sign it. It's too important to American workers to allow the NLRB to continue the Big Government policies of this administration.

Mr. MCGOVERN. I yield myself 1 minute.

Mr. Speaker, we should be talking here on the floor and debating and considering an infrastructure bill to put people back to work. We should be taking up the entirety of the President's jobs proposal that he delivered in a speech a week ago. We should be taking up things that will actually help this economy and put people back to work. Instead, we are dealing with a bill that will make it easier and more likely for U.S. corporations to ship U.S. jobs overseas. And this is a bill that creates a new race to the bottom for American workers' rights, wages, benefits, and working conditions, and it is bad for this economy.

Why do my Republican friends continue to insist that the only way to deal with our economic problems is to lower the standard of living and the quality of life for American workers? Why are all the tough choices being made on the backs of American workers?

We can do much better in this country. We need to be focusing on jobs, not on this stuff.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi, Mr. STEVE PALAZZO.

Mr. PALAZZO. Mr. Speaker, I hear across the aisle my colleagues talking about what have the Republicans done to create jobs, and they point out where we've created a job.

Well, I don't think it's the government's responsibility to create jobs, but it is our responsibility to foster a healthy business climate in this Nation where our entrepreneurs and small business owners can go out and create jobs, expand, and increase the benefits and the pay of their employees. But you're not going to do that if you increase their taxes. You're not going to do that if you have unelected bureaucrats running around increasing job-

stifling regulations and circumventing Congress' efforts to foster an atmosphere in this country to create jobs. You're not going to do that if we continue to have frivolous litigation. All these things taken together develop a certain amount of uncertainty in our Nation, and capital sits on the sidelines or it goes overseas to a more friendly job creation environment.

I'm in one of those 22 proud right-to-work States. In Mississippi, we love the high-tech jobs we're getting and the advanced manufacturing jobs and the Department of Defense aerospace industry, shipbuilding. We like jobs in Mississippi. And this Protecting Jobs from Government Interference Act will prohibit the NLRB from telling private sector companies where they can or cannot locate.

We must restrain them. We must stop this, because the industries that we have collected over the past several years in the State of Mississippi, I firmly believe these companies would not have located either to the United States or they would have not located to my State if it wasn't for the fact that we have a great workforce and we're a right-to-work State. We would have lost these jobs forever. We would have never seen them. They would have left America or they would have stayed in the foreign country they came from.

We like to work in Mississippi. We like jobs. We want more of them, not less.

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

Mr. Speaker, the gentleman talks about creating a healthy business climate. I don't know how we're creating a healthy business climate by passing a bill that makes it easier and more likely that U.S. corporations will ship U.S. jobs overseas.

After more than 200 days in the majority, House Republicans have passed no bills, none, no bills to create jobs, moving instead on job destroying legislation that could cost up to nearly 2 million jobs, with more to come.

This week, to make matters worse, we're taking up this legislation that will encourage the shipping of jobs overseas and a bill that will weaken the middle class. Instead of creating jobs and strengthening the middle class and protecting workers' rights, the Republicans are making it easier for corporations to send American jobs overseas. And it allows employers to punish their employees for simply exercising their rights to organize, to demand better benefits and safer working conditions, and to ensure a full day's pay for an honest day's work. I mean, that's what this bill does.

You know, in 2000, the National Labor Relations Board was able to force a company to bring jobs back to the United States from Mexico, as the company was charged with shipping jobs to Mexico in retaliation against workers seeking to organize a union. Under this Republican bill, American workers would lose this protection.

Again, their plan for the economy is all about lowering the standard of living, lessening the quality of life for American workers, while protecting those who are most fortunate in this country, those who head up the big companies.

□ 1010

We should be debating on this floor today the President's job bill. If my Republican friends don't want to vote for it, they don't have to; but that's the legislation that should be brought before the Members of this Congress today, not this bill, a bill that punishes American workers. Enough. You've been punishing American workers since you took the majority. Enough is enough.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia, Mr. ROBERT HURT.

Mr. HURT. I thank the gentleman from South Carolina for yielding and for his leadership on this important issue.

Mr. Speaker, I rise today in support of H.R. 2587, the Protecting Jobs from Government Interference Act.

Over the past 2½ years, this administration has vastly expanded the size and scope of the Federal Government and supported policies that have destroyed jobs, stifled investment and innovation, and slowed our economic recovery in Virginia's 5th District and across the country.

One of the most recent and troubling examples of this government overreach is the latest move by the unelected National Labor Relations Board to block Boeing from creating thousands of jobs in South Carolina. This kind of government intervention is a direct attack on our economic freedom and has disastrous effects on 5th District Virginians and all Americans. It has the potential to cost thousands of jobs at a time when we need jobs most.

It dangerously and unacceptably inserts the Federal Government into the business decisions of private companies, and it threatens to undermine the economic competitiveness of all States, such as Virginia, that have right-to-work laws.

Being the northernmost right-to-work State on the east coast has helped make Virginia the best place in the country to do business and has helped promote job growth and economic investment across the 5th District and our Commonwealth.

At a time when millions of Americans are out of work and unemployment remains unacceptably high, right-to-work States should not be penalized by an intrusive and overbearing Federal Government for their ability to attract new business, investment, and jobs.

As part of the House's job-creation agenda, H.R. 2587 would remove the Federal Government as a roadblock to job growth by preventing the NLRB from dictating where employers and private businesses can set up their operations, putting our economic recovery back where it belongs—in the hands of the people instead of the Federal Government.

If we are serious about getting our economy back on track, we must support these kinds of policies that help restore certainty to the marketplace and provide our true job creators with the confidence and freedom and opportunity necessary to do what they do best: innovate, grow their businesses, and get America working again.

That is why I'm proud to cosponsor H.R. 2587. I urge my colleagues to support this bill.

Mr. SCOTT of South Carolina. Mr. Speaker, I advise my colleague from Massachusetts that I have no remaining speakers.

Mr. McGOVERN. Then I yield myself the balance of my time.

Mr. Speaker, let me state for the record that this bill is not a retaliation against right-to-work States. I'm not a big fan of right-to-work States in terms of how they treat workers and those who want to organize unions; but this bill is really about protecting workers from corporations that retaliate against them simply for demanding their rights and organizing for their rights.

The Republican bill changes the rules mid-trial to benefit a particular Fortune 500 company, Boeing; but this bill has wide-ranging repercussions for American workers. This bill does not protect or create jobs. It just doesn't. It forces American workers to fight over existing jobs by giving up their rights and underbidding each other. It's a race to the bottom.

The Republican bill makes it easier to ship U.S. jobs overseas. There's no question about that. And the Republican bill creates an open season for CEOs to punish workers for exercising their rights. Again, this is a further assault on the rights and protections that workers have fought so hard for for so many decades, and this bill undermines the duty to bargain in good faith. This is an anti-union bill—there is no question—among other things.

The bill also encourages law-breaking and intimidation by employers. It removes a key disincentive against employers who unlawfully threaten employees with job loss during organizing drives.

The Republican bill creates a new race to the bottom for American workers' rights, wages, benefits, and working conditions. We're going in the wrong direction with this bill.

This bill is one more assault on American workers, on the American middle class. Time after time after time the Republican leadership has stood up for Big Business and against the American middle class. Higher gas prices—Republicans protect Big Oil tax breaks and do nothing to help the average consumer. Health care coverage for

our kids through the age of 25—Republicans side with the health care companies that put profits over patients.

With this bill, Republicans are promoting job creation overseas by allowing companies to move overseas in retaliation of workers who are exercising their own legal rights. Not only that, this bill goes back in time and applies this bill retroactively. This is just like changing the value of a touchdown in the middle of the Super Bowl simply because you don't like the score of the game. This bill would be a joke if it weren't so serious.

I would urge my colleagues on both sides of the aisle, this is not about protecting right-to-work States. Really, this is not even about unions. This is about the rights of workers in this country. This is about protecting American jobs. This is about urging companies to invest in the United States and not making it easier for them to create jobs overseas.

We're in a difficult economy right now, Mr. Speaker. We should be debating on this floor the President's job bill. Every day we should be doing something about jobs. And, instead, here we are in September. My Republican colleagues have done nothing. They've done nothing except continue an assault on middle class families.

Today, it's workers. They're going after Medicare in the Ryan budget. Their leading Republican Presidential candidate is talking about eliminating Social Security. All the protections, all the rights that middle class families have fought for and have won that are essential to a decent quality of life they're trying to take away. Enough.

I urge my colleagues to vote ''no'' on this closed rule and ''no'' on this bill.

I yield back the balance of my time.

Mr. SCOTT of South Carolina. I yield myself the balance of my time.

Mr. Speaker, my good friend from Massachusetts continues to talk about the President's jobs plan that is nothing more than a brand spanking new stimulus plan spending $467 billion by increasing taxes on everyone, including the middle class. I cannot find it in my heart to say to Mr. MCGOVERN that the President's plan has any opportunity of passing in this House, because the bottom line is simply this: we ought to spend our time focused on the things that we have in common. It is time for the games to stop.

We should look at the President's plan and pick out those parts of the plan that we agree with. We should start by talking about having an opportunity to work on corporate tax reduction, flattening the tax rate for corporations. We have the second highest tax rate in all of the world, and this environment creates an unlevel playing field for America's job creators.

Mr. MCGOVERN. Will the gentleman yield?

Mr. SCOTT of South Carolina. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. I'm just curious. When are we going to debate a bill on this floor that helps create jobs? Why don't you bring the President's plan to the floor and let's have it out?

Mr. SCOTT of South Carolina. Our President wants an up-or-down vote on this one package.

We believe that the fastest and most effective way to show the American people that partisan politics is over and that we're now focused on the American people, we will take those parts, those aspects of the President's bill that we agree with, like regulatory reform like we're doing today, and simply say to the American people that we're listening. We will take, without any question, an opportunity to debate the necessity of reducing the corporate tax structure to make America's corporations more competitive.

Mr. Speaker, I sincerely hope we can move past the politics and the games which so often sidetrack things in Washington and pass this important legislation here today.

This is not a question of pro-union—I agree with you—or anti-union. It is a question of right versus wrong.

The NLRB has plenty of tools at its disposal to protect workers and hold employers accountable for unlawful labor practices. There is simply no reason it should have the power to dictate where a private business can establish its workforce.

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

□ 1020

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

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

Mr. SCOTT of South Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 372, if ordered, and suspending the rules and passing H.R. 2867.

The vote was taken by electronic device, and there were—yeas 234, nays 177, not voting 20, as follows:

[Roll No. 707]

YEAS—234

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

NAYS—177

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum

McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—20

Austria
Bachmann
Barletta
Capuano
Giffords
Gosar
Kaptur
Larsen (WA)
Lewis (GA)
Marino
Nadler
Pence
Rogers (AL)
Ruppersberger
Rush
Schrader
Van Hollen
Waxman
Webster
Young (AK)

□ 1046

Messrs. HONDA, TONKO, SHERMAN, and LARSON of Connecticut changed their vote from ''yea'' to ''nay.''

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. LARSEN of Washington. Mr. Speaker, on rollcall No. 707 I missed the vote due to a personal family issue. Had I been present, I would have voted ''nay.''

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
*Washington, DC, September 14, 2011.*

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

DEAR MR. SPEAKER: I have the honor to transmit herewith a scanned copy of a letter received from Mr. Scott Gilles, Deputy Secretary of Elections, on behalf of Nevada Secretary of State, the Honorable Ross Miller, indicating that, according to the unofficial returns of the Special Election held September 13, 2011, the Honorable Mark E. Amodei was elected Representative to Congress for the Second Congressional District, State of Nevada.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
*Clerk.*

Enclosure.

STATE OF NEVADA,
OFFICE OF THE SECRETARY OF STATE,
*Carson City, September 14, 2011.*

Hon. KAREN L. HAAS,
*Clerk, House of Representatives, The Capitol, Washington, DC.*

DEAR MS. HAAS: This is to advise you that the unofficial results of the Special Election held on Tuesday, September 13, 2011, for Representative in Congress, from the Second Congressional District of Nevada, show that Mark E. Amodei, received 74,976 votes or 57.93 percent of the total number of votes cast for that office.

It would appear from these unofficial results that Mark E. Amodei was elected as Representative in Congress from the Second Congressional District of Nevada at this time. Please note, pursuant to Nevada Revised Statutes 293.403, any candidate who is defeated at any election may demand a recount of the votes within 3 working days following the canvass of the vote. At this time, the canvass has not been scheduled.

As soon as the official results are certified to this office by the counties within the State of Nevada and canvassed by the Supreme Court, an official Certificate of Election will be transmitted to you as required by law.

Respectfully,

ROSS MILLER,
*Secretary of State.*

2011 UNOFFICIAL SPECIAL ELECTION RESULTS—SEPTEMBER 13, 2011

[U.S. Representative in Congress District 2—2 Year Term]

| | Percent | Total Votes | Carson City | Churchill | Clark | Douglas | Elko | Esmeralda | Eureka | Humboldt | Lander | Lincoln | Lyon | Mineral | Nye | Pershing | Storey | Washoe | White Pine |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Amodei, Mark E. | 57.93 | 74,976 | 6,472 | 3,002 | 3,499 | 7,866 | 3,369 | 158 | 272 | 1,471 | 597 | 503 | 5,833 | 514 | 2,746 | 525 | 658 | 36,596 | 895 |
| Fasano, Timothy | 1.87 | 2,415 | 196 | 171 | 63 | 138 | 154 | 9 | 16 | 51 | 29 | 19 | 241 | 52 | 141 | 45 | 41 | 1,010 | 39 |
| Lehmann, Helmuth | 4.14 | 5,354 | 349 | 216 | 138 | 444 | 139 | 13 | 12 | 133 | 50 | 12 | 360 | 80 | 159 | 82 | 68 | 3,048 | 51 |
| Marshall, Kate | 36.06 | 46,669 | 3,824 | 993 | 2,180 | 3,284 | 962 | 30 | 69 | 580 | 131 | 119 | 2,413 | 335 | 1,407 | 217 | 360 | 29,362 | 403 |

2011 SPECIAL ELECTION VOTER TURNOUT—CONGRESSIONAL DISTRICT 2

[Turnout with 100.00% of County Precincts reporting as of 11:08 PM]

| | |
|---|---|
| Active Registered Voters | 396,090 |
| Election Day Turnout | 53,724 |
| Early Turnout | 67,014 |
| Absentee Turnout | 8,865 |
| Total Turnout | 129,603 |
| Percent Turnout—Active Voters | 32.7% |

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
*Washington, DC, September 15, 2011.*

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

DEAR MR. SPEAKER: I have the honor to transmit herewith a scanned copy of a letter received from Mr. Robert Brehm and Mr. Todd Valentine, Co-Executive Directors, New York State Board of Elections, indicating that, according to the unofficial returns of the Special Election held September 13, 2011, the Honorable Bob Turner was elected Representative to Congress for the Ninth Congressional District, State of New York.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
*Clerk.*

Enclosure.

STATE BOARD OF ELECTIONS,
*Albany, NY, September 14, 2011.*

Hon. KAREN L. HAAS,
*Clerk, House of Representatives, The Capitol, Washington, DC.*

DEAR MS. HAAS: This is to advise you that the unofficial results of the Special Election held on Tuesday, September 13, 2011 for Representative in Congress from the Ninth Congressional District of New York show that David I. Weprin received 27,599 votes, Bob Turner received 32,403 votes, and Christopher P. Hoeppner received 277 votes cast for that office.

To the best of our knowledge and belief at this time, there is a court proceeding (Turner v Weprin, and the NYCBOE commissioners, the NYCBOE and the City of New York) that temporarily enjoins and restrains the respondent board of elections from certifying any candidate as the candidate duly elected to the office of Representative in Congress, 9th Congressional District.

As soon as the official results are certified to this office by all county boards in the Ninth Congressional District in New York an official Certification of Election will be prepared for transmittal as required by law.

Sincerely,

ROBERT A. BREHM,
TODD D. VALENTINE.

## SWEARING IN OF THE HONORABLE MARK AMODEI, OF NEVADA, AND THE HONORABLE BOB TURNER, OF NEW YORK, AS MEMBERS OF THE HOUSE

Ms. BERKLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Nevada, the Honorable MARK AMODEI, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that the gentleman from New York, the Honorable BOB TURNER, be permitted to take the oath of office today.

His certificate of election has not arrived, but I am not aware of any reason why the House should not see him sworn today.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. Will the Representatives-elect and the members of their respective delegations present themselves in the well.

The Representatives-elect will please raise their right hands.

Mr. AMODEI and Mr. TURNER appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will

bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now Members of the 112th Congress.

## WELCOMING THE HONORABLE MARK AMODEI TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 1 minute.

There was no objection.

Ms. BERKLEY. Mr. Speaker, it is my great pleasure to welcome Representative AMODEI to Congress. Our new colleague is a native son of Nevada and a graduate of the University of Nevada, where he served in the ROTC program and later served on active duty in the Army, first in artillery and then as a JAG officer.

He has worked for the people of Nevada for many years as an assemblyman and as a member of the State Senate. I look forward to working with the gentleman as we represent the citizens of the great State of Nevada.

I now yield to my colleague and friend, Representative HECK.

Mr. HECK. I thank the gentlelady for yielding.

I too want to offer my congratulations to MARK AMODEI. I had the honor of serving alongside him in the State Senate, where he distinguished himself as president pro tempore and a member of the Natural Resources Committee, where he was the go-to guy on a lot of issues important to Nevada regarding water laws, grazing rights, and public lands issues. He's a fellow veteran. It's an honor to have him here. I wish him well, and I ask the entire House to welcome here as well.

Ms. BERKLEY. Mr. Speaker, I now yield to the gentleman from Nevada, Representative MARK AMODEI.

The SPEAKER. The gentleman from Nevada is recognized.

Mr. AMODEI. Thank you, Mr. Speaker.

Thank you, brand new colleagues, for your courtesies. I will endeavor to do the best I can to bring honor to this House and help you with the work that we have to do.

I was told that the longer you talk, the less popular you are; so I yield back my time.

Thank you very much.

## WELCOMING THE HONORABLE BOB TURNER TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from New York (Mr. RANGEL) is recognized for 1 minute.

There was no objection.

Mr. RANGEL. Thank you, Mr. Speaker.

Most of us know that we are so honored to be Members of this august body and that whenever we have an election, the winners clearly are Members of the Congress, the Constitution, and our great country.

We from New York have the special history of not being partisan and working together for our districts, our communities, our country. PETER KING has been here long enough to remember the days when adversaries could also be friends.

On behalf of the Congress and the New York delegation, we all welcome the Honorable BOB TURNER in joining our group. We in the State delegation look forward to working with him.

At this time, Mr. Speaker, I yield to my distinguished friend, PETER KING, from the great State of New York.

Mr. KING of New York. Thank you, Congressman RANGEL.

As all of you know, this is not something we're used to doing in New York. But it's a great moment. It's a great moment for New York. It's a great moment for the people of the Ninth Congressional District. It's a special privilege for me to be able to introduce our newly elected Member.

BOB TURNER is an Army veteran. He's an extremely successful businessman. Most importantly, he's the proud husband of Peggy, proud father of 5 children, and proud grandfather of 13 children. I can tell you he's a great friend and a great human being. He's going to make an outstanding Congressman. I'm so proud to be here today with BOB TURNER, as I've been during the years I've come to know him and to respect him. He's going to be a truly outstanding addition to this body and great fighter for the people of New York.

Thank you, Chairman RANGEL.

Mr. RANGEL. Mr. Speaker, I thank you for the great privilege of bringing to you our newly elected Member, the Honorable BOB TURNER.

The SPEAKER. The gentleman from New York is recognized.

□ 1100

Mr. TURNER of New York. Thank you, Mr. Speaker. Thank you, Congressman RANGEL. Thank you, Congressman KING.

With true humility, I accept this awesome responsibility, and I pledge not to forget how I got here. It was an important bipartisan election; it's the only way it can be done in New York City. And I will also promise not to forget why I'm here, and it's the future, which is ably represented here by these handsome grandchildren, not even the whole brood. Follow a good example and be brief.

Thank you.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentlemen from Nevada and New York, the whole number of the House is 434.

## PROVIDING FOR CONSIDERATION OF H.R. 2587, PROTECTING JOBS FROM GOVERNMENT INTERFERENCE ACT

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER. The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 176, not voting 18, as follows:

[Roll No. 708]

YEAS—239

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

Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NAYS—176

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

NOT VOTING—18

Ackerman
Bachmann
Barletta
Capuano
Cassidy
Giffords
Larsen (WA)
Lewis (GA)
Marino
McHenry
Miller, George
Nadler
Pence
Quigley
Rush
Waxman
Webster
Young (AK)

□ 1106

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CASSIDY. Mr. Speaker, on rollcall No. 708 I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. LARSEN of Washington. Mr. Speaker, on rollcall No. 708 I missed the vote due to a personal family issue. Had I been present, I would have voted "nay."

## UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM REFORM AND REAUTHORIZATION ACT OF 2011

The SPEAKER pro tempore (Mr. POE of Texas). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2867) to reauthorize the International Religious Freedom Act of 1998, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 21, not voting 21, as follows:

[Roll No. 709]

YEAS—391

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

NAYS—21

Amash
Broun (GA)
Conaway
Farenthold
Flake
Graves (GA)
Kingston
Labrador
Marchant
McClintock
Miller (FL)
Mulvaney
Palazzo
Paul
Price (GA)
Rooney
Southerland
Stutzman
Walsh (IL)
Westmoreland
Woodall

NOT VOTING—21

Bachmann
Barletta
Capuano
Crawford
Dicks
Fincher
Giffords
Gohmert
Hastings (WA)
Honda
Landry
Larsen (WA)
Lewis (GA)
Marino
McHenry
Nadler
Pence
Rush
Waxman
Webster
Young (AK)

□ 1114

Mr. HOLT changed his vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HASTINGS of Washington. Mr. Speaker, on rollcall No. 709, had I been present, I would have voted "yea."

Mr. LARSEN of Washington. Mr. Speaker, on rollcall No. 709, I missed the vote due to a personal family issue. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. GINGREY of Georgia. Mr. Speaker, on rollcall vote 706 that was taken yesterday on the adoption of H.J. Res. 77, I inadvertently voted ''no'' when I intended to vote ''yes.''

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 79, CONTINUING APPROPRIATIONS RESOLUTION, 2012

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112–207) on the resolution (H. Res. 399) providing for consideration of the joint resolution (H.J. Res. 79) making continuing appropriations for fiscal year 2012, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## PROTECTING JOBS FROM GOVERNMENT INTERFERENCE ACT

Mr. KLINE. Mr. Speaker, pursuant to House Resolution 372, I call up the bill (H.R. 2587) to prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstance, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MCCLINTOCK). Pursuant to House Resolution 372, the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce, printed in the bill, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2587

*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 ''Protecting Jobs From Government Interference Act''.

**SEC. 2. AUTHORITY OF THE NLRB.**

Section 10(c) of the National Labor Relations Act (29 U.S.C. 160) is amended by inserting before the period at the end the following: '': *Provided further*, That the Board shall have no power to order an employer (or seek an order against an employer) to restore or reinstate any work, product, production line, or equipment, to rescind any relocation, transfer, subcontracting, outsourcing, or other change regarding the location, entity, or employer who shall be engaged in production or other business operations, or to require any employer to make an initial or additional investment at a particular plant, facility, or location''.

**SEC. 3. RETROACTIVITY.**

The amendment made by section 2 shall apply to any complaint for which a final adjudication by the National Labor Relations Board has not been made by the date of enactment of this Act.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. KLINE) and the gentleman from New Jersey (Mr. ANDREWS) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. KLINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2587.

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

There was no objection.

Mr. KLINE. Mr. Speaker, I rise in support of H.R. 2587, and I yield myself such time as I may consume.

The Protecting Jobs From Government Interference Act is a commonsense proposal that will prevent the National Labor Relations Board from dictating where an employer can and cannot create work. Upon the date of enactment, this limitation will apply to all cases that have not reached final adjudication by the full Board.

Now, more than ever, the American people are looking for leadership out of Washington and some common sense. They want to know their elected officials are willing to take on the tough issues and make the difficult decisions needed to get this economy moving again. They need to believe Congress has the courage to tear down old barriers to new jobs, regardless of the political cost. After 31 straight months of unemployment above 8 percent, we cannot afford to cling to the status quo any longer.

This legislation represents an important step in the fight to get our economy back on track. It tells job creators they don't have to fear an activist NLRB reversing important decisions about where to locate a business. It offers workers peace of mind by ensuring no Federal labor board can force an employer to ship their jobs across the country. And it tells the American people we are serious about getting government out of the way of small business owners and entrepreneurs who are desperately trying to do what they do best, create jobs and opportunities for our Nation's workers.

On April 20, the National Labor Relations Board sent a shock wave across our struggling economy. In a complaint filed against the Boeing Company, the NLRB demanded that this private company relocate work already underway in South Carolina to Washington State. The Board has more than a dozen remedies available to protect workers and hold employers accountable. Regrettably, the Obama NLRB exercised the most extreme remedy and, as a result, put the livelihoods of thousands of South Carolina workers on the line. Equally troubling, countless workers across the country now fear they could be subject to a similar attack in the future.

Make no mistake. Every worker deserves strong protections that ensure they are free to exercise their rights under the law. This legislation preserves a number of tough remedies for the Board to punish illegal activity. This Republican bill simply says that forcing a business to close its doors and relocate to another part of the country is an unacceptable remedy for today's workforce.

If the NLRB is allowed to exercise this radical authority, it will have a chilling effect on our economy. Businesses, at home and abroad, will reconsider their decision to invest in our country and create jobs for American workers. We have already heard stories of Canadian business leaders doing just that. No doubt, these difficult choices are being discussed on shop floors and boardrooms across the country and outside our borders.

Last month, this Board unloaded a barrage of activist decisions that undermine workers' rights and weaken our workforce. If the President will not hold the Board accountable for its job-destroying agenda, Congress will. It is time we forced the NLRB to change course. This is a sensible reform that will encourage businesses to create jobs right here at home.

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

Mr. ANDREWS. Mr. Speaker, I yield myself 3 minutes.

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

Mr. ANDREWS. For years, the understanding in this country has been, if you show up for work every day and work your heart out and do your best, what you get in return is a good wage, good benefits, and a future that's secure as long as your company's secure, but it seems like that version of the American Dream moves another continent, another ocean, another day away each day that goes by.

□ 1120

Outsourcing is destroying the middle class in the United States of America, and this bill is the outsourcers' bill of rights. It says to an employer, if you want to use as an excuse the collective bargaining and union activities of your employees and you want to pick up and move to Central or South America or Asia, here's the way to do it.

This bill draws a map of jobs outside—rather, it draws a map as to how to take jobs from inside the United States and move them outside the United States. If an employer, under our law for decades, says that I'm gonna shut down and move my plant or my office because you dared to try to organize a union or you've spoken up

for the rights of the workers, that's illegal. The purpose of this bill is to remove the only effective remedy to combat that illegality.

If this bill became law, here's what would happen:

An employer who says, I'm tired of employees speaking up for their own rights. I'm tired of union organizing. I'm tired of collective bargaining. I'm moving to Malaysia, it would still be illegal under this bill for the employer to say that, but there would be nothing the labor board could do to stop that; because if the employer formed a shell company in Malaysia and took all of the money and put it in the shell company, and the labor board said, Well, you've got to pay backwages to the people you just laid off, there would be no money to pay the backwages.

This is the outsourcers' bill of rights. We don't need an outsourcers' bill of rights. We need a working person's bill of rights in this country. We need a bill of rights that says, if you hold up your end of the bargain, the American Dream will no longer move out of your reach.

This is a bill that overreaches, it undercuts the middle class of this country, and it should be defeated.

I reserve the balance of my time.

Mr. KLINE. Mr. Speaker, I am pleased to yield 3 minutes to the chair of the Health, Employment, Labor, and Pensions Subcommittee, the gentleman from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of America's job creators and H.R. 2587, the Protecting Jobs from Government Interference Act.

What this bill does is simple. It amends the NLRA, the National Labor Relations Act, which was passed in 1935, and prohibits the National Labor Relations Board from ordering employees to relocate, shut down, or transfer employment under any circumstance. In other words, it allows managers to make business decisions that are in the best interests of their company and their employees.

In filing the complaint against Boeing, the NLRB's general counsel has put 1,100 good-paying South Carolina jobs at risk. Mr. Speaker, I was in South Carolina about 5 weeks ago and viewed that plant. It's a huge plant with 1,100 people working today—American people working. This shot across the bow of American business sends a clear message: Don't do business in a right-to-work State.

My colleagues on the other side of the aisle suggest that Boeing decided to build a plant in South Carolina as an act of retaliation against a unionized workforce, but not a single worker in Washington State has lost his or her job. They've added jobs. And I'm glad that they have. I'm left to wonder that if the fact that South Carolina, like Tennessee, is a right-to-work State has the NLRB to conclude that a job created in Washington is more valuable than a job created in South Carolina.

I grew up in a union household. My father worked in a factory making shoe heels for BFGoodrich and Co., and his job was outsourced to Mexico in the early seventies. So I've been through that as a family. I understand that very well.

Very simply what happened, Mr. Speaker, is this, is that a company wanted to expand a business line, a 787 Dreamliner, and they built a huge factory in Charleston, South Carolina. A complaint was brought by the general counsel, NLRB, against this. It's now being adjudicated very expensively in the courts. Think what a message this sends to job creators in America. If I were a business, there is no way I would move to a non-right-to-work State because you can never get out if this ruling is upheld.

And I might add also that there are over a dozen remedies that the NLRB has: awards for backpay, effective bargaining, offer of employment, placement of preferential hiring, payment for travel and moving, and on and on. Over a dozen remedies.

Mr. Speaker, I strongly encourage us to support this bill. The fact is, with 14 million Americans out of work, 2 million more than when I came to this Congress 3 years ago, we need every job in every corner of the country. The administration's answer is more spending and more regulation. It's a recipe for failure.

It's time we recognize a fundamental truth that government doesn't create jobs; businesses do. But instead of trying to get the government out of the way of our job creators, this administration seeks to throw up more roadblocks.

I urge my colleagues to support this legislation.

Mr. ANDREWS. Mr. Speaker, I yield myself 15 seconds.

The record should reflect the fact that there is an allegation that Boeing, in the case that the gentleman mentioned, because of reasons of union discrimination moved those jobs. There is nothing in this case that says, if a company uses a legitimate business reason other than discriminating against worker rights, they can't do so.

At this time I am pleased to yield 1½ minutes to a lifelong advocate for the working people of the United States of America, my friend from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, in September 2010, my Republican colleagues issued A Pledge to America, stating that it is time to do away with old agendas. That much is clear.

However, what is also clear is that this pledge is not to the majority of the American people but to corporate America. To make matters worse, Republicans are taking up legislation that will encourage the shipping of jobs overseas and weaken the rights of middle class workers.

Furthermore, my Republican colleagues have fast-tracked what is more appropriately called the ''Job Outsourcers' Bill of Rights'' in the interest of their cronies in corporate America.

Proponents of this bill claim that it will protect jobs by prohibiting the government from interfering with a company's ability to move its operation. However, the law that Republicans are trying to amend to do so, the National Labor Relations Act, does not restrict the location of company operations at all unless the company's location effort is an act to retaliate against workers exercising their right to organize, to demand better benefits, safer working conditions, and ensure a full day's pay for an honest day's work.

This is obviously a response to the case against Boeing, and I find it inappropriate. Change in the law in the middle of trial is irresponsible and dangerous.

The United States Chamber of Commerce wrote a letter in support of this bill. But as noted in the letter, they represent the interests of business. Well, I represent the interests of the American people.

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

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

Mr. PAYNE. I was voted into this position not by Wall Street, not by corporate America, not by those people who reside in high-rise skyscrapers, but by hardworking Americans who want to raise their families the way that we had an opportunity to raise ours rather than ratchet it down to the bottom.

I believe that this bill is foolish, hazardous to the well-being of our Nation's workers, and our economic development.

It is time for the Republicans to abandon this pledge to corporate America. I urge my colleagues to vote against this outsourcing bill.

Mr. KLINE. Mr. Speaker, I am pleased to yield 1 minute to a wonderful representative of the people of Tennessee and the American people, a member of the committee, the gentleman from Tennessee, Dr. DESJARLAIS.

□ 1130

Mr. DESJARLAIS. I thank the chairman for yielding.

I rise today in support of H.R. 2587, the Protecting Jobs from Government Interference Act.

As I have traveled Tennessee's Fourth Congressional District and spoken with 30-plus job creators, our conversations inevitably focus on one basic complaint: that the Federal Government's overregulation of the private sector is impeding job creation in this country.

Instead of reducing the regulatory burdens on business, an act which would most certainly create much needed private sector jobs, this administration has used its labor board to make it harder to do business in America. Nowhere is this more apparent

than in its recent unfair labor practice complaint against Boeing.

If you want to talk about creating jobs, let's look at the facts: Boeing has invested approximately $1 billion to build a plant in South Carolina, which will create new, well-paying jobs in South Carolina.

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

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

Mr. DESJARLAIS. Despite the fact that not one—not one—single employee in Washington has lost his or her job due to Boeing's decision, the administration is attempting to destroy those South Carolinian jobs.

I urge my colleagues to vote for this bill.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1½ minutes to a very persuasive voice against outsourcing, my friend from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I rise in opposition to the outsourcers' bill of rights.

This bill would be devastating to workers across this country and kick off a new race to the bottom. The outsourcers' bill of rights is a naked attempt to directly interfere in a pending Labor Relations Board case. Now, there is much to be said about workers' rights and the importance of protecting them; but in the short time I have, let me just say a little bit about what this means for the American economy.

It makes it easier to ship jobs overseas. It eliminates the only remedy to force companies to bring work back from overseas. Companies that make a commitment to the welfare of their employees—well-run companies—and make commitments to their home communities rather than shopping for the latest lowest pay scale someplace in the world actually do better in the long run.

So the outsourcers' bill of rights is not only contrary to the interest of workers; it's bad for our economy at large. We need to improve worker protections, not weaken them. Yet the majority party and the proponents of this bill continue their assault on the rights of working men and women. It doesn't create a single job.

With 25 million Americans unemployed or underemployed, the majority today continues their ''no jobs'' agenda, bringing to the floor a special interest that is dealing with one particular case rather than creating jobs. It is not good legislative policy to legislate on individual cases. I urge my colleagues to oppose the outsourcers' bill of rights.

Mr. KLINE. Mr. Speaker, I am pleased to yield 2 minutes to a member of the committee, the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. I thank the gentleman for yielding some time.

I rise to give my strong support to this measure. This straightforward legislation before us today prohibits the National Labor Relations Board from dictating where private businesses can and cannot locate jobs in America. Mr. Speaker, let me say that again: this straightforward legislation before us today prohibits the NLRB from dictating where private businesses can and cannot locate jobs in the United States.

It's almost a bizarre situation that we're in. An American company wants to provide American jobs in America, and we have an agency of this administration that is trying to prohibit that.

Because of recent overreach by the NLRB, we, unfortunately, need to have this legislation. Businesses that want to hire Americans in America ought to be able to do so. For Americans wondering why jobs are going overseas, it's that there are too many regulations—and too many bizarre regulations—that are forcing companies out of this country just so they can stay in business.

We must continue to empower businesses to create jobs, increase investment, and keep production capabilities right here at home. Not only does that produce a strong economy; it keeps a strong middle class. This bill does just that by letting us stand strong in our commitment to America's job creators. It's just disappointing that we have to bring this bill forward over an administration and a bureaucracy that doesn't understand the success of this country's last 200 years.

Mr. ANDREWS. Mr. Speaker, I yield myself 20 seconds.

The previous speaker's claim that the National Labor Relations Board is dictating where jobs go in America is utterly incorrect. If any company said, We want to move from State A to State B because we think the State tax structure in State B is more favorable to us, they have an absolute right to do so. The issue is whether they can move because they want to discourage and undercut the right of collective bargaining. If they want to destroy collective bargaining, they can.

At this time, Mr. Speaker, I am pleased to yield 1½ minutes to a very persuasive voice for the working families of America, the gentlelady from Hawaii (Ms. HIRONO).

Ms. HIRONO. I rise in strong opposition to H.R. 2587.

In Hawaii, we believe in fairness and respect. We believe that working men and women should be able to come to the table, have a voice in their workplaces, be able to negotiate for fair wages and benefits. This belief helped build the middle class in Hawaii and across our country.

Right now, what working men and women need most are champions in their corner, champions who are fighting for real jobs. Instead, this bill takes aim at our working families. It's another direct assault on them and on workers' rights.

Let's face it. Companies today can move their business operations for any business reason at all except for an illegal one. Today, retaliating against workers who want to organize and join a union is illegal. This bill changes that. It says companies can go ahead. You can move your jobs to other States or even to other countries to punish your workers who want to organize and have a voice. This would have a chilling effect on any attempt by workers to ask for a seat at the bargaining table. Workers have already taken big hits in their paychecks and in their retirements over the years.

We should not make it easier for businesses to game the system. I urge my colleagues to fight against this bill and to stand with the working men and women of this country.

Aloha.

Mr. KLINE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank Chairman KLINE for yielding me this time and for his leadership in moving this legislation to the floor. I thank Congressman SCOTT of South Carolina for his leadership in introducing this legislation, and I thank all those who join with me in supporting what I think is an important job-creating bill for this country.

It's important not just in right-to-work States, like South Carolina or Virginia; but it's important in States that don't have protection of workers under right-to-work laws, like Washington State, because businesses both in this country and overseas that are looking to invest are not going to look in places where they can be subsequently restrained from being able to expand their business—and that's what is happening here. They're expanding their business to another State if they locate in a place where that can happen to them.

They are also not going to locate in right-to-work States. No. When they need to expand, they're not going to have any statement about what their intentions are or why they're doing it, as is the case with most companies. They're simply going to locate in China or Taiwan or Thailand or India or in 100 other countries around the world that are very friendly and welcoming to employers who want to grow and expand businesses. Unless the United States changes this law and restrains the National Labor Relations Board from making these kinds of decisions, we're going to suffer greatly in job loss.

So this is a great job-creating bill. I encourage my colleagues to support the Protecting Jobs from Government Interference Act that amends the NLRA to prohibit the NLRB in future and pending cases from ordering an employer to close, relocate, or transfer employment under any circumstances.

This is an important measure. This will not just save 1,000 jobs in South Carolina. This will save hundreds of thousands of jobs across this country. It will ensure that employers have greater freedom to make one of the most basic management decisions: where to locate a business.

□ 1140

Mr. ANDREWS. Mr. Speaker, I yield myself 15 seconds.

The gentleman from Virginia just said that this bill restrains companies from growing jobs. Here's what it restrains. It restrains from saying to a worker who dares to stand up and bargain for themselves and fight for themselves, ''You're fired.'' That's what it restrains; and it should restrain that, because that's our law.

Mr. Speaker, at this time I am pleased to yield 1½ minutes to one of the most passionate voices for working Americans in the modern history of this country, my friend from Ohio (Mr. KUCINICH).

Mr. KUCINICH. The National Labor Relations Act was a New Deal initiative which helped save American capitalism by creating a process which would protect the rights of employees and employers. This was before NAFTA, GATT, and the WTO, which tore legal rights for workers apart, moved millions of jobs out of the U.S.

Yes, we stand for the workers at Boeing in Washington State, but we also stand for the workers at Boeing in South Carolina, because they will have no recourse if Boeing wants to move jobs to China.

You can't say you want to create jobs here at home while destroying the rights of workers to organize, the right to collective bargaining. These are basic rights in a democratic society.

You can't say you want to protect American jobs and not protect American workers. Take away workers' rights to free speech, take away workers' right to due process and you create a new class of slave laborers here in the United States who are helpless to stop the movement of jobs out of America.

This bill not only sacrifices the rights of Boeing workers in Washington State, it also sacrifices laws that are designed to protect workers' rights. It's an attack on all American workers.

It's one thing to take the side of the boss or the owners; it's another thing to take the side of the boss or the owners when they want to move jobs out of America.

Stand up for the American workers, stand up for workers' rights, stand up for American jobs, and stand up for employers who want to keep jobs in the United States.

Mr. KLINE. Mr. Speaker, I yield 2 minutes to another member of the committee, the gentleman from Indiana (Mr. BUCSHON).

Mr. BUCSHON. Thank you, Mr. KLINE.

Mr. Speaker, I rise today to talk about jobs. The first thing I want to do is correct this ridiculous notion that this bill causes jobs to go overseas. I would argue it does just the opposite.

Just like Dr. ROE, I grew up in a union household. My father was a United Mine Worker, and that's why I am here today. I was elected to Congress to protect all workers, not just a select few.

Ninety-three percent of American workers are not in a union; 7 percent are, in the private sector. The National Labor Relations Board complaint is an attack on American job creators.

Again, I was elected to protect all workers, not just a select few.

The NLRB's decision to punish Boeing for creating 1,100 new jobs is just another example of the administration abusing its position to advance a biased agenda. I want to remind everyone no jobs were taken from Washington State.

This is a straightforward bill that prohibits the NLRB from ordering an employer to close, relocate, or transfer employment under any circumstances. This bill will create an environment necessary for employers to develop their businesses in the State that offers the best opportunity—and, I would argue, in the best country that offers the best opportunity—to grow and create jobs and not have this left up to a board of unelected bureaucrats in Washington, D.C.

I urge my colleagues to support this bill, and let's get America back to work.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1½ minutes to a daughter and sister in a union family who doesn't forget where she came from, the gentlelady from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. I thank my colleague.

Mr. Speaker, I rise today in opposition of H.R. 2587, a bill I call the ''Outsourcing Bill of Rights.''

Especially during these difficult economic times, we have come together to do the patriotic thing—protect and create jobs here at home.

This legislation eliminates the NLRB's already limited authority to order an employer to restore work taken away in a wrongful way. By passing this bill, we are telling our Nation's workers we cannot and we will not help them. Plain and simple, if this bill passes, it will lead to increased outsourcing of jobs. Further, the bill will make certain that employers will not be held accountable.

My colleague on the other side just mentioned that 93 percent of American workers are not unionized, and I also would like to bring up the point that we have seen wages across this country going down and yet we have seen the profits in corporations going up. That's why we are in the situation we are in right now.

I come from a union family, and I am proud of that. It was able to give us the education that we needed, for my father and mother to be able to buy us a home. That, we're not seeing today. Why? Because we're hitting the workers. Why did we have unions in the first place? To give them a voice.

I urge my colleagues to oppose this bill. In my opinion, the corporations should be a little bit more patriotic and start hiring people so we can get this economy going and make this great country what we are. America can go forward, but not without good pay for our workers.

Mr. KLINE. Mr. Speaker, I am pleased to yield 3 minutes to another member of the committee, the gentleman from South Carolina (Mr. GOWDY).

Mr. GOWDY. I want to thank the chairman for his leadership on this issue and so many others on the Education and Workforce Committee.

Mr. Speaker, the NLRA is supposed to balance the rights of employees, employers, and the general public, but you would never know that from the recent actions of the NLRB. This unelected group of executive branch recess appointees has abandoned all pretense of objectivity and has become, frankly, nothing more than a taxpayer-funded law firm for Big Labor.

Boeing is the most glaring example of their overreach, but it is not the only one. At a time when union membership is at a historic low, the NLRB seeks to give Big Labor a historically high level of influence with this administration, whether it's quickie elections or mandating advocacy posters in the workplace or this, the economic death penalty. The NLRB is out of control and it needs to be reined in so it does not do even more damage to this fragile economy.

With respect to the bill at hand in which my friend and colleague Mr. SCOTT seeks to remove a single remedy from the arsenal of the NLRB, leaving a dozen other remedies, this bill simply says that you cannot force Boeing to close a billion-dollar facility, which is already being constructed in Charleston, and fire the thousand workers who have been hired and send the work back to Washington State, which is tantamount to the economic death penalty. Not a single worker has lost a job or a benefit in Washington State, Mr. Speaker, when Boeing started this separate, distinct supply line.

The NLRB thinks a company should stay in a union State no matter how many work stoppages there are, no matter how many customers have threatened to go do business somewhere else because they can't get their planes on time, no matter how many fines have been paid because of late delivery of airplanes because of work stoppages, no matter what. No matter how much money is lost, Mr. Speaker, the NLRB thinks that Boeing should have to stay in a union State because it planted a flag originally in a union State.

This Congress has limited civil remedies when they have been abused. This Congress has limited criminal remedies whether they have been abused. And this Congress must limit administrative remedies when they are being abused, as they are now. Even the Chicago Tribune, Mr. Speaker, hardly a bastion of conservative thought, acknowledges that the NLRB is out of control.

I will ask my colleagues on the other side the same question I asked Lafe

Solomon, the general counsel for the NLRB. Can you name me a single solitary worker who has lost a job because of Boeing's decision to start a separate line of work in North Charleston? Can you name me a single solitary worker who has lost a benefit or suffered any recrimination, any reparation because of Boeing's decision?

Mr. Speaker, if this administration were serious about job creation, they would have reined in this agency a long time ago. They did not, and we must.

□ 1150

Mr. ANDREWS. Mr. Speaker, I yield myself 20 seconds.

My friend who just spoke indicated that this decision, or attempt by the NLRB, would destroy jobs in South Carolina. That's not accurate. On page 8 of the NLRB's complaint, it says the relief requested by the NLRB does not seek to prohibit respondent, Boeing, from making nondiscriminatory decisions where work will be performed, including work at its North Charleston, South Carolina, facility.

At this point I am pleased to yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY), a strong, progressive voice for working people in the United States.

Ms. WOOLSEY. I thank the ranking member for yielding to me.

When the President spoke in this Chamber last week, he urged us to focus on jobs. Believe me, this outsourcer's bill wasn't what he had in mind. He demanded that we move urgently to create new jobs, certainly not jeopardize the ones we already have. This outsourcer's bill of rights is nothing more than a gift to the majority's corporate cronies. It gives unscrupulous employers the green light to retaliate against workers, to punish them for engaging in union activities, or for fighting for their rights as workers. And they do that by saying that it is perfectly okay to pick up and leave town, and they do that after the president of Boeing actually admitted the reason they were moving to South Carolina was because there was too much union activity in Seattle. That is retaliation, my folks.

Someone tell me how exactly is this supposed to revive our economy? It's part of the Republican vendetta against workers and their collective bargaining rights. It's part of their orchestrated assault on the labor movement that built the American middle class. This is not the time to be undermining or threatening the job security of any American. It is time to defeat this bill and move immediately to pass a big, bold jobs bill, one that will put America back to work.

Mr. KLINE. Mr. Speaker, may I inquire of the time remaining?

The SPEAKER pro tempore. The gentleman from Minnesota has 14 minutes remaining. The gentleman from New Jersey has 17 minutes remaining.

Mr. KLINE. Thank you very much, Mr. Speaker.

Then at this time I will yield 2 minutes to another member of the committee, the gentlelady from Alabama (Mrs. ROBY).

Mrs. ROBY. Mr. Speaker, I rise today in support of H.R. 2587, the Protecting Jobs From Government Interference Act, of which I am a cosponsor. Representing a district in the State of Alabama, a right-to-work State, the current activist agenda of the National Labor Relations Board greatly concerns me.

Congress has a responsibility to ensure that the NLRB objectively applies the law written by the people's elected representatives. Congress must also work to ensure that labor interests are not undermining the employer's efforts to create jobs. At a time when millions of individuals are unemployed and searching for work, public officials in Washington should look to provide greater certainty to America's employers so they can grow businesses and create new jobs, not hinder them.

Unfortunately, the recent rulings and proceedings of the NLRB have demonstrated otherwise. I enter this letter of support of H.R. 2587 from the Associated Builders and Contractors of Alabama in the CONGRESSIONAL RECORD. ABC represents over 800 commercial construction companies in my State, all of whom are concerned that the NLRB has abandoned its role as a neutral enforcer and arbiter of labor law in order to promote the special interests of unions. The Federal Government, especially the NLRB, has no right to dictate where a company can or cannot create jobs. The Protecting Jobs From Government Interference Act will provide employers with the certainty they need to invest in our economy and put Americans back to work right here at home in the United States.

ASSOCIATED BUILDERS
AND CONTRACTORS, INC.,
*Birmingham, AL, July 29, 2011.*

DEAR CONGRESSMAN ROBY: On behalf of Associated Builders and Contractors of Alabama (ABC), that represents 800 commercial construction companies in our state, I am writing to express our strong support for H.R. 2587, the Protecting Jobs from Government Interference Act. ABC urges House Members to support H.R. 2587 and will consider this vote a ''KEY VOTE'' for our 112th Congressional Scorecard.

Alabama being a right to work state, this bill further strengthens what your constituents feel is in the best interest of Alabama.

For more than a year, the National Labor Relations Board (NLRB) has moved forward with an agenda that is stifling job creation and economic growth. The NLRB's decisions, proposed rules, invitations for briefs and enforcement policies demonstrate that the agency has abandoned its role as a neutral enforcer and arbiter of labor law in order to promote the special interests of politically powerful unions.

Recent rulemakings and decisions by the NLRB will have negative implications for workers, consumers, businesses and the economy. These actions inevitably will reduce employee access to secret ballots; limit an employer's ability to effectively communicate the impact of unionization to its workers (''ambush'' elections); trample private property rights; invite greater union intimidation of employees, consumers and small businesses; and limit the ability of U.S. businesses to quickly and flexibly adjust to the demands of a changing economy and global competition.

The NLRB has also taken unprecedented steps to mandate where and how one company—Boeing—can operate and expand its business. The federal government has no right to dictate where a company can or cannot create jobs. The Protecting Jobs from Government Interference Act would encourage investment in our economy by guaranteeing that businesses and entrepreneurs retain the ability to decide where to conduct business and where to locate jobs.

At this time of economic challenges, it is unfortunate the NLRB continues to move forward with policies that threaten to paralyze the construction industry and impede job growth. With an unemployment rate exceeding 15 percent, ABC members and construction workers cannot afford this burden.

ABC urges House Members to support H.R. 2587 and will consider this vote a ''KEY VOTE'' for our 112th Congressional Scorecard.

Sincerely,

JAY REED,
*President.*

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 3 minutes to the most effective leading voice for working people in America today, the senior ranking Democrat on the Education and Workforce Committee, my friend from California (Mr. MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding and for that nice introduction.

Mr. Speaker, I rise in very strong opposition to this legislation, H.R. 2587.

This special interest bill is a job killer. It is simply a job killer. It was spurred by a particular case involving a Fortune 500 corporation, The Boeing Company. But this bill is not just about Boeing. This bill is really about working Americans all across this country, and they should pay very careful attention to this bill and to this debate because it affects their livelihoods, their ability to support their families, the safety of their jobs at work, the conditions under which they work, and their ability to participate through their increased productivity in higher wages and better conditions.

This bill takes those rights away from workers, from all workers, all across the country. This isn't just about whether you belong to a union or not. This is about whether or not your employer can retaliate against you by taking your work away, by sending your work down the road or out of the country. It makes it easier to outsource because you simply, in response to a request by workers that they might share in the profits of the company, they might have higher wages, their work can disappear in an arbitrary fashion. And they have to understand that that's what happens under this legislation.

For the first time in 70 years, American workers in the workplace will not be protected. They will not be protected for the right to have a grievance against the employer for their wages or

for the benefits that they are paid because the employer, for the first time in 70 years, will have the ability to say: Well, if you need more wages and you want more wages, you know what I'm going to do, I'm going to take your jobs and I'm going to outsource them. I'm going to send them to China. I'm going to send them to India. I'm going to send them to another part of the country because I'm not going to pay higher wages. Today, that's illegal. Under this law, it will not be. They can take your job and your work away from you. We've got to understand what that means.

We just saw that wages have taken one of the largest hits in a decade in this country. We have seen, as workers fail to organize in the workplace, wages have continued to go down. And at the same time, we have seen the CEOs and the management of companies take out tens of millions of dollars a year for each and every one of them, but not share it with the workers. They have decided that they'll take the increased productivity of the most productive workers in the world, the American worker, and they'll take that increased productivity and they'll take it for themselves. They won't continue the bargain that we have in this country that if you work hard, you'll be able to improve your lot in life. And so we've seen wages have stagnated in this country. And now this. If you try to get better wages, if you seek to improve your lot in life, if you seek to improve the ability of your kids to go to school, to provide for your family, your work can be taken away. This is a first in America.

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

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

Mr. GEORGE MILLER of California. This is a first in America. We must repudiate this on behalf of families that are struggling all across the country, those who are fortunate enough to continue to have a job, but they can't have a job living under this threat that they won't be able to better themselves if their employer decides to be selfish, decides to retaliate against them for seeking to organize to do something on their behalf. It's a fundamental part of the contract in America for workers. It doesn't exist in a lot of other parts of the world, but it does here. It has led to the middle class in this country, and it's the middle class that is threatened by this legislation.

Mr. KLINE. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I thank the gentleman for yielding.

Mr. Speaker, I would just like to say on the previous speaker that we have a czar to control these executive pays, and so if that czar is not doing his job, that's another problem we need to address.

I rise today in support of H.R. 2587, the Protecting Jobs From Government Interference Act. After the unprecedented actions by the National Labor Relations Board early this year, I was proud to join the gentleman from South Carolina and support this legislation.

Right now, our economy is suffering, and that suffering is felt even more in the South where States like Georgia and South Carolina have unemployment rates higher than the national average. We need to encourage companies to invest in those States most hard-hit. The Boeing plant in South Carolina directly created thousands of jobs in South Carolina, and indirectly through suppliers and construction created hundreds more.

□ 1200

Instead, the President has once again overstepped his executive authority and allowed the union attack dog to threaten to shut down the plant in South Carolina, jeopardizing thousands of jobs.

I strongly encourage my colleagues to support H.R. 2587 and stop the National Labor Relations Board from killing jobs.

Mr. ANDREWS. Mr. Speaker, I yield myself 15 seconds.

We don't have a czar controlling executive pay in this country. We have executives acting like czars outsourcing jobs around the world and ruining the middle class. That's the problem in the United States.

It is my privilege at this time to yield 3 minutes to the Democratic whip, who strongly understands the value of collective bargaining, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

First of all, the issue here has been raised by a case that is not yet concluded. Let me state that again: the issue raised in this legislation is reference to a case that is not yet concluded and seeks to interpose our judgment for the finder of fact and law's judgment. Normally, we believe that's a bad practice in a Nation of laws, not of men.

Secondly, this bill shows clearly a basic difference between many of us on this side and many on that side of the aisle, and that is whether or not you believe that working men and women have the right to come together to organize and to bargain collectively for their pay, their benefits, and their working conditions. In fact, it is my belief that the overwhelming majority of working Americans, whether or not they have joined such an organization, find their workplace safer, healthier, their pay better, and more availability of benefits than they would have if men and women had not been guaranteed the right to bargain collectively, for which they fought and some died in the 1930s and 1940s and later, because people did not want them to do that. They wanted to say: I don't care how much money we make, this is your portion.

Now, we see superathletes not stand for that if they're in the NFL or in the NBA or the NHL. We understand that. They see their enterprises making great money because they're great players. But the owners want to pay them what they need to pay them. Why? Because they want to maximize profits. I'm for that. That's the free enterprise system.

So we set up a system where we can bargain and we can come to a fair resolution. But this bill says that the concomitant of that right, which is that the employer cannot retaliate for the exercising of a legal right, will be jettisoned. That's what this bill says pretty simply. Yes, you have the right to bargain collectively; but if we don't like what you're doing, we're taking a hike. We're going to retaliate.

I do not decide today whether or not that will be the finder of fact and law's conclusion in this case. I don't know that Boeing did that.

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

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

Mr. HOYER. I do not know whether that will be the ultimate conclusion, whether Boeing in fact violated the law by retaliating. And I've told my friends at Boeing that I don't know that that's going to be the conclusion. But I do know this: I am for working men and women having the right that they've had for some 70 years. And I believe that working men and women in America, organized or unorganized, are better off because we adopted a law to protect that right. Do not jettison.

And I close with this. I quote from a letter sent by hundreds of professors with expertise in this area: ''We are dismayed that a single complaint should be the basis for so fundamental a reversal of longstanding law.''

Do not take this step. Reject this bill. Vote ''no.''

Mr. KLINE. Mr. Speaker, I yield 2 minutes to another member of the committee, the gentleman from Nevada, Dr. HECK.

Mr. HECK. Thank you, Mr. Chairman.

Mr. Speaker, in the past, unions have been about protecting workers. As a physician, I know that one of the major reasons for the increase in life expectancy between the first and second half of the last century was due in large part to increases in worker safety, which were brought about by actions of unions.

I grew up in a union household. In fact, when my father was injured on the job, it was his union that helped represent him in court and put food on the table for my family. Too often, today's unions are more about politics and protecting their clout than protecting workers.

This change in focus is exemplified by a Boeing union newsletter that stated that ''2,100 bargaining unit positions may be lost,'' if Boeing located a new manufacturing plant in South Carolina. Not jobs, not employees, not brothers and sisters, but bargaining

unit positions. These employees were reduced to nothing more than a number.

Employers must have the ability to locate where they can find the best employees, period. I worry that if the NLRB takes away that ability and prevents them from creating jobs in a right-to-work State like South Carolina, what does that mean for other right-to-work States like my State of Nevada, the State hardest hit by the recession and with the highest unemployment rates in the Nation. Would the NLRB take similar action against a company trying to create jobs in Nevada? That's a risk Nevadans cannot afford to take.

H.R. 2587 maintains an employer's ability to locate where they can find the best employees; and that is why I support this legislation, and I strongly urge my colleagues to do the same.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1 minute to the leader who's leading the fight against outsourcing and for collective bargaining, the minority leader of the House Democrats, the gentlelady from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding and commend him for his tremendous leadership on behalf of America's workers. Thank you, Mr. ANDREWS, for your leadership.

Mr. Speaker, across the country, Americans of every political party and every background—Democrats, Republicans, independents, and others—agree that our Nation's top priority must be the creation of jobs and economic growth and security. Yet for more than 250 days, the Republican majority in the House has refused to listen to them. They, the Republicans, have failed to enact a single jobs bill. And the American people do not have the luxury of waiting any longer for Congress to act to create jobs.

The President has proposed the American Jobs Act. He's called upon us to pass the bill now. We support that, as do the Democratic Members of the House. But today, instead of passing a jobs bill, we are wasting the time of the Congress by attacking workers instead of strengthening them. We are debating a bill to undermine the foundation of our middle class instead of fighting to put people to work rebuilding our roads, bridges, railways, broadband lines, schools, airports, and water systems. We are voting on a measure to send jobs overseas instead of focusing on how to keep jobs here at home through our Make it in America initiative advanced by our Democratic whip, Mr. HOYER. Make it in America—how to strengthen our economy and our national security by stopping the erosion of our manufacturing base, indeed, by strengthening our manufacturing and industrial base.

I want to recognize my colleague, Congressman GEORGE MILLER, the ranking member on the Committee on Education and the Workforce, for his leadership, his knowledge, and not only his intellect but his passion and tireless advocacy on the subject of America's workers. As Congressman MILLER has said, our Republican colleagues have proposed the so-called outsourcers' bill of rights or as I prefer to call it, the Outsourcers' Bill of Wrongs—because this legislation has the wrong priorities for America's economy and for American workers.

□ 1210

The bill is about more than one company or a single case; it is about the economic security of America's workforce and families.

Rather than create jobs, this measure encourages the outsourcing of jobs and undermines the rights of middle class workers. This bill cuts the National Labor Relations Board, makes it easier for corporations to ship jobs overseas, and allows employers to punish their employees for simply exercising their rights to organize, to demand better benefits and safer working conditions, and to ensure a full day's pay for a full day's work.

For months in Wisconsin, Ohio, and States nationwide, Americans have seen Republican Governors and legislatures attack teachers and public servants. And we've seen these workers, union and nonunion alike, inspire the Nation to fight back. Now Republicans have brought their assault on working Americans to our Nation's Capitol, to the floor of the House, claiming their actions will help the economy. But it will do just the opposite. It will weaken our workers, our middle class, and our families—indeed, the cornerstones of our economic prosperity, of our middle class, and of our democracy.

The ''Outsourcers' Bill of Wrongs''—or Rights—is not about jobs; it's about dismantling protections established specifically to strengthen the rights of workers. We need these protections now more than ever.

Listen to this: Last year, American companies created 1.4 million jobs overseas—overseas—while raking in enormous profits. We must create these jobs here at home.

Democrats will stand strong for our working men and women. We will stay focused on jobs and economic growth.

On a personal note, Mr. Speaker, the other night I had one of the thrills of my political lifetime. I received—such an honor for me—the Frances Perkins Award from my colleague, LYNN WOOLSEY, a champion for working families in our country.

For those of you who may not know Frances Perkins from history, she was the first woman to serve in the Cabinet of a President of the United States. She was the Secretary of Labor. And she was responsible for many important initiatives: the 40-hour workweek, the ability for workers to bargain collectively. She was a remarkable champion for working people in our country. She was largely responsible for creating Social Security. Imagine having that as her credentials. Imagine what a thrill it was for me to receive an award named for her, especially given by Congresswoman LYNN WOOLSEY, a champion on the Education and Workforce Committee.

Much of what she did, the credit was given to the President of the United States, as is appropriate. More than 75 years ago, upon the signing of the National Labor Relations Act, President Franklin Roosevelt said this:

''By preventing practices which tend to destroy the independence of labor, this law seeks, for every worker within its scope, that freedom of choice and action which is justly his.'' I guess he could have said his or hers.

That ''independence,'' that ''freedom of choice and action'' has rested at the core of a growing, thriving American workforce. It has not limited the ability of companies to move, change, or extend their operations. It has simply ensured that companies treat their workers in ways consistent with the laws of our land.

The independence and freedom of our workers have helped build and expand our middle class, which is the backbone of our democracy, and drive unprecedented prosperity for our families and for our Nation, and it must be preserved in our time. I call upon my colleagues to do just that, to preserve this right in our time.

I call upon my colleagues to oppose this legislation, to uphold the value of fairness for our workforce, and to get to work putting the American people back to work by bringing President Obama's bill, the American Jobs Act, to committee and to the floor to again give people hope and confidence and the dignity of a job.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. ANDREWS) has 8¾ minutes remaining. The gentleman from Minnesota (Mr. KLINE) has 9 minutes remaining.

Mr. KLINE. Mr. Speaker, I yield 2½ minutes to a member of the committee, the gentleman from Florida (Mr. ROSS).

Mr. ROSS of Florida. Mr. Speaker, I rise in support of this legislation on behalf of the American public that has had enough; on behalf of those tens of millions of people who pay their taxes, live within their means, and give their hand to a neighbor in need, for they have had enough; on behalf of those like Boeing, whose innovation, entrepreneurship, and technology ensures that more moms and dads will not have to witness a flag-draped coffin bringing their son or daughter home from a land far away, for they, too, have had enough. I rise on behalf of those like my dad, who fought and bled against tyranny to make sure that the future that he gave to his children would be a future of freedom, for those, too, have had enough.

Mr. Speaker, there is no defending the overzealous oligarchs at the National Labor Relations Board. Their actions are a symptom of a regulatory board gone amuck. In fact, the irony of

this is that if Boeing wants to escape their reach, their jurisdiction, the only way to do so is to move overseas, which is contrary to what any of us want when we want jobs here in America. Nowhere in America should your government be able to tell you what you can or cannot do just because they believe what your intentions are.

Mr. Speaker, this administration needs to stop reading minds and start reading the Constitution. The Boeing decision is a vivid reminder that absolute power corrupts absolutely. And we could dismiss it if it were only an isolated case, but it is not. Americans have endured an administration that fines American citizens for not buying a product, raids—with guns drawn—an American guitar manufacturer for not shipping jobs overseas, conducts aerial searches and seizures of American businesses without their knowledge, and orders Federal employees not to speak to Members of Congress.

Mr. Speaker, free enterprise is not the problem; it is the solution. And, Mr. Speaker, contrary to what the other side may say, labor is not the enemy. Labor is the backbone of the American economy. But both should be aware of a government that can tell you what to do just because of what you think, and both should be aware of a government that can tell you what to buy just because they think that's what you need.

I pray that this legislation is the cornerstone of a renewed free market citadel called America. The reign of the regulator is over. The American people want their country back, and there are still patriots in this House.

Mr. ANDREWS. Mr. Speaker, I yield myself 10 seconds.

I'm sure the gentleman did not mean to imply that those of us who take our side are not patriots. We think patriotism includes the right to freely and collectively bargain, and we stand for it.

I am pleased at this time to yield 1 minute to a widely respected advocate of the people of the State of Washington, the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, I am very concerned about this outsourcing bill and its tenor.

If you want to change what's legal or illegal, then this body should address those issues. But this bill won't change what's legal or illegal; it will simply stop current law from being enforced.

The NLRB is a law enforcement body. It follows an independent, adjudicative process.

□ 1220

If we want to change the laws it enforces, that's subject to debate, but this bill won't do that, and that's why I'm opposing it.

I haven't taken a position on the case that brings us here today, and I don't intend to here, but I can say this firmly: Elected officials should not be politicizing an ongoing adjudicative process. Politics should not interfere with justice in this or any other case.

I won't support a bill that doesn't change the underlying law but only changes the ability of those we've charged with enforcing it with the ability to do so. Don't allow one controversy to sully Uncle Sam's ability for justice in this country.

Mr. KLINE. Mr. Speaker, I yield 1½ minutes to the gentleman from Arkansas (Mr. CRAWFORD).

Mr. CRAWFORD. I thank the chairman for yielding, and I thank him for his leadership on this issue.

Mr. Speaker, I rise today in strong support of this bill.

I want to start by making a comparison and contrasting the events recently in the great State of South Carolina with that of my home State of Arkansas.

In Arkansas, aerospace is one of our top exports. We have more jobs in Arkansas affiliated with the aerospace industry than any other sector of our manufacturing economy. With aviation manufacturers like Hawker Beechcraft and Dassault Falcon, thousands of Arkansas families enjoy high-paying jobs. Communities, schools, and small businesses are all positively impacted by the aviation industry's choice to locate in Arkansas. But, Mr. Speaker, if the NLRB had had their way, none of this would have ever been a reality in my home State of Arkansas.

The recent action by the NLRB is a case of massive overreach, overreach that attempts to tell a business where and when they should locate their businesses that employ people and create jobs. You see, Mr. Speaker, South Carolina, along with Arkansas, are right-to-work States. Right-to-work States focus on fostering economic conditions that allow the private sector to create jobs and prosper.

And again, not a single job was lost as a result of Boeing's decision to open another manufacturing plant in the State of South Carolina. Yet the NLRB chose to attack the private sector once again. And that's just indicative of this administration's economic agenda that focuses on growing government instead of creating jobs and growing our economy.

In closing, Mr. Speaker, the NLRB decision sets a dangerous precedent. This bill is the first step to limit the government overreach that threatens Arkansas companies and job creators all across the country.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1 minute to a person who understands the international implications of economic growth and collective bargaining, my good friend from California (Mr. BERMAN).

Mr. BERMAN. Thank you, Mr. ANDREWS.

Mr. Speaker, I would like the proponents of this legislation to look at this fact situation:

Let's assume there was compelling evidence that an employer decided to move a production line from one part of the country to another part of the country because he wanted to find a workforce that was white and not African American or not Latino, or that was much more likely not to have women applying to work on that manufacturing line than where he was located. Would anyone here suggest there should be a bill that, notwithstanding Title VII of the Civil Rights Act, should let that employer, with a discriminatory motive and a racist intention, move his plant for that reason?

This is not a bill about what an employer can or cannot do. This is a bill about motivation. The Civil Rights Act, 1964, the right of employees to organize, form unions, bargain collectively, and to prohibit employers from retaliating against that, 75 years ago.

If you really want to have the job creators do whatever they want, as you like to say, get rid of the workers' right to choose, get rid of collective bargaining, remove the protections against discrimination, against unions, but don't pretend you're trying to do something for reasons that disguise the motivation for the reason.

Mr. KLINE. Mr. Speaker, may I inquire again about the time remaining?

The SPEAKER pro tempore. The gentleman from New Jersey has 6½ minutes remaining, and the gentleman from Minnesota has 5 minutes remaining.

Mr. KLINE. I will inform my colleague from New Jersey that I am expecting another speaker; so at this time I will reserve the balance of my time.

Mr. ANDREWS. I thank my friend.

Mr. Speaker, I am very pleased to yield 2 minutes to a passionate voice to fight the ravages of outsourcing in our country, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I stand in strong opposition, Mr. Speaker, to this bill.

The National Labor Relations Board exists to ensure that companies do not discriminate against workers who exercise their rights under Federal law. That protection prevents the illegal offshoring of American jobs.

In 2000, for example, a California jewelry manufacturing company took aggressive action to discourage its employees from organizing, a right that is protected under Federal law. When the company failed, it announced plans to relocate its operations to Mexico. The Board was able to prevent this from happening.

Using the authority this bill would eliminate, the Board prevented the company from moving American jobs to Mexico. If H.R. 2587 is enacted, companies will be able to ship jobs overseas in retaliation against American workers exercising their rights.

Unfortunately, H.R. 2587 is part of a larger campaign to attack workers'

rights. That campaign includes an investigation by the Oversight Committee into the Board's ongoing prosecution of The Boeing Company for allegations of illegal retaliation against workers in Washington State for exercising their rights under the law.

A Washington Post editorial warned that the committee should not ''sabotage'' this ongoing legal process. And 34 law professors urged the committee to let the Board do its job without interference. Instead, the committee issued a subpoena, threatened contempt, and even intimidated NLRB attorneys trying to do their job.

If H.R. 2587 becomes law, even if Boeing is found to have violated workers' rights, no remedy will exist to restore those rights to workers. Nobody interested in protecting American jobs should support this bill.

I strongly urge my colleagues to vote against H.R. 2587.

Mr. KLINE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker, at this time I am pleased to yield 1 minute to a gentlelady who favors job creation over outsourcing, the gentlelady from Hawaii (Ms. HANABUSA).

Ms. HANABUSA. Mr. Speaker, H.R. 2587 should be really called the ''Death of the Workers Rights Act.'' This amends the National Labor Relations Act of 1935. And remember why that act was created. We were in the Great Depression.

So why was it then passed? Because workers could join unions even back then, but they could be fired for joining the union and for striking. Does that sound familiar? This caused great labor unrest in this country, a country that was struggling to get back on its feet.

Remember, we are a country of workers. Workers made this country, and workers will continue to make us the great country that we are.

What the NLRA said was workers could organize to act in a concerted manner for mutual aid and protection. This act basically eliminates the remedies if that right is violated.

Now, remember, the NLRB must prove that these protected rights were violated. They just simply can't go in and act willy-nilly. They have to prove these allegations.

There will be no rights for these workers if this bill is allowed to pass.

Mr. KLINE. Mr. Speaker, it is apparent that we have two speakers, a gentleman from Virginia and one from Texas who apparently are not going to be able to get here on time; so I will be closing when Mr. ANDREWS has exhausted his speakers.

I reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker, at this time it is my honor to yield 1 minute to a gentlelady who has been a fierce advocate for jobs for New York City but, more importantly, for all of America, the gentlewoman from New York (Ms. CLARKE).

Ms. CLARKE of New York. Mr. Speaker, today I rise in opposition to H.R. 2587. This bill, which was rammed through committee without so much as a legislative hearing, does not create or protect jobs, in spite of its misleading title. What this bill does is give American workers an unfair choice: your rights or your job.

H.R. 2587 creates an open season for CEOs to punish workers for exercising their rights. This bill allows companies to relocate or eliminate jobs in retaliation against employees who exercise their right to organize, strike, or engage in collective bargaining activity.

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This Republican-sponsored bill accomplishes this by eliminating the National Labor Relations Board's power to order work be restored or reinstated. In practical terms, this would mean that if a CEO wanted to punish workers for organizing or striking, the CEO could simply choose to relocate or eliminate the work and thereby eliminate the worker without fear of being held accountable.

I ask my colleagues to oppose this bill and vote it down today.

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

Mr. ANDREWS. I yield myself the balance of my time.

Mr. Speaker, when one listens to the back-and-forth in this debate, there's a lot of different points and I'm sure some confusion that flows from that. But the debate's really pretty simple, and it's about one question: If a group of people working at a business in this country chooses to try to organize a union and bargain collectively for their wages and their working conditions, and the employer is discomforted by that and the employer comes in and says, ''I don't like the fact you're trying to form a union and bargain collectively and assert your rights, so I'm moving to Malaysia. I'm out of here,'' should that be legal or not? We believe emphatically it should be illegal.

To say to American workers that they dare to speak up for themselves, they dare to assert their rights, they dare to bargain collectively, therefore their jobs could be moved overseas is wrong. It is illegal today to do that.

Now, in the Boeing case, a judge will decide whether or not Boeing did that. If the judge decides that Boeing didn't, the case is over. If the judge decides that Boeing did, then there will be remedies that would lie against Boeing.

But this is what this case is really about, this issue is really about, this bill is really about in the lives of daily Americans. How many of our constituents are sick and tired of making a call about their credit card or some other account and realize that the person in the call center at the other end is in Asia and has no idea what they're talking about?

If you want more outsourcing, if you think the problem in America is that too many jobs are being created here and we do more for other countries around the world, then this is your bill. But if you've had it with outsourcing, if you want jobs to be created in America, what we ought to do is defeat this bill and rapidly bring to the floor the jobs plan the President of the United States stood in this Chamber last week and proposed.

Let's stop creating jobs around the world and start creating jobs around America. Let's stand up for collective bargaining, and let's defeat this bill.

STATEMENT OF PROFESSORS FROM COLLEGES AND UNIVERSITIES ACROSS THE UNITED STATES ON HR 2587

HR 2587, currently being considered by the House of Representatives and endorsed by a majority of the House Committee on Education and the Workforce, would amend the National Labor Relations Act to take away from the NLRB the ability to remedy unfair labor practices involving the removal of work or the elimination of jobs by requiring employers to undo their unlawful actions. As scholars of law and labor policy, we are deeply concerned about the far-reaching impact this bill would have on employees' basic rights to organize, to bargain collectively, and to engage in other concerted activities protected by the NLRA.

The language of the proposed amendment to the Act is sweeping. It provides that the Board shall have no power to order an employer (or seek an order against an employer) to restore or reinstate any work, product, production line, or equipment, to rescind any relocation, transfer, subcontracting, outsourcing, or other change regarding the location, entity, or persons who shall be engaged in production or other business operations. This language has been justified by the bill's sponsors and critics of the Board as a response to the NLRB Acting General Counsel's actions in issuing a complaint against Boeing Corporation. As such, it would prevent the Board and the courts from directing Boeing to restore work to its employees in Washington State in the event that the company is found to have illegally moved the work in retaliation for those workers' exercise of legally protected rights.

But that unprecedented interference with a pending legal proceeding for the benefit of a particular employer is not all that the bill would do. If enacted, HR 2587 will eliminate the ability of the NLRB and the courts to effectively remedy any discriminatorily motivated decision to transfer work from employees or eliminate their jobs not for legitimate business reasons, but because the employees have engaged in union or other NLRA-protected activity. It will also eliminate any meaningful remedy for an employer's refusal to bargain with a union in circumstances where it is required to do so before transferring or contracting out work performed by workers the union represents.

The Board has long held that moving jobs from one facility to another or shutting down a particular operation to avoid unionization or to punish workers for engaging in protected activity violates a basic policy of the Act, that of insulating union activity from economic reprisal.[1] The same is true of discriminatorily motivated decisions to subcontract or outsource work.[2] The standard remedy for such a violation, regularly affirmed by the Federal Courts of Appeals, is an order to the employer to return the work that has been unlawfully eliminated or removed.[3] In the interests of economic efficiency, however, the Board will not require restoration of work if the employer can show that it would be ''unduly burdensome'' to do so.[4]

An order to restore work that has been eliminated or removed is also the standard

remedy in cases where the employer's actions were taken in violation of its duty to bargain. In unionized workplaces, employers have a legal obligation to bargain over certain decisions affecting where and by whom bargaining unit work is performed. If the employer acts unilaterally, without first bargaining with the union until the parties reach agreement or are at impasse, the Board routinely orders the employer to rescind the unilateral action and restore the work until the duty to bargain has been satisfied, subject again to the ''unduly burdensome'' standard.[5]

If HR 2587 becomes law, the Board will be precluded from ordering this common-sense relief. Employers will be able to eliminate jobs or transfer employees or work for no purpose other than to punish employees for exercising their rights and the Board will be powerless to direct the employer to return the work regardless of the circumstances.

Without the ability to order a unionized employer to bring back work that has been unilaterally transferred or outsourced in violation of the duty to bargain, the Board will also be unable to insure that employees, through their union, are able to engage in meaningful bargaining over such decisions.

We are dismayed that a single complaint, not yet tried by an administrative law judge argued to the Board, or ruled on by the courts, should be the basis for so fundamental a reversal of long-standing law. The legal theory on which the Acting General Counsel's complaint against Boeing is based is thoroughly consistent with existing law. Contrary to the claims of critics, the Acting General Counsel is not seeking to dictate where Boeing assigns work, but only to insure that such actions are not taken in retaliation for workers' exercise of rights protected by the NLRA. In fact the complaint itself specifically states that ''the Acting General Counsel does not seek to prohibit Respondent from making nondiscriminatory decisions with respect to where work will be performed, including nondiscriminatory decisions with respect to work at its North Charleston, South Carolina, facility.''

But as we have shown, the impact of HR 2587 would go well beyond overruling the Acting General Counsel's actions in the Boeing case. If enacted, it will give tacit permission to employers to punish any segment of their workforce that chooses to unionize or to exercise the right to strike by eliminating their jobs. It will allow unionized employers who find it convenient to ignore their duty to bargain with the union before transferring or eliminating bargaining unit work to act unilaterally without concern for legal consequences. Employers will be able to eliminate lines of work, hire subcontractors, switch jobs to non-union facilities or transfer them out of the country in violation of the NLRA—secure in the knowledge that the Board will be unable to order it to undo those actions.

In the Committee report regarding the bill, the majority states, ''To ensure employees can continue to exercise their rights under federal labor law, the NLRB will continue to have more than a dozen strong remedies against unfair labor practices to protect workers and hold unlawful employers accountable.'' However, the report does not list those remedies and we are at a loss to identify them. The Board's remedial power under existing law is already severely restrained. The Board cannot impose sanctions. It may not seek to punish wrongdoers. It cannot impose fines; it cannot require anything that would amount to a new contract between the parties. If the bill passes, the Board will have no effective response to basic unfair labor practices.

The Committee majority seeks to justify the reducing of employee rights and Board authority by claiming that it is merely strengthening the employer's right to make basic business decisions, including where and how to invest its resources. We reject the premise that restoring work to those who would perform it were it not for the employer's unlawful action violates an employer's basic entrepreneurial rights. The policy of restoring victims to the position they would have been in had it not been for unlawful conduct is common throughout our legal system, and it represents no more than a recognition of simple justice.

ENDNOTES

[1] See, for example, *Frito-Lay, Inc.* 232 NLRB 753 (1977) (employer violated the Act by shutting down plant and transferring the work to another facility in response to a union organizing campaign); *Lear Siegler, Inc.*, 295 NLRB 857 (1989) (same).

[2] See, for example, *Century Air Freight*, 284 NLRB 730 (1987) (employer's subcontracting of trucking work violated Act because purpose was to avoid bargaining with union). See also *Aguayao* v. *Quadrtech Corp.*, 129 F. Supp. 2d 1273 (C.D. Cal. 2000) (granting the Board's request for an injunction stopping an employer from moving its California operations to Mexico in retaliation for union organizing).

[3] See, for example, *Mid-South Bottling Co.* v. *NLRB*, 876 F.2d 458 (5th Cir. 1989) (affirming appropriateness of Board order directing bottling company to reopen a distribution facility closed because employees voted for union representation); *Woodline Motor Freight, Inc.* v. *NLRB*, 843 F.2d 285 (8th Cir. 1988) (upholding Board order requiring employer to restore trucking operations transferred to another facility after employees engaged in union organizing campaign); *Statler Industries, Inc.*, 644 F.2d 902 (1st Cir. 1981) (approving Board order directing employer to restore office jobs relocated to another facility in order to frustrate union organizing activity).

[4] *Lear Siegler, Inc.*, supra, 295 NLRB at 861.

[5] The Board's authority to order such a remedy in refusal to bargain cases was expressly affirmed by the supreme Court in *Fibreboard Paper Products Corp.* v. *NLRB*, 379 U.S. 203 (1964), which upheld a Board order directing an employer that contracted out the work of its maintenance employees without first bargaining with the employees' union to resume maintenance operations and reinstate the employees. The Court said the order restoring the status quo ante ''to insure meaningful bargaining'' was well-designed to promote the policies of the Act and had not been shown to impose an undue burden on the employer. Id. at 216.

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Snehal Shingavi, Professor, English, The University of Texas at Austin
Laurence Shute, Professor Emeritus of Economics, Economics, California State Polytechnic University, Pomona
Louise Simmons, Ph.D., Professor, School of Social Work, University of Connecticut
Joseph E. Slater, Eugene N. Balk Professor of Law and Values, University of Toledo College of Law
David Smith, Professor, Sociology, UC—Irvine
Betsy Smith, Ph.D., Adjunct Professor of ESL, Language and Literature Department, Cape Cod Community College
David Whitten Smith, S.T.D., S.S.L., Emeritus Professor, Theology; Justice and Peace Studies, University of St. Thomas
Carol Smith, Dr., Retired Faculty, CCNY, Dept. of Special Programs, CUNY
Jeffrey Spear, Professor, English, New York University
Susan J. Stabile, Robert and Marion Short Distinguished Chair in Law, University of St. Thomas School of Law
Theodore J. St. Antoine, Professor Emeritus of Law, Law School, University of Michigan Law School
Howard Stein, Professor, DAAS, University of Michigan
Joan Steinman, Distinguished Prof. of Law, Law, Chicago—Kent College of Law, Ill. Inst. of Tech.
Katherine V.W. Stone, Arjay and Francis Miller Distinguished Professor of Law, UCLA School of Law
Ann Strahm, Assistant Professor, Sociology, CSU Stanislaus
Jill Strauss, Adjunct Assistant Professor, Sociology of Conflict, John Jay College, CUNY
Mary Rose Strubbe, Professor, Law, ITT Chicago—Kent College of Law
Stephen J. Sullivan, Ph.D., Professor, Philosophy, Edinboro University of Pa.
April Susky, Academic Advisor/Professor, Student Success, University of Alaska Southeast, Sitka Campus
Gerald Swanson, Dr., Professor (retired), Science, Daytona State College
Kim Tan, Professor, Accounting & Finance, California State University Stanislaus
Mark Tauger, Dr., Professor, History, West Virginia University
Donald Taylor, Assistant Professor, Labor Education—School for Workers, University of Wisconsin
Daniel Thau Teitelbaum, M.D., Adjunct Professor, Occupational and Environmental Health, Colorado School of Public Health, University of Colorado Denver
Paul Thompson, Professor, Associate Professor, Film and Television, New York University
Donald Tomaskovic-Devey, Professor and Chair, Sociology, Univeristy of Massachusetts
Robert Vaden-Goad, Ph.D., Associate Professor, Mathematics, Southern Connecticut State University
Adrienne Valdez, Faculty member, Center for Labor Education and Research, University of Hawaii—West Oahu
Joseph Varga, Professor, Labor Studies, Indiana University
Steven Volk, Professor, History, Oberlin College
Paula Voos, Professor, School of Management and Labor Relations, Rutgers
Katherine Walstrom, Ph.D., Professor, Div. Natural Sciences, New College of Florida
Devra Weber, Professor, History, University of California, Riverside
Eve Weinbaum, Director, Labor Studies, UMass Amherst Labor Center
Marley S. Weiss, Professor of Law, University of Maryland School of Law
Martha S. West, Professor of Law Emerita, University of California Davis School of Law
Ahmed A. White, Professor of Law and Associate Dean for Research, University of Colorado School of Law
Lucy Williams, Professor of Law, Northeastern University School of Law
John Willoughby, Dr., Professor, Economics, American University
Steve Wing, Associate Professor, Department of Epidemiology, University of North Carolina
Michael J. Wishnie, Clinical Professor, Yale Law School
Goetz Wolff, Professor, Urban Planning, UCLA
Marty Wolfson, Director of the Higgins Labor Studies Program, Department of Economics, University of Notre Dame
John Womack, Jr., Robert Woods Bliss Professor of Latin American History and Economics, Emeritus, History Department, Harvard University
Nan Woodruff, Professor, History, Penn State University
David Yamada, Professor of Law, Law School, Suffolk University Law School
Alex Zukas, Professor, Social Sciences, National University

I yield back the balance of my time.

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

There is always an interesting debate on the floor. This has been another example. We have some fundamental differences in how we view the problems and, more importantly, the solutions facing our country.

Both sides recognize that we have high unemployment, historically high, with 30 months of unemployment over 8 percent, 14 million Americans out of work. Both sides want the economy to grow and people to get back to work. But one side believes that more regulations—by the last account some 219 in the pipeline coming from this administration—more regulations, more spending money that we don't have, more government interference will somehow get Americans back to work; and the other side, Mr. Speaker, believes that employers, the private sector, small businesses, entrepreneurs, middle-size businesses and large businesses create jobs, put Americans to work.

Now, the National Labor Relations Act, as has been discussed, has been around for a long time. Neither side is suggesting that Americans don't have the right to organize and to bargain. I beg to differ with my colleagues on the other side. That's not what this is about.

But what we have here is a case where the act creates a board which, by

its nature, changes back and forth, depending upon who's in the White House, so that it has more Democrats one time and more Republicans another. And so I would argue and have argued that for some time, the board, in enforcing the act, is causing some whipsaw of the economy. I'll concede that.

But right now with this board, I would argue that, as one of my colleagues on the other side said, there was an agenda over here. I agree, there is an agenda. The board has an agenda.

There is a rainfall, a torrent of rulings coming out of this board that strike at the heart of American job creators that create jobs. One of those rulings—and I agree that it's an interim ruling. It's a ruling by the acting general counsel. One guy looks at the actions that a major American company has taken to create more jobs, to spend a billion dollars, build a plant in South Carolina, hire over a thousand people. One guy says, No, I don't think so. I think, says he, this is a transfer of work and it's in retaliation; I think that.

So it's been pointed out this is an ongoing process. And one of my colleagues in the committee said, Well, nothing bad has really happened here. Let's let this play out.

No, no. I beg to differ.

Go to Charleston, South Carolina. Talk to those thousand employees about their future and the uncertainty that this brings. Talk to the companies who are looking at creating jobs, starting businesses in this country and are looking at this ruling and the threat this poses and reconsidering their actions.

So, Mr. Speaker, I believe we have a choice. We can stand, we can sit, we can watch, or we can step up and try to help Americans get back to work in America by stopping this action and the threat that it poses to companies across America.

So I encourage my colleagues to vote for this legislation. Let's get Americans back to work in America.

I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong opposition to the so-called ''Protecting Jobs from Government Interference Act.'' It's a nice name for a bad bill.

This bill is not about protecting American jobs or American workers. It's about protecting big businesses who want to move jobs out of American communities without consequence. It's about forcing American workers to accept the lowest common denominator rather than standing up for fair pay and safer working conditions.

For more than 75 years, federal law has guaranteed employees the right to organize without threat of retaliation. If workers decide to form a union, the company can't punish them by moving operations down the street or out of the country. But this bill would allow companies to retaliate with impunity by stripping the National Labor Relations Board of its power to enforce that law.

Today's legislation is a response to an ongoing dispute between the NLRB and Boeing. I understand that many of my colleagues have strong opinions on that issue, but it is not the business of this Congress to legislate on an individual case. It is not appropriate to dismantle the enforcement mechanism to secure a result for any party.

This bill makes sweeping changes to worker protections and would have severe consequences. Rather than creating a single job, it would give employers free rein to eliminate jobs or move them overseas to punish workers for exercising their rights.

Mr. Speaker, this bill strips fundamental protections from American workers, leaving them and their jobs less secure. It turns back the clock on 75 years of employment law. It is the wrong direction for America, and I urge my colleagues to reject it today.

Mr. BLUMENAUER. Mr. Speaker, I am deeply disappointed by the bill the Republican majority is bringing to the floor today. While I am used to the Republicans attacking new protections for American workers, this bill attacks and removes long-standing enforcement provisions of the National Labor Relations Board, virtually eliminating its protection for U.S. workers.

This bill prohibits the National Labor Relations Board from carrying out its mandate to prevent unfair labor practices and would even allow companies to move outside of the United States to avoid union organizing. In other words, this bill makes it easy for companies to outsource jobs to other countries in order to avoid paying our workers family wages, providing health benefits, and meeting basic safety and environmental obligations.

Under current law, it is illegal to retaliate against workers for union activity or to threaten workers to discourage union activity. Not only does the bill remove the power from the National Labor Relations Board to block such retaliation or threats, but the bill even prevents the Board from seeking such an order. Our laws may set forth strong worker protections, but this bill prevents the exercise of those protections, reducing those promises to empty words.

It is appalling to me that the Republican majority is considering rolling back provisions that have protected workers for decades. I urge my colleagues to vote against this ill-considered legislation.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in opposition to H.R. 2587, the misleadingly named ''Protecting Jobs From Government Interference Act.''

This legislation, if enacted, would gut key provisions of the National Labor Relations Act, a law which has ensured the right of working Americans to fight for better working conditions, a better salary, and better benefits for themselves and their families for more than 75 years.

H.R. 2587 would strip from the National Labor Relations Board the ability to take action against any employer that has been found to violate the law by closing an office, relocating a plant or firing workers in retaliation for exercising their rights to organize or petition for fairer benefits.

Even worse, passage of this legislation would open the door for companies to engage in the practice of illegally moving jobs overseas. In the past, the NLRB has been able to take action against companies that have attempted to move their operations overseas who do so with the clear goal of punishing employees for exercising their fundamental organizing rights.

This legislation would open the door to wholesale off-shoring of U.S. jobs at a time when this Congress should be discouraging such behavior.

A bill of this magnitude, which would set back decades of established labor law and precedent, should be considered in a much more deliberative manner.

I call on my colleagues on both sides of the aisles to vote in favor of working Americans and to oppose this legislation.

Mr. DINGELL. Mr. Speaker, I rise in unequivocal opposition to H.R. 2587, the Protecting Jobs from Government Interference Act. This devious legislation carries on in my Republican colleagues' fine tradition of masking hard truth with pithy and inaccurate turns of phrase. H.R. 2587's goal is not to protect jobs, but rather to neuter the National Labor Relations Board (NLRB) and the protections it affords America's working men, women, and their families.

In point of fact, H.R. 2587 will prohibit the NLRB from reinstating production lines closed as retaliation for union activities. The bill will also prevent the Board from issuing any order that rescinds any relocation, transfer, subcontracting, or outsourcing of work by a company as retribution for union activities. As I have said, this bill does nothing to offer increased protections to American workers. It will, however, protect union-busting activities by businesses that are still sitting on billions of dollars and asking for a tax holiday for repatriated profits, yet all the while making precious little effort to add new jobs.

Mr. Speaker, my friends on the other side of the aisle are using a pending dispute between the NLRB and a certain airplane manufacturer to justify the supposed need for this abominable legislation. H.R. 2587 is explicit proof of the Republican Party's strong desire to wipe out the very unions that built this country's middle class and make sure American workers have no better protections that their brethren in third-world countries.

I urge my colleagues to oppose this bill.

Mr. POE of Texas. Mr. Speaker, this piece of legislation is critical to prevent the National Labor Relations Board from disrupting business and job growth by ordering an employer to relocate.

The purpose of this board is to protect workers, not to leave them in fear that their jobs may be relocated on the whim of the Board's members.

The NLRB has no place in telling businesses where they can operate.

Businesses create jobs, not the government.

In this economic climate, the last thing we need is for businesses to have any more anxiety preventing them from hiring more workers.

Boeing, who the NLRB has attacked, is creating jobs in both South Carolina and Washington.

With the attempt by NLRB to force Boeing to move the newly created jobs in South Carolina to Washington, jobs will now be lost in South Carolina.

Texas like South Carolina is a Right to Work State.

Businesses that operate in non-Right to Work States should not have to be intimidated from opening up locations in Right to Work States like South Carolina and Texas because of concerns that moving to these states will be considered ''transferring'' work.

The NLRB should not have the power to force the relocation of a business.

It has over a dozen other remedies to protect workers.

The National Labor Relations Act needs to be amended to prevent this.

Mrs. MALONEY. Mr. Speaker, I rise in opposition to this bill which is an attack on the fundamental rights of working men and women.

We are debating this bill at a time when roughly 13½ million Americans are unemployed and the labor force participation rate is still at a low—not seen in over a generation. This House should be focused on paying our bills, creating jobs, strengthening the middle class, and protecting workers rights. Instead, the Republican Majority has brought a bill to the Floor that does nothing to help our economy or create jobs, but instead makes it easier for corporations to send American jobs overseas and allows employers to punish their employees for exercising their rights to organize and ensure a full day's pay for an honest day's work.

H.R. 2587 will strip the National Labor Relations Board (NLRB) of its authority to enforce basic labor protections, and will allow employers to openly discriminate against union workers. With this bill, companies will be allowed to outsource jobs and intimidate and fire workers without repercussions in retaliation for American workers who exercise their rights under current U.S. law.

Mr. Speaker, the assault on union employees is happening across the country from Wisconsin, to Ohio, and now right here in the House of Representatives. We must not let it continue if we want to preserve our nation's middle class which is in serious decline. There is no question that the unions have contributed to building the middle class in this country.

According to the Bureau of Labor Statistics, union workers are more likely than non-union workers to be covered by health insurance, and receive pension benefits and paid sick leave. We must not ignore the critical role that unions have played in building America by helping improve the wages and working conditions of union and non-union jobs alike.

I urge my colleagues to stand up for working families, for a stronger middle class, and a growing economy. For more than 75 years, federal law has provided Americans the right to join together in unions and bargain for fair pay and benefits and safer working conditions. I pledge to fight to maintain those rights and protections and urge a no vote on this harmful legislation.

Mr. MORAN. Mr. Speaker, today the House of Representatives passed H.R. 2587, the Protecting Jobs from Government Interference Act. This legislation, should it become law, would destroy a pillar of America's economic prosperity when we need it most. The bill strips the National Labor Relations Board of its ability to sanction companies that retaliate against employees seeking to exercise a basic constitutional right.

The facts of the case, though often misreported or obscured by partisan disdain for working people, are clear. Under a federal statute that has been in force since 1935, workers at the Boeing Corporation complained that the corporation moved a manufacturing plant to a different state in direct retaliation for labor strikes. The National Labor Relations Board, as is prescribed in the same statute, investigated the case. As part of their investigation, NLRB investigators collected evidence from both parties. The NLRB has not yet determined whether this evidence warrants a complaint against Boeing. In short: the process which has been in place for more than 75 years is working as designed, but it has not been completed. This bill would halt the investigation of this legally introduced complaint, and it would gut the statute that governs the relationship between workers and bosses.

At a time when the President and others have correctly argued that the U.S. government should not be assisting corporations to ship jobs overseas, we are gutting the U.S. government's role in ensuring that workers have a fighting chance to improve their lives, provide for their families, and keep quality jobs.

We should all be in this together: workers, corporations, and the federal government. We ought to be working as a team to boost U.S. efforts to remain competitive in a tough global economy. The American middle class today faces devastating attacks on its health care, retirement security and real wages, while corporate profits and CEO salaries are skyrocketing. I strongly oppose this misguided effort to gut protections for America's workers.

The fact is that under the NLRA, a corporation may outsource jobs for practically any reason, just not for an illegal reason. Under the law, due process protects corporations and workers, ensuring that both sides have their say. In fact, even if the NLRB rules that Boeing has acted illegally, a decision would not infringe Boeing's—or any corporation's—right to open manufacturing facilities anywhere. They just can't do it to punish the workers they rely on to compete.

This legislation throws those critical worker protections away for the short sighted purpose of rewarding one Fortune 500 company that has been able to compete globally in a tough business environment by hiring qualified workers to build the best planes in the world. Now Republicans in the House of Representatives want to turn those workers and their families out on the street for exercising their right to bargain.

In order to recover from the recession, the United States needs to address the growing disparity in wealth in our country. Despite the recession, corporations today are bringing home more profit than ever before. Tax rates are the lowest they have been in decades. What corporations need is consumers, and if we don't protect the middle class through sensible, longstanding safeguards such as those set out by the NLRA, the economy will never recover.

Sadly, those on the other side of the aisle are desperate to return to policies that created the recession. They want tax cuts for the richest and deregulation across the board. We have seen this before, and we know where it leads.

Future prosperity calls for a different approach. Collective bargaining is part of one of the foundational rights set out in the First Amendment of the Constitution, the right to free assembly. It has worked for America's workers, it has been essential to the creation of our broad middle class, and it is essential that we preserve it.

Mr. LANGEVIN. Mr. Speaker, I rise today in strong opposition to H.R. 2587, or the ''Outsourcers' Bill of Rights.'' This bill would encourage businesses to ship jobs overseas and weaken the rights of American workers. There's never a good time for this kind of misguided legislation, but it's hard to imagine a worse time than right now.

This bill would prohibit the National Labor Relations Board (NLRB) from directing an employer or company to restore or reinstate work that has been unlawfully transferred, outsourced, or subcontracted away from workers in retaliation for exercising their rights, such as organizing a union.

Furthermore, it would apply retroactively to any complaint that has not been resolved by the time of enactment. Its impact is dangerous and wide-ranging. Simply put, this bill strips away the authority of the NLRB to effectively remedy unlawful practices against workers.

This ill-timed legislation would effectively encourage companies to outsource their jobs overseas. In 2000, the National Labor Relations Board was able to force a company to bring jobs back to the U.S. from Mexico, as the company was charged with shipping jobs to that country in retaliation against workers seeking to organize a union. If this bill passes, American workers would lose this critical protection.

For more than 75 years, federal law has provided Americans the right to join together in unions and bargain for fair wages and safe working conditions. As President Obama stated earlier this month, when it comes to labor relations, ''we shouldn't be in a race to the bottom . . . America should be in a race to the top.''

Mr. Speaker, the priority of Congress should be to raise the living standards of the middle class and working families in America. I urge my colleagues to vote against this bill and join the race to the top.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong opposition to H.R. 2587, which is a misguided attempt to intervene in an ongoing labor case and which has much broader and serious consequences for American workers and American jobs.

Last April, the National Labor Relations Board general counsel issued a complaint in response to a petition alleging that Boeing Corporation had located an aircraft production line in South Carolina. The charge is that Boeing made the move to retaliate against Washington state union workers who had exercised their legally-protected rights.

The April complaint didn't result in a final outcome—it just sent the case to an independent administrative law judge who is now considering arguments and evidence from both sides in the dispute. Even if the judge finds that Boeing did discriminate against workers for exercising their legal rights, Boeing could still argue that it would have made this business decision anyway or that moving production back to Washington state would impose an undue burden.

The bill before us is a response to a case that has not even been decided and where the burden of proof is high. Congress—which passed the laws under which the case is being adjudicated—should not intervene to determine the outcome of this ongoing judicial proceeding. More than that, Congress should not pass a bill with impacts that would go far beyond the Boeing case and allow companies to ignore labor laws by shipping jobs not just to another state but to another country.

In the past, the National Labor Relations Board has acted to prevent companies from shipping jobs to countries like Mexico in order to avoid legal organizing efforts by American workers. Such actions would be impossible if this legislation were to become law. Union workers who want to use legally-protected rights to improve workplace safety or to maintain middle-class wages and decent benefits could see their jobs shipped overseas—away from an American economy that is in desperate need of more jobs, not fewer.

By creating these disincentives, H.R. 2587 would encourage a ''race to the bottom.'' Even the threat of a plant shutdown would be a significant disincentive to workers, who would have no remedy to ensure enforcement of their legal rights. Workers could face a Hobson's choice—either exercise legally-protected rights and risk their jobs being shipped overseas, or forgo those rights and accept jobs that may come with low wages, inadequate benefits, and dangerous working conditions.

Rights are not rights unless they are enforceable. Workers will not have a voice at work if any time they seek to speak out, they can see their jobs disappear to another country.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong opposition to this legislation. President Franklin Delano Roosevelt said about the National Labor Relations Act, which created the National Labor Relations Board, that ''by preventing practices which tend to destroy the independence of labor, it seeks, for every worker within its scope, that freedom of choice and action which is justly his.'' This legislation today would seek to undermine that freedom of choice and action by giving employers the ability to penalize workers who choose to exercise their right to organize and encouraging companies to move their jobs overseas. Make no mistake, the majority is using a disagreement with one decision made by the NLRB as an opportunity to make sweeping changes at the expense of the rights of workers across the country. This is not what the American people want and is not the direction we should be heading as a country.

Instead the opportunity we must take advantage of is the mandate that the American public has given us which is to work together to ensure that we are doing everything we can to create jobs and get our economy going again. This divisive piece of legislation will only hinder that effort to work in a bipartisan manner to reach the goal of reducing the unemployment rate and thus reducing the deficit. I urge my colleagues to oppose this bill and to get to work on creating jobs and growing our economy.

Mr. STARK. Mr. Speaker, I rise today to oppose H.R. 2587, the misnamed Protecting Jobs from Government Interference Act.

This bill dismantles key functions of the National Labor Relations Board and guts more than 70 years of established labor law in our country. If this legislation becomes law, it would eliminate nearly all worker protections when companies illegally fire workers and close or move plants in retaliation for union activities.

The proponents of this legislation claim that it will create jobs, but it does no such thing. Instead, it creates a race to the bottom with regard to workers' rights. This bill sends a message that we've abandoned the American worker.

H.R. 2587 will encourage employers to move jobs to states with less worker protections. It will also make it easier to outsource jobs to other countries. In my district, we've seen plants close, thousands of workers lose their jobs, and communities hurting as a result. We should be creating good jobs in this country and ensuring that hard working Americans don't have to give up their rights when they go to work in the morning. One way we can do that is by voting against this misguided bill and demonstrating that many of us in Congress still stand with the American worker.

Ms. HIRONO. Mr. Speaker, I rise today in strong opposition to H.R. 2587. In Hawaii, we believe in fairness and respect. We believe that working men and women should be able to come together to have a voice in their workplace, to be able to negotiate fair wages and benefits. This belief helped build the middle class in Hawaii and across the nation.

Right now what working men and women most need are champions in their corner: champions who are fighting for jobs. Instead, this bill aims its fire at our working families. It's another direct assault on workers' rights.

Because companies today can move their business operations for any business reason at all, except an illegal one. Retaliating against workers who want to join a union is illegal. This bill changes that.

It says companies can go ahead and move jobs to other states or even other countries to punish their workers. This would have a chilling effect on any attempt by workers to ask for a seat at the bargaining table. And that's just wrong.

Working men and women have already taken a big hit in their paychecks and retirements over the last few years. We shouldn't be making it easier for businesses to game the system.

I urge my colleagues to stand with working men and women to fight this bill and end these attacks on workers' rights.

Mr. LEVIN. Mr. Speaker, 75 years ago the National Labor Relations Act was passed to give workers a say in the workplace—the right to organize and bargain collectively. It was a key to the building of the American middle class: a decent wage, health care, a pension.

The Republicans want to repeal the legislation of the last half of the 20th century—Social Security, Medicare, and Medicaid. And now with the bill before the House, the majority party begins to repeal the National Labor Relations Act.

This bill's scope is monstrous. It prohibits the National Labor Relations Board, in cases where an employer illegally acts against an employee's right to organize, to ''rescind any relocation, transfer, subcontracting, outsourcing'' anywhere.

This bill is part of the Republican effort to destroy the rights of workers to be represented in the workplace. It is an open invitation to the further outsourcing of jobs. It is vital to defeat this dangerous piece of legislation.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to express my strong opposition to H.R. 2587, the Protecting Jobs from Government Interference Act. This legislation does absolutely nothing to protect jobs; in fact, it puts them at risk. A more accurate title for this bill would be the Outsourcer's Bill of Rights.

This legislation is an assault on working Americans. H.R. 2587 guts the National Labor Relations Act, renders the National Labor Relations Board (NLRB) powerless and undoes decades' worth of improvements for worker's rights.

The National Labor Relations Act provides workers with essential protections; protections that have resulted in a strong middle class. This law prevents companies from retaliating against workers who exercise their rights, such as the right to strike, petition for better pay, demand safer working conditions, and form a union.

It is the National Labor Relations Act that prevents companies from outsourcing or transferring, subcontracting or relocating jobs for discriminatory reasons. The Act protects jobs by prohibiting employers from taking work away from anyone—union or non-union—because they have exercised their rights. Current law does not dictate where companies can and cannot run their businesses; it merely ensures that companies are not permitted to relocate to another state or to another country in order to pay workers lower wages.

The National Labor Relations Acts protects the rights of American workers, and keeps American jobs from being shipped overseas, so long as the Act has an effective enforcement mechanism. The Protecting Jobs from Government Interference Act strips that mechanism, the National Labor Relations Board (NLRB) of its ability to enforce the law by ensuring jobs that are unlawfully outsourced are returned to America. The NLRB, for example, was able to order jobs back to America from Mexico in 2000, when the jobs were relocated overseas to prevent workers from unionizing.

H.R. 2587 would not only prevent the NLRB from protecting jobs from illegal outsourcing, it would also allow companies to subcontract work away from unionized workers, and eliminate jobs done by pro-union employees.

This legislation undermines American workers by eliminating laws that prevent employers from discriminating against workers that exercise their rights to competitive wages, benefits, and safe working environments.

I am extremely disappointed that my Republican friends are willing to create an atmosphere that forces hard working Americans to compete for jobs based on who will accept the lowest wages, worst benefits, and harshest working conditions. This bill creates a race to the bottom that is simply not worthy of a great nation, and certainly not worthy of America.

Time after time, throughout the 20th century, the nation turned to the labor community to build infrastructure, supply the Armed Forces, and manufacture the materials that constructed our great American cities, and time after time, hard working Americans answered the call and made this country great.

It appears that my colleagues on the other side of the aisle have decided to repay the American workforce by forcing them to choose between their rights and their jobs. The Protecting Jobs from Government Interference Act protects nothing but special interest and corporate profits by undermining the law that prevents discrimination against Americans who simply want to exercise their rights.

This bill forces Americans to compete for lower wages instead of strengthening the middle class by providing employees with competitive wages, fair benefits and safe working conditions. I will fight, as I have throughout my tenure in Congress, to protect the middle class by protecting American jobs.

My Republican friends have not passed a single bill to create jobs, and the Protecting

Jobs from Government Interference Act is no exception. In fact, this reckless legislation threatens American jobs and undermines workers' rights while safeguarding special interest. I urge my colleagues to oppose this harmful legislation, and instead focus our efforts on a bipartisan jobs bill that will foster a new age of American ingenuity and prosperity.

Mr. KUCINICH. Mr. Speaker, I rise in strong opposition to H.R. 2587. H.R. 2587 would severely undermine the intent of the National Labor Relations Act, which is to give workers and their employers a fair and level playing field, and it is another flagrant attack on the fundamental rights of the American worker. If this bill becomes law, the National Labor Relations Board will be unable to impose a meaningful penalty on an employer who violates the law by moving work elsewhere solely to avoid employees who exercise their rights. This bill sends a signal to American workers that the rights of multinational corporations to outsource their jobs are more important than their fundamental right to organize.

Mr. Speaker, the American Middle Class made this country great, but predictions for its future are dire. We have had forty years of wage stagnation for Americans, coupled with record corporate profits. Yet, over 5 million manufacturing jobs have been lost in the past decade, and since the start of the Recession alone, we have lost more than 7 million jobs. American workers today are already more vulnerable to being fired without cause, more vulnerable to not getting severance, and more vulnerable to being part of a mass layoff with little notice than any worker in any other comparable western country—countries like the UK, Australia, Canada, Ireland, France and Germany.

This legislation will make the situation worse. This goal of this bill is to snuff out the right of the American worker to seek justice when their fundamental rights are trampled upon.

Do not be fooled. This bill is not about some lofty economic principle of ''free movement of capital to invest where it sees fit.'' This is not about ''big government interfering with job creation.'' No, this bill is about destroying unions and about interfering with an ongoing legal proceeding brought by an independent agency tasked by the United States Congress with protecting both employees and employers against violations of our nation's labor laws. If you care about the future of the American middle class and American workers, I urge you to reject this bill.

Mr. LARSEN of Washington. Mr. Speaker, I rise today in opposition to H.R. 2587, the ''Protecting Jobs from Government Interference Act.''

This bill is before us because of an ongoing dispute between the International Association of Machinists and the Boeing Company that stems from an issue involving my district in Washington State.

The case is proceeding through a well-established process where the facts of the case and the application of the law to those facts will be determined by an Administrative Law Judge, the National Labor Relations Board (NLRB), and possibly the federal courts.

This case should be determined based on the facts and the law—not on politics.

For this bill to come to the floor while this case is ongoing is troublesome and threatens the independence of the NLRB.

Congress should not be attempting to influence the NLRB process for political gains.

The NLRB is an independent adjudicatory agency.

We need to protect the independence of the NLRB and allow it to do its job.

Instead of playing politics we should instead be focused on creating jobs and getting our economy back on track.

Last week, the President challenged this Congress to put aside partisanship and get to work on creating jobs.

The single biggest action Congress could take to save and create jobs is make significant investment in our transportation infrastructure that will create private sector construction jobs, invest in the repair and maintenance of highways, roads, bridges and transit, and set the foundation for future economic growth.

This is what we should be talking about today. Not attacking an independent agency that is simply doing its job.

I urge my colleagues to vote no on this bill and allow the NLRB to determine this case based on the facts and law—not on politics.

And let's get back to work doing what the American public wants us to do—creating jobs.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 372, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. BISHOP of New York. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BISHOP of New York. In its current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bishop of New York moves to recommit the bill, H.R. 2587, to the Committee on Education and the Workforce with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill, insert the following:

**SEC. 4. PROTECTING U.S. JOBS FROM OVERSEAS OUTSOURCING.**

Nothing in this Act or the amendment made by this Act shall limit the National Labor Relations Board's authority to order an employer to maintain or restore jobs within the United States that have been or will otherwise be outsourced to a foreign country in violation of the National Labor Relations Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman is recognized for 5 minutes in support of his motion.

Mr. BISHOP of New York. Mr. Speaker, the bill before us today would prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstance. Any circumstance? What about jobs that are illegally outsourced to foreign countries like China, India, and the Philippines?

Under the Republican bill, if a company sends an American job overseas illegally, the NLRB is stripped of its authority to do anything about it.

Why would any Member of this House intentionally want to allow corporations to ship American jobs to China in violation of the law amid the largest American jobs crisis in a generation?

Mr. Speaker, my amendment is very simple, and it does not kill the underlying bill. This final amendment simply maintains the National Labor Relations Board's ability to go after corporations that illegally outsource jobs overseas.

□ 1240

This is just good old-fashioned common sense.

Again I ask, why would we say to corporations, ''Go ahead. Violate the law. Ship good jobs to India and China. We'll just turn our heads the other way''? That doesn't make any sense, and it would certainly kill jobs here in America. Yet section 2 of the bill clearly states that the board shall have no power to order an employer to restore or reinstate any work product, production line, or equipment to rescind any relocation, transfer, subcontracting, or outsourcing.

Let me say that again, ''or outsourcing.''

The bill makes no exception for violations of the law. Why would we want to undermine enforcement of the law rather than address violations of the law?

Chairman KLINE just said that we have some fundamental differences. He's right. We do. But if we can agree on nothing else, we should be able to agree that outsourcing American jobs to foreign countries like China and India is a scourge on our current efforts to create jobs here at home and that we should do everything in our power to stop outsourcing.

Mr. Speaker, outsourcing is a real problem for our economy. The relentless pursuit of a less expensive workforce to the detriment of the American worker is deplorable. Corporations all over the country are moving the jobs of hardworking Americans overseas. Estimates indicate that American jobs are being sent overseas at a rate of 12,000 to 15,000 jobs per month.

According to a study by Duke University, more than 50 percent of companies have offshoring strategies in place, up from 22 percent in 2005. Furthermore, 60 percent of companies currently offshoring say they have plans to aggressively expand outsourcing activities.

Finally, the Commerce Department tells us that the American companies cut their workforces in the U.S. by 2.9 million workers over the last decade while increasing employment overseas by 2.4 million.

Mr. Speaker, this final amendment does not kill the bill. It simply allows

the cops to go after the robbers. It allows the NLRB to enforce the law when someone violates the law. The amendment does nothing to prevent private businesses from making decisions about where their operations are best located as long as that activity is not in violation of the National Labor Relations Act.

Again, this is just common sense. A vote for this final amendment is a vote to protect American jobs from outsourcing. I urge my colleagues to join me in protecting American jobs.

I yield back the balance of my time.

Mr. KLINE. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. I appreciate the words of my colleague from New York, but if he and others on the other side of the aisle are looking for a way to stop jobs from going overseas, I've got really good news for him. H.R. 2587 is a step in the right direction.

Right now, the National Labor Relations Board is exercising an extreme remedy that has a chilling effect on job creators here and potential job creators who would like to come here from abroad. And right now, Members of Congress have an opportunity to say, ''Stop.''

But don't take my word for it. Listen to the employers, themselves.

Recently, the National Association of Manufacturers asked thousands of American manufacturers a simple question about the Boeing complaint, which was: Could this NLRB complaint negatively impact your decisions on hiring or workforce expansion plans?

Sixty-nine percent of those manufacturers who responded to the survey said, yes, this complaint could negatively impact decisions to grow their businesses and hire new workers.

At a recent hearing of the Education and the Workforce Committee, former NLRB Chairman Peter Schaumber described an encounter with 60 Canadian business leaders. Mr. Schaumber told us, ''A few with whom I had an opportunity to speak with afterwards expressed real concern about doing business in the United States as a result of the agency's complaint against the Boeing Company.''

Thanks to the NLRB's actions, efforts by manufacturers to hire workers are being undermined, and international employers are concerned about doing business here in the United States. This is the hostile environment to new jobs and economic growth that is created by this decision, and it must end.

So, as I noted earlier today, we can stand by or sit by, or we can stand up and do something about it. My friends had ample opportunities to offer amendments in committee. They chose not to do that. It was a procedural step. I understand that. It doesn't go to fix the hostile environment that has been brought forward by this activist NLRB.

I urge my colleagues to vote ''no'' on the motion to recommit and ''yes'' on the underlying bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

Mr. BISHOP of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 189, nays 235, not voting 9, as follows:

[Roll No. 710]

YEAS—189

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

NAYS—235

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

NOT VOTING—9

Bachmann
Barletta
Capuano
Giffords
Lewis (GA)
Marino
Nadler
Waxman
Webster

□ 1312

Messrs. CARTER, TERRY, MULVANEY, AMODEI, BILIRAKIS, TURNER of Ohio, LoBIONDO, and RUNYAN changed their vote from ''yea'' to ''nay.''

Ms. BROWN of Florida, Messrs. DAVIS of Illinois, CONYERS, GARAMENDI, and OLVER changed their vote from ''nay'' to yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 238, nays 186, not voting 9, as follows:

[Roll No. 711]

YEAS—238

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

NAYS—186

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

NOT VOTING—9

Bachmann
Barletta
Capuano
Giffords
Lewis (GA)
Marino
Nadler
Waxman
Webster

□ 1322

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WEBSTER. Mr. Speaker, on rollcall No. 711, I was attending a memorial service in Florida. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. CAPUANO. Mr. Speaker, this week I missed several rollcall votes and I wish to state for the RECORD how I would have voted had I been present: rollcall No. 699—yes; rollcall No. 700—yes; rollcall No. 701—yes; rollcall No. 702—yes; rollcall No. 703—no; rollcall No. 704—yes; rollcall No. 705—no; rollcall No. 706—no; rollcall No. 707—no; rollcall No. 708—no; rollcall No. 709—yes; rollcall No. 710—yes; rollcall No. 711—no.

## LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I yield to the majority leader, the gentleman from Virginia (Mr. CANTOR), for the purposes of inquiring of the majority leader the schedule for the week to come.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday, the House will meet at noon in pro forma session.

On Tuesday, the House will meet at noon for morning-hour and 2 p.m. for legislative business, with votes postponed until 6:30 p.m.

On Wednesday and Thursday, the House will meet at 10 a.m. for morning-hour and noon for legislative business.

On Friday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m. on Friday.

The House will consider a few bills under a suspension of the rules on Tuesday and possibly Wednesday. A complete list of suspension bills will be announced by the close of business tomorrow afternoon.

The House will also consider a short-term continuing resolution to fund the government, and Members are advised that the rule debate for that measure may take place on Tuesday. I do not expect the resolution, itself, however, to be debated until Wednesday.

Finally, we will take up H.R. 1705, the bipartisan Transparency in Regulatory Analysis of Impacts on the Nation, otherwise known as the TRAIN Act, which will measure the full consequences of regulations on job creation and, in particular, the Utility MACT and Cross-State Air Pollution Rules.

If any additional legislation is added to next week's schedule, it will be announced by close of business tomorrow.

Mr. HOYER. I thank the gentleman for his information. I note that he has indicated the CR will be considered sometime next week, either Tuesday, but most likely on Wednesday. It's my understanding that the supplemental for emergency requirements of FEMA will be included in the CR; is that accurate?

Mr. CANTOR. I'd say to the gentleman that what will be in the CR is the budgeted amount for all of fiscal year 2012, which is $2.65 billion, will be in the CR, front-loaded. In other words, the agency will have access to all of those funds prior to the expiration of the CR November 18.

In addition to that, we have, as the gentleman knows, funded out of this

House the emergency supplemental, which was $1 billion more than that which the agency had requested, all of which was offset. That, too, will be in the CR.

Mr. HOYER. I thank the gentleman.

When you say all of that has been offset, it is my understanding that in fact in the CR for 2011—not for 2012, but for 2011—there is a $1.5 billion offset included; is that accurate?

□ 1330

Mr. CANTOR. Yes, that is accurate.

Mr. HOYER. And it's further my understanding that that offset, which is unusual in that, as the gentleman knows, during the Bush administration, as happens, we had natural disasters and emergencies—hurricanes, floods, even earthquakes—that require local governments and local agencies and individuals to respond, and we have responded to them with assistance, but the eight times that we did that during the Bush administration, we did not offset it. We did not offset it on the theory that this was an emergency that occurred that was unplanned for and that we would, in fact, obviously pay for it, but pay for it in subsequent years.

It's my understanding that the offset that is being considered is $1.5 billion from the Advanced Technology Vehicle fund. The problem with that, as I see it, is we are talking about creating jobs, and the President has presented a jobs bill. I'll talk about that in just a minute. But the fund that is in question to date has created 39,000 jobs, and the loan applications in progress are projected to create 50,000 or 60,000 additional jobs.

Therefore, if we use this as an offset, which would set a precedent, although I understand that precedent's not being followed for 2012, what we are doing, in my view, Mr. Leader, is undermining a specific item in the current scheme of things that is, in fact, creating jobs, as I said, 39,000 jobs, with the loan applications that are in progress now expected to create an additional 50,000 to 60,000 jobs, that we undermine that effort.

Frankly, on our side, we would hope that we could return to what is precedent, and that is, in an emergency, respond with emergency funding as we did throughout the Bush administration, not with the concept that we wouldn't pay for it. You and I both agree that paying for this is critically important, and in fact, I think you and I are both of the opinion that, hopefully, the committee of 12 is set up to look at how we get our finances back in line with our revenues and expenditures, that that needs to be done.

But certainly, this is a new precedent. And, unfortunately, it appears that you have targeted—I don't mean you, personally, but the CR would target a particular item that is exactly what we want to do, and that is creating jobs.

Would the gentleman like to comment on that?

I yield to my friend.

Mr. CANTOR. Sure, I do. And, Mr. Speaker, I know the gentleman is committed to paying for what we spend, and he, if anyone, would put as a priority that we ought to act accordingly.

I find it somewhat ironic that the gentleman is defending what occurred during the Bush administration, as I will posit what occurred during the Clinton administration, because President Clinton, under his administration, actually signed four separate supplementals that were offset, including flooding and the Oklahoma City bombing.

So the gentleman is correct; there's precedent on either side. I think he would agree with me, Mr. Speaker, that now is the time for us to begin to really put forth a concerted effort to act responsibly, not just say we're going to act responsibly and attempt to off-lay the obligation to the Joint Select Committee. We have an opportunity to do so now.

And the gentleman refers to the offset that some on his side have raised as an objection. I would say to the gentleman, the facts are: There's currently $4 billion in unobligated budget authority remaining under the Advanced Technology Vehicles Manufacturing Loan program, and this so-called pay-for just rescinds a billion and a half of that total, and the program will have remaining in it $2.5 billion.

I think it's worthy of note, Mr. Speaker, that this money has been laying around since September 30, 2008. That is 3 years.

So I don't think, Mr. Speaker, that anyone is intending to do anything damaging to potential job creation here. What we're trying to do is finally face facts. We in this body, in this town, must stop the Federal Government from continuing to spend money it doesn't have.

And I yield back.

Mr. HOYER. I thank the gentleman for yielding.

Of course it's money the government doesn't have. As you know, revenues are at the lowest point they've been in some six decades in America—on one hand because we are not collecting revenue and, on the other hand, because people don't have money in their pockets to pay revenues. They're not working; therefore, they're not paying taxes, and therefore, revenues are down for those two reasons.

I would say to my friend that it's my understanding that the account that you have targeted has some $3.9 billion in pending requests, which are the items that would lead to 50,000 to 60,000 new jobs.

Now, at a time when we're not creating sufficient jobs for our people—let's assume, for the sake of argument, you want to offset this money. You and I both agree it ought to be paid for. The question is: When do you pay for it? Do we pay for it right now?

The fact of the matter is, if you target this particular fund, you are targeting a fund which has demonstrably grown jobs in America. Some 39,000 jobs have been created as a result of loans out of this fund. There is $3.9 billion. You indicate there is still money in the account. You're absolutely right on that. But there are pending requests, again, which would result in 50,000 to 60,000 new jobs, which would be revenue creation for the Federal Government.

So, in fact, it appears that we may be cutting off our nose to spite our face here, and I would urge the gentleman to perhaps revisit this.

The gentleman mentioned the Clinton administration. As the gentleman will well recall, the concerns were not as high then because, during the Clinton administration, of course, we were creating over 3 million jobs per year on average so that the private sector was humming along very well and created 22 million jobs during the Clinton administration.

Unfortunately, that was not the case in the last administration, nor has it yet been the case in this administration, although there were 2 million jobs, as the gentleman knows, created in the last 20 months. However, the last 2 months have been stagnant, and that's not good for anybody. It's not good for Republicans or Democrats, but, more importantly, it's not good for the country. Therefore, I would urge us to make sure that we do not target a fund which has already demonstrably created jobs.

Mr. CANTOR. Mr. Speaker, I thank the gentleman. Mr. Speaker, if I could respond to the gentleman.

First of all, the gentleman knows good and well that the situation with the Federal debt was entirely different back under the Clinton administration times.

Mr. HOYER. Reclaiming my time. I do know that very, very well. We had surpluses, not deficits.

Mr. CANTOR. And there was also a Republican Congress that was at work trying to help job creation then at that time as well. So if one wants to claim, we both can claim credit. But as the gentleman knows, I prefer to look forward to see if we can work together.

So with that in mind, the gentleman, of anyone in this body, has been committed to trying to take a fiscally responsible approach, and that's what we're trying to do here. I would say to the gentleman, instead of just trying to claim numbers, as if there is some panacea going on here and as if the move to offset using funds obligated for this program would somehow threaten job creation, if you look at the numbers, this year, all that has been allocated from the available $4 billion is $780 million. That's all that's been allocated and approved under this program. Again, remember, the money has been laying around since September 30 of 2008. That's 3 years.

In addition, Mr. Speaker, I'd say to the gentleman, the gentleman claims the 33,000 jobs that were actually created by this program, but many would

say that these jobs already existed at existing Ford Motor Company plants. And the administration, I know, has claimed that these jobs have been saved when there's no indication that, in reality, that is the case.

So, again, instead of trying to make all these claims and trying and continue to make promises that, frankly, can't be substantiated, what we're trying to do is do what every family's got to do around its table and every small business person has got to do at the end of each pay period—figure out how they're going to make it through the end of the month.

□ 1340

Just as if a family was facing a situation where they had saved $25,000, $30,000 and they wanted to use that money to buy a new car, and God forbid somebody got very sick that needed that money in their family. Most families are going to take that money and decide not to buy the new car and instead help the family member who needs it.

That's what we're trying to do here, Mr. Speaker. We're not trying to suggest that perhaps there isn't some laudable intent under this program. What we've identified is moneys unspent that have been obligated, moneys that apparently do not go out as quickly as the gentleman may suggest to, as he says and claims, create jobs, and take that money and prioritize it by saying it belongs to help the people in a disaster so they can get the relief they need.

Mr. HOYER. I thank the gentleman for that response.

We could go back and forth on how many jobs were, in fact, created. My belief is that there were substantial numbers of jobs created by this fund and the prospect of those 50,000 or 60,000 jobs is real, not ephemeral, not just a debating point.

But I would say to my friend, my friend has been recently quoted, I'm sure accurately, perhaps—and correct me if I'm wrong—in saying that during the first 8 months we focused on cuts of our ''cut and grow,'' and now we need to focus on grow. I would tell my friend, assuming that quote is accurate, that, in fact, here we are again focused on cut, not on grow.

Clearly, whatever the specific number is, I think that is, frankly, not refutable, that the investment in advanced manufacturing technology vehicles is, in fact, going to make us more competitive globally, is going to enhance the ability to make it in America, not only to succeed in America but to make ''it''—in this case, advanced vehicles which are competitive in the international markets.

This is a specific area where we have tried to invest in making sure that we make ''it''—in this case, advanced technology vehicles—and I don't think it's good policy for us to be focused on cutting back on those areas which have the promise of growth and jobs. That is what I tell my friend.

Obviously, the gentleman is correct, but I want to tell the gentleman also that if you keep cutting revenues, as we did in 2001 and 2003, and then you keep escalating spending, as we did over the last 10 years, inevitably you're going to get to the point where that family is not going to have any revenues to pay its bills, as the gentleman points out.

But it's inevitable that when you continue to cut revenues and if you don't cut spending, you're going to be in trouble. That didn't happen in the last decade. It didn't happen in the last administration. In fact, as you know, exactly the opposite happened. We escalated spending more than we did under the Clinton administration; and, therefore, we find ourselves in a hole. The economy went into the tank, and it's struggling.

I agree with you. It doesn't matter why it's struggling, who's to blame. It's struggling. As a result, what the President has done is come before us and said, Look, here's a jobs bill. We need to build jobs. I'm not going to go through all the polling data. I'm sure my friend has seen it. There's a recent CNN poll which shows that the public, by big numbers, wants us to focus on creating, building, expanding jobs. And very frankly, the public believes that you need to invest to do that, by pretty good numbers.

I'm for disciplining spending. I will vote to discipline spending, but I don't think that targeting job-creation projects is the way to discipline it when Americans all over this country are really hurting because there are not jobs available for them.

I want to thank the gentleman for what I think are very measured and positive responses to the President's suggestion on how we create jobs in this country. I would ask the gentleman what plans the gentleman has and his party has to move forward on the legislation that the President has asked to create jobs, to invest in growing our economy, and to help those small businesses expand and create jobs and to help those who do not have any job and who are worried about how to put food on their family's table, as well as investing in infrastructure and keeping teachers on the job.

We think this legislation is critically important. We think the American people in the most recent CNN poll have responded very positively. They think this is a productive way to go forward.

Can the gentleman tell me whether or not there are plans to have the committees move forward or for us to move forward on this legislation?

Mr. CANTOR. I thank the gentleman.

The gentleman may have seen remarks I made earlier in this week and last week about the President's job plan. What I said is there is a lot of area I think that we can actually work together on. I do reject the President's demand for an all-or-nothing approach, that perhaps his way is the only way, because there are items in the President's plan that we take strong disagreement with.

So I do think the American people do want us to try and drive towards results here, and I do think there are some areas we can work on together.

We support the extension bonus depreciation. We support removing the pending application of the withholding on government contractors. We support facilitating and increasing small business access to capital. We support incentives to hire veterans. We support reforming the unemployment insurance system in this country, free trade agreements. We would love to entertain serious discussions on how you reform this system so that we can get a better return and improve infrastructure spending in this country.

There are many areas. Small business tax relief, the President discussed. We have our own ideas. As the gentleman knows, the House is proceeding on our agenda for job creation. It's rolling back regulations that are impeding job growth, the one that was just passed prior to the Members leaving the Chamber today. We will have one every week that we believe, after having consulted with small businesses around this country, are getting in the way of their jumping back in the game of job creation.

So we all have ideas. It's not just the President's plan that will come up in this House. We are going to work together to find areas of agreement.

So I look forward to working with the gentleman to achieve that end so that, yes, the middle class in this country can get back to work as we see small businesses beginning to rev up again towards an economic recovery.

Mr. HOYER. I thank the gentleman for his comments.

I also want to say that, yes, I have seen his comments. I think they have been positive. I think the gentleman has just gone through a list on places where we can, perhaps, find common ground. What we need, of course, is a vehicle, hopefully on this floor in the very near future, in which to find common ground and also to offer alternatives that each of our parties or individuals in this House think will, in fact, grow the economy and create jobs. I think that would be very useful.

The President indicated in his speech a sense of urgency that the American people feel. They gave us that message very loud and clear. I think all of us share that message. To think about somebody being unemployed for 3 months or 6 months or 18 months or 2 years, not want to, and have the ability to work and can't find a job is a crisis, is in fact a depression in that person's life—not only psychologically but actually.

So I would urge the gentleman to bring something to the floor as soon as possible that incorporates that on which we can agree and gives us an opportunity to offer solutions that, perhaps, the House will agree on. And if not, we won't agree.

I also welcome the gentleman's rejection of the philosophy of ''my way or the highway.'' We welcome that recognition, that, in fact, we have to reach compromise if we're going to move this country forward.

If I might in closing, let me, perhaps, ask you about the schedule longer term than next week.

□ 1350

Obviously, we have a special committee. I think the gentleman and I are both committed to—I know I am committed to—the success of that committee. I think it is absolutely critical to give our business community confidence, to give our people confidence, and to give the international community confidence that this government can, in fact, work and can address very serious problems—in this case, the debt and deficit—but also confront the problem of growing our economy. As both the Bowles-Simpson Commission and the Rivlin-Domenici Commission said, we ought to address both. That's what the jobs bill is about, and that's what the special committee is about.

Does the gentleman have any thoughts in terms of the probability of the schedule that you have issued that indicates that we'll get out on December 8? As we know, the committee has to be voted on by December 23. That doesn't mean we have to wait until the 23rd, assuming the committee comes out with a positive report.

Could you elaborate somewhat on what you see the schedule to be and the certainty with which Members can plan based upon the schedule that has been issued given what faces us?

Mr. CANTOR. I thank the gentleman.

I think, as the gentleman knows, we've been really trying to stick to the schedule and to afford Members some certainty so that they can schedule their business and their time with their constituents in their districts. The hope is at this point for us to absolutely stick to the schedule. We, at this point, have no changes in the recess times.

As for whether we are going to go longer than December 8, obviously the work of the joint select committee bears greatly on that. As the Speaker and as the gentleman knows, the joint select committee is expected to report by November 23. If all goes well, we should be able to live up to the schedule as printed. Again, it all depends on the work of the joint select committee.

Mr. HOYER. I thank the gentleman for his comments, and I thank him for his time today.

I yield back the balance of my time.

## ADJOURNMENT TO MONDAY, SEPTEMBER 19, 2011

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

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

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1380

Mr. FITZPATRICK. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 1380.

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

There was no objection.

## CONGRATULATIONS TO LANDAU EUGENE MURPHY, JR.

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

Mr. RAHALL. Mr. Speaker, America has voted. The Nation voted for a winning combination of humility, hard work, a lifelong dream, and finely tuned talent. Today, I join with my friends and colleagues from Logan County, West Virginia, in congratulating Landau Eugene Murphy, Jr., this year's winner of NBC Television's ''America's Got Talent.''

Landau's journey is a true American success story. Coming from humble beginnings, he worked hard, never lost faith in his Lord, and always remained determined to pursue his dream.

I believe what Landau accomplished last night should stand as an example to every young person throughout this great Nation. He has shown them that they should always set their goals high and work until they get there; and indeed, if you should take some blows, just let the record show you did it your way.

I send my very best to Landau, his lovely wife, Jennifer, and their family as they begin this new and exciting journey in their lives. I know that Landau remains as humble today as he was when he first took the stage at the Logan County Arts and Crafts Fair's annual talent show some years ago.

I commend the Logan County Chamber of Commerce, the Hatfield-McCoy Convention and Visitors Bureau, and Diana Barnette, and all the fine folks at Fountain Place Cinema 8 in Logan, West Virginia, for their support of their hometown hero. As we have always done in West Virginia, we stand behind and support our own, and the work these organizations and individuals have done is phenomenal. Undoubtedly, their efforts were instrumental in Landau's victory.

Mr. Murphy accepted his victory with the high fives of his competition—the hallmark of good sportsmanship. Throughout the weeks of competition, he often spoke of his respect, compassion, and friendship with his opponents—a timely lesson for us all.

I hope my colleagues will congratulate all those whose talent carried them to the final weeks of a long competition. I thank America for recognizing a true talent in this fine son of West Virginia. Thankfully, we will be hearing a lot from him in the many years to come.

## HONORING CORPORAL DAKOTA MEYER

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

Mr. PALAZZO. Mr. Speaker, I rise today to honor one of my fellow marines and a truly brave and heroic American, Corporal Dakota Meyer. This week, Corporal Meyer is receiving the highest military honor our Nation has to offer, the Congressional Medal of Honor.

As a scout sniper with the Third Battalion, Third Marines, Corporal Meyer ran through enemy fire multiple times in an attempt to save fellow U.S. servicemembers in Kunar province, Afghanistan. Facing enemy fire, Corporal Meyer killed at least eight bad guys, personally evacuated 12 friendlies, and provided cover for another 24 of his fellow marines and soldiers during the 6-hour battle.

Corporal Meyer had, no doubt, distinguished himself above and beyond the call of duty, and truly is an American hero. He knowingly risked his own life to save the lives of others. I congratulate him on this honor.

Semper Fi, Corporal Meyer.

## CONSTITUTION WEEK

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

Mr. COHEN. On the 17th of September in 1787, the United States Constitution was ratified. Senator Byrd in the year 2005 introduced the House-passed Constitution Day. So, this weekend, we'll be celebrating Constitution Day.

When I think of the Constitution, I think of Dr. Martin Luther King and the right to peacefully assemble, which is enshrined in the First Amendment. That meant he could go to Selma, that he could come to Washington and fight for civil rights and secure those rights for the people of this Nation.

I also think of women's rights embodied in the 19th Amendment. Women were given the right to vote—Tennessee being the perfect 36th State to give women that right to vote.

I think of a woman's right to choose, which is given through the Constitution and the Bill of Rights—in the Ninth Amendment, the Fourth and through the First and Third as well.

But that is just the tip of the iceberg. The Constitution embodies the fundamental values of this Nation: freedom, fairness, justice, and equality. We haven't always lived up to the Constitution's ideals; but with the rights it guarantees and the freedoms it protects, we can continue to move forward and be the more perfect Union that it promises.

## APPOINTMENT OF MEMBERS TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 276d and the order of the House of January 5, 2011, of the following Members of the House to the Canada-United States Interparliamentary Group:

Mr. DREIER, California
Mr. DANIEL E. LUNGREN, California
Mrs. MILLER, Michigan
Mr. SMITH, Nebraska
Mr. HUIZENGA, Michigan
Mr. HIGGINS, New York
Mr. MEEKS, New York
Ms. SLAUGHTER, New York
Mr. WELCH, Vermont
Mr. LARSEN, Washington

## HONORING THE SERVICE OF HIS EXCELLENCY YASHAR ALIYEV, AMBASSADOR OF THE REPUBLIC OF AZERBAIJAN TO THE UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHUSTER. I thank the Speaker.

Today, I rise to honor the distinguished service of my good friend, His Excellency Yashar Aliyev, who in October 2006 was appointed by President Ilham Aliyez as Ambassador of the Republic of Azerbaijan to the United States of America.

I am proud to serve as the cochairman of the Congressional Azerbaijan Caucus.

Azerbaijan is an important strategic partner of the United States. Located in a geopolitically dynamic region between Europe and Asia and sandwiched between Russia and Iran, Azerbaijan is a secular country with a predominantly Muslim population that has also been home for more than a millennia to vibrant Christian and Jewish communities. Azerbaijan has opened Caspian energy resources to development by U.S. companies and has emerged as a key player for global energy security.

On the security front, immediately after 9/11, Azerbaijan was among the first to offer strong support and assistance to the United States. Azerbaijan participated in operations in Kosova and Iraq and is actively engaged in Afghanistan, having recently doubled its military presence there.

Ambassador Aliyev has made an indelible mark on deepening U.S. and Azerbaijan relations.

□ 1400

Bilateral trade is expanding as Azerbaijan diversifies its economy, enabling it to increasingly contribute to the economic growth of the United States.

Baku and Washington cooperate on counterterrorism and nonproliferation of weapons of mass destruction. Moreover, this continued development of Azerbaijan's natural resources contributes greatly to the energy security of the United States and Europe. Working with Ambassador Aliyev, we have more than doubled the size of the Azerbaijan Caucus in Congress and continue to bring attention to this vital strategic partner.

Prior to his appointment as Ambassador, Aliyev served as Azerbaijan's permanent representative to the United Nations from 2002 to 2006. During this period he was chairman of the Fourth Committee of Special Political and Decolonization of the 60th U.N. General Assembly, vice president of the 59th General Assembly, vice president of the Economic and Social Council from 2004 to 2005, and vice president of the U.N. Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in 2001.

Ambassador Aliyev began his diplomatic career at the United Nations in 1992, serving as political affairs counselor and charge d'affaires of Azerbaijan's permanent mission. He was also Azerbaijan's first delegate to the First and Fourth Committees at the 47th through 56th sessions of the United Nations General Assembly.

Having joined the Ministry of Foreign Affairs in Azerbaijan in 1989, Ambassador Aliyev held the posts of political officer, first secretary and deputy director in the Ministry's Department of Information and Political Analysis, as well as director of the Department of International Organizations.

Ambassador Aliyev took up oriental studies at Azerbaijan State University in 1972 and received the school's highest degree in 1977. He pursued postgraduate research at the Oriental Studies Institute of Russia's Academy of Sciences in Moscow from 1980 to 1982. In the early 1990s, he also studied for a year at the Diplomatic Academy of Russia's Ministry of Foreign Affairs. He is fluent in English, Arabic, Russian, and Turkish.

On a personal note, I will miss Ambassador Aliyev, and I extend to him my highest regards and well wishes, to him and to his family in all their future endeavors. In our years working together, the Ambassador has become a truly valued friend.

It has been my pleasure to visit Azerbaijan twice with him and also to host him in my district in Pennsylvania on two occasions, including sharing a recent birthday celebration together.

Ambassador Aliyev, best wishes in all your future endeavors. I look forward to building on our future partnership with Azerbaijan and continuing our friendship in years to come.

I yield back the balance of my time.

## STATE OF OUR COUNTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 55 minutes as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, I very much appreciate the honor to be recognized to address you here on the floor of the United States House of Representatives for the minutes allocated, and I have enjoyed this privilege many times over the years. I think this is the greatest deliberative body in the world, and sometimes we can do a little better than we actually do, but in the end, the voice of the American people does come here.

I look back on the intense debates that we had when we went through the throes of a national debate. Over one summer, it was cap-and-trade, or we called it cap-and-tax, the idea that we would limit American industry, chase American industry over to places like China and India where they would pump smoke up into the atmosphere and send us back goods that were built more cheaply than we would build them under American regulations here. That legislation did pass this House. It was killed in the Senate, but that consumed a summer.

The next summer, we had the debate of ObamaCare. I could go into that quite deeply, Mr. Speaker, but I will say that it was an intense debate that took place on the floor of the House of Representatives, on the floor of the Senate, and on the floor of almost every home in the United States of America, in the streets of America and on the grounds surrounding the Capitol and then, of course, in all the office buildings around the Capitol.

For the first time that I know of in history, a Member of Congress called people from all 50 States to come here to petition the government for redress of grievances, peaceably petition the government for redress of grievances. That was the plea of the American people; 40,000 to 60,000 people surrounded this Capitol in November, on a Thursday in November, November 5 of that year. Later on in the spring, they came back again and again and again.

For the first time in history, the entire Capitol grounds were surrounded by people, not just a human chain touching their fingertips or holding hands all the way around, but a human doughnut six and eight deep everywhere, with thousands of people standing in the curves and the corners. They came here to say to the people that were duly elected representatives of the American people here in this Congress, Keep your hands off of my health care; we don't want Obama administration care. That message echoed in this building.

On that night that ObamaCare was poised for passage, the people doing business up here in the Rules Committee couldn't do business for a time because the echo in the windows from the people outside was so great that they couldn't have a conversation to be able to actually conduct the business of passing a rule that brought ObamaCare here to the floor.

And there was hokum involved in the process even down to the point of circumventing the filibuster in the Senate

and going through a reconciliation package and passing legislation on the promise that other legislation would be passed, and passing legislation on the promise that the President would issue an Executive order to—get this, Mr. Speaker—amend the legislation that was on the floor. That's how bizarre this process became.

For a couple of years, a Member of Congress didn't have an ability to bring an amendment to the floor to even force the debate or a vote trying to perfect legislation. That's how far the wheels came off of this Congress. The American people were delivered something that they had resoundingly rejected. That was ObamaCare.

In the aftermath of those shenanigans that took place that consumed the summer and the fall and the next spring and longer, the American people went to the polls the following November. They sent 87 new freshmen Republicans here to Congress in exactly the fashion that the Founding Fathers imagined, and that fashion was to have the House of Representatives, with elections every 2 years, be the quick reaction force, that in the period of 2 years—at that time, history didn't turn as fast as it does today, but it's still, I think, soon enough to bring people here to start to reverse the mistakes that are made by the previous Congress.

Now, we are not in a position to undo some of those bad things that have come upon this Congress right now. I thought we had that leverage a couple of times already in this Congress. Those moments have passed. And I believe, Mr. Speaker, that now, if we can find and create that opportunity, I am all for it, and I am looking for somebody to lead us into a way that we can undo some bad legislation.

But where we are today in this deliberative body is that we put the brakes on most bad things that have been happening here in this Congress, and we are laying the groundwork to call in the reinforcement within the visioning of the Founding Fathers so that we can undo the bad things, and it's going to take some help in the United States Senate and in the White House.

So here's America, as we had a conversation here on the side earlier. There was, a couple of years ago, I would say now, a serious discussion about whether I would go back to Iowa and run for Governor, and the questions that I had, Mr. Speaker, in front of me were this: that we were looking at what turned out to be the Dodd-Frank bill, the financial regulation bill. We were looking at cap-and-trade, or cap-and-tax, which is a more accurate way to describe it. We were looking at ObamaCare. I am thinking, I would have to spend 14 months back in Iowa campaigning for that job. And if I carried my luggage into the Governor's mansion and looked out the window onto an America that had been saddled with this burden, the burden of Dodd-Frank, the burden of ObamaCare, and the burden, perhaps, of a cap-and-tax piece of legislation, it would be impossible to undo, and it would be impossible to fix America from a State office such as I have mentioned. Those things weighed heavily on me.

Today, here's where we are. This process has moved forward. Cap-and-tax has been essentially killed, temporarily killed, I will say, in the United States Senate, thanks to the filibuster and thanks to the work of the people on that side. It did pass through this House under the Pelosi Speakership.

□ 1410

ObamaCare is now the law of the land; but it is repealable, Mr. Speaker, and that gives me great hope. And Dodd-Frank also is repealable. So when I look at the Presidential candidates, who also are poised, seeking the nomination to challenge the White House, the Senators that I am convinced will come into the United States Senate, the new blood that will come into the House of Representatives with even deeper convictions on the Constitution and constitutional conservatism, the idea across America is this: Government has mismanaged so much of what has come out of this Federal Government, they want a smaller, more responsive Federal Government. They want a government that does less with less, a government that balances the budget, and they want to have their freedom back. The American people want to have their liberty back, Mr. Speaker.

I would ask this question, and it's this that Ronald Reagan asked in 1980. He said: Are you better off today than you were 4 years ago? And the American people answered with a resounding ''no.'' And they voted ''no'' on Jimmy Carter and ''yes'' on Ronald Reagan, and we got the greatest President of the century, who served two terms and put us back on track and got us believing in ourselves again.

Today and throughout this 14 months or so until the next election, we have to be asking not the question of are you better off today than you were 4 years ago—not a lot of people can say they are—but the question really is, Mr. Speaker, are you more free today? Do you have more liberty today than you had 4 years ago? Do you and your children and your grandchildren have more potential to enjoy the fruits of their labor? Is this society more open to success? And is America moving along and continuing to be the dominant economic force in the world, the dominant cultural force in the world, the dominant foundation for Western Civilization? Are we going to continue to be that, or are we going to watch the continuum of this history wind its way down, and will we trail in the dust the golden hopes of all humanity? Is that the future for this country?

Now, there's not an image that I can see that the President has laid out for us on a direction on where we can go. I have watched what he has done. I think I know what he believes in. I have looked him in the eye when he has told me what he believes in, and one of those things is Keynesian economics.

The President told a group of us on February 10, 2009, to be precise, that Keynesian economics works. He said to us that Franklin Delano Roosevelt's New Deal actually did work but that Roosevelt lost his nerve, and he pulled back in the second half of the 1930s when he should have been borrowing and spending more money. And because he pulled back, according to the President, it brought about a recession within a depression. Unemployment went up, and then along came World War II, the greatest economic stimulus plan ever.

That was a little classroom lecture. Well, it was a statement, not necessarily a lecture, to be fair, Mr. Speaker. But that was the President's position on that day, and I'm sure that's something he has held for a long time. He didn't make it up while he was standing there. It came out of him as a conviction. That's how it sounded to me.

I'm of the exact opposite conviction, Mr. Speaker. I'm of this conviction: that Keynesian economics always was a mistake. Oh, and for the record, John Maynard Keynes was the most influential economist of his time. He came to prominence in the 1920s and then even more prominence in the 1930s as he proposed that the Federal Government should get money into the hands of people so that people could spend the money. And if they spent the money, it would stimulate the economy. That's the Keynesian approach.

Even though he said this facetiously, I believe it illustrates the Keynesian economic theory, this narrative. And this is a narrative told by John Maynard Keynes, himself. He said, I can solve all of the unemployment in the United States of America, and here's how I would do it. Just give me an abandoned coal mine and I will go out into that coal mine—he'd send other people, actually—with drilling rigs, and they will drill holes down all over the coal mine. And then we'll stuff them full of cash. And then we'll fill the coal mine up with garbage and heap it full of garbage and then turn the entrepreneurs loose, which would then solve all of the unemployment in America.

Just to flesh that out a little bit, Mr. Speaker, if you turn the entrepreneurs loose on an old coal mine that is full of garbage and has holes drilled with cash in it, they've got to go in and move the garbage off. They've got to locate the holes. They've got to clean out the holes. They've got to get down to the cash, and doing all of that will require somebody to rehandle the garbage again, somebody to set up the showers, somebody to take care of the medical needs and the food needs, and after awhile the banking needs when they start to come up with the cash. See, he

understood how the economy goes when you get money flowing in the economy, how that actually happens.

But what Keynes missed was, where was the cash going to come from in the first place? You can't go out and borrow money and bury it and have people dig it up and think you're doing something productive. That's the equivalent of paying each other to do each other's laundry. You've produced nothing extra from it; you just trade dollars.

What has built America, the strength of this country economically has been free market capitalism competition. And because of the competition, we have had inventors and entrepreneurs. We have had more patents, trademarks, and copyrights per capita, at least, than any other country in the world. And the reason for that is because Americans are natural entrepreneurs. We're natural creators, and we have the resources to do it. And I don't just mean gold and oil, and I always have to put corn in there as a natural resource, Mr. Speaker. I know you use it for grits; but for us, we feed most of it to livestock and turn some of it into ethanol.

But all of those resources that we have in this country, Americans have developed them. We've grown them. We've mined them out of the Earth. We've turned our timber into valuable products. We've cut trees and turned them into ships, and we traded around this world. And we did that early in this country. American clipper ships were the class of the world.

We have had this success because we produced. We produced goods and services that had a marketable value both domestically and abroad. That is still what will bring America out of the economic doldrums, producing goods and services that have a marketable value both domestically and abroad, not spending money, not the little sugar high of handing somebody money and saying here are your food stamps, here's your unemployment check. Do nothing except go out and spend the money. That is only at best a sugar high. And for the economy, it's temporary.

Even if Keynes was right on any part of it, it would be this: Dump in billions, hundreds of billions, and in the case of the President of the United States, we're talking about trillions of dollars dumped into this economy. The best you can hope for with a Keynesian economist on steroids, which is our President, is this: that he might have diminished the depths to which we otherwise could have fallen to some degree. We will never know how much, but what I guarantee you is the depths that might have been diminished, certainly the breadth of this trough of the economic downward decline that we're in is much broader, and it's going to take us a long, long time to recover.

And a way to explain that, Mr. Speaker, is this. If you are a small business, a large business, or a government and if you go out and borrow too much money and you have a revenue stream coming in and now you have to service the debt, you have to pay the interest and the principal on the debt. The banker's in there. He's going to collect his money. So you have a fixed income and you have borrowed more money, which means more interest has to go, and it has to also pay off the principal or you can never stop the drain, and it weighs you down.

There are businesses—I'll actually say many of them in my State—that have actually, literally, not figuratively and not virtually but literally, been under water all summer long in the floods of the Missouri River. If all they have for relief is a small business disaster loan and they can get a preferential interest rate of maybe some number approaching 4 percent interest, still if they get stacked with too much debt, they can't have the income to service that debt.

The same with the country. The United States of America borrows money and hands it to people and tells them: You don't have to work for this. You don't have to produce anything for this. We just want you to spend it. That's your patriotic duty, to take the money that we've borrowed from the Chinese and the debt burden we put on our grandchildren, and put it into people's hands and say it's the patriotic thing. Take your food stamps and take your rent subsidy and your heat subsidy and your unemployment check, and go engage in commerce. That's patriotic.

No, what's patriotic is carry your own weight. I mean, John Smith said clear back in the 1600s: no work, no eat. That's also part of the New Testament. Where he lifted that from, I believe, was in Galatians: He who would not work would also not eat. That doesn't mean that we don't want to take care of people that can't help themselves, but people that can help themselves need to help themselves and all of the rest of us.

We're hearing the statements come out of people that generally sit over on this side of the floor, Mr. Speaker, this belief of economic stimulus. The former Speaker of the House, Speaker PELOSI, has consistently said that unemployment checks are one of those reliable and immediate forms of economic recovery.

□ 1420

You get a lot of bang for the buck when you pay people not to work, and they will go out and spend that money immediately. Therefore, we should pass out unemployment checks and stimulate the economy.

That statement is ridiculous where I come from, Mr. Speaker, to pay people not to work and somehow in that formula it stimulates the economy.

Another statement came from our Secretary of Agriculture, Tom Vilsack, who consistently—at least it shows up in the media hits consistently—has said that food stamps are also an economic stimulator, that for every dollar in food stamps that you hand out, you get $1.84 in economic activity. Well, that may be, but if you had somebody actually producing something in exchange for that food stamp, you would have the economy growing. You would be building capital within your economy.

We have this massive amount of capital here in the United States of America, and it's built within—part of it is cash. Part of it is the real estate value that's been improved by putting buildings and fixtures out. Part of it is the equipment that we've manufactured, and it's the utilization of that. All of that is part of the capital base of America. Our knowledge base is part of the capital base in America. And here we have the Federal Government and the President's proposal with his jobs plan, by the way, continuing to want to extend unemployment benefits another year, believing that that's an economic stimulus plan.

Now, if I were a younger man, or let's just say a boy who was looking at this economy from the simplistic way of what pays and what doesn't, and if someone said to me when I was 16 years old, ''Well, here's how we stimulate the economy. We're going to hand out unemployment checks and food stamps,'' that's what we're hearing, Mr. Speaker. We're hearing this out of the people that speak for the White House. Handing out unemployment checks and handing out food stamps is an economic stimulus plan.

I'm back to: Produce goods and services that have a marketable value both here and abroad. When I say that, we have to compete with the value, the prices of those goods other countries can produce so that we have an opportunity to outsell them when they want to sell here and we have an opportunity to outsell them in their countries. We have to be better at some of those things.

But this economy will not recover if we're going to continue to borrow money, put the debt on the heads of our grandchildren, and think that spending money solves anything.

I have a little granddaughter that's closing in on a year old now. She's just taken her first steps, about 10 or 12 of them last night as a matter of fact. Her name is Reagan Ann King. When she was born into this world, her share of the national debt, what she owes to Uncle Sam when she took her first breath as a new American citizen and a miracle from God, was $44,000, her share of the debt.

And we worry about a college student that has a degree with a $40,000 student loan to pay off. I'll submit, Mr. Speaker, they at least have a diploma, in a likely case, and they have an education in every case and an opportunity to earn that back. And from the time they leave college and the toll starts to ring on their student loan, they have an opportunity to go to work and to stop the interest and pay the interest

and start to pay the principal on their student loan.

But this little girl, Reagan Ann King, that's just taken her first dozen steps last night, this little girl doesn't have a chance to start earning that back. Her $44,000 worth of debt is accumulating interest every day, every day of her little life until—she's turned around a year old—until she's 10, until she's 20, until she gets an education that's good enough for her to start actually earning her share and paying taxes and starting to pay down this national debt.

How much is that $44,000 going to be before she gets a chance to stop the bleeding just for her? By the time she's 10 and starts fifth grade, it will be not $44,000, but $88,000. That's an actual calculation rounded to the nearest thousand. It's not just 44 times 2. That's $88,000. Welcome to fifth grade, Reagan Ann King. Now your share of the debt is $88,000. How does that make you feel? Study hard.

We'll give you another Republican approach here, Mr. Speaker, that I think illustrates the right attitude. It caught me a little off guard. I had a conversation with my oldest son and his little 6-year-old daughter, who was telling me her favorite subject is math. Our family is in the construction business. We do a lot of work that requires engineering. And so I immediately said to her, Study hard; focus on your math. That means if you're good in math, you can be an engineer, and your daddy needs an engineer. Her daddy said immediately, I don't need another mouth to feed. She can study hard and carry her own weight and make a living in the world.

Now, think about the difference in that. Rather than opening up the door and saying, Study hard; become an engineer; I can use one in the company—which I think he could—he said, She can make her own way.

The attitude when you're 6 years old, growing up, that you're going to go out into the world and make your own way, even though by then there's maybe a third generation company, it surprised me that he saw the world so clearly and instantly directed his child to, Stand on your own.

Mr. Speaker, we need more young Americans growing up being told on a daily basis, You're going to have to carry your own weight. You're going to have to make your own way. You're going to have to build an education and plan your future and control your own destiny.

When you do that, the most patriotic thing you can do is serve God and country, in that order. Take care of your family. Take care of your State. Do your thing to contribute to our society and our economy.

There is—well, there is, but there should not be—a free lunch.

Mr. Speaker, I'm listening to the Presidential campaign and listening pretty closely and talking to a number of the candidates. What I'm not hearing is any of the candidates really addressing the situation we have of, in the United States, there are 72 different means-tested welfare programs, Federal welfare programs. Seventy-two. There's not a person on the planet that can even name them all from memory, let alone read, learn, understand, and draw judgment on how they interact with each other, let alone whether or not they motivate people to take care of themselves, go to work, do the right thing, be responsible. We like to think so. Seventy-two.

Why does the Federal Government have 72 different means-tested welfare programs? That's because there were 72 different constituency bases out there that certain Members of Congress decided they could slip into one bill or another and send a press release back to their district and say to somebody, Look what I did for you. Here's your rent subsidy. Here's your heat subsidy. Here's your ADC check. Here's your TANF money. Here's your food stamp money. And then they have the audacity to come to the floor to ask for more and more money for rent and heat subsidy at the same time.

I don't want anybody to go cold. I don't want anybody to go hungry. But neither do I want to see generations of Americans who have been conditioned and trained that they don't have to contribute to this society.

I will give you an example. It was written up in the Des Moines Register about 15 years ago where they went into a residential area in Milwaukee, Wisconsin. Odd that they would go from Des Moines to Milwaukee. But I remember the article. And they did a study in a six-block by six-block segment; 36 square blocks, six squared. It was a residential area of families whose predecessors in the thirties had moved up to Milwaukee from the gulf area in Mississippi—generally in that area, Mississippi and Alabama—to take on the brewery jobs that blossomed in Milwaukee when prohibition was over. These families that had moved in had moved up there for the jobs.

Three generations later, they surveyed all of those residences in a residential area 36 square blocks, and there wasn't a single employed male head of household in any of those homes in 36 square blocks. And as I read through that article twice, because I wanted to see what I missed, the lament by the author was—seemed to be, at least—that we couldn't bring jobs to the people that lived in that neighborhood in Milwaukee, so wasn't that the failure of government that we couldn't get jobs established there. I read it completely differently. If your granddaddy moved to Milwaukee to get a job, why can't you, as a grandson, move somewhere to get a job?

□ 1430

Why don't people migrate to take a job? And the answer to that question is: seventy-two different means-tested welfare programs. They're being paid not to. The safest thing you can do is stay in a home that's maybe been in your family for two or three generations, that may well be paid for. And you've got the system of the public benefits all figured out, and so those checks come in once a month and take care of all of your worldly needs. And if you need a little cash aside from that, then you can go out and work in the black market, work in cash, or trade on the side. That's what we have for economies. I've sat in those areas in those communities and just watched the traffic.

And what does this trace back to? Well, I have a viewpoint that I think is completely objective, and it's just illuminated a little more because I come from farm country, but it's this: All new wealth comes from the land. If you watch any dollars that are flowing anywhere, if you trace them back through the economy, whoever has that dollar in their hand, if you could trace it back to the person that handed them that dollar and the person that handed the second person the dollar, and go on back, where does it take you if you trace each one of those transactional exchanges? It will take you back to the land.

In the world, all new wealth comes from the land. You can mine it out of the Earth in the form of gold or platinum; you can pump it out in the form of oil; you can bring out limestone and aggregate of all kinds. That's a new wealth. It sits there, waiting to be developed, and then you turn that into concrete and steel from iron ore, and the list goes on. Or as an exception, I guess, would be if you could seine some fish out of the sea and maybe you can raise a little algae in the sea; but, otherwise, it grows out of the soil.

New wealth comes from this Earth in one form or another, and we use it to produce the necessities of life. Those necessities which were simplified down to food, clothing and shelter, all that comes out of the Earth. Those are the necessities. I used to get into this debate with former Congressman Tom Feeney from Orlando, Florida, Disney World territory—a very smart and effective Member of this Congress and a good friend whom I admire and respect. When I would tell him all new wealth comes from the land, he would say, oh, no, it comes from the airport. Well, they do, Mr. Speaker, fly down to Orlando—and it's a refreshing injection of capital into the economy in the Orlando area, but that's not the new wealth. It's just newly arriving in Orlando.

When you trace it back, it's the disposable income that comes from the people that are producing goods and services that have a marketable value both domestically and abroad. And they're producing it from the raw materials as are mined out of the Earth or are value adding to the crops that grow from the soil. That's what this country is, and that's how this economy works. And if you don't understand that and

you're trying to manage a country that has about a $15 trillion gross domestic product and you believe that spending money is a solution rather than producing goods and services, you can understand then why we're in the situation that we are in.

I think the Speaker and I agree completely on what I'm about to say. And I'm going to take this back again to Ronald Reagan, who once said that what you tax, you get less of. Well, I look around the United States and I look at our tax policy that we have, and I start looking for productivity, and that's earnings, savings and investment. They identify the productivity in this country. And if you have any earnings, any savings, or any investment, the first lien on all of that, the one who holds the mortgage collateral on it is Uncle Sam.

The Federal Government has the first lien on all productivity in America. So if you walk in and you punch the time clock on a Monday morning at 8 o'clock and you hear that thunk, just think of that as Uncle Sam's arm going out and his hand is out. He will take every dime you earn until he's satisfied—and that might be before noon and it might be after.

Then when Uncle Sam puts all that in his pocket, then you can start to earn a little money for the Governor—he doesn't take as long. You can pay him as a rule, and he gets his hand in his pocket, and now you can start to work for yourself and your children and your families.

The first lien on all productivity in America is held by Uncle Sam, the Federal Government. Earnings, savings, and investment is all taxed in this country unless they have found a way to get you through this loophole. So because what you tax, you get less of, that means that you get less production because we tax it all. If you produce and the Federal Government taxes it, it's a disincentive for production, so we produce less.

If we're going to come out of this economic decline that we're in, if spending were going to solve this problem, we would have solved it by now—this Keynesian economic experiment of the President's.

But it's production that will solve it. We need to take the tax off all production in America, which is all earnings, savings and investment, so that it will thrive and it will prosper. And when we tell people in this country, you can invest all the capital you want to invest, you can earn all you want to earn, you can save all you want to save, and when you do that, we're not going to tax any of it; you can pile up as much cash and capital and savings as you want, not one dime of Federal tax will be on any of that that you earn, when we do that—and I pray one day we will do that—the average worker will get 56 percent more in their paycheck.

There will be a lot more production in this country; it will be a lot more competitive. And then people can pay their tax with a national sales tax, the option of paying taxes, which is a decision that you make when you consume. That's what the Fair Tax is. And that's what brings us out of this mess that we are in, and it needs to be a very high priority.

I need to hear the Presidential candidates talk about their position on a national sales tax. They talk around it, and they will say, I'm for a Fair Tax or a flat tax or anything that taxes us less. That's not good enough. If you want to lead this country, lay out a tax proposal that actually solves this problem that we're in.

I have looked at this proposal, Mr. Speaker, for more than 30 years now. And I don't know how many years ago it was when they invented the Rubik's Cube, where you could turn that thing around and arrange the colors on all the sides of the cube, but I have turned the Rubik's Cube of the Fair Tax over and over, every possible way that I can look at it.

And the more I look at it—usually when you get to looking at something, it starts to look a little worse the longer you look at it. The longer I look at this, the Rubik's Cube of the Fair Tax, the better it looks to me. And that's more than 30 years of looking at the proposal; and, actually, that's more years than we've had the proposal, but I've advocated for a national sales tax since about 1980. And that was back when I got audited one too many years in a row and I decided, why do I have the IRS in my life? Why are they making Monday morning quarterback decisions? Why am I looking at paying interest in penalty on a tax liability that, to this day, I do not believe that I legally owed? It's because the IRS has so much power that you can't fight them. You can fight them, but you're going to lose.

That was a painful thing for a person of principle to come to, a realization that I had to go to the bank and borrow money to pay the IRS, because even though I'm right, it would cost me my business if I stopped producing long enough to fight the IRS. That was the equation that I was faced with.

So I want to challenge anybody in this House of Representatives that wants to debate tax policy on the Fair Tax. I would be real happy to yield to anybody that would come down here on the floor, set up a Special Order for the purpose, go just about anywhere I can logistically get to face off with somebody that thinks the Fair Tax is a bad idea. It is a great idea.

I sat down with Alan Greenspan within a month of the time that he stepped down as chairman, his retirement, and I said to him, Here are all the things that the Fair Tax does, and I went through the list. I said it eliminates personal income tax and corporate income tax and payroll income tax, including Medicare, Medicaid and Social Security. It puts a check and a prebate into everybody's household to reimburse them a prebate for the taxes that they would pay on their spending up to the poverty level. It provides an incentive for people to invest money, and it will attract capital from all overseas.

I went through all of that, and I said, I need you to challenge me on any point that I have made. I don't want to be making this argument across this country and have a position that I can't sustain. Test me. Challenge me. He listened as I went through the list, and he looked up at me and he said, You left out provides an incentive for savings and investment. This country needs an incentive for savings and investment. Add that to the list and keep saying it. You're right on all of those points. Well, I had actually just forgotten to say it provides an incentive for savings and investment.

But it illustrated to me how carefully Alan Greenspan was listening to that presentation, how he identified the omission that I had left out. And it was an astute response. And I said to him, I need you to advocate for this. And he said to me, You will not find serious economists that disagree with you on this position.

□ 1440

The fair tax does all the things that you say it does. It's not an economic question, because serious economists will not disagree. It's a political question, and you are the politician, meaning me, Mr. Speaker, and you need to solve the political question. It's not an economic argument.

So it comes back to the same thing over and over again. Here we are in this great country. We are a wealthy country. We are also a productive country, and we do have a good work ethic even though it's being undermined by 72 different means-tested Federal welfare programs.

We're a great country, and we have the resources to solve any problem that can be solved. We can come up with the money to do it. We either have the technology or we can develop the technology. We've got the man- and womanpower. We've got the work power to do all of that. We can solve everything.

But when I look at the problems that are unsolved and unresolved in the United States of America, invariably it comes back to the political question. It's politics that stick in the middle of this. It's not because we don't have enough people with common sense. We have people with competing interests, and we have people that confuse the issue, and they bog this thing down, and they make it a lot harder than it needs to be because they're looking for some kind of political benefit from it.

But we have the solution here at our fingertips. This Congress, if we were able to get a fair tax bill to the floor of the House of Representatives for an up-or-down vote, I would say there'd be a Vegas line on whether that would pass or not, Mr. Speaker, but I believe it would. I believe this House of Representatives would vote to scrap the

entire Internal Revenue Code and scrap the IRS, itself, and replace it with a national sales tax. I believe this House of Representatives would vote to take all the tax off of productivity in America and put that tax over on a revenue-neutral basis onto consumption, instead, of goods and services, goods and services that have a marketable value both domestically and abroad.

I believe the House of Representatives would pass that legislation if we could get it to the floor for a vote. And I believe, in the process of doing this, they would be granting to American manufacturers, in the stroke of a pen, a 28 percent marketing advantage over foreign competitors when it comes to manufacturing.

If you take a Mazda that's presumably built 100 percent in Japan, compared to a Ford built 100 percent in America, and each of them were sitting on a dealer's lot, perhaps across the street from each other and the sticker price on these two comparable valued vehicles was each $30,000, then competition would have set that.

Well, into that Ford is embedded 22 percent of Federal taxes that are built into the price of that Ford, because corporations don't pay taxes; consumers pay it. Corporations aggregate them, and they put it into the price of the products that they produce. So your $30,000—you pass the fair tax, competition drives out of the Ford the embedded Federal tax. So your $30,000 Ford becomes $23,400. That would be the new sticker price.

Now, it would take 12 to 18 months to turn the inventory over and get competition to drive that down. $23,400 would be then the new sticker price on your Ford, with the fair tax passed. But your Mazda's still going to be 30,000 because its tax structure is Japan, not the United States.

So then you add in an embedded 23 percent sales tax into both vehicles, and your Ford price, to drive it off the lot, presuming it's not a deductible business purchase, goes from what was $30,000, knocked down to $23,400 because the embedded Federal tax comes out of the price, and you add in 23 percent tax. You drive your Ford off the lot for $30,400. But your Mazda needs to also pay the 23 percent embedded tax. It comes off the lot at $39,000. So you end up with an $8,600—28 percent—marketing advantage, the Ford over the Mazda.

Now, what does that bring about, Mr. Speaker? Instead of $800 million worth of Mazdas coming to the United States aboard ships on an annual basis, you've got Fords being sent to Japan and to Korea and to China and to Europe and all around the world. We're making more and more cars, and we're shipping them all around the world because we now have a tax structure that ceases to punish production and provides an incentive for savings and investment and gives those workers that are making the Fords 56 percent more in their paycheck. And those people that run the manufacturing plants, whether it's cars or whether it's trailer axles or whether it's the modern version of the widget, all have a competitive advantage now that gains 28 percent.

We've reached a static level in the things we produce, and sometimes a half of a percent is enough to make the difference on whether you sell large volumes into foreign countries. A half of a percent, maybe even a tenth of a percent.

Well, can you imagine sitting there, let's just say—I'm just thinking shipping product over into a place like Asia, and you're there where the margins are so tight sometimes you can sell, sometimes you can't, and you've got to ratchet your price down a little and try to get it sold. This goes on every day, people that are looking for that tiny little edge that lets them get in there and export something to a foreign country.

With the fair tax, they're sitting there with a tiny little edge or no edge. Maybe they're behind the curve, and all of a sudden here comes a 28 percent marketing advantage. Whoosh, it goes overseas. We light this country up. We light this country up. We become the manufacturing center for the world again. We find jobs for people. They're out there for American labor to produce a high return so that their highly productive workers—we're the most productive workers in the world today, and we will increase our manufacturing. We will increase our exports. We'll reverse this trade imbalance, and it will be a surplus of exports. And instead of us being a debtor nation, we will become a prosperous nation.

By the way, if exports are working, think what can happen. We've got a dollar that's being devalued by the White House and by the Fed. They're printing money and dumping the currency in, and the value of the dollar is dropping. And what is one of the reasons? It's because, if a dollar doesn't buy much, then people in foreign countries can buy more things from the United States.

Look how it works the other way. When we get this 28 percent marketing advantage, we can start to tighten up our currency and start to give it value again. Maybe we can get to that point where we can put a gold standard under it or a basket of currency, a basket of commodities that would be used in lieu of a gold standard so that our dollar has a value that can be anchored to commodities that actually can be exchanged for, rather than the full faith and credit of the Federal Government.

The fair tax solves everything good that can be solved by a tax policy. It does everything that anybody else's tax policy does that's good. It does them all. And it does them all better. And I will stand on that statement, Mr. Speaker. And I will challenge any Member of this Congress or anybody that has a legitimate reputation out across this country to stand up and we'll take this issue on anywhere.

This is one of these times when I'll just say that this is one of the things that I have been right on for a long time. A lot of others have been right on this for a long time, and it's getting to the point where it's high time that we move a fair tax.

We had a little hearing in the Ways and Means Committee here a few weeks ago. I'm glad to have that. I don't know if the Earth shook when we did that or not, and I don't know how much it illuminated the knowledge base of the Members. But I will tell you that the public would be disappointed if they knew how shallow the knowledge base is among many of the Members of this Congress when it comes to a national sales tax. It's shallow. They can't pass the test. They don't want to spend the time to do that. They're just navigating themselves away from the political liabilities that come up every day in this trade. They don't have the time to dig down into it. And so you need to focus them, and the public needs to focus them, Mr. Speaker.

The fair tax needs to move. We need to have it in the debate of the Presidential race. I want to do all we can to bring it up in that debate.

And as the clock ticks down, I want to shift the gear a little bit because it's important for me to address what's going on with the natural disasters in the country, primarily the floods that we've had on the Missouri River.

We have been underwater since early or mid-June. We have more water that's come down the Missouri River than at any time prior to this year in history. This is from Sioux City, downstream. And they can talk about it very well up into the Dakotas. KRISTI NOEM and RICK BERG are very knowledgeable on what the disaster has done to them upstream.

But where we are, Sioux City on down, that river has been, since June, and I will say mid-June, it's been about—the narrowest typical place that you would see would be the water would be a mile and a half wide. This is a river that, I wouldn't recommend it, but it can be swum across. And about a mile and a half wide downstream from Sioux City, and as you go further south it gets to be 4, 5, 6, 8 miles wide at Glencoe, and north of the Omaha airport, 11 miles wide. Water 11 miles wide, and it narrows up downstream from Omaha to 4 to 5 miles, maybe 6 miles wide, all the way down into Missouri and into SAM GRAVES' district, typical, on down.

□ 1450

We have seen more water come down that river this summer than ever before. And it is a flood of massive proportions. And when I tell you a river that's 11 miles wide for 3 months long, it gives you a sense of what it is, but people have to be thinking it's stagnant water that's sitting there that can't escape. But it's really not. It's water with a velocity of 3–5 miles an hour, even out away from the central

stream of the channel; and in the central stream of the channel it's 11–12 miles an hour but out a way at the base of the hills, and it's flooded hill to hill. The water is moving along at a clip that's, oh, a fast pace if you're walking, is what it would be.

And we have watched business after business, farm after farm, residence after residence go underwater. They sandbag, set up pumps, and then they lose the battle. And then the house and buildings fill up with water, sometimes clear up to the eaves, sometimes halfway up on the windows of the living room.

And we have miles and miles of trees that have been standing in water that is 10-, 12-, 16-feet deep for the better part of the summer. I'll say all summer. And when the wind blows and the water starts to go down, the trees just tip over. Miles and miles of huge trees laying down, the swath of them just fallen over by wind and gravity and nothing for their roots to hang on to, and hundreds of thousands of farm fields that are underwater, and flooded with huge sand bars that are created by the current and all kinds of junk washed out into the middle of them.

This is what we're dealing with on the Missouri River.

The Corps of Engineers has built in the upper Missouri River six dams. They're known as the Pick-Sloan Program. That began sometime in the '40s and '50s. They looked back on the historically highest flood, which was 1881, and they had a large flood in 1943. It wasn't as much as 1881, but it was a heads-up wake-up call that started Congress working. And they began working on this Pick-Sloan Program to prevent flooding in the Missouri River.

In 1952, there was a huge flood, and that accelerated the construction. They completed in the late 1950s and early 1960s the six-dam reservoir complex of the Pick-Sloan Program that goes clear on up into Montana.

They wrote a master manual for the Corps of Engineers that guides them on how they shall manage the reservoirs and how they shall manage the Missouri River. The master manual, Mr. Speaker, has been amended. I believe there have been five different versions. But in each of those versions, the Corps of Engineers says use the same amount of storage capacity for flood control.

There is a permanent pool, and above that permanent pool they have always kept 16.3 million acre feet for flood control. The reason that they have 16.3 million acre feet is because that was the amount that was calculated that was necessary to protect from the floods of the largest run-off ever experienced, which was 1881. In 1881, 49 million acre feet of water came down. In 2011, the number will be 61 million acre feet of water.

So I have a bill I trust was introduced this afternoon or will be before the fall of the gavel today, Mr. Speaker, that requires the Corps of Engineers to manage the Pick-Sloan Program, to protect from serious downstream flooding, and to adjust those flood levels to the largest amount ever experienced. And that language then means 2011 run-off rather than 1881 run-off.

So if we get another year of this kind of run-off, we will be using the storage rather than having it be part of the permanent pool so that all of this downstream flooding that has wiped out hundreds and hundreds of square miles and set it under a flowing current of water for the whole summer can all be protected.

They easily have the storage capacity to protect all of us downstream from that type of serious flooding. The legislation that I have that has been sponsored by representatives from at least four States along the Missouri—and I'm not sure who else might have signed on it this afternoon—just simply says to the Corps of Engineers: Adjust the flood storage from the 16.3 million acre feet to an amount that will protect from serious downstream flooding.

That's the message in the bill. That's what I'm going to ask this Congress to pass. That's what I think we have a reasonable chance of having unanimous support among the States affected by the Missouri River floods all the way up to the headwaters and all the way down to St. Louis. I'm hopeful every Member will sign on. It's bipartisan. We have about the same number of Democrats as we do Republicans on that bill, and it's something I feel the need to notice this Congress that is something that I'd ask for support, and hopefully we can start to move it through.

So, Mr. Speaker, as we get close to wrapping up business in this Congress for this week, I think about what we have ahead of us.

Of course one of the things we have ahead of us is how do we fund this government beyond September 30. That will be ultimately, I believe, a CR, a continuing resolution. We have the debt ceiling debate behind us, at least for now. We have the pressure points that are set up by the debt ceiling bill. I have never been a fan of a supercommittee of 12 apostles sitting in a room, deciding for all of the rest of us what they think is best. The product that may come from there, if it's used right, can be useful, and it can produce a happy ending here.

I'm hopeful that they will make suggestions and work with the committees. And the cuts that we must get in this Congress, I believe, need to be produced by the committees that have the most and the best knowledge about the subject matter at hand, that it's not just a slash-and-burn from inside the—perhaps, and maybe not—closed doors of the supercommittee. And I think this country has got a long ways to go.

But in the end, here's what gets us where we need to go. Pass the Fair Tax, Mr. Speaker. That turns this economy back around and does all the things that I've said. It does everything good that everybody's policy does. It does them all. It does them all better.

It gives people back their freedom. It gives them 56 percent more in their paycheck. They decide when to pay taxes when they make a purchase. And it rewards production. It stops punishing production. And in the end, it inversely rewards production. People will produce more. They'll earn more. They'll save more, will export more. Our dollar will be worth more. People's labor will be worth more.

And the 80 million Americans that are of working age but are simply not in the workforce need to be put to work. We can't have a Nation of slackers and then have me have to sit in the Judiciary Committee, listening to them argue that there's work that Americans won't do so we have to import people to do work Americans won't do and borrow money to pay the welfare of people that won't work. That is a foolish thing for a Nation to do.

We've got to get this country back to work and get those people out of the slacker roles and on to the employed roles. That and revalue the dollar.

We've got to balance the budget. That means pass a balanced budget amendment that actually is a legitimate balanced budget amendment with a supermajority required to waive the balance, a supermajority required to raise the debt ceiling, a supermajority required to exceed 18 percent of the GDP, and a supermajority required to, as I said, raise taxes, balance the budget, and exceed the debt limit.

So if we can do those things—repeal ObamaCare, pass the Fair Tax, pass a balanced budget amendment out of this Congress, ask the States to save us—that would be a pretty good foundation to build this country on, and it would be a good foundation for little Reagan Ann King, who's just taken her first steps in the last 24 hours, to look ahead and think, Grandpa actually is doing something here in Congress. It's going to open the door up for her and all of her generation to come in and contribute to this country and still have something left for themselves and start to get to the point where we can one day start to pay down this national debt.

Mr. Speaker, I appreciate your attention here this afternoon, your service in this Congress as well.

I yield back the balance of my time.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Pate, one of his secretaries.

## AMERICA'S SPENDING

The SPEAKER pro tempore (Mr. GARDNER). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. We're at the end of another week of session here.

You know, the President's been traveling around the country. I know that costs millions and millions of dollars to put Air Force One in motion, hopping all over the country. I've also seen what it takes from a security standpoint to prepare for a President to come anywhere. Because of the sniper weapons available these days, they have to be so thorough.

□ 1500

The Secret Service has to go along and check. Anything they can see, they have to check out. Well, that takes several days.

So, to the average person, you think, Well, gee. The President just comes in. He's gone in 30 minutes. No big deal. But for those whose life's work it is in the government to make sure that things go properly, it is an extremely onerous task. We owe so much to those who protect those who are leaving the country, not so much the people in Congress. I know we had people in Congress who were advocating that we all ought to have our own security detail; but as one of my constituents said one morning at 2 a.m. in Wal-Mart, ''Wow, you really don't have any security,'' and I said, ''No. It's just you, me and the syrup here.'' I don't think we should have to have security. If it comes to that, this country is in such trouble that I'm not sure we'll have it back in any proper form anyway.

In the meantime, I am an advocate of letting people in Washington, D.C., who aren't prior convicted felons and who meet the requirements, of being able to carry. Let folks carry. Not here in the Capitol, of course. You don't need one here. We've got the finest we could hope for, Mr. Speaker. I know you know the Capitol Police are fantastic. We've got some up in the gallery who make sure that things are orderly up there; and as we know from the last 20 years, there are times they've had to lay down their lives to protect the public here.

So we are greatly blessed, but it all comes back to this, that we're talking about millions and millions of dollars for the President to go anywhere. Ever since 1 week ago, we were chastised by the President here on the House floor, as he spoke from the podium here, that we needed to pass his bill. Somebody else counted them. I didn't. We've got to pass this bill right now, right away, right now. Pass this bill now. It turns out the whole time the President was saying ''this bill,'' there was no such bill, which brought back memories of exactly 2 years before when at that time the President demanded to come address a joint session of Congress.

Under the rules of Congress, the laws of the land, no one can demand to come speak to the Senate or House unless they're invited, but that was overlooked back in September of 2009. The President was not doing well in the polling with his health care ideas. He figured, if he came and spoke here on the floor, because he is such a gifted reader, that he might be able to persuade people to support a bill they otherwise didn't like.

So he came and he spoke. He spoke of this bill, my bill, this plan, my plan. I couldn't find a bill. I couldn't find a plan anywhere. It was even 2 weeks later that I asked the Cabinet member charged with Health and Human Services—it's her area—since the President was so accusatory and said, If any of you misrepresent my bill, I am going to call you out, I wanted to make sure I didn't misrepresent anything. I asked the Secretary of Health and Human Services: Where do I get a copy of the President's bill? She said these words: I think he was talking about a set of principles.

Ah, it couldn't have been. He said this bill, my bill, this plan, my plan. He didn't have a plan. He didn't have a bill. He was talking about a set of principles? How could he condemn us for misrepresenting a bill or a plan that he didn't have? Not then. It turns out he didn't.

So, as I heard the President say repeatedly to pass this bill, pass this bill, to do it right now, right now, I wondered if, yet again, 2 years later, he was making the same error—demanding we pass a bill that didn't exist. It turns out my concerns were well-founded. He had no bill. He had no plan. He had a speech.

But as we've learned from CBO, generally speaking, unless they're chastised sufficiently by the President or the White House, CBO cannot score a speech. If they're chastised sufficiently, then CBO will give them some sort of scoring because there are pressures that can be brought to bear from the White House that somehow, apparently, make them sensitive, which is another whole point. I really don't believe that we will be able to fix the problems of the massive overspending, the overtaxing, the dramatic problems with the overvexation, the overburdensome laws and regulations until we change a number of things.

One of those is we eliminate the Congressional Budget Office and eliminate the rules under which bills are scored. Those rules were put in place in 1974 by the same Congress that forced the military to rush out of Vietnam, leaving, many report, around 2 million people who had helped us to be wiped out—murdered, killed—because the Congress didn't care. That same Congress put in rules that would require that a bill be scored as to the effect it would have on our economy, on spending, on revenue. It required it would be scored under rules that do not allow the scorer to take into consideration reality, history, facts. All they're allowed to do is to consider the formulas—the rules under which they're bound by that 1974 Congress. That's it.

Now, we've gotten horrible scoring, and it can't be blamed on CBO or on the Joint Commission on Taxation. It's the rules that are the problem. But when a group comes back with a score of around $800 billion and then later they have to confirm in reality it's more like, say, $1.1 trillion, then you realize on an $800 billion bill that the score really should put boldly that you have to consider that with a 30 to 40 percent margin of error, plus or minus. So here is the score, plus or minus 30 or 40 percent, and that's about the best we can do.

Since that is the best that CBO can apparently do, it's time to have some massive changes in this place. It's time to use reality. It's time to use history and not some 1974 liberal Congress' idea of how we get the government taking over everybody's lives. That's no way to run government unless you're in some country besides the United States of America.

There's an old saying in this town, Mr. Speaker: No matter how cynical you get, it's never enough to catch up.

In my 6½ years here in Congress, I've found that's certainly true because you want to trust everybody. You want to believe that when people say things in this town it's true, but then you find out, for example, that you can have a leader of the country tell everybody that we need to go after the Big Oil companies. They're having massive profits, and we're going after those companies. Then you find out that the bill that's produced to go after those companies has no adverse effect on those companies whatsoever, and in fact, it will make them even bigger profits than they might have ever imagined.

Now, I know there have been some issues about the bill title, ''American Jobs Act of 2011,'' and yes, I am the one who filed the American Jobs Act of 2011.

□ 1510

I think it will be a wonderful thing when we in this body can work together. We can have our disagreements. I found, in a deacon body, even though there was a lot of nasty, mean things said, that if we had prayer together and we came together, we had meals together, we could work together.

One of the things that's so troubling on this floor is when people come so close to impugning the integrity of other people. I know some people that have diametrically opposed views of how this country should work, but I know in their heart they want the country to work well and succeed. I just believe from history they're wrong, but there are people in this body who you might think we were so far from each other politically that we wouldn't want to have anything to do with each other.

DENNIS KUCINICH is one of those people that is quite far afield from me on so many political issues, but DENNIS has never lied to me; he has always been up front. I find him to be a man of conviction, and I find him refreshing. MARCY KAPTUR and I disagree on many

issues, maybe most issues, but I know she is a person of integrity. She has never lied to me; she has never been anything but honest with me.

There are numerous people. Bill Delahunt and I would spar in Judiciary Committee many, many times, other committees, subcommittees, here on floor; but I always found Bill Delahunt—what I would call a liberal from Massachusetts, a Democrat—to be an honorable man, a man of integrity, and I believe with all my heart that he had a heart for this country and he wanted to see it work.

We ought to be able to work together when people realize that we have got common goals, the common goal being the good of the country. So let's at least find things we could agree on.

When I was engaged in trials—and I have been involved in many trials as an attorney, and as a judge, and then oversaw them briefly as a chief justice, but engaged as a lawyer—there were many times when we started in the discovery process that I told opposing counsel, We can do this one of two ways. We can fight, scrape and fuss over every question, over every interrogatory, over every deposition, but we both know the rules require certain things will need to be produced, that certain things will need to be disclosed.

So I would prefer to do it that way, amicably, and the people that win are the clients because they don't have to pay near as much money. Because it doesn't take near as much time if you can agree on the things that you know you are going to have to produce and quit having a motion to compel, a motion to protect, all this kind of stuff.

Sometimes we had attorneys that could work together well, and sometimes they would hit me with a discovery demand out of the blue that was so grossly unfair, but not illegal, that you would find out, okay, this is the way you want to go. I didn't want to go this way, but I believe so strongly in the interests of the person I am representing and believe so strongly in the process, itself, that if you want a fight, you will have a fight.

If somebody is going to travel around the country, condemning me and other people in this body for refusing to pass a bill, knowing that that bill does not exist, it is not in existence because legally it has not been filed, then we are going to do some battle over that. If I am going to be condemned for a week for refusing to pass an American Jobs Act of 2011, well, after 6 days or so, it's time to have an American Jobs Act that we can pass or at least that I could go along with.

I would certainly like, Mr. Speaker, the President and others to know I am flexible, but the corporate tax is one of the most insidious taxes that we have in this country because it's not an honest tax. Governments had represented to voters for years and years that we have got this tax over here. We go after the mean, evil, greedy corporations—and some do have greed as a material factor in their business—but the thing is, that's not what a corporate tax is about.

A corporation cannot stay in existence if they don't have their customers or clientele pay the corporate tax. So a corporate tax is not actually a tax on a corporation. A corporate tax is, instead, requiring the corporation to be the collection agent. Oh, make no mistake, that tax will come from the rank-and-file people across this great country. They're the ones that are going to pay that tax. The corporations are a collection agent. They collect the tax from their customers, and then they pass it on to the Federal Government.

The trouble is, in this country now, we have the highest corporate tax in the world, any developing nation for sure, 35 percent; in China, 17 percent, and they do cut deals where they will reduce it to zero tax for 5 years, I have been told by some people there. You get a deal—zero tax for 5 years and then gradually work up to 17.

Not here in the United States. We are going to slap a 35 percent tax on anything a company in America produces. That sure makes it tough to compete in the global market.

Now that we have got planes, ships that move so quickly, rail that goes across borders, it is important that we be able to compete in the global market. And if we are going to slap a 35 percent tariff on everything an American company produces in this country, they are going to have to move and go to a country where there is not such a high collection fee that corporations are required to collect in this country. They are going to go to a country like China that charges a lot less for a collection fee from the customers.

But if people could get their mind around the fact that it isn't making the greedy corporations pay, in fact, the greediest corporations are the ones that don't pay anything. You know, we found out that the close cronies of the President at GE are able not to pay any tax, but the mom-and-pop-type small business corporations, they are having to pay the tax.

Gibson is employing a lot of people. I got a Gibson guitar when I was 8 years old, a fantastic guitar. We are going to send in armed agents to harass those people. That's no way to draw business back into this country.

You reduce the corporate tax. If you reduce it at all, the more you reduce it, the more jobs are going to come back because that means more and more corporations will be able to compete in the global market, and they'll be able to come back here, union members, not the government union members—and that seems to be where union leadership wants to go these days. Forget the manufacturing unions. We are driving those jobs out of America. But any historian will tell you, when a nation that is protecting other nations—and we are; we are protecting the free world—that requires that nation to have a military.

Any nation that cannot provide its own military with the things it needs to protect itself—that means steel; it means all kinds of metal; it means gunpowder; it means, actually, uranium as we have nuclear subs and ships; it means wood products; it means tires. We are buying tires for Humvees from China these days. Excuse me? We have to be able to have no supply line to be able to provide the things that we in this country need to defend ourselves and provide them in this country. It's time to quit driving companies, including manufacturing jobs, out of the country. This bill drives more jobs out.

You have got to have energy. Those that are familiar with the Battle of the Bulge can dispel the myth that some think, gee, the war was won before the Battle of the Bulge.

□ 1520

Some say they buy into the Russians' explanation that we had whipped the Germans all by ourselves, we didn't need the allies otherwise, but if you really study the Battle of the Bulge, what won that for the Allies was the fact that the Germans were running out of gasoline.

So what does the President do to help us? He said go against and take the profits of these massive, big oil companies. Instead, page 151 through 154, he rips the heart out of the independent oil and gas industry.

In order to drill a well in America, you have to raise capital. If you're one of the majors like Exxon, like British Petroleum, the dear friends of the President, if you're one of those big companies, you've got enough money of your own. You're capitalized; you can do these things. But for over 94 percent of the wells drilled in the continental United States, they're raising money. They have to raise capital. Well, this knocks the fool out of their ability to raise capital. Not only that, it repeals the deductions that are not even available to any company that produces more than a thousand barrels of oil a day. That's the majors.

So all this will do is eliminate over 94 percent of the wells drilled in the continental United States. The result will be a higher cost of oil. It will make even more profits for the President's friends at British Petroleum. British Petroleum is friends of the President, they love the cap-and-trade idea, and they're going to love this bill by the President.

Also, we know, we've heard complaint after complaint from State after State, and they're saying, You are giving us so many unfunded mandates. We just can't take this any more. Stop already. We just can't stand this kind of help much longer.

So if you look through this bill, you end up finding out there is a little provision—and, like I say, I was up until about 5 a.m. Tuesday going through this lovely thing, but there is a provision at the bottom of one of the pages, rather obscure, and my staff made copies. I've got the best staff in the world,

but I don't believe they got my tag back on that page. The title of the little section is Federal and State Immunity, but then you read the section, it has nothing to do with Federal immunity. Under the law, the Federal Government and the State government are immune from being sued, but in that provision it actually says that, gee, if a State accepts any money at all from the Federal Government, any money at all, then they have effectively waived their sovereign immunity and are therefore subject to suit.

I just found it. It's page 133:

''A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th Amendment to the Constitution or otherwise, to a suit brought by an employee or applicant for employment of that program or activity.'' It goes on.

So at a time when States say we can't afford any more unfunded mandates, the President proposes a bill to let them get sued a bunch more by people who are unemployed. That's just got to be great news.

And we're seeing the hearings go on about Solyndra. This administration, it appears from the evidence, we'll get the final verdict later, but they rushed in to give them $500 million of stimulus money so crony capitalism could occur and certain people could engorge themselves, and all at the taxpayers' expense, and it turns out that probably future generations will be paying for that.

If you like the way that was handled, you've got to be reassured, because in this bill there are a number of references that green programs, like Solyndra, will have priority, and we'll rush a lot more money out there.

There are a lot of things we could agree on in that bill that the President never had anybody willing to file. There was a provision for a payroll tax holiday. Well, you would figure I'd support that. I'm the guy who proposed it 3 years ago and personally explained it to the President and Larry Summers in January of 2009. But it sure would've been better if we did it before this administration squandered $4.5 trillion more than we brought in. We could've given everybody in the United States who pays income tax a tax holiday for 3 years, and it would've only run up $3.6 trillion. We would have saved $900 billion. If you don't think that people having all of their own income tax from 3 years would've stimulated this economy, then you need to embrace this President's bill because you'll love it.

Nonetheless, there are things that we could agree on. Both Houses, both parties, I think, agree that we were willing to sell some more broadband spectrum. That's there in the bill, but then he uses that as a platform to create another bureaucracy, a Big Brother coming into your computer, because it's the Public Safety Broadband Corporation that's created and will just really make sure that Big Brother government intrudes in your life.

When you boil it all down, we have a moral problem in America. The Founders continually pointed to God and said that's where we need to have our focus. As Ben Franklin said, without His concurring aid, we will succeed in our political building no better than the builders of Babel. We'll be confounded by our local partial interests, and we, ourselves, shall become a byword down through the ages.

So whether anybody believes in God or not, as the Founders did, over a third of the Declaration of Independence signers were not just Christians, they were ordained ministers, to take one's eyes off of self and put them on something higher and greater avoids the kind of engorgement, the self-satisfaction, the self-emphasis that we've gotten into. That's the reason you run up trillions of dollars of debt without any regard for the children, the grandchildren, and the generations to come.

I have to make this personal note reference. It breaks my heart to see that in college football. Nobody loves college football more than I do. I attended Texas A&M, and I know a lot of people are excited about Texas A&M perhaps going to the Southeastern Conference for money. All about money. The traditions of Texas A&M make it unique and I think the greatest public institution of higher education in the country. I'm very proud of it, but it's the traditions. And now we see that over a hundred years of tradition, going back to 1876, are ready to be thrown away for money. Just money. Greed money. Forget tradition that makes your institution great. Forget it all. Forget the State rivalries. Forget it all. We're talking about cash.

Isn't that what got us in trouble in this country in the first place, when we put cash, greed for ourselves above the interests of the country or the institutions we represent?

To close with this example, my senior year in the Corps Cadets, I was the second level below the Corps commander. I was one level right below the commander. There were four of us at that level, major unit commanders. There was a Corps commander. He didn't get along very well. He didn't play very well with others. And the first meeting we had, all of the senior leaders in the Corps Cadets, he had his staff put together tables end to end. He got up there with a corncob pipe like MacArthur, walked up and down and condescended and cajoled all his classmates like they were 2-year-olds.

□ 1530

I approached him after the meeting and I said, Man, these guys have seen you naked. We're all classmates. We're all friends. You need to try to work together. Don't just condemn everybody. And I think if we could get to that level in here—not that we run around naked together—but just where we can work together as friends, disagreeing on issues.

But unless one person has a 100 percent lock on God's truth 100 percent of the time, we should listen to each other, not condemn each other; and we can get these things worked out, put greed aside and help this country last 200 more years.

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

## REPORT REGARDING ICELAND'S COMMERCIAL WHALING ACTIVITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112–54)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Natural Resources and ordered to be printed:

*To the Congress of the United States:*

On July 19, 2011, Secretary of Commerce Gary Locke certified under section 8 of the Fisherman's Protective Act of 1967, as amended (the ''Pelly Amendment'') (22 U.S.C. 1978), that nationals of Iceland are conducting whaling activities that diminish the effectiveness of the International Whaling Commission (IWC) conservation program. This message constitutes my report to the Congress consistent with subsection (b) of the Pelly Amendment.

In 1982, the IWC set catch limits for all commercial whaling at zero. This decision, known as the commercial whaling moratorium, is in effect today. Iceland abided by the moratorium until 1992, when it withdrew from the IWC. In 2002, Iceland rejoined the IWC with a reservation to the moratorium on commercial whaling. In 2003, Iceland began a lethal scientific research whaling program. In 2004, Secretary of Commerce Donald L. Evans certified Iceland under the Pelly Amendment for lethal scientific research whaling. When Iceland resumed commercial whaling in 2006, Secretary Carlos M. Gutierrez retained Iceland's certification, which remains in effect today.

Iceland's commercial harvest of fin whales escalated dramatically over the past few years. In addition, Iceland recently resumed exporting whale products. Of particular concern to the United States, Iceland harvested 125 endangered fin whales in 2009 and 148 in 2010, a significant increase from the total of 7 fin whales it commercially harvested between 1987 and 2007.

Iceland's sole fin whaling company, Hvalur hf, suspended its fin whaling due to the earthquake and tsunami in Japan, where it exports its whale meat. Despite this suspension, Iceland continues to permit whaling and has a government issued fin whale quota in effect for the 2011 season that continues to exceed catch levels that the IWC's scientific body advised would be sustainable if the moratorium was removed. This continues to present a

threat to the conservation of fin whales. Further, Icelandic nationals continue to hunt minke whales commercially and Iceland's exports of whale meat to Japan reportedly increased significantly in both March and April 2011.

Iceland's actions threaten the conservation status of an endangered species and undermine multilateral efforts to ensure greater worldwide protection for whales. Iceland's increased commercial whaling and recent trade in whale products diminish the effectiveness of the IWC's conservation program because: (1) Iceland's commercial harvest of whales undermines the moratorium on commercial whaling put in place by the IWC to protect plummeting whale stocks; (2) the fin whale harvest greatly exceeds catch levels that the IWC's scientific body advised would be sustainable if the moratorium were removed; and (3) Iceland's harvests are not likely to be brought under IWC management and control at sustainable levels through multilateral efforts at the IWC.

In his letter of July 19, 2011, Secretary Locke expressed his concern for these actions, and I share these concerns. To ensure that this issue continues to receive the highest level of attention, I direct: (1) relevant U.S. delegations attending meetings with Icelandic officials and senior Administration officials visiting Iceland to raise U.S. concerns regarding commercial whaling by Icelandic companies and seek ways to halt such action; (2) Cabinet secretaries to evaluate the appropriateness of visits to Iceland depending on continuation of the current suspension of fin whaling; (3) the Department of State to examine Arctic cooperation projects, and where appropriate, link U.S. cooperation to the Icelandic government changing its whaling policy and abiding by the IWC moratorium on commercial whaling; (4) the Departments of Commerce and State to consult with other international actors on efforts to end Icelandic commercial whaling and have Iceland abide by the IWC moratorium on commercial whaling; (5) the Department of State to inform the Government of Iceland that the United States will continue to monitor the activities of Icelandic companies that engage in commercial whaling; and (6) relevant U.S. agencies to continue to examine other options for responding to continued whaling by Iceland.

I concur with the Secretary of Commerce's recommendation to pursue the use of non-trade measures and that the actions outlined above are the appropriate course of action to address this issue. Accordingly, I am not directing the Secretary of the Treasury to impose trade measures on Icelandic products for the whaling activities that led to the certification by the Secretary of Commerce. However, to ensure that this issue continues to receive the highest level of attention, I am directing the Departments of State and Commerce to continue to keep the situation under review and continue to urge Iceland to cease its commercial whaling activities. Further, within 6 months, or immediately upon the resumption of fin whaling by Icelandic nationals, I have directed relevant departments and agencies to report to me through the Departments of State and Commerce on their actions. I believe these actions hold the most promise of effecting a reduction in Iceland's commercial whaling activities.

BARACK OBAMA.

THE WHITE HOUSE, *September 15, 2011*.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WEBSTER (at the request of Mr. CANTOR) for today on account of attending a memorial service for David Bitner.

## ADJOURNMENT

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

The motion was agreed to; accordingly (at 3 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until Monday, September 19, 2011, at noon.

## OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 112th Congress, pursuant to the provisions of 2 U.S.C. 25:

MARK E. AMODEI, Nevada Second.

ROBERT L. TURNER, New York Ninth.

## OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Gary L. Ackerman, Sandy Adams, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Jason Altmire, Justin Amash, Mark E. Amodei, Robert E. Andrews, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Tammy Baldwin, Lou Barletta, John Barrow, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Karen Bass, Xavier Becerra, Dan Benishek, Rick Berg, Shelley Berkley, Howard L. Berman, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Diane Black, Marsha Blackburn, Earl Blumenauer, John A. Boehner, Jo Bonner, Mary Bono Mack, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Charles W. Boustany, Jr., Kevin Brady, Robert A. Brady, Bruce L. Braley, Mo Brooks, Paul C. Broun, Corrine Brown, Vern Buchanan, Larry Bucshon, Ann Marie Buerkle, Michael C. Burgess, Dan Burton, G. K. Butterfield, Ken Calvert, Dave Camp, John Campbell, Francisco ''Quico'' Canseco, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, John C. Carney, Jr., André Carson, John R. Carter, Bill Cassidy, Kathy Castor, Steve Chabot, Jason Chaffetz, Ben Chandler, Donna M. Christensen, Judy Chu, David N. Cicilline, Hansen Clarke, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. ''Gerry'' Connolly, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Chip Cravaack, Eric A. ''Rick'' Crawford, Ander Crenshaw, Mark S. Critz, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Danny K. Davis, Geoff Davis, Susan A. Davis, Peter A. DeFazio, Diana DeGette, Rosa L. DeLauro, Jeff Denham, Charles W. Dent, Scott DesJarlais, Theodore E. Deutch, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Robert J. Dold, Joe Donnelly, Michael F. Doyle, David Dreier, Sean P. Duffy, Jeff Duncan, John J. Duncan, Jr., Donna F. Edwards, Keith Ellison, Renee L. Ellmers, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Eni F.H. Faleomavaega, Blake Farenthold, Sam Farr, Chaka Fattah, Bob Filner, Stephen Lee Fincher, Michael G. Fitzpatrick, Jeff Flake, Charles J. ''Chuck'' Fleischmann, John Fleming, Bill Flores, J. Randy Forbes, Jeff Fortenberry, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, John Garamendi, Cory Gardner, Scott Garrett, Jim Gerlach, Bob Gibbs, Christopher P. Gibson, Gabrielle Giffords, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Bob Goodlatte, Paul A. Gosar, Trey Gowdy, Kay Granger, Sam Graves, Tom Graves, Al Green, Gene Green, Tim Griffin, H. Morgan Griffith, Raúl M. Grijalva, Michael G. Grimm, Frank C. Guinta, Brett Guthrie, Luis V. Gutierrez, Janice Hahn, Ralph M. Hall, Colleen W. Hanabusa, Richard L. Hanna, Jane Harman*, Gregg Harper, Andy Harris, Vicky Hartzler, Alcee L. Hastings, Doc Hastings, Nan A. S. Hayworth, Joseph J. Heck, Martin Heinrich, Dean Heller*, Jeb Hensarling, Wally Herger, Jaime Herrera Beutler, Brian Higgins, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie K. Hirono, Kathleen C. Hochul, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Tim Huelskamp, Bill Huizenga, Randy Hultgren, Duncan Hunter, Robert Hurt, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson, Jr., Sheila Jackson Lee, Lynn Jenkins, Bill Johnson, Eddie Bernice Johnson, Henry C. ''Hank'' Johnson, Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Marcy Kaptur, William R. Keating, Mike Kelly, Dale E. Kildee, Ron Kind, Peter T. King, Steve King, Jack Kingston, Adam Kinzinger, Larry Kissell, John Kline, Raúl R. Labrador, Doug Lamborn, Leonard Lance, Jeffrey M. Landry,

James R. Langevin, James Lankford, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher J. Lee*, Sander M. Levin, Jerry Lewis, John Lewis, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Billy Long, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Luján, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Connie Mack, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Tom Marino, Edward J. Markey, Jim Matheson, Doris O. Matsui, Kevin McCarthy, Carolyn McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott, James P. McGovern, Patrick T. McHenry, Mike McIntyre, Howard P. ''Buck'' McKeon, David B. McKinley, Cathy McMorris Rodgers, Jerry McNerney, Patrick Meehan, Gregory W. Meeks, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Gwen Moore, James P. Moran, Mick Mulvaney, Christopher S. Murphy, Tim Murphy, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Kristi L. Noem, Eleanor Holmes Norton, Richard Nugent, Devin Nunes, Alan Nunnelee, Pete Olson, John W. Olver, William L. Owens, Steven M. Palazzo, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Ed Perlmutter, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Mike Pompeo, Bill Posey, David E. Price, Tom Price, Benjamin Quayle, Mike Quigley, Nick J. Rahall II, Charles B. Rangel, Tom Reed, Denny Rehberg, David G. Reichert, James B. Renacci, Silvestre Reyes, Reid J. Ribble, Laura Richardson, Cedric L. Richmond, E. Scott Rigell, David Rivera, Martha Roby, David P. Roe, Harold Rogers, Mike Rogers, Mike Rogers, Dana Rohrabacher, Todd Rokita, Thomas J. Rooney, Ileana Ros-Lehtinen, Peter J. Roskam, Dennis Ross, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, Jon Runyan, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Kilili Camacho Sablan, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Robert T. Schilling, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Schweikert, Austin Scott, David Scott, Robert C. ''Bobby'' Scott, Tim Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, Terri A. Sewell, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Steve Southerland, Jackie Speier, Cliff Stearns, Steve Stivers, Marlin A. Stutzman, John Sullivan, Betty Sutton, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Patrick J. Tiberi, John F. Tierney, Scott Tipton, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner, Robert L. Turner, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Tim Walberg, Greg Walden, Joe Walsh, Timothy J. Walz, Debbie Wasserman Schultz, Maxine Waters, Melvin L. Watt, Henry A. Waxman, Daniel Webster, Anthony D. Weiner*, Peter Welch, Allen B. West, Lynn A. Westmoreland, Ed Whitfield, Frederica Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Steve Womack, Rob Woodall, Lynn C. Woolsey, David Wu*, John A. Yarmuth, Kevin Yoder, C.W. Bill Young, Don Young, Todd C. Young.

## EXECUTIVE COMMUNICATIONS, ETC.

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

3104. A letter from the Secretary, Department of Agriculture, transmitting a report of a violation of the Antideficiency Act in the Rural Utilities' Distance Learning, Telemedicine, and Broadband (Broadband) Programs account, 12-1232; to the Committee on Appropriations.

3105. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Army Case Number 10-05; to the Committee on Appropriations.

3106. A letter from the Secretary, Department of the Treasury, transmitting a report entitled ''Report to the Congress on Secured Creditor Haircuts''; to the Committee on Financial Services.

3107. A letter from the Secretary, Department of the Treasury, transmitting As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act with respect to Cote d'Ivoire that was declared in Executive Order 13396 of February 7, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

3108. A letter from the Under Secretary, Department of the Treasury, transmitting a six-month periodic report on the National Emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

3109. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report entitled, ''Country Reports on Terrorism 2010''; to the Committee on Foreign Affairs.

3110. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3111. A letter from the Director, Office of Personnel Management, transmitting the Office's Federal Activities Inventory Reform (FAIR) Act Inventory Summary as of June 30, 2010 and June 30, 2011; to the Committee on Oversight and Government Reform.

3112. A letter from the Secretary, Department of Health and Human Services, transmitting the Medicare Ombudsman report to Congress for the year 2009; jointly to the Committees on Energy and Commerce and Ways and Means.

3113. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled ''Evaluation of the National Competitive Bidding Program For Durable Medical Equipment, Prosthetics, Orthotics, and Supplies''; jointly to the Committees on Ways and Means and Energy and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. WOODALL: Committee on Rules. H. Res. 399. A resolution providing for consideration of the joint resolution (H.J. Res. 79) making continuing appropriations for fiscal year 2012, and for other purposes (Rept. 112–207). Referred to the House Calendar.

Mr. UPTON: Committee on Energy and Commerce. H.R. 2401. A bill to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes; with an amendment (Rept. 112–208). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 2646. A bill to authorize certain Department of Veterans Affairs major medical facility projects and leases, to extend certain expiring provisions of law, and to modify certain authorities of the Secretary of Veterans Affairs, and for other purposes; with an amendment (Rept. 112–209). Referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. POLIS:

H.R. 2935. A bill to authorize the full funding of part B of the Individuals with Disabilities Education Act by making certain spending cuts to the Department of Defense; to the Committee on Education and the Workforce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN (for himself, Mr. DONNELLY of Indiana, Mr. ALTMIRE, Mr. BACA, Mr. BARROW, Mr. CARDOZA, Mr. MATHESON, Mr. MCINTYRE, Mr. MICHAUD, Mr. ROSS of Arkansas, Mr. SCHIFF, Mr. DAVID SCOTT of Georgia, and Mr. SHULER):

H.R. 2936. A bill to amend the Small Business Jobs Act of 2010 with respect to the Small Business Administration's Express Loan Program, and for other purposes; to the Committee on Small Business.

By Mr. UPTON (for himself and Mr. DINGELL):

H.R. 2937. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of Arizona (for himself, Mr. FLAKE, Mr. GOSAR, Mr. QUAYLE, and Mr. SCHWEIKERT):

H.R. 2938. A bill to prohibit certain gaming activities on certain Indian lands in Arizona; to the Committee on Natural Resources.

By Ms. SLAUGHTER:

H.R. 2939. A bill to provide for the disposal of drugs pursuant to national pharmaceutical stewardship programs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCARTHY of California:

H.R. 2940. A bill to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under

Regulation D; to the Committee on Financial Services.

By Mr. QUAYLE (for himself, Mr. PAUL, Mr. MCHENRY, Mr. YODER, Mr. HULTGREN, Mr. SMITH of Texas, and Mr. DOLD):

H.R. 2941. A bill to make the internal control reporting and assessment requirements of the Sarbanes-Oxley Act of 2002 optional for certain smaller companies; to the Committee on Financial Services.

By Mr. KING of Iowa (for himself, Mr. GRAVES of Missouri, Mr. TERRY, Mr. LATHAM, Mr. BRALEY of Iowa, Mr. BOSWELL, Mr. LOEBSACK, Mr. FORTENBERRY, Mrs. NOEM, Mr. LUETKEMEYER, Mrs. HARTZLER, and Mr. CLEAVER):

H.R. 2942. A bill to direct the Chief of the Army Corps of Engineers to revise the Missouri River Mainstem Reservoir System Master Water Control Manual to ensure greater storage capacity to prevent serious downstream flooding; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Kentucky:

H.R. 2943. A bill to extend the program of block grants to States for temporary assistance for needy families and related programs through December 31, 2011; to the Committee on Ways and Means, and in addition to the Committee on the Budget, 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 Texas (for himself, Mr. CONYERS, Mr. SENSENBRENNER, and Mr. SCOTT of Virginia):

H.R. 2944. A bill to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes; to the Committee on the Judiciary.

By Mr. WALSH of Illinois:

H.R. 2945. A bill to amend the Internal Revenue Code of 1986 to provide for the indexing of certain assets for purposes of determining gain or loss; to the Committee on Ways and Means.

By Mr. COHEN:

H.R. 2946. A bill to require that vessels used to engage in drilling for oil or gas in ocean waters that are subject to the jurisdiction of the United States must be documented under chapter 121 of title 46, United States Code; to the Committee on Transportation and Infrastructure.

By Mr. CRAVAACK:

H.R. 2947. A bill to provide for the release of the reversionary interest held by the United States in certain land conveyed by the United States in 1950 for the establishment of an airport in Cook County, Minnesota; to the Committee on Natural Resources.

By Ms. DELAURO (for herself, Ms. NORTON, Mr. CICILLINE, Ms. BASS of California, Ms. SLAUGHTER, Ms. HIRONO, Ms. SCHAKOWSKY, Mr. TONKO, Mr. GUTIERREZ, Ms. CLARKE of New York, Mr. JACKSON of Illinois, Mr. ELLISON, Mrs. CAPPS, Mr. BLUMENAUER, Mr. TIERNEY, Ms. RICHARDSON, Mr. NADLER, Ms. ESHOO, and Mr. COHEN):

H.R. 2948. A bill to provide assistance for the modernization, renovation, and repair of elementary and secondary school buildings in public school districts, as well as community colleges, across America in order to support the achievement of improved educational outcomes in those schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. DONNELLY of Indiana (for himself, Mr. BOREN, Mr. ALTMIRE, Mr. BACA, Mr. BARROW, Mr. CARDOZA, Mr. MATHESON, Mr. MCINTYRE, Mr. MICHAUD, Mr. ROSS of Arkansas, Mr. SCHIFF, Mr. DAVID SCOTT of Georgia, and Mr. SHULER):

H.R. 2949. A bill to amend the Small Business Act with respect to goals for procurement contracts awarded to small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. DONNELLY of Indiana (for himself, Mr. BOREN, Mr. ALTMIRE, Mr. BACA, Mr. BARROW, Mr. CARDOZA, Mr. MATHESON, Mr. MCINTYRE, Mr. ROSS of Arkansas, Mr. SCHIFF, Mr. DAVID SCOTT of Georgia, Mr. SHULER, and Mr. MICHAUD):

H.R. 2950. A bill to amend the Small Business Jobs Act of 2010 with respect to small business access to capital, and for other purposes; to the Committee on Small Business.

By Mr. FORBES (for himself, Mr. LIPINSKI, Mr. SMITH of New Jersey, Mr. COFFMAN of Colorado, Mr. FRANKS of Arizona, Mr. LAMBORN, Mr. HENSARLING, Mrs. SCHMIDT, Mr. WESTMORELAND, Mr. PITTS, Mrs. BLACKBURN, Mrs. ELLMERS, Mr. LATTA, Mr. CANSECO, Mr. PENCE, Mr. NUNNELEE, Mr. WITTMAN, Mr. MILLER of Florida, Mr. HUELSKAMP, and Mr. FLEMING):

H.R. 2951. A bill to intensify stem cell research showing evidence of substantial clinical benefit to patients, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HUNTER (for himself, Mr. BURTON of Indiana, Mr. ROSS of Florida, Mr. CRAVAACK, Mr. BROOKS, Mr. WESTMORELAND, Mr. MILLER of Florida, Mr. LATTA, Mr. MCKINLEY, Mr. GINGREY of Georgia, Mr. JOHNSON of Ohio, Mr. ROYCE, Mr. DUNCAN of Tennessee, Mr. FLEMING, Mr. POSEY, Mr. GOHMERT, Mr. FLORES, Mr. DUNCAN of South Carolina, Mrs. LUMMIS, Mr. ROE of Tennessee, and Mr. SCALISE):

H.R. 2952. A bill to provide for expedited removal of certain aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. LANGEVIN (for himself and Mr. STARK):

H.R. 2953. A bill to require States to take certain additional steps to assist children in foster care in making the transition to independent living, and for other purposes; to the Committee on Ways and Means.

By Ms. LEE (for herself, Mrs. CHRISTENSEN, Ms. ROYBAL-ALLARD, Ms. BASS of California, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. BROOKS, Ms. BROWN of Florida, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Ms. CHU, Mr. CLARKE of Michigan, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. DEGETTE, Ms. DELAURO, Ms. EDWARDS, Mr. ELLISON, Mr. FALEOMAVAEGA, Mr. FATTAH, Ms. FUDGE, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HAHN, Ms. HANABUSA, Mr. HASTINGS of Florida, Ms. HIRONO, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. KUCINICH, Ms. MATSUI, Mr. MCGOVERN, Mr. MEEKS, Ms. MOORE, Mrs. NAPOLITANO, Ms. NORTON, Mr. OLVER, Mr. PAYNE, Mr. PIERLUISI, Mr. RANGEL, Mr. REYES, Ms. RICHARDSON, Mr. RICHMOND, Mr. RUSH, Mr. SABLAN, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. DAVID SCOTT of Georgia, Mr. SERRANO, Mr. SIRES, Ms. SLAUGHTER, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Mr. WATT, Ms. WILSON of Florida, and Ms. WOOLSEY):

H.R. 2954. A bill to improve the health of minority individuals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, the Budget, Veterans' Affairs, Armed Services, Agriculture, the Judiciary, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD:

H.R. 2955. A bill to amend title 10, United States Code, to clarify the requirement of the Department of Defense to procure footwear from American sources; to the Committee on Armed Services.

By Ms. MOORE (for herself and Ms. FUDGE):

H.R. 2956. A bill to amend title 39, United States Code, to provide for additional criteria for the United States Postal Service to consider with respect to closing or consolidating a post office, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. NADLER:

H.R. 2957. A bill to amend the Immigration and Nationality Act to exempt certain elderly persons from demonstrating an understanding of the English language and the history, principles, and form of government of the United States as a requirement for naturalization, and to permit certain other elderly persons to take the history and government examination in a language of their choice; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 2958. A bill to provide a short-term disability insurance program for Federal employees for disabilities that are not work-related, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. NUNES (for himself, Mr. KIND, Mr. BLUMENAUER, Mr. COLE, Mr. LUCAS, Mr. RANGEL, Mr. CALVERT, Mr. JOHNSON of Illinois, Mrs. ELLMERS, Mr. MARCHANT, Mr. SIMPSON, Mr. LATHAM, Mr. BOSWELL, Mr. DENHAM, Mr. BOREN, Mrs. CAPPS, and Mrs. NOEM):

H.R. 2959. A bill to amend the Internal Revenue Code of 1986 to provide for the deductibility of charitable contributions to agricultural research organizations, and for other purposes; to the Committee on Ways and Means.

By Mr. OLSON (for himself, Mr. GUTHRIE, and Mr. SESSIONS):

H.R. 2960. A bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes and diabetes; to the Committee on Energy and Commerce.

By Mr. POMPEO (for himself, Mr. LANKFORD, Ms. JENKINS, Mr. HUELSKAMP, Mr. YODER, Mr. LUCAS, Mr. BOREN, Mr. COLE, Mr. SULLIVAN, and Mr. GRIFFITH of Virginia):

H.R. 2961. A bill to amend the Patient Protection and Affordable Care Act to have Early Innovator grant funds returned by States apply towards deficit reduction; to the Committee on Energy and Commerce.

By Mr. REED (for himself, Mr. PASCRELL, Mr. NUNES, Mr. LARSON of Connecticut, Mr. HERGER, and Mr. PITTS):

H.R. 2962. A bill to amend the Internal Revenue Code of 1986 to modify the depreciation recovery period for energy-efficient cool roof systems; to the Committee on Ways and Means.

By Mr. SERRANO:

H.R. 2963. A bill to authorize the Secretary of Housing and Urban Development to provide grants to eligible nonprofit organizations to provide specialized housing and social services to elderly individuals who are the primary caregiver of a child that is related to such individual; to the Committee on Financial Services.

By Mr. YODER (for himself, Mr. MCHENRY, Mr. QUAYLE, Mr. HUELSKAMP, Mr. FLEMING, Mr. LANDRY, Mr. POSEY, Mr. PRICE of Georgia, Mr. FLORES, Mr. DUNCAN of South Carolina, Mrs. MYRICK, Mr. PITTS, Mr. BRADY of Texas, Mr. ROE of Tennessee, Mr. HERGER, Mr. ROKITA, Mr. POMPEO, and Mr. LABRADOR):

H.R. 2964. A bill to amend the Unfunded Mandates Reform Act of 1995 to provide for regulatory impact analyses for certain rules, consideration of the least burdensome regulatory alternative, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on the Judiciary, Rules, and the Budget, 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. JOHNSON of Illinois:

H. Con. Res. 80. Concurrent resolution expressing the sense of Congress that the United Nations or NATO should investigate the treatment of black Africans in Libya; to the Committee on Foreign Affairs.

By Mr. GRIJALVA (for himself and Mr. HINOJOSA):

H. Res. 400. A resolution expressing the sense of the House of Representatives that a National Hispanic-serving Institutions Week should be established, and commemorating the 25th anniversary of the Hispanic Association of Colleges and Universities; to the Committee on Education and the Workforce.

By Mr. LEVIN (for himself, Mr. HOLDEN, Ms. SCHWARTZ, Mr. QUIGLEY, Mr. RANGEL, Mr. RYAN of Ohio, Ms. KAPTUR, Ms. SLAUGHTER, Mr. GERLACH, Mr. BARTLETT, Mr. NADLER, Mr. TOWNS, and Mrs. LOWEY):

H. Res. 401. A resolution observing the 20th anniversary of Ukrainian independence and expressing strong and continued support to the Ukrainian people for their efforts toward ensuring democratic principles, and for other purposes; to the Committee on Foreign Affairs.

By Mr. YODER (for himself, Mr. MCHENRY, Mr. QUAYLE, Mr. HUELSKAMP, Mr. FLEMING, Mr. SOUTHERLAND, Mr. PRICE of Georgia, Mr. ROKITA, Mr. POMPEO, and Mr. LABRADOR):

H. Res. 402. A resolution expressing the sense of the House of Representatives that the Office of Management and Budget should direct all Federal agencies to postpone for one year the implementation of major rules; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

## 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. POLIS:

H.R. 2935.

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

Article I, Section 1,

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. BOREN:

H.R. 2936.

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. UPTON:

H.R. 2937.

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

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

By Mr. FRANKS of Arizona:

H.R. 2938.

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

Article 1, Section 8, Clause 3

By Ms. SLAUGHTER:

H.R. 2939.

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

Clauses 1, 3, and 18 of Section 8 of Article I of the Constitution

By Mr. MCCARTHY of California:

H.R. 2940.

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

Article 1, Section 8.

By Mr. QUAYLE:

H.R. 2941.

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

Article I, Section 8, Clause 3.

By Mr. KING of Iowa:

H.R. 2942.

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

Article 1, Section 8, Clause 14 gives Congress the authority to make rules for the government and regulation of the land and naval forces.

By Mr. DAVIS of Kentucky:

H.R. 2943.

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

Article I, Section 8, Clause 1 of the United States Constitution, to ''provide for the common Defense and general Welfare of the United States.''

By Mr. SMITH of Texas:

H.R. 2944.

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

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. WALSH of Illinois:

H.R. 2945.

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

''The Congress shall have the power to lay and collect taxes, duties, imposts and excises,,,'' Article I Section 8 of the U.S. Constitution.

By Mr. COHEN:

H.R. 2946.

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

Article I, Section 8, Clause 3 of the United States Constitution

By Mr. CRAVAACK:

H.R. 2947.

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

Clause 2 of Section 3 of Article IV of the United States Constitution.

By Ms. DELAURO:

H.R. 2948.

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

Article I, Section 8, Clause 1 of the U.S. Constitution

By Mr. DONNELLY of Indiana:

H.R. 2949.

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

Art. 1, Sec. 8, Cl. 3 ''To regulate commerce among foreign nations and the several states.''

By Mr. DONNELLY of Indiana:

H.R. 2950.

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

Art. 1, Sec. 8, Cl. 3 ''To regulate commerce among foreign nations and the several states.''

By Mr. FORBES:

H.R. 2951.

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

Article I, Section 8, Clauses 1 and 18

By Mr. HUNTER:

H.R. 2952.

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

Clause 1 of Article 1, Section 8 grants Congress the authority to provide for the common defense and general welfare of the United States and Clause 4 of Article 1, Section 8 states that Congress shall ''establish an uniform Rule of Naturalization.''

By Mr. LANGEVIN:

H.R. 2953.

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

Article I, Section 8, Clause 1 of the United States Constitution, to ''provide for the common Defence and general Welfare of the United States.''

By Ms. LEE:

H.R. 2954.

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

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

By Mr. MICHAUD:

H.R. 2955.

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

Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. MOORE:

H.R. 2956.

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

Clause 7 of section 8 of article I of the Constitution regarding the power to ''establish Post offices and Post Roads.''

By Mr. NADLER:

H.R. 2957.

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

Article 1, sec. 8, cl. 4 (''To establish an uniform Rule of Naturalization''), and cl. 18

(''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.'').

By Ms. NORTON:

H.R. 2958.

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

Clause 18 of section 8 of article I of the Constitution.

By Mr. NUNES:

H.R. 2959.

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

Clause 1 of section 8 of article I of the Constitution of the United States.

By Mr. OLSON:

H.R. 2960.

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

Article 1, Section 8, Clause 18—The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof. (Necessary and Proper Regulations to Effectuate Powers)

By Mr. POMPEO:

H.R. 2961.

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

Article I, Section 8, Clause 3

By Mr. REED:

H.R. 2962.

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 as stated in Article I, Section 7, and Article I, Section 8 of the United States Constitution.

By Mr. SERRANO:

H.R. 2963.

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

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof. (Article 1, Section 8, Clause 18)

By Mr. YODER:

H.R. 2964.

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

Article 1, Section 8 of the United States Constitution.

## ADDITIONAL SPONSORS

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

H.R. 10: Mr. DENT and Mr. SHIMKUS.
H.R. 25: Mr. HUNTER.
H.R. 157: Mr. CASSIDY and Mrs. CAPITO.
H.R. 210: Mr. DOYLE and Ms. WATERS.
H.R. 237: Mr. CICILLINE.
H.R. 302: Mr. CALVERT.
H.R. 329: Mr. SCHOCK.
H.R. 360: Mr. SCHILLING.
H.R. 374: Mr. AUSTIN SCOTT of Georgia.
H.R. 436: Mr. MCINTYRE.
H.R. 452: Mr. LOBIONDO.
H.R. 583: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 610: Mr. GALLEGLY.
H.R. 667: Mr. CONYERS.
H.R. 676: Ms. SEWELL.
H.R. 693: Mr. FITZPATRICK.
H.R. 718: Ms. SUTTON, Mr. BACA, Mr. GARRETT, Mr. BERMAN, Mr. STEARNS, Ms. KAPTUR, Ms. SLAUGHTER, and Mr. ROSS of Florida.
H.R. 719: Ms. JENKINS.
H.R. 721: Mr. DUNCAN of South Carolina and Mr. DUFFY.
H.R. 733: Mr. KING of New York.
H.R. 750: Mrs. BLACK, Mr. GUINTA, Mr. GRAVES of Missouri, Mr. FLORES, and Mr. DESJARLAIS.
H.R. 757: Mr. ROTHMAN of New Jersey.
H.R. 758: Mr. DUNCAN of Tennessee.
H.R. 797: Mr. FARR.
H.R. 800: Mr. FITZPATRICK.
H.R. 812: Mr. CARSON of Indiana.
H.R. 817: Mr. CALVERT.
H.R. 854: Mr. THOMPSON of California.
H.R. 860: Mr. JOHNSON of Ohio, Mr. FORBES, Mr. GUTIERREZ, Mr. BOUSTANY, Mr. GRIFFIN of Arkansas, and Mr. FATTAH.
H.R. 873: Mr. HOLT.
H.R. 886: Mr. SERRANO and Mr. LATHAM.
H.R. 894: Mr. DEFAZIO.
H.R. 935: Mr. GERLACH.
H.R. 973: Mr. GARY G. MILLER of California.
H.R. 1031: Ms. CASTOR of Florida and Mr. RANGEL.
H.R. 1037: Mr. PLATTS.
H.R. 1040: Mr. HUNTER.
H.R. 1063: Mr. BACA, Mr. DUNCAN of Tennessee, Ms. PINGREE of Maine, Ms. LORETTA SANCHEZ of California, Mr. ENGEL, Mr. JOHNSON of Illinois, and Mr. HEINRICH.
H.R. 1103: Mr. CARSON of Indiana.
H.R. 1116: Mr. SMITH of Washington and Mr. MILLER of North Carolina.
H.R. 1155: Mr. QUIGLEY.
H.R. 1167: Mr. GOWDY.
H.R. 1171: Mr. INSLEE and Mr. LOBIONDO.
H.R. 1206: Mr. YOUNG of Indiana and Mr. DUNCAN of South Carolina.
H.R. 1219: Mr. PETERS, Mr. LOEBSACK, Mr. GRIJALVA, and Mr. LUJÁN.
H.R. 1240: Ms. CHU.
H.R. 1244: Mr. OWENS, Mr. GRIJALVA, and Mrs. NOEM.
H.R. 1262: Mr. GRIJALVA.
H.R. 1297: Mr. MILLER of North Carolina.
H.R. 1351: Ms. BROWN of Florida and Mr. CARNEY.
H.R. 1418: Ms. BERKLEY and Mr. RYAN of Ohio.
H.R. 1426: Mr. MCDERMOTT, Mr. KILDEE, and Ms. ZOE LOFGREN of California.
H.R. 1434: Mr. BROOKS.
H.R. 1451: Ms. ZOE LOFGREN of California and Mr. YOUNG of Alaska.
H.R. 1465: Mr. BUTTERFIELD.
H.R. 1506: Mr. HIMES.
H.R. 1509: Mrs. BLACK, Mr. BOUSTANY, Mr. BERG, Mr. CONAWAY, and Mr. FARENTHOLD.
H.R. 1533: Ms. HOCHUL, Mrs. NAPOLITANO, Mr. OWENS, Mr. RIGELL, Mr. BILIRAKIS, and Mr. ANDREWS.
H.R. 1537: Mr. LARSON of Connecticut.
H.R. 1546: Mr. LOBIONDO.
H.R. 1633: Mr. ROGERS of Alabama.
H.R. 1639: Mr. HUNTER.
H.R. 1648: Mr. SCOTT of Virginia, Mrs. DAVIS of California, Ms. CASTOR of Florida, Ms. WATERS, and Mr. HIGGINS.
H.R. 1653: Mr. GRAVES of Missouri.
H.R. 1666: Mr. KILDEE and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1723: Ms. WILSON of Florida and Mr. WILSON of South Carolina.
H.R. 1738: Mr. MICHAUD and Mr. LOBIONDO.
H.R. 1754: Mr. TONKO and Mr. SCHIFF.
H.R. 1755: Mr. SOUTHERLAND.
H.R. 1756: Mr. DUNCAN of South Carolina, Mr. GERLACH, and Mr. PLATTS.
H.R. 1780: Mr. HOLT.
H.R. 1781: Mr. SARBANES, Mr. RUSH, Ms. SCHWARTZ, Mr. WAXMAN, and Ms. DELAURO.
H.R. 1803: Mr. GARY G. MILLER of California.
H.R. 1815: Mr. GALLEGLY.
H.R. 1834: Mr. PITTS and Mr. DUNCAN of South Carolina.
H.R. 1867: Mr. ROSS of Florida.
H.R. 1895: Mr. CASSIDY.
H.R. 1897: Mr. ALTMIRE.
H.R. 1905: Mr. DUFFY, Ms. ESHOO, and Mr. WEST.
H.R. 1946: Ms. HERRERA BEUTLER and Mrs. CAPITO.
H.R. 2005: Mr. RUNYAN, Mr. MARKEY, Mr. MATHESON, Mr. LANCE, Mr. GONZALEZ, Mr. WOLF, and Mr. TOWNS.
H.R. 2040: Mr. MANZULLO and Mr. GOHMERT.
H.R. 2059: Mr. SMITH of New Jersey.
H.R. 2063: Mr. PETERS.
H.R. 2086: Mr. ELLISON and Mr. LYNCH.
H.R. 2088: Mr. DOGGETT, Mr. HIGGINS, and Mr. STARK.
H.R. 2106: Mr. CALVERT, Mr. CANSECO, Mr. MCKINLEY, and Mr. SHIMKUS.
H.R. 2108: Mr. FLORES.
H.R. 2123: Mr. MURPHY of Connecticut.
H.R. 2229: Ms. WOOLSEY.
H.R. 2245: Mr. DEFAZIO and Ms. PINGREE of Maine.
H.R. 2250: Mr. FLAKE.
H.R. 2256: Ms. ZOE LOFGREN of California, Ms. NORTON, Mr. MCNERNEY, Mr. LIPINSKI, Mr. HIMES, and Mr. HIGGINS.
H.R. 2273: Mr. CAMP, Mr. ROGERS of Alabama, Mr. DENT, Mr. BISHOP of Utah, Mr. ROONEY, Mr. SENSENBRENNER, and Mrs. EMERSON.
H.R. 2299: Mr. LATHAM and Mr. GARY G. MILLER of California.
H.R. 2341: Mr. HEINRICH and Mr. PAYNE.
H.R. 2353: Mr. HOLDEN, Ms. RICHARDSON, and Ms. SUTTON.
H.R. 2362: Ms. RICHARDSON, Mr. INSLEE, and Mr. BOREN.
H.R. 2387: Mr. MILLER of Florida and Mr. HULTGREN.
H.R. 2401: Mr. ROGERS of Alabama, Mr. BONNER, and Mrs. EMERSON.
H.R. 2404: Mr. GUTIERREZ.
H.R. 2433: Mr. GUINTA and Mrs. NOEM.
H.R. 2446: Mr. MANZULLO.
H.R. 2447: Ms. FOXX, Mr. WEBSTER, Ms. BASS of California, Mr. BACHUS, Mr. AL GREEN of Texas, and Mrs. CHRISTENSEN.
H.R. 2459: Mr. HARPER and Mr. DEFAZIO.
H.R. 2479: Ms. JACKSON LEE of Texas.
H.R. 2481: Mr. BURTON of Indiana.
H.R. 2492: Mr. KILDEE and Ms. WOOLSEY.
H.R. 2500: Mr. TONKO.
H.R. 2505: Mr. GUTIERREZ.
H.R. 2513: Mrs. NAPOLITANO.
H.R. 2514: Mrs. BLACK and Mr. GUINTA.
H.R. 2530: Mr. DEUTCH.
H.R. 2563: Mr. MARCHANT, Mr. HULTGREN, and Mr. GRIMM.
H.R. 2600: Mr. SCHOCK, Mr. JOHNSON of Ohio, and Mr. TONKO.
H.R. 2659: Mr. FARR.
H.R. 2675: Mr. BURTON of Indiana.
H.R. 2681: Mr. ROGERS of Alabama, Mr. CRITZ, Mr. POMPEO, Mr. SOUTHERLAND, and Mrs. EMERSON.
H.R. 2698: Mr. DICKS and Mr. DEFAZIO.
H.R. 2705: Mr. MCNERNEY, Mr. STARK, Mr. LUJÁN, Mr. FILNER, Mrs. NAPOLITANO, and Mr. CAPUANO.
H.R. 2752: Mr. DUNCAN of South Carolina.
H.R. 2774: Mr. MULVANEY, Mr. DUNCAN of South Carolina, Mr. FLORES, and Mr. FLEMING.
H.R. 2796: Mr. RIBBLE.
H.R. 2798: Mr. ELLISON, Mr. GRIJALVA, and Mr. CLAY.
H.R. 2799: Mr. THOMPSON of Mississippi, Mr. LEWIS of Georgia, Ms. RICHARDSON, Mr. PAYNE, Mr. RUSH, Ms. BROWN of Florida, Mr. KUCINICH, Ms. NORTON, Mr. RANGEL, Mr. CLAY, Ms. WOOLSEY, and Mr. ELLISON.
H.R. 2800: Mr. ELLISON, Mr. GRIJALVA, and Mr. CLAY.
H.R. 2823: Ms. LEE.
H.R. 2829: Mrs. ADAMS, Mr. CANSECO, Mr. DIAZ-BALART, Ms. FOXX, Mr. GOSAR, Mr. GRAVES of Missouri, Mrs. HARTZLER, Mr. KELLY, Mr. LANDRY, Mr. MEEHAN, Mr. SMITH of Nebraska, and Mr. SHIMKUS.
H.R. 2833: Mr. ROSKAM, Mr. FARENTHOLD, and Mr. CALVERT.
H.R. 2835: Mr. RICHMOND and Ms. CHU.
H.R. 2840: Mr. LATOURETTE.
H.R. 2847: Mr. CARTER.
H.R. 2852: Mr. HUNTER.
H.R. 2856: Mr. REED.
H.R. 2883: Mr. MARCHANT, Mr. BOUSTANY, Mr. STARK, Mr. BLUMENAUER, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. LEVIN, Mr. BERG, Mr. CROWLEY, Mr. REED, Mr. REICHERT, Mr. TIBERI, Mr. ROSKAM, Mr. MCDERMOTT, and Mr. LANGEVIN.
H.R. 2885: Mr. MCCLINTOCK, Mr. CULBERSON, Mr. QUAYLE, Mr. CARTER, and Mr. STIVERS.
H.R. 2897: Mr. GRIFFIN of Arkansas.
H.R. 2898: Mr. RIGELL and Mr. CALVERT.
H.R. 2914: Mr. MCGOVERN and Mr. GEORGE MILLER of California.

H.R. 2919: Mrs. ROBY and Mr. JONES.
H.R. 2925: Mr. SHIMKUS.
H.J. Res. 69: Mr. LOBIONDO and Mr. SCOTT of Virginia.
H.J. Res. 73: Mr. QUAYLE.
H. Con. Res. 72: Mr. TONKO, Ms. PINGREE of Maine, Mr. MCDERMOTT, Mr. SABLAN, and Mr. BACA.
H. Con. Res. 77: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCCAUL, and Mr. WALSH of Illinois.
H. Con. Res. 78: Mr. MICHAUD, Mr. TOWNS, and Mr. MORAN.
H. Res. 137: Mr. PASTOR of Arizona.
H. Res. 231: Mr. HONDA and Mrs. NAPOLITANO.
H. Res. 253: Mr. GOODLATTE and Mr. CALVERT.
H. Res. 271: Mr. LUETKEMEYER.
H. Res. 298: Mr. PLATTS and Mr. MICHAUD.
H. Res. 364: Mr. COURTNEY, Mr. FRANK of Massachusetts, Mr. BACHUS, Mr. BROUN of Georgia, Mr. KINZINGER of Illinois, Mr. NUGENT, Mr. SOUTHERLAND, Mr. MURPHY of Pennsylvania, Mr. GOHMERT, and Mr. MARINO.
H. Res. 394: Mr. AUSTIN SCOTT of Georgia, Mr. GOHMERT, Mrs. BLACKBURN, Mr. GARRETT, Mr. SCHILLING, Mr. FLEISCHMANN, Mr. LANDRY, Mr. RUNYAN, and Mr. CHAFFETZ.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means in H.J. Res. 79 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the U.S. House of Representatives.

OFFERED BY MR. RYAN OF WISCONSIN

The provisions that warranted a referral to the Committee on the Budget in H.J. Res 79, the Continuing Appropriations Resolution, 2012, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 1380: Mr. FITZPATRICK.

## DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 1 by Mr. CRITZ on House Resolution 310: Allyson Y. Schwartz.

Petition 2 by Mr. GOHMERT on the bill H.R. 1297: John Campbell, Phil Gingrey, Joe Wilson, Howard Coble.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, THURSDAY, SEPTEMBER 15, 2011 No. 137

# Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

## PRAYER

The PRESIDING OFFICER. Our friend, Rabbi Leslie Gutterman, rabbi for 40 years of the Temple Bethel El in Providence, RI, will now lead the Senate in prayer.

The guest Chaplain offered the following prayer:

O God, whose spirit is with us in every righteous act, invoke Your blessing upon the elected representatives of our government. Enlighten with Your wisdom those whom the people have entrusted with the guardianship of our rights and liberties.

On this day, proclaimed as the International Day of Democracy, we pray that our country may ever be a beacon of freedom, justice, and peace. We pray for those in other lands who are oppressed and persecuted.

Grant that this new day not be lost to us. May it be filled with Your purpose and our labors rewarded by the satisfaction gained by all who pursue a life of righteousness, virtue, and honor.

Amen.

## PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The assistant bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, September 15, 2011.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

DANIEL K. INOUYE,
*President pro tempore.*

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The majority leader is recognized.

Mr. REID. Mr. President, I yield the floor to the Senator from Rhode Island at this time.

## WELCOMING RABBI GUTTERMAN

Mr. REED. Mr. President, I rise to thank and commend Senator WHITEHOUSE for inviting Rabbi Leslie Gutterman here to deliver the prayer.

Les Gutterman has been an extraordinary figure in our State, a man of great wisdom, compassion and kindness, who has, since 1970, contributed extraordinarily to the State of Rhode Island and to the people of Rhode Island.

His congregation goes far beyond denominational lines. He is literally the rabbi for everyone. In fact, he is my rabbi, and I am pleased and proud to say that.

Mr. President, again, I am delighted to welcome Rabbi Gutterman here today.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, it is a great honor and a great pleasure to join my senior Senator JACK REED in welcoming Rabbi Leslie Gutterman from Providence, RI, here onto the Senate floor to open the Senate on this day by leading us in prayer.

Rabbi Gutterman is a personal friend, but he is more than that. He is a person of real significance in the Rhode Island community. He has served as the rabbi of Temple Beth El for 40 years, which means he has officiated at the weddings of the children of people whose bar mitzvahs at which he officiated, and he has officiated at the bar mitzvahs of the grandchildren of people whose weddings at which he officiated. He is an important part of the Rhode Island community. He has been described as a community asset and a moral compass for Rhode Island. In addition, he is just a beautiful person.

He and his wife Janet have come here today to join us, and we are very proud and delighted that we could share this moment of the morning with our colleagues and with Rabbi Gutterman.

I yield the floor back to the majority leader with great pride in the presence of Rabbi Gutterman on our floor this morning.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in morning business for 1 hour. The majority will control the first half and the Republicans will control the final half.

Following morning business, the Senate will resume consideration of H.J. Res. 66, which is a joint resolution regarding Burma sanctions and the legislative vehicle for additional FEMA funding. The filing deadline for all first-degree amendments to the substitute amendment and to H.J. Res. 66 is 1 p.m. today. I filed cloture on the substitute amendment and on H.J. Res. 66 last night. If no agreement is reached, there will be a cloture vote on the substitute amendment on tomorrow morning. We hope to reach an

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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agreement to complete action on the joint resolution as well as FAA and highway extension today. Senators will be notified when votes are scheduled.

REMEMBERING SENATOR MALCOLM WALLOP

Mr. REID. Mr. President, Malcolm Wallop of Wyoming is a man with whom I served in the Senate for approximately 10 years. He represented the State of Wyoming. During that time, I can remember the work he and Alan Simpson did together—Alan Simpson, another retired Senator from Wyoming. Senator Wallop died yesterday. He was 78 years old.

Senator Wallop was a fine man. His roots in Wyoming stem back to pioneer ancestors in the Big Horn. Although he was born in New York, he served his country admirably in the Army and then worked for many years as a cattle rancher and businessman before running for office. He was extremely good friends with the great Nevadan Paul Laxalt.

There were occasions when Malcolm and I didn't agree on political issues, but he was always an agreeable man, a very fine man. I honor his service today, both as a soldier and a Senator, and certainly will miss him, as everyone in Wyoming will and all of his colleagues who worked with him here in the Senate.

HISPANIC HERITAGE MONTH

Mr. REID. Mr. President, in my office right across the hall, I have a wonderful picture painted by a Nevadan. It is a big painting, and it shows this handsome young man on this horse with all the trappings of a horse that is really nice, a nice horse and a beautiful saddle, and all the adornments on this man's clothes are good. I am sure the painting didn't take into consideration how he really looked when he arrived in the Las Vegas Valley because this man, Rafael Rivera, was the first non-Indian to see the Las Vegas Valley, and I am sure he was worn out and tired because he was basically lost. He was part of a Spanish expedition, and he left them almost 100 miles from where he wound up in Las Vegas. But for us, Rafael Rivera is the person who founded Las Vegas. He was able to see this beautiful place in 1829, and as a result of that, we have a number of facilities named after Rafael Rivera, as well they should be, in Las Vegas Valley.

The picture is painted perfectly. It shows Las Vegas Valley's Sunrise Mountain. The difference is, there are no people there. Now there are 3 million people in Nevada, and we have little Sunrise Mountain there. In the painting, there is no one or anything around it, but of course now there are buildings and hotels and lots of activity there.

Today, though, Mr. President, I join more than 50 million Hispanic Americans in the United States in marking the first day of Hispanic Heritage Month. This celebration of history and culture lasts through October 15. So I look forward to the opportunity of bringing Hispanic heritage and all it has to Nevada and the rest of the country to honor the contributions of a population that is such an integral part of our national identity. For hundreds of years, Latinos have helped shape the face of this Nation.

I wrote a history of my birthplace, Searchlight, NV, and one of the interesting things I found in my research is that the railroad was built into Searchlight in the early 1900s, it is 26 miles, and it was a difficult railroad to build, but it was basically built by Mexicans who had come to the United States to do the labor that it took to do that. Some 7,000 of them built that railroad. It is not very long—26 miles long—but it took a lot of work to get it done.

So everyplace you go in America, everyplace especially you go in the West, you find contributions made by Hispanics. They have made contributions in the battlefield, in the workplace, and the classroom. They have spurred progress in the laboratory, playing field in all athletics, and, of course, in the halls of justice. They have shaped the way we farm and the way we do business. They have influenced our art and our literature. Construction sites of casinos and shopping centers around the State of Nevada—they have contributed mightily to that work that is being done and has been done.

The language has even influenced the name of the State of Nevada, which means ''snow covered.'' Las Vegas means ''the meadows'' in Spanish.

Hispanic Americans have also played an important role in this Nation's Armed Forces, as I mentioned just a minute ago. They have served in every conflict since the Revolutionary War. Nearly 30,000 of them have fought for our country in Iraq and Afghanistan and are still fighting. I thank them for their brave and dedicated service.

Every year, Latinos help propel contributions to our economy. More than 2.3 million Hispanic-owned businesses employ millions of Americans and provide crucial goods and services.

Mr. President, before leaving the subject of veterans and the good things they do, I want to make sure the Republican leader recognizes that we all celebrate a Kentuckian who today is going to be awarded the Medal of Honor, for this 23-year-old boy, in the fields of Afghanistan, saved the lives of about 40 soldiers—1 person. They had a wonderful piece on public broadcast today about his courage and what he did—of course wounded himself, but he carried people to and from battle and saved the lives, as I indicated, of a couple score of people. His name is Dakota Meyer. So I congratulate the Republican leader for having such fine people come from the State of Kentucky.

Today, the Senate recognizes the commitment of more than 50 million Hispanic Americans, family, community, and country. And that is the way it should be.

FEMA

Mr. REID. Mr. President, I want to spread on the record how much I appreciate the support of the Republicans in allowing us to be able to get on the FEMA bill. We are on that bill now. We have some amendments pending. If we are not able to work out an agreement on that today, we will have votes on a number of cloture issues relating to that most important legislation affecting millions of Americans who have been devastated by Mother Nature.

I am disappointed, however, in one of our Republican colleagues who at this stage is holding up something that is so vitally necessary.

The House sent us two pieces of legislation that passed overwhelmingly in the House, one that will keep 1.7 or 1.8 million people working on highway and other construction around the country dealing with highways. That is an extension of 6 months. They also sent to us a 4-month extension, fully funded, of the Federal Aviation Administration, also vitally important.

Unless my friend, the junior Senator from Oklahoma, agrees to allow us to go forward, one Senator will stop 80,000 people from working. I hope he will reconsider. The issue he has presented is a little unusual. He says he doesn't like bike paths being part of the highway bill. Well, for most Americans they are absolutely important. They are good for purposes of allowing people to travel without burning all the fossil fuel on the highways.

I got up this morning very early, and I went out and did my exercise. I am not exaggerating, there were scores, at least 30 or 40 bikes—so scores may be a slight exaggeration—of people not just for exercise but traveling to work with backpacks on. That is what bike paths are all about.

We have told my friend the Senator from Oklahoma: If you don't like it, we will have a vote on it.

He said: I don't want a vote.

He said: Whatever I want, I want stuck in that bill.

We can't do that. That isn't what the House sent us, and we can't do that.

He said: Well, separate the two bills.

We have the bills from the House of Representatives. That is the arrangement we have made, and it is a good arrangement to get these two vitally important pieces of legislation passed so that we can keep people—almost 2 million people—working.

I am disappointed in that. I hope we can work something out during the day because it is really unfair for him to hold up this extremely important legislation.

There is not a State in the Union that does not have problems with 80,000 people laid off. In Nevada we have a new tower being built at McCarran Field. That is important. These people will have to stop working. That is wrong. One Senator? It is not fair to the Senate or to the country.

Will the Chair announce the business of the day?

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and Republicans controlling the final half.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EYE-OPENING POVERTY

Mr. DURBIN. Mr. President, the report this week about the rate of poverty in America is an eye opener. The numbers that have been reported are stunning. The number of Americans living in poverty now stands at 46.2 million people. That is an increase of 8.9 million since 2007, just in 4 years. This has increased significantly since the year 2000. The poverty threshold for a mother and father with two children is an annual income of $22,000 a year. That is less than $2,000 a month. So for that family of four, what we are seeing is 46 million Americans make less than that. I think all of us understand how difficult it is in this day and age to survive and raise a family, but this national poverty rate should be a wake-up call to us. I hope it puts a couple of things in perspective.

I spoke on the floor yesterday about visiting a warehouse in Champagne, IL, a warehouse for the food depositories in the area. It is a warehouse where they process and send out food for food pantries that are managed by local groups, churches and the like. Almost every State has them—I am sure they do. I was in this warehouse during the August recess to talk about the increased volume of people who are going to food pantries on a regular basis. I visit these food pantries to introduce myself to those who are coming in and to learn as much as they want to tell me about their circumstances.

At this warehouse in Champagne, IL, was a woman who was very attractive and well-dressed, standing there, and I assumed she worked at the warehouse. It turned out I was wrong because she said at one point she was a teacher's aide in the local school district. I thought, Why is she here? I kept thinking to myself, I wonder why she is here. Maybe she is on the board of this food depository. It turns out she was there to tell me her story. She is a single mom with two young children. She has a full-time job as a teacher's aide in the school district. Because her income is below the poverty level, she qualifies for not only food stamps but also uses these food pantries. She said to me she wanted to express her gratitude that we now have extended the SNAP program, the food stamp program, to include fresh produce, fruits, and vegetables. She said it means I can take my kids to the local farmers market and they get to meet the farmers and ask questions and hear stories about where these thing come from, the fruits and vegetables we buy and, she said, I get to buy healthy food to give to my kids.

I never would have picked her out of a crowd as a person who needed help to feed her children—and she did. She told me: Without this, I would be struggling. It is an eye opener for all Americans, when we hear 46 million of us are living in poverty. These are our neighbors, our friends, the people with whom we go to church. These are folks you may see in the store. They are people who are struggling, many of them working but not making enough money. Some have full-time jobs, many have part-time jobs. It is a reminder, as we get into this deficit debate, never to lose sight of the safety net in America.

We are a kind and caring people. We have proven that over many generations. We do things many other countries do not do. For one thing, we have our young men and women volunteer to risk their lives in foreign lands to try to bring peace.

In addition to that, we have been engaged for over a century in helping other countries that are struggling. I just received a handwritten letter from two grade school children in Illinois about those who are starving in Somalia. It was a heartfelt letter, asking me to do something. That is not unusual. It is a sentiment expressed over and over again in our country. We need to have the same empathy and the same compassion for our own in America.

What that means is not only saying good things and perhaps helping through our churches and other charities, but also making certain that the safety net programs in our country are there for those who are struggling. We are engaged in a mighty debate now about deficit reduction. I have been part of it for a little while in some capacities. I keep reminding those who are in the debate that there are some programs that are absolutely essential. Some of them are obvious: the food stamp program, to make sure the lady I mentioned and others like her have enough food for their children; the Medicaid Program, which provides health insurance for one-third of America's children. In Illinois it pays for over 50 percent of births and it takes care of our elderly when they are in a nursing home and run out of their savings.

As we talk about deficit reduction, let us focus on making certain at the end of the day the safety net is still in place. Let us make sure the childcare deductions that we have in the Tax Code are there for working families, the Earned Income Tax Credit, a program started under President Reagan which acknowledges that many people who are working still need a helping hand in our Tax Code; Medicaid, that I mentioned earlier; the food stamp program; housing programs for those who are homeless and need a helping hand. The safety net has to be honored and has to be preserved in the course of our deficit debate.

But I would also say, at this point, the President has challenged us to stop giving speeches and to start moving forward on getting America back to work. He made a proposal in last Thursday's joint session of Congress to give working families across America a payroll tax cut. What would it mean in Illinois? The average income in Illinois is about $53,000 a year. The President's payroll tax cut would be worth $1,400 to every family making that amount of money. That is $120 a month. It may not sound like much for people who are wealthy, but for those who are struggling paycheck to paycheck, it could make a difference.

President Obama wants to give more income security to middle-income families. That is what his proposal is about. He has turned around and said when it comes to small businesses, let us give them incentives to hire the unemployed. The only line the President delivered a week ago that I remember got a standing ovation from both sides is when the President said let's incentivize employers to hire our veterans. Everybody stood up. We know that is the right thing. They served our country, they came home, and we ought to give them a hand to help them. That is part of the President's plan.

But he went beyond that and said if people have been unemployed and an employer is willing to hire them, let us give them a tax credit to do it. The President is moving tax benefits to small businesses, the so-called job creators we hear so much about, and I believe they are, as well as to working families. But it is all paid for. This is where many Republicans take exception.

How does the President pay for getting America back to work? He asked for sacrifice from the wealthiest people in America. There are some members of the Republican Party who would not impose 1 penny more in taxes on the wealthiest people in America. They are prepared to see every other family in America sacrifice except for those who can sacrifice without feeling any pain in their lives. I don't think that is fair and I think the President is right. Those who are making the highest incomes in America should join with

every other family in America and help us get beyond this recession.

Also, the President starts eliminating the subsidies, the Federal subsidies for oil companies. I don't have to remind Americans what the price of gasoline is; they know it. In Illinois it is over $4 a gallon in many places I traveled to during the recess. These oil companies are witnessing the highest profits in the history of American business. The President has said, and I agree: It is time to cut the Federal subsidy, the tax subsidy for oil companies, these profitable companies that make so much money for their shareholders and give so many bonuses to their officers.

Many Republicans object. They do not want to raise taxes on the oil companies. They do not want to raise taxes on the wealthiest people in America. I think they ought to put it in perspective. If we can help middle-income and working families get through the recession, stop living paycheck to paycheck and have a little bit of a cushion in their lives, if we can give small businesses incentive to hire Americans and turn this economy around, that is what America needs. Let's get beyond the rhetoric that has stalled efforts in Washington. Let's get beyond the obstructionism and the obstacles. Let us finally work together with the President's leadership and come up with a plan to put America back to work.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

## TRIBUTE TO SERGEANT DAKOTA MEYER

Mr. MCCONNELL. In a ceremony at the White House this afternoon, SGT Dakota Meyer of the U.S. Marine Corps will become the first living Marine recipient of the Medal of Honor, our Nation's highest award for valor, the first recipient in 41 years.

The Medal of Honor is awarded for conspicuous gallantry and bravery at the risk of one's own life, above and beyond the call of duty.

Every American can be proud of Sergeant Meyer, age 23, for his exceptional valor in combat in Afghanistan. I am particularly proud that Sergeant Meyer is a Kentuckian. I am honored that heroes like him come from the Bluegrass State. Sergeant Meyer hails from Columbia, KY, and is a 2006 graduate of Green County High School where he played on the football team. On September 8, 2009, his unit assignment was with Marine Embedded Training Team 2–8, Regional Corps Advisory Command 3–7, operating in Kunar Province, Afghanistan. That day he was sent to aid a group of marines, soldiers, and Afghans trapped under heavy enemy fire from three different sides. ''We're surrounded,'' one of them broadcast over the radio. ''They're moving in on us.''

Air support to assist the Marines was unavailable, as the fighting was too fierce for helicopters to land. Then-Corporal Meyer requested permission to enter the zone of fire to come to their aid four times, and four times his request was denied. After four denials he decided to go anyway, in an armored vehicle mounted with a .50-caliber machine gun with one other marine as a driver. Twice they attempted to reach their comrades and twice were forced back by bullets, rocket-propelled grenades, and mortars. A bullet hit the vehicle's gun turret, striking Corporal Meyer's elbow with shrapnel. Ignoring his injury, he left the vehicle and charged ahead alone to rescue his fellow fighters. Under intense enemy fire, he reached a trench where helicopter pilots had reported their position. There he found his three fellow marines and a Navy hospital corpsman all dead from gunshot wounds. Still under fire, Corporal Meyer carried their bodies back to a humvee with the help of Afghan troops and escorted them to a forward-operating base about 1 mile away. He was determined to fulfill the Marines' credo, to never leave a marine behind. Corporal Meyer and the three marines whom he refused to abandon all knew each other well and worked together in the same four-man training team. He considered them close friends.

In addition to the four Americans Corporal Meyer pulled out of the firefight, a U.S. Army soldier and at least eight Afghan troops plus an Afghan interpreter were killed in the attack. They had faced more than 50 enemy insurgents armed with machine guns, assault rifles, and rocket-propelled grenades during a 6-hour firefight.

Now a sergeant, Meyer combines his great heroism with great humility. He said:

> This isn't about me. If anything comes out of it for me, it's for those guys.

He left Active-Duty service in June 2010 and currently serves in the Inactive Ready Reserve of the U.S. Marine Corps Reserve.

I know my colleagues join me in saluting SGT Dakota Meyer for his extraordinary display of selfless valor, for which he will be awarded the Medal of Honor at a White House ceremony this afternoon. He may not think of himself as a hero, but his country certainly does. His heroism and meritorious service has already been recognized in the many awards, medals, and decorations he has received, including the Purple Heart Medal, the Navy and Marine Corps Commendation Medal with ''V'' Device for valor, the Navy and Marine Corps Achievement Medal, the Good Conduct Medal, and the Combat Action Ribbon.

His fellow Kentuckians and an entire grateful Nation thank him for his service. Brave men and women like him honor us and our country and make us proud that America boasts the finest Armed Forces in the world.

## THE ECONOMY

Mr. MCCONNELL. It has been 1 week now since the President unveiled his second stimulus. Today, 1 week later, White House aides are expected to hold a briefing to explain it all to the Democrats who do not understand the details.

One would think they would want to be briefed on details before the President demanded they pass it right away, not after. Then, again, the White House probably expected stronger support from Democrats than it has gotten so far. After all, this bill's top selling point, according to the President, is that both parties should like it. Yet so far the only thing both parties in Congress seem to agree on is there has to be a better way.

Earlier this week, after several of us suggested the President would have a hard time convincing Members of his own party to support this plan, a number of them have proved us right. While the President was in Ohio insisting over and over that Congress pass the bill, it seemed as though the only Democrats who were even willing to talk about it on Capitol Hill were tearing it apart. We had the Democratic majority leader basically treating it like a legislative afterthought. One freshman Senator called parts of the bill frustrating and unfair. Another Democrat called a central part of the bill terrible. One veteran Democrat was tamping down expectations of it passing in one piece. Another veteran Democrat suggested a completely different approach to jobs. I know the President and his advisers are keen on this idea of making Republicans look bad, but from what I can tell, he has a big problem at the moment lining up supporters in his own party.

That brings me to the real issue. The truth is, the President has a problem that no amount of political strategizing can solve: His economic policies simply have not worked. Yet he and his advisers seem to be the only folks in Washington who are not ready to admit it. We are in the middle of a crisis. The average length of unemployment is at an alltime high. Median income is going down instead of up. Poverty levels are higher than they have ever been in two decades. Millions of Americans cannot find work. The numbers just keep getting worse and the President's solution is to demand another Washington stimulus bill. Is that because the first one worked out so well?

The first stimulus is a national punch line: turtle tunnels, sidewalks to nowhere, and now we are hearing reports that the White House fast-tracked a $½ billion loan to a politically connected energy firm that their own analyst said was not ready for prime time. This place, this energy firm, was supposed to be the poster child of how the original stimulus would create jobs. Now it is bankrupt and most of its 1,100 employees are out of work. And they want another stimulus?

Even if we do not know about any of the waste or the alleged cronyism, here is the bottom line: 2½ years after the President signed the first stimulus, there are 1.7 million fewer jobs in this country. That is 1.7 million fewer jobs after borrowing and spending $825 billion to create them. What more do we need to know than that? We have done that. We have gone down that road before. Shouldn't we try something different? How about we do what just about every job creator in America is telling us they need in order to create jobs? Tax reform. Loosening the grip of government regulations and free-trade agreements. That is how we will create a better environment for jobs in our country. It might mean the President doesn't get his tax hikes, but it would mean more jobs.

I know some people sometimes get attached to a single idea, and this President seems to have come into office with one big idea; that there is not a problem we have in this country that bigger government cannot solve. At a certain point, we have to take stock. We have to check the results and see how we are doing. I think it is pretty clear to most people what the results suggest. It is time to change course.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

## ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, how much time is remaining on the Democratic side?

The PRESIDING OFFICER. There is 18½ minutes remaining on the Democratic side.

Mr. DURBIN. I see several of my Republican colleagues, and I would like to ask unanimous consent that they be allowed to use their morning business time and our 18½ minutes remaining be preserved until after their speeches.

The PRESIDING OFFICER. Without objection, it is so ordered.

The senior Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, the Republican Senators have come to talk about education, No Child Left Behind, and I ask consent to engage in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. The Senators who will be here will be Senator ISAKSON, Senator BURR, Senator KIRK, and Senator ENZI. Will you let each of us know when we have consumed 5 minutes?

The PRESIDING OFFICER. The Chair will do so.

## REFORM OF NO CHILD LEFT BEHIND

Mr. ALEXANDER. Mr. President, in the world in which we live, every American's job is on the line. As every American knows, better schools mean better jobs. Schools and jobs are alike in this sense: Washington cannot create good jobs and Washington cannot create better schools, but Washington can create an environment in which others can create good jobs and environments in which teachers and principals and students and communities can create better schools, along with their parents.

A good place for Washington to start is with the five pieces of legislation we introduced today to fix the law known as No Child Left Behind. No Child Left Behind was a bipartisan effort in 2001 and 2002. President Bush and Democratic Members of the Senate and the House and Republicans as well agreed on it. By the 2013–14 school year, the law said that all 50 million students in nearly 100,000 public schools would be proficient in reading and math. There would be State standards, tests to measure performance against those standards, and requirements that the more than 3,000 teachers in America be highly qualified. There would be school report cards, disaggregated by subgroups of students, and schools that failed to make what was called adequate yearly progress would receive Federal sanctions. There would also be more choices of schools and charter schools for parents.

During the last 9 years, Federal funding for elementary and secondary education programs has increased by 73 percent, while student achievement has stayed relatively flat. Our legislative proposals would set a new, realistic, but challenging goal to help all students succeed and to end the Federal mandates which have Washington, DC deciding which students and teachers are succeeding and failing.

Our legislation would require States to have high standards that promote college and career readiness for all students and would continue the reporting of student progress so parents, teachers, and communities can know whether students are succeeding. It would encourage teacher and principal evaluation systems, relating especially to student achievement, and would replace the Federal definition of a highly qualified teacher. It would consolidate Federal programs and make it easier to transfer funds within local school districts. It would expand charter schools and give parents more choices. For the bottom 5 percent of schools, the Federal Government would help States turn them around. Much has happened during the last 10 years, and it is time to transfer back to States and to local governments the responsibility for deciding whether schools and teachers are succeeding or failing.

Since 2002, 44 States have adopted common core academic standards. Two groups of States are developing common tests to see whether the students are meeting those standards, and more than 30 States are working together to develop common principles for holding schools and districts accountable for student achievement. Thanks to No Child Left Behind, we now have several years of school-by-school information about student progress that puts the spotlight on success and puts the spotlight on where work needs to be done.

In addition, many States and school districts are finding ways to reward outstanding teaching and school leadership and to include student performance as a part of that evaluation. As common sense as that idea may seem, it was not until Tennessee created the Master Teacher Program in 1984 that one State paid one teacher one penny more for teaching well. All the sponsors of the five pieces of legislation we introduced today are Republicans. Many of the ideas were either first advanced or have been worked out in concert with President Obama and with his excellent Education Secretary, Arne Duncan, as well as with Democratic Senators here and with Republican and Democratic colleagues in the House. In other words, we have made a lot of progress.

In the Senate, my judgment is that we are not far from agreement on a bipartisan bill, with most of the differences of opinion centering around what I would characterize as provisions that would create a national school board. We on the Republican side want to continue to work with our colleagues across the aisle and in the House. Our purpose in offering our ideas is to spur progress so we can enact a bill before the end of the year. The House of Representatives has passed its first bill to fix No Child Left Behind with bipartisan support. It would expand charter schools and is similar to the charter school bill Senator KIRK will introduce today. The President has met with us and given us his blueprint. The Secretary has warned us that, under existing law, most schools will be labeled as failing within a few years, and he is proposing to use his waiver authority to avoid that. The Secretary clearly has that waiver authority under the law, and I support his use of it in appropriate ways.

I am introducing legislation today to make it clear that the appropriate use means using the waiver to accept or reject State proposals based upon whether those proposals enhance student achievement and not to impose a new set of Washington mandates. But the best way for us to relieve the Secretary of the need to consider waivers and to help American children learn what they need to know is for us to work together in the Senate and in the House to fix No Child Left Behind.

Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks, and following the remarks of all the Senators, the following documents: Why we need to fix No Child Left Behind; how the environment has changed in the past 10 years; a summary of the nine proposals Secretary Duncan, Senator HARKIN, Senator ENZI, and others of us have worked on; a summary of the legislation introduced by Senator ISAKSON to fix title I; a summary of the legislation that I am

a principal sponsor of to fix title II; a summary of Senator BURR's proposal on titles II and IV; a summary of Senator KIRK's legislation on charter schools; and a summary of the legislation that I am also introducing on waivers.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

The PRESIDING OFFICER. The Senator's 2 minutes has expired.

Mr. ALEXANDER. Mr. President, Senator ISAKSON of Georgia has a distinguished career in education, not just as a leader in the Senate of Georgia, but as chairman of the Georgia School Board, appointed by Gov. Zell Miller, and as a former Member of the House of Representatives who was a key author of No Child Left Behind when it was enacted in 2002.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank the great Senator from the State of Tennessee for his recognition and whose own record in education is quite distinguished, including his tenure as a university president at the University of Tennessee, to his leadership on the Health, Education, Labor, and Pensions Committee, and, obviously, his service as Secretary of Education for the United States of America.

I appreciate the reference to 10 years ago when we wrote No Child Left Behind. There were nine of us, five Republicans and four Democrats, who locked ourselves up in the House Education Committee offices for about 6 weeks writing the document that became the law of the land, and it has served the country well for 20 years.

A title I provision of that is the free and reduced lunch provision, which is the main title of the Elementary and Secondary Education Act, and it is the main title that delivers educational entitlements, requirements, and regulations under No Child Left Behind.

The reason I am the principal sponsor of the removal—not the removal but the reform—of title I is because No Child Left Behind requirements under title 1 have worked and it is time to go to the next step. I wish to be very specific about saying it has worked.

As everyone knows, adequate yearly progress, or AYP, is the goal of title I, to see to it that every child every year is making adequate yearly progress toward improvements in reading comprehension and mathematics. When we started AYP, we knew when we wrote it that if the bill worked, it would become harder and harder and harder to reach AYP because the baseline was being built every single year.

The reason Senator ALEXANDER talked about so many schools falling into ''needs improvement'' is because we pushed the achievement level so high that meeting AYP on a continuing and improving basis is difficult. So it is time to terminate AYP as a requirement of the bill, but it is not time to throw out the system that made it work.

Disaggregation of students, first of all, was critically important. Public education in the United States prior to the No Child Left Behind law exhibited school systems and schools that basically hid behind mean average scores or an ITBS mean average score. This comparison of ITBS test scores to other States in the Nation is an aggregation of all students' performance and an averaging of that performance. It took the eye off the ball and the individual student.

So what No Child Left Behind says is, test every student and disaggregate them by sex, race, disability, by non-English-speaking, and rate each disaggregated group by AYP. If only one school fails to make adequate progress, then the whole school goes to ''needs improvement.'' So we have a lot of schools labeled ''needs improvement'' while making the best improvement they have ever made. So it is time to end AYP, but it is not time to end disaggregation or the test scores.

The greatest accountability measure—and all of us as politicians know it—is transparency. This bill will require the transparency of all the test scores of each individual child and the transparency of each individual in each individual disaggregated group to ensure we continue to know how our kids are doing and compare them on a year-to-year basis. But we do away with ''needs improvement'' because it has served its purpose.

Now, on disaggregated groups there is one other thing the title I change does that I want to particularly emphasize on the Senate floor today. The biggest disaggregated group in terms of causing schools or systems to fall under ''needs improvement'' is those special needs children considered under IDEA or the Individuals With Disabilities Act. They are all individuals who have an individual disability that affects their academic achievement or their ability to learn.

When we passed IDEA in 1978, if I remember correctly, through Public Law 94–192, we dictated that we would give special emphasis and training to those special needs kids and try and identify their special needs and meet them within the public education system. When No Child Left Behind disaggregated them into a single group and tested them, we tested 98 percent of them with the same paper and pencil test. These are kids with a plethora of disabilities that one single test could not possibly meet. We gave a 2 percent cognitive waiver, disability waiver, so they could have an alternative assessment for up to 2 percent of the students, but 98 percent had to take the same test.

This reform of the IDEA portion of title I of No Child Left Behind simply says this: Every year, at the beginning of the school year, when the parent and the teacher and the school meet to put out the individual education plan, the IAP for that student, the parent, the teacher, and the school will determine what the assessment vehicle is that best measures the assessment of that child—not a single, one-size-fits-all, paper-and-pencil test. That is going to ensure that IDEA students get the individual attention they deserve and the measurement against the individual disabilities they have that is appropriate as approved by their parents, their teacher, and their school, and it will make a remarkable difference for IDEA kids.

I am very proud of that provision and the flexibility it gives to the system to assess appropriately rather than force a one-size-fits-all test against 98 percent of our children with disabilities.

So to repeat what I said at the beginning——

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. ISAKSON. It is a good time for me to repeat what I said at the beginning. I am proud to be building on the success of No Child Left Behind, and I am proud that Senator ALEXANDER has taken leadership on this committee to move forward on this reauthorization of IDEA and No Child Left Behind.

Mr. ALEXANDER. Mr. President, I thank Senator ISAKSON for his leadership in education in the State of Georgia and on this bill.

Senator RICHARD BURR of North Carolina has focused on elementary and secondary education for many years, especially on making it easier for local school districts to use the Federal dollars that are made available and on finding ways to encourage student and teacher evaluation. He is introducing a bill, which I am proud to cosponsor, amending titles II and IV of the Elementary and Secondary Education Act.

Mr. BURR. Mr. President, I thank the Senator from a State once owned by North Carolina, and a distinguished Member of this August body.

What are we doing here today? We are responding to what every CEO has said and every local leader has said and every parent has said: If you want a future in this country, you have to fix K–12 education. We have to make sure every child in this country has the foundational knowledge to meet whatever challenge they are faced with in a lifetime.

Washington is good at coming up with new programs and, to be honest, when we look back over the history of the last couple decades, every year we come up with a new program to fix K–12. What is obvious? We never fix it. But what we hear loudly and clearly from people who are on the front lines—those elected and those non-elected and those who are charged with educating our children—is give them flexibility. We can't design one program in Washington that works in Raleigh, NC, and works in Knoxville, TN, much less in rural North Carolina or rural Tennessee.

What I propose is very simple: that 59 pots of money, 59 different programs, be merged into two pots, and that

those local school systems have the flexibility and the capability to choose what they are going to use that money for to educate our kids. What a novel thought, that we would take the people on the front line—for the first time, I am suggesting that Washington give up the power we have to say: You do it our way or you will not get the money.

We are faced in the future with some degree of austerity. We are not going to have the money to throw it out and see what works. But that is Washington's typical response. Now it is time to begin to focus not on that we think works but what the teachers and the principals and the elected officials locally, but more importantly, the community decides works.

Senator ISAKSON alluded to a number of factors we use as to how we gauge success or failure. I will tell my colleagues the gauge we ought to have: What does a parent think? The likelihood is that by the time we get those standard tests, it is probably too late to fix it for their kids, but it may fix it for somebody else's.

What we are attempting to do today as we reform K–12 education through these bills is to lay the gauntlet down and say that no child will be exposed to an inferior education in the future because we are going to empower—not Washington—we are going to empower the local community.

Again, what I am simply doing in the Empowering Local Education Decision Making Act of 2011 is to take 59 programs under elementary and secondary education and put them into flexible foundational block grants. Some might say the State is going to steal money off it. No. We limit it to 1.5 percent to administer the program. It has a formula that satisfies exactly how this money is going to be distributed so it is done fairly.

Where we don't exercise Washington authority is we don't tell the local school system: Here is the only way you can use it. We say to the local school system: Here are 59 programs. You pick the ones that best fit what your needs are in your community. In addition to that, those two pots of money we have created are 100 percent transferable. If you feel that one pot doesn't meet the need which might be in your area, then you can shift all of that money over to the other pot. So if you believe that focusing on teacher quality is better versus students, you have the flexibility to do it without asking us for a waiver. In addition to that, if title I is where you need additional funds, both pots of money are transitional to title I for additional support for at-risk kids.

That is something we have never done. Just this week I received a letter from the Council of Great City Schools, a coalition, by the way, of our Nation's largest central school districts. In their letter they wrote this:

> Both Title II and Title IV of the Elementary Secondary Education Act have become unwieldy and unfocused over the past authorizations, and are in substantial need of rewriting. Your effort to simplify and clarify the purposes and flexibilities within these key programs is noteworthy.
>
> With budgetary constraints faced at all levels of government, streamlining federal requirements, providing predictable and consolidated formula-based funding streams to local school districts, and ensuring local district decision making in the use of funds under your bill is particularly welcome.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BURR. I urge my colleagues to read these bills. Look at your school systems. Make a decision that is right for the future of every child in this country and support our reauthorization efforts.

I thank the Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from North Carolina, Mr. BURR, for his insight and leadership on how we help create an environment in which teachers, parents, principals, and community leaders can make schools better, rather than through orders sent from Washington telling them how to do that.

Senator KIRK from Illinois will be here in a few minutes to introduce the charter school bill, which is the same bill that passed the House of Representatives yesterday with 365 votes in a bipartisan way.

As I mentioned at the outset, our purpose is to get things moving. We think there ought to be a law before the end of the year that fixes No Child Left Behind. Toward that end, the senior member of the Senate Health, Education, Labor and Pensions Committee, Senator ENZI of Wyoming, began to meet quietly more than a year ago with the chairman of the committee, Senator HARKIN, and with Secretary Duncan and, on some occasions, with the President. They were able to come to a good deal of agreement about fixing No Child Left Behind, and then, on the nine areas we would focus on, which I put into the RECORD a few minutes ago.

Senator ENZI is here now, and I thought he might want to speak about that effort. While all of us who are introducing these bills today are Republicans, we are only doing this as a way of moving the process forward and are hoping to attract Democratic support so we can end up with a bipartisan result. I believe, at the same time, that Senator ENZI is continuing to meet with Senator HARKIN, the chairman of the committee, with the hope that we will achieve that bipartisan result.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I wish to thank the Senators who have spoken for all of their efforts and thought. A lot of times people think that what is being discussed on the floor is the only thing that is happening in the Congress. There are things happening in the background that are probably achieving more than the debates that happen here. A lot of times what people get to see here is the blood on the floor that results in nothing. But everyone recognizes the importance of education and recognizes that there has been a significant effort made since 1965 with K–12 education. It has been renewed several times. In every single instance, it has been renewed in a very bipartisan way. We want that to continue to happen. The value of the Senate and the House is to have a lot of different opinions on how something can be done and then to bring those together to form something usable in whatever area we are working on.

I cannot thank Senators ALEXANDER, ISAKSON, BURR, and KIRK enough for the work they have done in this area. It does help us to focus, and I am working with Senator HARKIN to try to come up with a bipartisan bill. I think we have been making good progress. I have used the nine core components of these bills that Senator ALEXANDER mentioned as reasons for stepping back and taking a look at what we are doing to make sure the States can have as much of a role as possible, but the local people have an even greater role in what is happening in education. That is where we are trying to keep the focus, and this has been very helpful in my discussions with Senator HARKIN, to make sure we stay on track with those things.

Senator ALEXANDER mentioned the nine things. Secretary Duncan traveled through most of the United States holding listening sessions to find out what kind of problems people had. He agreed that the nine things we had on this list were the problems with No Child Left Behind that needed to be fixed. Senator HARKIN looked at that list and agreed in the same way.

We have come up with some solutions, and those need to be put in a bill, and that bill needs to be passed this year. Next year we get into Presidential elections. I cannot see where that is going to make things more bipartisan or help education. There are a number of things that No Child Left Behind did. One is the disaggregation, which did show some problems across the country, where kids were being left behind. A lot of times when we focus on education, we focus on the State and on the school district. Once in a while we focus on the school. But what we have been trying to do is get the focus on the kid to make sure our children are learning what they need to know to be able to survive. That is one of the places we will be able to greatly improve as we move on in this effort.

One of the surprises to everybody will probably be to find out that the Federal Government only requires one Federal test. You always hear about all the testing the kids have to take across the Nation. A lot of that is locally imposed, but they are tests they think are necessary. But the Federal Government says you need to have one at the end of the year, and that is what we have concentrated on with the disaggregation.

There have been a lot of surprises for people as they actually take a look at

what that rather voluminous bill has in it. I think we are moving to a point where we should be able to get something done and get something done relatively quickly. Again, it will be because of the work of these people who have put together some bills to bring attention to some very specific parts that need improvement. I thank them for doing that.

I yield the floor.

Mr. ALEXANDER. Mr. President, I thank Senator ENZI and I thank him for his leadership and the constructive way he and Senator HARKIN are working together.

I should emphasize, as I said in my remarks, the respect all of us have for Secretary Duncan. He has done a terrific job staying in touch with us without regard to political party, and the President and he have stuck their necks out on some issues that are not entirely popular with their Democratic constituency. We respect that as well.

As I said, our effort is to take these ideas and recognize we are in the ninth year of a bill that was supposed to be fixed after 5 years, and to get it done before the end of the year.

One example of what we could do the Senator from Illinois will talk about. He has been the leader on expanding opportunities for parents and communities to use charter schools. The House of Representatives acted on that bill yesterday.

Senator KIRK.

Mr. KIRK. Mr. President, joining as part of this effort, I think we need to reform No Child Left Behind and that we should focus on making sure we preserve disclosure and the right of parents to know how their schools are doing, without destroying the school, without having an AYP measurement that somehow says most, if not all, schools are failing.

As part of this effort, I am introducing the Empowering Parents Through Quality Charter Schools Act to emphasize charter schools and to make sure their opportunities are more widely available to parents and children, especially in inner cities.

This is a chart I have in the Chamber that shows the top 10 nonselective—meaning they take everyone—public high schools in Chicago. They are ranked in order of ACT scores. You can see from the chart, Lincoln Park High School is No. 1, not a charter school. But in the top 10, 8 of them are charter schools, and these are in some of the toughest neighborhoods in Chicago. That is why this is one of the No. 1 issues being discussed right now in Chicago. Mayor Emanuel is doing an outstanding job of leading a reform effort to make charter schools more available, to expand the day of instruction, and to expand the number of days in the school year because right now Chicagoland suffers from some of the lowest numbers of days of instruction in the country. Right now, for example, in Chicagoland, only about 10 percent of kids have the opportunity to go to a charter school. I think we should set a goal of at least 50 percent having that opportunity.

Recently, I was able to visit the Noble Street School, also another school which was represented about 99 percent African American, with overwhelmingly free and reduced-lunch kids. This school is outperforming all of its peers, despite not having any selection criteria, and being able to take kids from all walks of life, including special-needs kids.

We are seeing something working here. Mayor Emanuel sees it. I see it. That is why in the House of Representatives, when the companion legislation was considered, 365 Representatives, including well over 100 Democratic representatives, supported our charter school bill. We are introducing the companion bill over here. I am hoping for equal amounts of bipartisan support because what we see is working in Chicago can work elsewhere.

The charter school movement has generally focused on inner cities. But I want to make sure charter schools are offered to kids in Peoria, in Springfield, in Rockford, and in Metro East. So the kind of success we are seeing here—8 out of 10 top performers being charter schools for nonselective public high schools—is something I think we should have offered here. That is why I applaud our ranking member and especially Senator ALEXANDER for putting together this group of bills to offer higher education performance for America's kids, especially in the tough global political environment they will be in.

With that, I yield back to our leader on this joint effort and the ranking minority member and thank them for the opportunity to speak.

Mr. ALEXANDER. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Fifteen seconds.

Mr. ALEXANDER. Thank you, Mr. President. Every American knows that every American's job is on the line. Every American knows that better schools mean better jobs. We are ready to work with the President and with our Democratic colleagues to create an environment for better schools in this country by fixing No Child Left Behind.

Mr. President, I yield the floor.

EXHIBIT 1

ELEMENTARY AND SECONDARY EDUCATION: HOW HAS THE ENVIRONMENT CHANGED OVER THE PAST 10 YEARS?

1. Standards: All states have content standards in place for reading/language arts and mathematics. 44 States are working together in a Common Core state-led effort to improve their standards.

2. Assessments: All states are conducting annual assessments in reading/language arts and mathematics that are aligned to state standards and are publicly reporting their results. Two groups of states are working together to develop common assessments aligned to the Common Core standards.

3. Data: Disaggregation of data by states and districts provides greater information on how schools and students are performing by race, income, English proficiency and disability. This makes it easier to identify the achievement gaps and target efforts to address problems.

4. Auditing: All states are participating in the National Assessment of Educational Progress, NAEP/Nation's Report Card, which serves as an audit of the quality of state standards and assessments.

5. Robust Awareness: Because of data, parents, teachers, principals, legislators, and Governors are paying more attention to education issues, and thus holding their districts, schools, and teachers accountable.

6. Charter School Growth: The number of students enrolled in public charter schools has more than tripled to 1.4 million and the percentage of all public schools that were charter schools has increased from 2% to 5%, comprising 4,700 schools nationwide.

7. School Choice: Not much, but some growth in school choice (i.e. Milwaukee, Florida).

WHAT THE NATION HAS LEARNED FROM NO CHILD LEFT BEHIND: THE GOOD AND THE BAD

THE GOOD

Disaggregated Reporting: The disaggregation of data by subgroups has allowed us to see how all students are performing.

Annual Assessments: Provides basic information on the performance of students in mathematics, English/Language Arts, and Science.

Public Reporting: Increased public reporting of state, district, and school performance has provided the public with better information on the quality of local schools.

Parental Involvement: Provides greater information to improve parental involvement in school-level decisions.

THE BAD

Goal of 100% Proficiency by 2014: Sets unrealistic and unproductive mandate that all students are proficient by 2014.

Adequate Yearly Progress (AYP): Rigid federal mandates of how to achieve proficiency and tells states from Washington which schools are succeeding and which are failing.

Highly-Qualified Teachers (HQT): Onerous federal definition of what constitutes a qualified teacher.

Unfunded Mandates: Federal mandates far exceed the 9–10% federal investment in education.

Ineffective spending: Dedicates billions in limited federal dollars to small and ineffective programs that don't have a record of success.

WHY WE NEED TO FIX NO CHILD LEFT BEHIND

100% proficiency by 2014 will not happen.

Adequate Yearly Progress with its prescriptive 64-part formula will result in every school getting a failing grade.

Teachers focus too much on testing and no one understands what the results mean.

Sanctions impact rural schools more.

Highly Qualified Teacher requirements create unusual restrictions particularly with respect to rural, special education, and English as a second language teachers.

State and local flexibility is limited and there are duplicative and overlapping programs.

Allowable uses of federal funds are too limited and restrictive.

One size fits all mentality of Washington's ''good'' ideas. We need local solutions.

Parents are too often left out of the equation.

HOW TO FIX ''NO CHILD LEFT BEHIND''

1. Set a new, realistic but challenging goal to help all students succeed.

2. Free 95% of schools (91,000 schools) from the federal requirement of conforming to a

federally-defined adequate yearly progress mandate.

3. The federal government will help states fix the bottom 5% of their schools (4,500 schools).

4. Require states to have high standards that promote college and career readiness for all students.

5. Encourage the creation of state and school district teacher and principal evaluation systems to replace federal highly qualified teacher requirements.

6. Continue necessary reporting so that parents, teachers, schools, legislators, and communities receive good information on schools.

7. Provide school districts with the ability to transfer funds more efficiently among the five largest federal education programs.

8. Consolidate and streamline more than 80 programs within NCLB and eliminate those that are duplicative and unnecessary.

9. Empower parents.

HOW TO FIX ''NO CHILD LEFT BEHIND''

1. Set a new, realistic but challenging goal to help all students succeed. Establish a national goal that all students will be 'college and career ready' by high school graduation. States will use annual reading and mathematics assessments, including student growth, to measure progress toward the goal.

2. Free 95% of schools (91,000 schools) from the federal requirement of conforming to a federally-defined adequate yearly progress mandate. 95% of schools will no longer face federal sanctions. These schools will continue annual reading and mathematics assessments and public reporting requirements. The emphasis will be on helping states to catch these successful schools and struggling schools doing things right, instead of announcing their failure.

3. The federal government will help states fix the bottom 5% of their schools (4,500 schools). States will identify, for federal accountability purposes, the bottom 5% of schools that receive Title I funding. These schools will be required to choose an intervention model from a defined list of options. The models will be broad and include options for rural schools and provide flexibility for state innovation.

4. Require states to have high standards that promote college and career readiness for all students. Require states to adopt 'college and career ready' standards that are aligned with higher education, career and technical education standards, and workforce skills within the state. There will be no preference or prohibition for states to adopt a specific set of standards, including the Common Core standards.

5. Encourage the creation of state and school district teacher and principal evaluation systems to replace federal highly qualified teacher requirements. Encourage states and school districts to develop teacher and principal evaluation systems to identify high performing teachers and principals and eliminate the federal ''highly qualified teacher'' definition. Innovative teacher and principal pay programs will continue to be supported through the Teacher Incentive Fund program.

6. Continue necessary reporting so that parents, teachers, schools, legislators, and communities receive good information on schools. States, school districts and schools will continue to report information regarding student achievement on annual reading, mathematics and science assessments. Other reported information will include high school graduation rates and teacher certification. All of this information will continue to be disaggregated by race and ethnicity, socio-economic status, disability status, English proficiency, gender, and migrant status to maintain public accountability for all student subgroups. Unnecessary and irrelevant federal reporting requirements will be eliminated.

7. Provide school districts with the ability to transfer funds more efficiently among the five largest federal education programs. School districts will have more flexibility to meet their local needs by transferring funds among the 5 major federal education programs. This will allow school districts to better target federal resources to improve student academic achievement.

8. Consolidate and streamline almost 60 programs within NCLB to allow State and local leaders to meet student needs in their states and districts. Consolidate the programs authorized in NCLB into flexible funding streams that allow States and local school districts to fund locally-determined programs that meet the unique and specific needs of the students in their States and districts.

9. Empower parents. Parents will receive meaningful information on the performance of their children's schools so they can be more effectively involved in their children's education. The law will continue to support the expansion of high-quality charter schools. For those parents whose children attend the state-identified bottom 5% of schools, they will have the option of public school choice to transfer to another public school.

THE ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 2011

EMPOWERING STATE AND LOCAL EDUCATION LEADERS TO IMPROVE PUBLIC SCHOOLS

Establishes College & Career Readiness Goal: States are asked to develop and maintain academic content standards and assessments that will prepare students for college- and career-readiness without interference by the Federal government about whether to work alone or in partnership with other states.

Empowers State and local leaders to develop their own accountability systems: Instead of a ''One Size Fits All'' Washington-approach, states will develop their own systems designed to ensure that all students graduate from high school college- and career-ready, without Federal interference or regulations on state standards, assessments, growth models for accountability, or how to develop teacher and principal evaluation systems that are based on improving student achievement.

Eliminates Adequate Yearly Progress (AYP): The Federal government is taken out of the business of determining if local schools and districts are succeeding or failing in educating their students by ending the Washington-based AYP system of how to identify schools.

Asks States to Identify the Bottom 5% of Lowest Performing Schools: States will be required to identify the bottom 5% of Title I receiving elementary and secondary schools, using their state-developed accountability system, and local school districts will be required to implement a school improvement strategy for their lowest performing schools. School districts will continue to be required to provide public school choice to students in these lowest performing schools.

Eliminates ''Highly Qualified Teacher'' Requirement: States will be freed from the onerous ''Highly Qualified Teacher'' requirements and empowered to maintain and improve their own teacher and principal licensure and certification requirements.

Maintains Public Reporting Requirements: States and local school districts will continue to report disaggregated data on student achievement, while requiring annual report cards at the school, school district and State level.

Reduces Paperwork & Federal Intrusion: The bill dramatically simplifies the Title I State plans that are submitted to the Secretary to reduce unnecessary paperwork and frees states from Washington interference.

THE TEACHER AND PRINCIPAL IMPROVEMENT ACT OF 2011

PREPARING, TRAINING, AND RECRUITING EFFECTIVE TEACHERS AND PRINCIPALS TO IMPROVE STUDENT ACHIEVEMENT

Addressing State and local needs for teacher and principal training: States and local school districts will conduct a needs assessment to determine what professional development teachers and principals need to improve student achievement and then target resources to meet those needs.

Supports the State-led Development of Teacher/Principal Evaluation Systems: States and local school districts are empowered to develop their own teacher and principal evaluation systems that are based significantly on student academic achievement. The Federal Government would be prohibited from regulating or controlling those state and local evaluation systems, allowing local innovation and leadership to flourish.

Maintains Strong Reporting Requirements: States and local school districts will provide important data on the quality and effectiveness of teachers and principals, as well as the results of teacher and principal evaluation systems if developed, to inform parents and the community about who is teaching in the classroom and leading our schools.

Teacher Incentive Fund: Authorizes the Teacher Incentive Fund to provide competitive grants for states, districts, and partnerships with private-sector organizations to implement, improve, or expand comprehensive performance-based compensation systems for teachers and principals, while leaving broad latitude in how states develop such systems, as well as prioritizing high-need schools.

Encourages Innovative Private-Sector Involvement: Authorizes competitive grants for national non-profit organizations, such as Teach for America and New Leaders for New Schools, to help states and local school districts that have a demonstrated record with teacher or principal preparation, professional development activities, and programs.

Reduces Paperwork and Federal Intrusion: The bill dramatically simplifies the Title II State plans that are submitted to the Secretary to reduce unnecessary paperwork and frees states from Washington interference.

EMPOWERING LOCAL EDUCATIONAL DECISION MAKING ACT OF 2011

State and local school districts, not Washington, D.C., are the best makers of educational decisions. Unfortunately, in the last few decades, the federal government, believing it knew best, has exploded the number of small, categorical education programs in K–12. Almost every year, yet another new program has been created in pursuit of the newest educational rave. And with each of these new programs, States and local school districts have lost flexible federal funding sources that allow them and not the latest fad to determine how best to allocate federal resources to meet the unique and specific needs of the individual students in their States and districts.

The Empowering Local Educational Decision Making Act of 2011 streamlines 59 programs into 2 flexible foundational block grants. Rather than Washington and the federal government determining funding priorities for States and local school districts, the Empowering Local Educational Decision Making Act puts locals in charge by allowing them the flexibility to fund locally-determined programs and initiatives that meet

the varied and unique needs of individual States and localities.

FUND FOR THE IMPROVEMENT OF TEACHING AND LEARNING

Consolidates 34 programs into ONE flexible, formula-driven Fund for the Improvement of Teaching and Learning to fund locally-determined needs and initiatives related to—

Increasing the capacity of local school districts, schools, teachers, and principals to provide a well-rounded and complete education for all students.

Increasing the number of teachers and principals who are effective in increasing student academic achievement.

Ensuring that low-income students are served by effective teachers and principals and have access to a high-quality instructional program in the core academic subjects.

SAFE AND HEALTHY STUDENTS BLOCK GRANT

Consolidates 25 programs into ONE flexible, formula-driven Safe and Healthy Students Block Grant to fund locally-determined needs and initiatives for improving students' safety, health, and well-being during and after the school day by—

Increasing the capacity of local school districts, schools, and local communities to create safe, healthy, supportive, and drug-free environments.

Carrying out programs designed to improve school safety and promote students' physical and mental health well-being, healthy eating and nutrition, and physical fitness.

Preventing and reducing substance abuse, school violence, and bullying.

Strengthening parent and community engagement to ensure a healthy, safe, and supportive school environment.

ENHANCED FLEXIBILITY THROUGH FUNDING TRANSFERABILITY

To provide additional funding flexibility to State and local school districts, under the Empowering Local Educational Decision Making Act of 2011 districts will be able to transfer up to 100% of their allocations under the Fund for the Improvement of Teaching and Learning and the Safe and Healthy Students Block Grant between the two programs or into Title I, Part A.

EMPOWERING PARENTS THROUGH QUALITY CHARTER SCHOOLS ACT 2011

SENATOR KIRK CHARTER SCHOOL BILL

This bill will modernize the charter school program by encouraging the expansion of high-quality charter schools and allowing charter school management organizations to receive assistance directly from the federal government.

Modernizes the Charter School Program to address present realities for public school choice, by incentivizing expansion and replication of successful charter models, providing support for authorizers, and enhanced opportunities for facilities financing.

Encourages states to support the development and expansion of charter schools.

Streamlines federal Charter School Program funding to reduce administrative burdens and improves funding opportunities for the replication of successful charter models and facilities assistance.

Allows proven, high-quality charter school management organizations to apply directly to the federal government, as well as local education agencies, deleting a layer of bureaucracy with the State government.

Facilitates the establishment of high-quality charter schools and further encourage choice, innovation and excellence in education.

Supports an evaluation of schools' impact on students, families, and communities, while also encouraging sharing best practices between charters and traditional public schools.

THE STATE INNOVATION PILOT ACT OF 2011

The bill clarifies waiver authority that is currently in the Elementary and Secondary Education Act. The clarified waiver provision authorizes State educational agencies and local school districts to submit a request to the Secretary of Education to waive any statutory or regulatory requirement of the law.

State and local leadership: The bill improves the waiver authority currently in law by clarifying that the waiver process is intended to be led by state and local requests, not Washington mandates.

Deference to state and local judgment: If the Secretary chooses not to immediately approve a waiver request, the bill directs the Secretary to develop a peer review process that defers to state and local judgment on waiver requests.

Transparency: The bill ensures that the peer review process will be open and transparent so that it is clear what states and local school districts are asking to waive and what peer reviewers think about those waivers.

Prohibiting additional regulations: The bill prohibits the Secretary from imposing by regulation any additional requirements to waiver requests not authorized by Congress.

The bill encourages State and local education leadership in developing and implementing innovative strategies in:

College and career ready academic content and achievement standards for all public elementary and secondary school students;

High-quality academic assessments that are aligned with and are designed to measure the performance of local educational agencies and schools in meeting those standards;

Accountability systems that are based on those college and career ready standards, as well as other academic indicators related to student achievement; and

Programs to improve principal and teacher quality and effectiveness.

Mr. ALEXANDER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KIRK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KIRK. Mr. President, I wish to speak briefly on the subject of our relations with Pakistan.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## PAKISTAN

Mr. KIRK. Mr. President, earlier this week, I gave a talk based on my service in Afghanistan as a reservist, about the growing threat of a new group to our forces in Afghanistan, ISAF, and the Afghan Government. It is not al-Qaida, which is armed and dangerous, but a shadow of its former shadow. It is not the Taliban, which is still extremely armed and dangerous. It is a new group called the Haqqani Network.

Recently, there was a high-profile attack on the Afghan Government and ISAF headquarters in Kabul, the capital of Afghanistan. The U.S. Ambassador 2 days ago then announced this was the work of the Haqqani Network. That is a very important factoid. Then yesterday, the Secretary of Defense also highlighted the Haqqani and pointed a direct finger at the Government of Pakistan and its intelligence service, the ISI.

It is all well known that while there are terrorists operating loosely in Pakistan who attack Afghans and Americans, it is the Haqqani Network that enjoys the official support and backing of the intelligence service of Pakistan.

Given this new information, and especially given the statement by the U.S. Ambassador in Afghanistan, Ryan Crocker, and now our Secretary of Defense, Leon Panetta, the Senate should engage in an agonizing reappraisal of military assistance to Pakistan. We should base our reappraisal on the statements of our own Ambassador in Kabul and the Secretary of Defense himself.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BLUNT. Mr. President, I want to talk about the disaster funding debate that is going on this week.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DISASTER FUNDING

Mr. BLUNT. I appreciate the Presiding Officer's recognition.

Mr. President, this is a debate that has become the debate as part of the Burma Sanctions Act, which if we were debating the Burma Sanctions Act I would also be for Burma sanctions. But in the debate on disasters, Missouri has played an unfortunate leading role this year of all kinds.

We have had floods along the Mississippi River. We have had floods along the Missouri River. Joplin, MO—one of the bigger cities in our State—was hit by a tornado. We have evacuated a place in southeast Missouri, a floodway called Birds Point, where, for the first time since 1937, the Corps of Engineers decided that 130,000 or so acres had to be used as a floodway. All the crops that were already planted and up were, obviously, destroyed as part of that.

I was in that floodway for a couple of different days in August, and I will say, the resilience of Missouri farmers to get about 80 percent of that floodway back in soybeans means the economic loss, the crop loss, will not be what it was. But the recovery loss is substantial, as is the cost of rebuilding that levee back to the level it was before the Corps exercised the long plan that had not been used to take it down.

Tornadoes struck St. Louis at the airport and around Lambert Field, in communities around Lambert Field. Tornadoes in Joplin were significant. I mentioned on the floor of the Senate before that I live close to Joplin. It was

in my congressional district for 14 years. I had an office there. I am probably as familiar with Joplin as anybody who does not live there or has not lived there.

As I went to the scene of this tornado, the devastation made a city that I was very familiar with—at least a half-mile path, 6 miles across that city—virtually unrecognizable by me or the local police officer who was driving me around. There were no street signs left. Every block looked like the block on either side of it—an incredible amount of devastation.

There were 162 people killed either at the time of the tornado or who within a few days of the tornado died as a result of injuries; 900 people were injured. A hospital was destroyed that will cost about $500 million to replace. The high school was destroyed. The vo-tech school was destroyed, lots of elementary schools destroyed, 500 commercial properties, 8,000 apartments and homes, and I think ''destroyed'' in virtually all those cases would be the right word; some of them salvageable, most of them not. Homes, churches, elementary schools, the Catholic school—all destroyed by that tornado.

While we make headway every day, finding housing for people in that community who were affected by the loss of those 8,000 homes, and while the schools were up and running by the day schools were scheduled to start 90 days later, in an incredible way, looking for whatever space was available and turning that into schools for this year, there is clearly a lot to be done.

This exceeds the capacity of an individual community or even a State to do what needs to be done. I am in the process, and have been for some time now, of discussing with GAO the exact right request, to be sure we are not declaring disasters as national disasters that are not national in scope, that we have not gotten into a habit of saying: That is a disaster, the Governor ought to send a request to the President and the President ought to grant it. We do not want to be doing that when a State or a community could handle the problem. But we do always want to be sure we have the resources necessary when States and communities cannot possibly handle this kind of problem by themselves.

The tornado I talked about was one; the flooding in the entire Mississippi Valley watershed, which is I think the fourth largest watershed in the world. And whether it was the Missouri River or the Ohio River or the Mississippi River itself, or the Arkansas River, all of this flooding that occurred this year has set a recovery number that does require national involvement. If we do not recover from these floods, the right kinds of things do not happen.

I had a county commissioner tell me over August that the factory does not open until the highway opens. And the highway does not open until flood protection is guaranteed. And flood protection is not guaranteed until we appropriate the money.

You know we should be and appropriately are focused on jobs as the No. 1 priority in the country today, private sector jobs. But there are a lot of private sector jobs in my State and others that have not been there for months now because the factory is closed or the business is closed. That factory is not going to open again until people can get to work. And people are not going to be on the highway to get to work until the levee is rebuilt. And the levee is not going to be rebuilt until the Corps of Engineers has the money to do the job they are supposed to do and meet their obligations. The Corps is responsible for taking care of some of our most pressing needs, whether it is restoring the levee at Bird's Point or levees in northwest Missouri in Holt County, which has 165,000 acres—more than half the county—underwater. A lot of that has been underwater now for 3 or 4 months.

I talked to a farmer in my office yesterday who went to his own home for the first time in 3 months, by driving a tractor over some fairly high water areas but passable areas. His home had not been flooded, but everything around it was. So he had not been there for 3 months when we talked yesterday until he went this week.

Whether it is water along the entire Missouri River, which has been in flood stage through the month of August, recovering from what has happened on the Mississippi River, we need to do our job. In our case, the Missouri River, this has not been a-1 week flood; this is a 3- and 4-month flood.

I do not remember a time ever—in fact, I am not aware of a time ever—when the entire Missouri River from the Missouri border in the northwest corner of the State to St. Louis was in flood stage the entire month of August, and in some cases has been in flood stage now for what is 4 months. Community development block grants that help with disasters provide communities a short-term and long-term way to meet disaster recovery. Disaster community development block grant funds can pick up where FEMA leaves off. I hope that is part of our plan as we look for this disaster bill, which I am intending to support—or the final, or another disaster bill that we can agree to with the House—to be sure that we make it possible for these communities to do what they could not do on their own or could not even do with State assistance.

In Joplin, it is things such as underground utilities and storm sewers and sanitary systems of all kinds, owner-occupancy programs to get people who owned a house but may never own one again because the house they owned, through frankly their own inability or their oversight or their decision not to have insurance—you know, if you own a house and you do not have a loan, there is no banker to tell you that you have to get insurance. We will have some people who are negatively affected by that. But that was a decision they made. However, getting them into a house that they do not own is something that there are government programs for that are designed to help.

Community development block grants allow qualifying communities to meet local matches and local needs without a whole lot of redtape, less redtape than a lot of other things that the government does. And, of course, with the most recent hurricane, Hurricane Irene, suddenly FEMA says: Well, I know we made a lot of commitments to other communities that are already in progress, but we now have to turn to the new disaster. I appreciate turning to the new disaster. But you cannot forget that a community has problems they cannot deal with that we said we were going to help with, just because the TV satellite truck has gone somewhere else. I think it is important that FEMA meets its obligations.

As I said before, I think it is important in an ongoing way we are sure that we have a standard for natural and national disasters that truly are national in scope. With thousands of acres of Missouri farmland still underwater, with communities trying to recover from tornados, with commitments that FEMA has told them to move forward on and now suddenly does not have the money that they had already committed, we need to be concerned about that.

Programs such as watershed emergency protection and conservation emergency protection that are in this bill that were in the Agriculture appropriations bill that the committee voted out earlier this week will have a big impact on meeting these obligations.

Despite the unprecedented year, my State and Americans everywhere are responding to these disasters, this is a time when the Federal Government needs to do what the Federal Government has said it is there to do. Hopefully we will do this with this bill or some other bill that comes quickly that allows these communities to meet their needs, these farm families to get back to work, these factory workers to see the factory doors open again. I am supportive of this effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized without objection in the majority's time. Only 4 minutes is remaining.

Mr. BURR. Mr. President, am I incorrect that the other side has a speaker coming at 11 o'clock?

The PRESIDING OFFICER. The Chair does not have information about that.

Mr. BURR. I will take whatever time the Chair gives me. I will yield, when I need to, to the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. Let me add to what my good friend from Missouri talked about. That is about the Federal commitment to disaster. North Carolina happens to be one of those States that is probably the most recent. We welcome the attention of FEMA, but we

also have the last disaster before. And just like he expects the promises to be fulfilled, even though we are first in line now, we expect the promises to be fulfilled to those who are already out there. Our country is great enough to do it. It is the greatest country in the world. But it means we have got to do it in a responsible way. Part of that means we need to pay for it. I hope my colleagues will join what I think will be a House effort to expedite the funding needed for disaster relief but to do it in a way that we do not charge future generations because of our fiscal irresponsibility.

I had the opportunity to participate in a colloquy earlier on reforms to K–12 education. I wish to take the few remaining minutes I have to talk a little bit more about that, because I think to some degree we hear about education and the failures of K–12.

Senator KIRK alluded to some charter schools in Chicago. I want to mention a school nobody hears about. It is called the KIPP Academy. Technically, it is a charter school. It started in Houston, TX. Then it expanded. Its second location was in New York City. Its third location was targeted to be Atlanta, but halfway between Atlanta and New York they found a little county in rural North Carolina. It is called Northampton County, and a little community there called Gaston, NC, the last place you would expect a Texas innovative charter school to say, let's put a facility here. Predominantly minority; clearly below the average income level of every county in North Carolina; challenged for economic development. They do not have the infrastructure. But KIPP looked at it and said: You know, no child should go without what we are out there to offer. Today the success rate of that school is off the chart. But it also is in every KIPP location that has opened.

When you have successes such as that, whether they are in Houston, TX, or New York City, or Gaston, NC, the responsible thing is to stop and take a breath and ask yourself: What have they figured out that either we have not in Washington or what flexibility do they have that we do not give everybody else?

When you walk into a KIPP school, it is markedly different as soon as you walk in the door. Most kids are in uniforms. The school day is longer. The teachers are partners in education, which begs me to talk a little bit about Teach for America, the program that many Members of Congress support.

Teach for America challenged the next generation of kids who want to be educators to commit a certain portion of their life in these at-risk locations. It is a program we ought to support because its standards for its teachers exceed the definition we have for ''highly qualified.'' As a matter of fact, not only do their credentials make them one of the best individuals to put into a classroom, you match that with their passion for their students to succeed, and all of a sudden you have got a formula for success regardless of the socioeconomic conditions of the child who came.

Well, I fear Teach for America is not going to get the attention of Congress that it should. Yet across this country, when you find successful, qualified teachers, they have come out of this program. The commitment to be there for 2 years or 3 years or 5 years is no longer a contract that they are waiting for the end of; they are looking for the opportunity to make this a career.

It is those teachers, those Teach for America graduates, who are finding their way to being the principals of schools, to being elected on the school board, to being involved in areas that, for once, now these Teach for America graduates are challenging traditional education to live up to what this obligation is they have got. That is to make sure that every child has the foundational education they need to compete.

It does not matter whether the example I talk about is the KIPP Academy charter model that was started in Houston or whether it is the Noble Street charter that was created in Chicago. All of these examples were not created here. They were not created in Congress or in Washington. Yet what typically we do is we try to import the solution from here.

I will be the first to tell you, a principal is much closer to your children than the Congress of the United States. They are much closer to the school. They are much closer to the school system. They have greater influence on the outcome. Where have we been influencing education? We influence it on the input side, not the output side, because we say: Here is some money. We have got some money. But you can only use it for this because we have determined this is the solution to the problem. KIPP sort of broke the mold. They said: Our mission is to educate every child. We want to see them succeed.

Let me give my colleagues an example. In Charlotte, NC, they opened a KIPP Academy, K–8, next door to a traditional K–6 school. There is no way anybody can look at it and say, this drew kids who were in a different neighborhood. No, it drew kids from exactly the same neighborhood. But if you look at the performance side by side physically, the performance of the kids in the KIPP far exceeds the performance of the kids in the traditional public school system.

(Mr. BROWN of Ohio assumed the chair.)

Mr. BURR. Why? Because KIPP officials have the flexibility to design how they educate those children. The goal at the end is the same—to meet a standard of performance, to meet an educational level that is set nationally.

To me, it only makes common sense for us to see the ones that exceed the goals we set and ask how do we import what they do into the rest of our K–12 system? Part of it is recognizing the fact that up here we don't have the solutions; we are merely a financial partner. That is one of the reasons this morning I introduced a bill. What that bill does is it takes 59 pots of money—59 separate programs that were funded last year. In one area, we call it the fund for improvement of teaching and learning, to say we can take 59 programs and combine them into two pots of money; one is teaching and learning and the second one is safe and healthy students.

In the teaching and learning area, we have consolidated about 24 funding programs into one. We have said to local educators that they can use this money however they want, if their focus is teaching and learning, and they can pull out of the other pot any moneys they need for programs that address safe and healthy students.

We went a step further and said, if one of these pots of money doesn't work for them, then we will give them 100 percent transferability from one pot to the other. So if their objective and their need is greater in teaching and learning, we will give them the ability to take the safe and healthy student money and throw it over into the teaching and learning pot so they can access more funds.

In addition, some communities across the country might need additional help in title I, at-risk students. We allow 100 percent transferability of both of those into title I. For those concerned with title I, not only do we not touch it, we make it available to receive additional funding if a school system decides to do it, not a bureaucrat in Washington, DC.

Under the fund of improving teaching and learning, States and local school districts may use funds for activities and programs that meet the purposes of the fund for the improvement of teaching and learning and their unique and individual needs. These may include evaluation systems for teachers and principals that take into account data on student academic achievement and growth as a significant factor.

That is exactly what Senator ISAKSON was talking about, the need for accountability. But we are trying to take a majority of the responsibility for accountability and send it to the local school systems. All we can see are numbers up here in comparison to what our goal is for people to hit. I am concerned that a community takes ownership in the performance of their school system because that community is reliant on their success for their future.

My hope is, school systems and communities around the country will see this as a tremendous opportunity to once again not only take control of local education but to be empowered to make decisions on the way they teach our kids.

It reforms teacher and principal certifications, recertifications, licensing, and tenure; alternative routes for State certification of teachers and

principals, including mid-career professionals from other occupations, former military personnel, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective teachers and principals.

There is this whole pool of people we exclude because they didn't go through a traditional method of being classified a teacher. Yet their base of knowledge, their expertise and, I suggest, their passion, in many cases, exceeds those who might be in the classroom today.

Is it reasonable to believe that a pharmacist has the institutional knowledge to teach chemistry? I hope so because we trust him every day when we go into a pharmacy. If a pharmacist feels impassioned enough that he or she wants to go into a high school and teach chemistry, what they might lack in the educational process of becoming a teacher they certainly have in knowledge; but more important, they may have the passion to want to be in there and, more important, they have an understanding of why the success of that student is absolutely vital.

It includes performance pay systems; differential, incentive, and bonus pay for teachers in high-need academic subjects and specialty areas and teachers in high-poverty schools and districts; teacher achievement initiatives that promote professional growth, multiple career paths, and pay differentiation.

Everywhere else in the world we pay bonuses for performance. In the government, we pay bonuses even when people don't perform. I haven't quite figured that out. When we introduce bonuses, it is not based upon whether somebody—an agency or a department—succeeded; it becomes part of their annual stipend. We have to revisit that. Why would we institute it in government and then suggest that when we import this into K–12 education, somehow it is wrong?

The only reason it is wrong is because the teachers union doesn't like it because they don't negotiate. That has to change. The teachers union doesn't know our children. The truth is, the only reason the majority of the teachers actually join the union is because they are the only source of liability coverage, liability insurance that teachers can get. The fact is, you and I would not teach in a classroom without liability insurance, based upon the accusations and charges some families come up with against teachers. Ask them, if you don't believe me. Maybe we ought to look at the Federal umbrella and allow teachers to access liability from us and maybe contract with a third-party insurer and give them the opportunity to go into that classroom and only be concerned with educating children. I have never had anybody from Teach for America talk to me about liability coverage. They only come and talk to me about the success of their students or the need to expand programs at work and about the need for flexibility at the local level because they have gone to multiple school districts and they do things differently, because that is where the administration told them they had to go to get their Federal money.

I am suggesting a radical change: Taking 59 programs, put them into two pots, shake them up, and say: You pick what is best for the school system you are in.

With safe and healthy student block grants, the local districts could use the funds for activity and programs to meet the purposes of safe and healthy students and their individual needs, which are not limited to drug and violence prevention activities and programs, before and afterschool programs, including during summer recess periods, and programs that extend the schoolday, week, and school year calendar.

It includes school-based mental health services. Some of these sound eerily familiar because we have heard people in our community saying we are not doing enough in mental health. That may not be the issue in the community next to us. This now allows the flexibility for the school systems that need to access it to access it. I think every Member here wants to make sure there are afterschool opportunities for the many families in which both the husband and wife work.

Up to this point, we said: Here is the program; you have to use this program. Now what I am saying is: Here is the money; you decide what program best fits your school system. It may not be at the local rec center; it may actually be in the school. Think about it. It is already a facility we own. We are going to have to heat it and cool it. Why not utilize it other than just during the meat of the education day?

It includes emergency intervention services following traumatic crises. It seems every year we have these events that happen, and sometimes we forget the effect it has on these students. I talked earlier about eastern North Carolina and the effect of Hurricane Irene. I have communities right now where people have not been able to return to their homes. The road is gone, the power is not back on, and the only access is by ferry. Don't for a minute believe this doesn't have an effect on a fifth grader. Maybe school had only been in effect about a week, but they are traumatized from it. If it is identified by a school system, now they have the flexibility to treat that, because I can assure you that if they are traumatized, the ability to learn is probably minimized.

There are programs that train school personnel to identify warning signs of youth suicide. I would like to suggest that doesn't exist, but the truth is, we know it does. In many cases, it is identified by the people who spend the most time with them, which are the teachers, coaches, and administrators. They don't have the capacity to intervene in any way, shape or form. Now the flexibility is at least there.

I am not suggesting that any of these areas are things school systems have to do. But I think, for once, we have laid out a buffet and said they can pick and choose what works. If I could best summarize where I think our focus should be in Washington on K–12, it is on the outcome. Are our kids learning?

Last year, about 66 percent of our Nation's high schoolers graduated on time. In North Carolina, it was barely over 70 percent graduating on time. Let me assure the pages who are here and young folks who might be listening to this, there is a Federal law that says every company has to accept an application from somebody who is looking for a job. There is no Federal law that says they have to interview that applicant. If you are an employer today and you have 100 applications and 98 have a high school diploma and two of them don't, I can assure you the two who don't have a high school diploma will not be invited back for an interview. They are out of the pool of selection because that has become the base minimum for consideration of a job that might have any upward mobility. It doesn't mean every child has to have a 4-year degree. But it does mean, from a standpoint of the business world, business has sort of cut it off and said our threshold is a high school diploma. A high percentage of our kids are not graduating from high school on time. If I was on the floor talking about health care today, we would call this an epidemic and we would fix it. No, this is education. This is somebody else's children. I have raised mine and educated mine.

This is the future fabric of America. We can either fix education or the rest of the world will clean our clock economically in the future. The secret to long-term success is making sure we field a team of highly gifted, knowledgeable Americans. If we plan to do that with a high of 60 percent of our kids with barely a high school diploma, I assure you the rest of the world will see that as an opportunity to surpass us and bury us. We have an opportunity to fix it now.

We talked earlier about No Child Left Behind—the right direction of legislation that was severely implemented incorrectly. It could have been a real winner if people embraced it, but they didn't. Now, 9 years later, 4 years after we were supposed to assess its success, make changes, and reauthorize it, we are in the ninth year, struggling to put together a reauthorization bill—in large measure because up until now everybody wanted to try to create a Washington bill to initiate solutions to elementary and secondary education versus a local approach that Washington is a partner in that provides flexibility and imagination.

We are going to spend a lot of time between now and the end of the year because it is vital we get reauthorization in 2011. I don't think we can let another class of students suffer through the lack of flexibility in the school systems they live in.

Senator KIRK talked about the need to expand charter school opportunities. I am for it. I cosponsored the bill. But just because there has been a private alternative that works, let's also face the reality that we are not going to put every child in America in a charter school. We might ought to, but we are not. And unless we want to say up front that everybody who is not in a charter school is going to suffer and they are not going to have the educational foundation kids over here have, then we better do both at the same time—provide that new avenue of education, which is an expansion of charter school opportunities; challenge the private sector, like KIPP stepped up; and design a school that works and at the same time look at the public side of it and say: What do we need to do as a country?

I would suggest, when we honestly look at that and we focus on outcome versus input, what we will find is we have to empower more of the local community. We have to challenge business leaders in that community to hold the school system accountable. We have to challenge parents to actually look at the performance of their children and to hold those principals and administrators and teachers accountable for the performance of their kids. We have to make sure a community sees the success of education as the ability for that community to grow in the future.

When you go into a community, the worst thing you can hear, as a Member of Congress, is that when the kids graduate from high school, they never return. They never return because the business opportunities aren't there. Usually that is rooted in the fact that K–12 in that community doesn't work because wherever you have an educated workforce, you have a company looking to make investments.

I have heard my colleagues say that North Carolina has unfair advantages in economic development; that we have 58 community colleges, and that gives us something to sell that everybody else doesn't have; that we have the mountains and the beach, and that is not something everybody has. It is all a good thing to sell, but let me tell you what North Carolina really has. Let me tell you why companies around the world are investing in North Carolina. It is because we produce the second largest pool of graduates of higher education annually than any State in the country other than California. When a company invests $1 billion in North Carolina, they know every year they can reach into the graduate pool and have a shot at getting the cream of the crop of those students. Why would it be any different for a company looking at locating in any community? If they look at a community that has a pitiful performance in K–12, why would they ever think of making the investment there? They will make the investment where the future workforce is available. If they believe the kids graduate and leave and never come back, they will look for where those kids moved to and make their investment there.

If we want to keep communities alive, whether they are in Ohio or North Carolina, we have to find a way to make K–12 a success in every community, big and small, urban and rural, and it starts by legislation that empowers those local school systems and, more importantly, shifts accountability from Washington and puts it back into the community, makes it the responsibility of the officials, the business leaders, and, most important, the parents.

Mr. President, I thank the Chair for accommodating me this morning. I noticed the other speaker didn't come in, so I am thrilled I was given the extra time.

I urge my colleagues over the months to come to pay attention to the K–12 reauthorization. There are many proposals out there. Not all will work, and we are not assured any are certain to succeed. But if you look for guidance, talk to the people who are closest to the problem. What they are screaming for today is the flexibility to put the money where it can have the greatest effect on the outcome of education, and that is this legislation.

I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATION ON HOLD

Mrs. BOXER. Mr. President, I come to the floor frustrated, angry, and disturbed that our Republican colleagues are holding up three crucial bills. And America needs to hear this. They are stopping us from completing our work on our emergency FEMA bill, which contains the monies needed throughout this country to rebuild and repair storm damage, a lot of it infrastructure—sewer plants, waterplants, roads, bridges, and highways.

We see pictures of what is happening in places such as Vermont, where, as Senator LEAHY told us yesterday, a woman he talked to has to drive 1-hour-plus for her chemotherapy because the road is gone, and it used to take her 5 minutes. We need to fix that road. We need to fix the roads, the bridges, the highways, the sewer systems, the water systems, the schools that get harmed in these natural disasters, and the Republicans are holding up the bill to let us do that.

We have holds—more than one—on the highway bill, known as the Transportation bill, and the FAA, our Nation's aviation bill. And here is the real shocker: The FAA and the Transportation bill, which have been merged into one bill, have come over from the House of Representatives, and the House relented on the numbers. They are at current levels of spending. They are clean extensions, which we wanted, but the Republicans over here will not let us get to those bills.

Tomorrow, the FAA authorization to fix up the airports, rebuild the airports, expires. So there will be no fee as of tomorrow, and we have to stop, midstream, our airport improvements that are going on. It is called the airport improvement fund. They already shut that down once. I went around my State and saw safety projects stopped midstream. Now they are doing it again right over here—the Republicans right over here—holding up the FAA bill again. It means 70,000 jobs lost on Friday night.

They are holding up the highway bill, the Transportation bill, which—I am so proud—in our committee, we got the extension. Everybody agreed to it, Republicans and Democrats, in the committee. Republicans are holding it up now on this floor. It is a clean extension. It is 1.8 million jobs, everybody. There are 1.8 million jobs relying on that extension. It has come over here from the House. Take it up and pass it. Oh, no. Oh, no. There they go again, stopping progress in this country.

I will tell you why I am so particularly frustrated. It has to do with the rebuilding that is going on and that has gone on in Iraq and Afghanistan with American dollars. Not one Republican ever objected. Let me show you the pictures. Let me show you the pictures.

This is a picture of a new water treatment plant that has been built in Nassiriya, Iraq, at a cost of 277 million American dollars. Not one Republican said: Stop this. Not one Republican said: Pay for it by cutting some other program. What is going on?

Let me show you the picture of a water treatment plant near the border of Mexico in my State of California. It is old. I visited this treatment plant. It got hurt in an earthquake, and FEMA—the bill they are holding up—will pay to finish this water treatment plant, which has to be fixed before another earthquake hits us. And we know that is what is happening.

So they were fine with building a water treatment plant in Iraq—not a complaint, not a murmur, not a word, not an amendment—but we have to fix our water treatment plants here with the FEMA bill, and they are holding up the bill, and everybody knows that because we could have taken care of that yesterday. So that is an example.

Here is another example. This is a picture of road construction in—and I want to say this right—Kapisa Province, Afghanistan. Everyone is very proud that America has built a road there. We have spent a lot of tax dollars in Afghanistan and Iraq. I am

happy for the people there that they have a road, and, God, we pray that nobody blows it up. But I have to tell you, if you are going to build roads in Afghanistan, you had better build roads here in America or the American people are going to rise up and say: Who are you fighting for?

I have never heard one Republican say: Oh, they are building a road in Afghanistan. That is an earmark. That is an earmark. Let's stop it. That is a problem. Let's stop it. We are spending X number of dollars. Let's cut another program. Never a word. But now we have our highway bill right now coming over from the House. They changed their mind over there. They did not cut it. It is current levels of funding. It is a good bill. It will last for 6 months' funding. It will preserve 1.8 million jobs. And the Republicans are holding it up right now.

Why do you think this Chamber is empty? Why do you think I am here letting off steam? Because we are not voting. Let us vote. If you don't like the highway bill, vote against it. If you don't like it, that is fine, vote against it. Let us vote. Ninety people will vote for it, probably. Let us vote.

So here you have a picture of the excitement around a new road. Let's take a look at another picture of a road in my home State.

In January and February of 2010, California was hit by terrible winter storms and flooding and mudslides. This picture shows a road that was blocked after these storms. These storms hit us in many counties: Imperial, Los Angeles, Riverside, Calavaras, San Bernardino, Siskiyou—all of these counties declared emergencies. They are all waiting for the funds to rebuild a road that looks like this. It is impassible, shutting people down—a lot like the roads in Vermont now and other places.

They are holding up the FEMA bill, they are holding up the highway bill, they are holding up the Federal Aviation bill, and it is wrong. I have never heard them say: Strike that road we are building in Afghanistan; it is an earmark. But they are holding up, they are holding up the three bills we need to do.

So now I am going to show you another program. This is a brandnew air traffic control tower being built in Mosul, Iraq, at a cost of $10 million. You can see it is almost ready. The scaffolding is on it. It has been built. I never heard one Republican say: Oh, wait a minute, let's strike some other money somewhere else to pay for this air traffic control tower. I never heard one Republican object to building this air traffic control tower in Iraq—not a word—but when it comes to our air traffic control towers, you hear plenty.

They stopped us from moving ahead with the FAA reauthorization before we left for the summer break. It resulted in 70,000 people being laid off. And here is one of my towers in Palm Springs, stopped in the middle, shut down in the middle. The workers had to leave. They lost money, the contractor did. The workers—some of them went off to other jobs, and they had to hire new workers. I stood in front of this tower. I stood in front of the tower in Oakland. I went to Los Angeles and saw the work stoppages that occurred on the new Tom Bradley terminal because the Republicans shut us down.

Now, today, we come back. We all think we have a new attitude around this place, but we are shut down again. And we have 24 hours to get this FAA bill done or 70,000 workers will be out again. And we have until September 30 to pass the Transportation bill or 1.8 million workers will be out of work.

Now, we have heard complaints from the other side as to why they are holding it up, so let me give you some of that argument.

One of our Senators from Oklahoma, Senator COBURN, says he wants to hold up the Transportation bill, which includes Transportation and FAA, because he doesn't like one part of the program. Two percent of the funds go to things he doesn't like. Well, he has every right to that opinion and every right to work with us on an amendment and get it done, but he is holding it up. We could have had that amendment yesterday.

He doesn't like the transportation enhancements program. For the record, there are a number of things in that portion—which is a relatively small amount of the bill, 2 percent of the bill—and we are reforming that section next year when we get to the new bill, but he is holding it up. Now, he is wrong to hold it up because of what I told you. He is putting at risk all of these safety improvements at our airports, he is putting at risk 1.8 million jobs on the Transportation bill, and he is putting at risk 70,000 jobs at FAA because he doesn't like this program.

He also misled people. He said we spend 10 percent of our transportation money on this transportation enhancements program. We do not. We spend 2 percent. Ten percent is not 2 percent.

He went on to say that safety should be a top priority. And we agree. But he doesn't understand what the transportation enhancements program is. It is about safety. It is about safety. The transportation enhancements program is mainly about saving lives by preventing bicycle-and-pedestrian fatalities. That is what it does. It says to the States: We have a pot of money here. If you want it, you need to make sure you make safety improvements for pedestrians and bicyclists.

Pedestrians and bicyclists account for 13 percent of traffic fatalities nationwide, with more than 47,000 pedestrians killed in the 9-year period 2000 to 2009. That is the equivalent of a jumbo jet crashing every month. So the safety enhancements supported by the program Senator COBURN wants to eliminate are needed to prevent these deaths.

Bike paths and pedestrian walkways are important. Fifty percent of trips are 3 miles or less, 12 percent of all trips are made by bicycling and walking, and bicycle commuting has increased by more than 40 percent between 2000 and 2008.

So why on Earth does he want to hold up this critical bill and the FAA bill—because they are married together—to say he is for safety when he wants to eliminate this whole program, which is dedicated to safety for our pedestrians and our bicyclists, 47,000 of whom perished because we don't have these safety enhancements in place? All Americans benefit from the program he wants to eliminate.

We strengthen local economies, we improve the quality of life, we protect the environment, and he is willing still—because that is what he is doing by holding this up—to risk shutting down our Nation's entire surface transportation system as well as critical FAA programs and more than 1 million jobs because he doesn't like this program.

Well, do you know something, every one of us here has a pretty big ego. You get here and, yeah, it is important. Set it aside. You don't like something? Offer an amendment. Don't hold up all of these bills. It is wrong because if we do what they did—shut down the FAA—it makes a rough economy rougher, and it stalls us from doing the work we have to do. No one stalled the airport improvements in Iraq. No one stalled over there, on the Republican side, the road improvements in Iraq. No one stopped improvements in Afghanistan. No one stopped water system improvements in the war zones. But somehow, when it comes to America, well, we had better cut this and cut that and offset this and offset that.

We have a budget. We are going to live by it. We have an emergency. If we look at the explanation in Webster's dictionary of an emergency—here it is, an emergency:

> No. 1, an unforeseen combination of circumstances or the resulting state that calls for immediate action

Webster's dictionary has it right. This ought to be put on the desk of every one of my Republican colleagues. Another definition:

> No. 2, an urgent need for assistance or relief.

When there is an emergency, one steps to the plate and solves the problem. Just ask Senator LANDRIEU, who has been leading the battle on this FEMA bill. We cannot tell people out there that they only have 30 days' of funding because they have to enter into a contract. It may take 3 or 4 months to rebuild a bridge. It may take 6 or 7 months to rebuild a water treatment system. But that is the way they approach it over there—when it comes to America.

When it comes to funding wars and rebuilding the war zones, I don't hear a peep out of them, not a peep. I say it is time for America. We have a choice.

We can stand up for America right now, today. We can pass these three bills.

The FEMA bill gives our Governors and our people in the States the assurances that FEMA will team up with them and do what it takes to rebuild after these horrifying emergencies—which, by the way, are becoming more and more frequent because of climate change. But that is another matter for another day. That is another battle for another day.

Unfortunately, in this body science takes a back seat to politics and the special interests that want to say: Oh, climate change; no big deal. We need to protect our turf. That is what they say. And we have done nothing.

The President has done what he can, and bless him for it—fuel economy, all these things. But it gets worse and worse. We have done nothing. I have four grandkids, and I am so hoping in the rest of the time I have to be in this body and on this Earth that I can get us moving on this climate change. But, oh, no. So I guess we sit back while we see more and more extreme weather emergencies, while we see extreme weather emergencies.

If the other side doesn't want to do anything about the cause of it, fine. That is their choice. They have to live with themselves. They can at least help us adapt to these problems, and that means paying to fix our roads, bridges, highways, our water systems, our sewer systems, all these things that get exposed to these weather emergencies.

Do you know 70 percent of our bridges are deficient? I thank my ranking member on the Environment and Public Works Committee, Senator INHOFE. He and I don't see eye to eye on the environment. That is an understatement. But when it comes to the infrastructure, we agree. He talks about the tragic death of a young woman who was walking and a bridge literally fell apart. It fell and killed her.

This is America. Seventy percent of our bridges are deficient, and we have colleagues holding up this bill? I say shame on them. Shame on them for doing that. It is outrageous. We finally got the House to come to us, to come to our number to freeze spending. I thank them for that. They came to their senses. They realized we need to build our highways. We need to maintain our airports. They sent us a bill that is good.

On FEMA, they are not so good. On FEMA, they are doing a bad thing over there. They are trying to cut programs that create jobs to pay for these emergencies. That is a whole other deal. But today we have a bill for FEMA that would do the job.

I said in my last talk about FEMA and the emergencies that we face: If your neighbor's house is on fire, don't waste time and fight about the cost of the garden hose. You will get that later. Your garden hose helps them, and you feel they are a part owner. You can discuss it later. Get out the garden hose, put out the fire, and everybody is going to be OK.

Playing games with these things is not right. It is beneath the dignity of the people of America who think we are a bunch—let me rephrase that—who do not rate us very highly. That is an understatement too. How much lower can you go than 13 percent?

I would say this: If we cannot do these bills we do not deserve to be 13 percent popular. We do not. We have certain basic responsibilities, and I am sick and tired of paying for roads and bridges and embassies and buildings and everything else in Iraq and Afghanistan. We have given those people our finest. They have bled, they are still bleeding, and they have to take responsibility for their own nation. We have to take responsibility now for our Nation.

Time is short. If the Senate does not pass that highway bill, 1.8 million highway and transit jobs are at risk. If the Senate does not pass the FAA bill by tomorrow, 70,000 jobs are at stake.

We saw what happened. I visited the airports. It was tragic to see people saying: I had no job—because these are all private sector jobs mostly. There are some government jobs. For example, the FAA inspectors—some of whom paid on their own dime to fly across the country and inspect some of the projects. God bless them, and we better pay them for what we did.

My understanding is this bill does not do that, but Congressman MICA claims he is going to take care of that. But we are about to do it again over here if Republicans do not come to their senses.

In summing up, this is a day for us to make a clear point that America has to start taking care of its people. We all read the papers. We know what is happening to the middle class. We know what is happening to the poor. We know what is happening to our roads. We know what is happening to our bridges. We know our airport system is from the last century. We have to have NextGen. We need to move to a GPS system, away from a radar system. They say: No, no, no.

The message has to go out to the American people. They blame everybody, and I don't blame them. But right now it is clear: The Democrats in the Senate want to pass three bills right now. They are all very important. One of them is the emergency FEMA bill to pay for these terrible disasters that have been hitting us. Those are emergencies, and we need to go ahead and respond.

No. 2, a highway bill to fix our deficient bridges, to fix our highways and our roads that are 50 percent deficient. In other words, half of them are not up to standard. We are living off our grandparents' investments at this point. We have to invest in our infrastructure and all the jobs that come with it.

So we have those three bills. FAA and highway have been merged, and then we have the FEMA bill. We are sitting around not voting. Everybody, look at this Chamber. No one is here. No voting is taking place because we are the subject of a filibuster, which means a big stall.

Again, I ask my friends on the other side: Where was your outrage when we were building roads and highways and bridges and airports in Iraq and Afghanistan?

Where was your outrage about the money?

Where was your outrage about cutting something else to pay for that?

Where was your outrage?

I tell you I never saw it. I never felt it. I never heard it. It is, in a way, humiliating for the American people that somehow they are just not as important.

I am here to tell them they are important. Their jobs are important. Their work is important. America, as an economic leader, is important. So I will be back on the floor to debate any one of my colleagues on the other side who disagree with anything I said—and that is fine.

They may disagree. They may defend why they allowed projects to go through abroad but not here. They may say why they want to cut safety programs from the highway bill that will save lives. By the way, that transportation enhancements program they want to do away with was a bipartisan idea that came from Republican John Chafee and Democrat Daniel Patrick Moynihan in 1991. That sounds like 20 years to me. Twenty years we have had that program.

Can we look at it? Can we reform it? Can we make it work better? Of course. But don't just stand here.

By the way, one of our Republican friends said just cut it, and we do not even need a vote. Just take it without a vote.

No. If we are going to vote on that, we are going to fight about it and have a vote. But let's have a vote. Every minute this Chamber sits idle, let me tell you what happens outside in the real world. This is the fake world out there. In the real world people are calling one another: What are they doing over there? We have a chance to get these bills done fast. What are they doing?

Finally, we get a bill that comes over from the House that is bipartisan that is a freeze, that has everything intact, that sends a message we can move forward with FAA for 4 months, 6 months on the highway bill, and we cannot get it done.

I urge my Republican friends to change their minds and change their tune and stand up for America. Let's get on with the business of taking care of this country: its highways, its bridges, its roads, its airports, its emergencies. If they do that maybe we will see the American people have a little more faith in us because right now

they have lost faith. And I don't blame them one bit.

Mr. President, I yield the floor.

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. BROWN of Ohio. I ask unanimous consent that the order for the quorum call be rescinded and to speak as if in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ECONOMIC DEVELOPMENT

Mr. BROWN of Ohio. I was listening to the Senator from California describe how the American taxpayers pay for all kinds of public facilities from utilities to schools to water systems to energy production in other countries around the world, and according to Senator BOXER there is never objection to that from the other side of the aisle. But when the President of the United States wants to do that same kind of construction in the United States of America, there seems to be objection. I was taken by that, one, because it is true; second, because it is pretty unbelievable that when the President decides that working with the Congress—causing the Congress to pass legislation so we can build schools and renovate schools in Michigan or California or Cleveland or Toledo—that some conservative Members of Congress in both Houses say, well, we can't do that even though we want to pay for it by closing the Wall Street tax loopholes, by taking away oil company subsidies, by closing the tax incentives that are in Federal law now that encourage companies to leave Hamtramck or leave Youngstown and go to Wuhan or Shanghai.

I was on a conference call yesterday with some school principals in Ohio, a principal from Zanesville, a moderate-sized community in eastern Ohio, who had been a principal in a nearby rural school district some years before, who was talking to me about how important school renovation is. The average school building in the United States is 40 years old. We would put so much effort in infrastructure in the 1940s, 1950s, 1960s, and 1970s, from Dwight Eisenhower with the interstate system to school superintendents and local taxpayers building schools and new water and sewer systems—including all the infrastructure we built in this country after World War II—in a bipartisan way to help our country grow. We put people to work doing the construction. We put people to work doing the manufacturing for materials used in the construction, and putting people to work because we built this infrastructure that the Kroger Company in Cincinnati needs to move its produce and other things for their stores all over the Midwest. It is the kind of infrastructure rebuilding that helps us with economic development.

The President was in Columbus 2 days ago talking at Fort Hayes High School about school construction and how important that is. I was talking to the school principal, who used to work in Maineville, and he told me how several years ago his school building was old and decrepit and needed fixing. He also said the test scores were not very good for these students. He said after they built a new school building and put these students in a place that they could learn better, it sent a message to these students that, yes, we care about education. He said the test scores went up markedly. I said, because of the new building? He said, yes. Uncategorically, he said yes.

We tell our young people in this country that education is most important, and then we send them to schools that don't look good. I wonder what students think when we put this premium on education, but then we don't act on it. He and the other principals talked about leaking roofs and mold on the walls. They talked about dark and dank hallways in auditoriums. They talked about the lack of technology.

What the President is trying to do—and what Senator BOXER was talking about, more with aviation and highways, but schools also—when he talks about investing in school renovation, one, it means jobs immediately for carpenters and electricians and plumbers and laborers and all kinds of people. It also means jobs immediately for the people producing the steel, the manufacturers, the cement, and the insulation. The biggest insulation plant in the United States of America is in Newark, OH. It creates jobs right now but it also means better schools for our kids, and it means long-range economic growth, long-range prosperity, and a better environment for us as a country.

What troubles me so much, as Senator BOXER said, is we are putting money into schools and water facilities in Iraq and Afghanistan—and I am okay with that if it serves our national interest. I am not okay when there are no objections to that from conservative politicians, but they object to doing that at home with schools in Chillicothe and Mansfield and Springfield and Lima and Youngstown and Akron.

It is so important to move forward on the school construction and jobs bill. Mr. President, $1 billion in investment in school construction and renovation creates about 10,000 jobs. Those 10,000 jobs are mostly middle-class jobs in manufacturing and the trades actually doing the construction and the building. It makes so much sense, and I am hopeful as the President goes around the country explaining it—he was in Columbus 2 days ago—that my colleagues on the other side of the aisle decide, yes, maybe we ought to actually focus on jobs and do the right thing.

I yield the floor and suggest the absence of a quorum.

The Presiding Officer (Mr. LEVIN). The clerk will call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.J. Res. 66, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 66) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

Pending:

Reid amendment No. 602, to provide additional appropriations for disaster relief in fiscal years 2011 and 2012.

Reid amendment No. 603 (to amendment No. 602), to change the enactment date.

Reid amendment No. 604 (to amendment No. 603), of a perfecting nature.

Reid amendment No. 605 (to the language proposed to be stricken by amendment No. 602), of a perfecting nature.

Reid amendment No. 606 (to amendment No. 605), of a perfecting nature.

Reid motion to commit the joint resolution to the Committee on Finance with instructions, Reid amendment No. 607, to change the enactment date.

Reid amendment No. 608 (to (the instructions) amendment No. 607), of a perfecting nature.

Reid amendment No. 609 (to amendment No. 608), of a perfecting nature.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the motion to commit and the pending amendments, with the exception of the Reid substitute amendment No. 602, be withdrawn, and the following amendments be the only amendments in order to the Reid substitute amendment No. 602: Coburn amendment No. 610 and Paul amendment No. 613; that the time until 4 p.m. be equally divided and controlled between the two leaders or their designees—and this will be for debate on the amendments and the joint resolution—with 30 minutes for Senator COBURN and 15 minutes for Senator PAUL—and this 15 minutes will come from the Republican leader's time—and at 4 p.m. the Senate proceed to vote on the amendments in the following order: Coburn amendment No. 610, Paul amendment No. 613, and, finally, the Reid substitute amendment No. 602, as amended, if amended; that there be no amendments, points of order, or motions in order prior to the votes other than budget points of order and the applicable motions to waive; that the amendments not be subject to division;

that all of the amendments be subject to an affirmative 60-vote threshold; that the motions to reconsider be considered made and laid upon the table; and, finally, if the Reid substitute amendment, as amended, if amended, achieves 60 votes, the joint resolution, as amended, be passed; if the Reid substitute does not achieve 60 affirmative votes, the cloture motions be withdrawn and the joint resolution be placed back on the calendar.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I am going to suggest the absence of a quorum, but in doing so, I ask unanimous consent that the time run equally for both the Democrats and the Republicans.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 610 TO AMENDMENT NO. 602

Mr. COBURN. I ask that amendment No. 610 be considered as pending, brought up, and read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 610 to amendment No. 602.

Mr. COBURN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To save at least $7,000,000,000 by consolidating some duplicative and overlapping Government programs)

At the appropriate place, insert the following:

**SEC. ____. CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.**

Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the relevant department and agencies to—

(1) use available administrative authority to eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress, entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO–11–318SP) and apply the savings towards deficit reduction;

(2) identify and report to Congress any legislative changes required to further eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress, entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO–11–318SP);

(3) determine the total cost savings that shall result to each agency, office, and department from the actions described in paragraph (1); and

(4) rescind from the appropriate accounts the amount greater of—

(A) $7,000,000,000; or

(B) the total amount of cost savings estimated by paragraph (3).

Mr. COBURN. Mr. President, the bill we have before us today is a bill to fund emergency relief through FEMA for a lot of the emergency disasters our country has experienced over the past 6 months.

I don't think there is a large disagreement that we ought to take care of the areas that are the Federal responsibility in the respective States for the extreme weather as well as fire-related tragedies that have been experienced by a multitude of States. However, the question is, given where we stand as a country, do we just borrow the money to do that and add it to the debt or is the government running so efficiently that we can't cut something else and make a choice about how we pay for it? The bill as brought forward has no pay-for at all. In other words, the assumption is that if we pass this bill, we will go and borrow approximately $7 billion more in the international markets.

What I would put forward is that we know we have plenty of areas we can cut now that are not effective, not efficient, that are wasteful, that are duplicative, and we would not have to borrow that additional money. The easiest thing in the world is to spend somebody else's money. And what we are doing with this bill by not paying for it is actually asking our grandchildren to pay for an obligation we have today.

The amendment I have asked to be called up is nearly identical to an amendment this body passed by a vote of 64 to 36 in April of this year.

The Government Accountability Office brought forth a report on duplication that showed hundreds of millions of dollars in wasteful duplication. This is not the only area we could go, but this is an area we have already agreed as a body is an effective way to pay and save money. We could easily find $7 billion by eliminating multiple programs that accomplish the same thing. Let me give some examples of what the GAO showed.

The Department of Defense and the VA are both creating new medical record systems as we speak, both paying for independent contractors doing the same thing. They are going to have intertwined medical records ultimately. We do not need to set up two different programs. By doing that, we could save a couple of billion dollars, just by having one program for both VA and DOD.

We have multiple contracts, according to the GAO, in terms of interagency and areawide contracts that actually increase our procurement costs, where we could consolidate those and have one contract and actually save money. But we have not done that. That is something that can be done by the OMB at our direction.

The other area which is extremely interesting—and the President has already agreed to this. They are already starting to do it. But we could do it much faster and save a significant amount of money. We could save $150 billion to $200 billion over the next 10 years just by consolidating data centers. We initially had some 500 of those. I think we are up to around 2,000. We had 434 in 1998 and 2,000 Federal data centers in 2010. What everybody knows is we could cut that by about half, not have any change in the effectiveness, and save about $150 billion over the next 10 years.

This amendment identifies the areas listed in the GAO report and instructs the OMB to find those that are most likely to be achievable to come to $7 billion. We have agreed to do this in the past on a previous bill when Senator WARNER and I offered this amendment jointly to pay for the spending.

I can go on with a lot of other areas in terms of wasteful spending. I will not. But I make this one plea: In August we left after passing a debt limit increase, the largest debt limit increase we have ever incurred in segments, and said we were going to start living within our means. We have created a supercommittee to find $1.5 trillion over the next 10 years in savings. While they are doing that, if we decide to pass an emergency supplemental bill for FEMA and do not pay for it, we are going to be working in exactly the opposite direction of what we said we needed to do.

The facts are, we are almost schizophrenic. We say we need to cut spending. Yet we are going to spend $7 billion more. Yet we do not want to find some spending to cut to pay for it; we just want to borrow it. You can understand why very few Americans have confidence in us. On the one hand we are addressing the problem, and on the other hand we are ignoring the problem.

I think it would behoove the confidence level in this institution if, in fact, we tried to pay and found the courage and the willpower to say if we are going to spend additional money, we are going to create priorities, and we are actually going to eliminate spending somewhere else to be able to pay for this, to be able to do this more important thing.

I have trouble understanding, even when I talk to our colleagues privately, why we would not do this; why we would not pay for this $7 billion by reducing wasteful spending elsewhere.

As we go to the vote at 4 o'clock, the question that people ask is, Why was it OK to cut the spending from these departments back in April, but it is not OK to cut the spending now? Sixty-four of our colleagues voted to cut this spending in April. I know several are opposed to paying for this, but we are in a new day. We live in a new world.

The Oklahoma Chamber of Commerce was here this week. The title of their meeting was ''New Realities.'' The new reality is that we are going to run to the end of the time at which we can borrow money or afford to pay the interest rate on the money that we can borrow, and the discipline we need is to live within our means.

This is one step that will be the right thing to do for future generations. It is the right thing to do to build confidence in our institution, and it is the right thing to do to eliminate waste and duplication in the Federal Government.

I yield the floor, suggest the absence of a quorum, and make a point I will talk again on this prior to the vote.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PAUL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 613

Mr. PAUL. Mr. President, I ask unanimous consent to call up amendment No. 613.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 613 to amendment No. 602.

Mr. PAUL. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To offset the disaster relief appropriations by rescinding amounts for foreign assistance programs)

On page 12, between lines 11 and 12, insert the following:

TITLE VI

OFFSET

SEC. 601. (a) All unobligated balances made available to the United States Agency for International Development for foreign assistance programs for fiscal year 2011 are rescinded.

(b) There is rescinded on a pro rata base from the unobligated balances made available to the Department of State for fiscal 2011 an amount equal to the difference obtained by subtracting—

(1) the amount rescinded under subsection (a); from

(2) the amount appropriated under this division.

Mr. PAUL. Mr. President, this is an amendment to pay for the emergency funds. I think for too long in this body we have just simply added on funds, often for good causes, but we keep spending money we do not have. I think the mark of a good legislator is making priorities. If we choose to spend some money on an emergency, we should take the money from somewhere else in the budget.

In this amendment we have proposed to take the money from foreign aid. When the American people are asked if they think we should be sending welfare to other countries or building bridges in other countries when our bridges are falling down in this country, 77 percent of them think we should not be sending money overseas when we have problems at home. This amendment would take unspent foreign aid money from this year and apply it toward the disaster funding. It would also take some unspent money from the State Department.

I think it is responsible budgeting. It is essentially taking money from another area, spending it, and not adding to our debt. There are repercussions to the debt we have. I tell people the debt has a face. Every time we drive to the store our gas prices are rising or our food prices are rising. The reason our prices are rising is because we have to pay for the debt by printing new money. As we print new money at the Federal Reserve to pay for our debt, we diminish the value of the dollar so our gas prices rise and our food prices rise.

Also, economists have said up to 1 million jobs a year are being lost to pay for our debt. What I ask for is, as we pay for these natural disasters we take the money from elsewhere in our budget.

I also rise in support of the plea of Senator COBURN not to target the transportation funds. Right now we are asking that highway funds, 10 percent of them, go to beautification projects—turtle tunnels, movie theaters. In our State of Kentucky, we have a bridge that was closed this week, the Sherman Minton Bridge. Of three bridges in Louisville, one of them is closed. Traffic is stacked up for hours and you are telling me we need to have turtle tunnels? Something is seriously wrong with government when we are forcing State governments to spend 10 percent of their transportation money on turtle tunnels, white squirrel parks, and movie theaters.

Another bridge is needed in the northern part of our State, Brent Spense Bridge, where debris from the bridge is falling. Four years ago we had a bridge in Minneapolis that fell into the river and killed 13 people. We, as a nation, need to set our priorities, but I think it is incorrect and a real problem that we are telling people they have to take 10 percent of the transportation funds and put them into bike paths.

I am a bicyclist and I like bike paths as much as anybody. But when bridges are falling into a river and a major metropolitan area such as Louisville, KY, has one-third of it's bridge capacity closed because the bridge is dangerous to travel on, these are emergency problems.

It also buys into what I am talking about with foreign aid. We cannot send welfare to other countries that we do not have. We are not sending them money that is from our savings. We are sending money that we are borrowing from China or that we are printing. There are ramifications to this debt. We are borrowing money at $40,000 a second. There are ramifications to this borrowing. It has a face. It is just not an empty number.

When we say our national debt is $14 trillion or that we are adding $1.5 trillion to the debt every year, there are ramifications to that, and there is a face. The face is unemployment. The face is people losing jobs. We see it in the grocery store with our prices rising. The debt has ramifications.

In Europe, we are seeing the end stages of this in some cases. We are seeing chaos and rioting in the streets. We had rioting in London recently. We had rioting in Greece, Portugal, Spain. All of these countries are tumbling under a burden of debt, and it has been predicted that this is coming to the United States. It is coming soon. It is a contagion of debt that is sweeping the world, and it is all pyramided upon the U.S. dollar.

Once upon a time, banks in Europe held gold as their reserve. They now hold the dollar as reserve. When the dollar tumbles or when we have trouble paying for our debt, there will be massive worldwide problems. We are in the middle of the worst recession since the Great Depression, and there are no signs that any of the policies coming from the White House are working. In fact, the first stimulus package did not work. Two million more people are out of work since the President came into office. The price of gasoline has doubled. Our debt has been downgraded. We are set to accumulate, under this administration, more debt than all 43 previous Presidents combined. It is not working.

Recently, the President came over to a joint session of Congress and presented to us the ''son of stimulus''—the son of a stimulus that did not work in the first place. He said we are just going to tax those rich people.

Rich people hire poor people. Most of us have jobs because rich people hired us. They are talking about adding $400 billion in new taxes on those who make $200,000 a year or more.

You say the rich ought to pay their fair share. The rich are paying for the income tax—47 percent of Americans pay no income tax. So half of Americans are already paying for all of the income tax. The Bush tax cuts actually made the Tax Code more progressive because they dropped off more people from the lower end. If we look at those who make more than $200,000 a year, it is 3 percent of the public. They earn 30

percent of the income and pay 50 percent of the income tax.

If you are saying the Tax Code needs to be made more fair, it would probably be that we would have to make the Tax Code less progressive.

The bottom line is, if I thought it would help people, we could do it. It is going to hurt people. The head of the Congressional Budget Office is an objective spokesman who analyzes government. He testified before the supercommittee yesterday that it would be a mistake to raise taxes. The preponderance of economists say it would be a mistake to raise taxes in the middle of a recession. It will lead to more joblessness.

Pitting one group—class envy—pitting one group against another gets us nowhere. Years ago we tried this. We said we will have a special tax on those who own yachts. Guess who lost their jobs. The men and women making $40,000 and $50,000 a year lost their jobs. It does not work. It is unhealthy. It is not good for America to blame one class of people versus the other. We want to lift everyone in America. We want a thriving economy. When we lowered tax rates in the 1980s, we had 6 percent and 7 percent growth in a year. We are at 1 percent growth and we look like we are headed in the wrong direction. They say the definition of insanity is doing the same thing over and over and expecting a different result.

This new jobs plan by the President is the ''son of stimulus.'' It is the son of a stimulus that did not work the first time. When we calculate it, it cost $400,000 per job. It did not work. We should not be doing the same thing over and over again and expecting a different result.

I would say in conclusion that my amendment is the responsible budgetary amendment, and it pays for the new disaster funding. If we wish to help people and we think our Federal Government should be involved with disaster funding, it should be paid for. It should not be borrowed from China, and it should not be simply printed up at the printing press. We should pay for it.

I urge other Senators to support my amendment which would offset the disaster funding by reducing a corresponding amount from foreign aid, the welfare we give to other nations, many of them rich nations. I would ask serious consideration of it.

I would also ask serious consideration of Senator COBURN's proposal that when we have bridges crumbling in our country, we not force States to build turtle tunnels, squirrel sanctuaries, and movie theaters. We have crumbling bridges and we need to get this through and we need to say we are not going to force the States to decide to have these beautification projects.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUESTS—H.R. 2887

Mr. COBURN. Mr. President, I would like to say Senator REID and I have had several discussions today and we are working to try to resolve an impasse we have, but we are not there yet. I wanted to be clear with my colleagues what my intent was, and if we can work the problems out, I am happy to try to do that.

I have three separate unanimous consent requests I am going to be asking for. One will separate the FAA bill, pass it, and send it to the House. Another will separate the Transportation bill, eliminating the transportation enhancement component of it and send it to the House, and another one eliminates the transportation component of the combined bill and sends it back to the House. I understand the leader is concerned with those but felt I would exercise my right to offer those unanimous consent requests.

Therefore, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2887, the House-passed FAA surface transportation reauthorization bill, and my amendment at the desk related to a 4-month extension shall be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2887, the House-passed FAA surface transportation reauthorization bill, that the Coburn amendment at the desk related to repealing the 10-percent transportation enhancement mandate be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2887, the House-passed FAA surface transportation reauthorization bill, that my amendment at the desk related to a 6-month surface transportation extension that repeals the 10-percent transportation enhancement mandate be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by me after consultation with Senator MCCONNELL, the Senate proceed to the consideration of Calendar No. 167, H.R. 2887, the Surface and Air Transportation Programs Extension Act; that the only first-degree amendments in order to the bill be the following: Coburn amendment regarding transportation enhancements, Paul amendment regarding limitation on highway trust funds, and the Paul amendment regarding FAA funding levels; that there be up to 2 hours of debate on the amendments, equally divided between the two leaders or their designees, prior to a vote in relation to the amendments in the order listed; that there be no amendment in order to any of the amendments prior to the votes; that the amendments be subject to a 60-vote threshold; that upon disposition of the amendments, the Senate proceed to a vote on passage of the bill, as amended, if amended; that there be no other amendments, points of order or motions in order to the bill other than budget points of order and the applicable motions to waive; and the motions to reconsider be considered made and laid upon the table.

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I note the absence of a quorum, and I ask unanimous consent that the time until 4 o'clock be equally divided between the majority and minority.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, we are looking at a FEMA emergency supplemental. There is no doubt this country has sustained a series of disasters that will require Federal support and funding. We have seen them in Alabama, my home State, where we had the worst series of tornadoes in history, and some of the most powerful, that completely demolished two-story brick homes with nothing but foundations left. Lives were lost to an extraordinary degree, and people were injured.

We have had floods. We have had fires and droughts around the country. We have some of that every year, and some of this is unusual. So it is incumbent upon us in Congress to wrestle with that and to try to figure out what should be done and how we can best supplement the insurance and State actions and local people's abilities to respond and share a bit of the pain throughout the country.

Since I have been interested in the emergency bill and I have some ideas, I was surprised we were told it was going to be added to the Burma sanctions bill, and it was going to be $6.9 billion. I hadn't had a chance to know and review and see what those numbers were and whether they were justified. But Majority Leader REID said we want to move to that. That is what we want to do.

Some said—and surely it is not true—that Senator REID was setting a trap for the Republicans; that he would offer this bill, throw it out there, and he would have extra money in it and we would complain. Then he would say: The Republicans don't love people who have suffered with a disaster as I love people who have suffered with a disaster. You don't care. You don't want to help people who are hurting. You are not good people. I am a good person. I love them more than you do.

I hope that is not true. I do not believe it is true. Surely, it is not true. But I will just point this out: that President Obama's funding request for this supplemental that we have seen was for $500 million in 2011, $4.6 billion for next year, totaling $5.1 billion. That is what the President proposed. But the Senate Democrats' proposal that Senator REID has moved forward has $804 million in 2011, $6.1 billion in 2012, for a total of $6.9 billion. That is about almost a $2 billion difference.

You know they say: That is not much money, just $2 billion. We spend a lot more money than that around here on all kinds of things, and we shouldn't worry about it, SESSIONS. You are just slowing down the emergency bill. It has to go through right now.

I just pointed out previously that $2 billion is a lot of money. We have an education budget in my State that is pretty sizable, but the basic general fund budget of Alabama is about $2 billion. We are an average-sized State. We are about one-fiftieth—4 million people—of the United States. So $2 billion is $2 billion. A billion here and a billion there, you are talking about real money. I am just raising a question. I suggest that this kind of rapid spending, emotional, political movement of money through this body is why this country has gotten into financial trouble. We just increase the pricetag for a bill by $2 billion and rush it through and attack anybody who has the gumption to stand, such as Senator TOM COBURN, and raise some real questions about it. How much of this can we pay for? Can we pay for it all—we probably could and probably should—or pay for part of it so it is not borrowed? You see, an emergency in general is debt. When we declare something an emergency, we are adding to the debt. It means it is not under the budget. We have a budget limit, and all spending is supposed to be under our budgetary limit, although we have not had a budget in 2 years. But when we do a supplemental, it does not count that way.

I have seen the Presiding Officer be pretty sophisticated in these things. I remember, I was talking to a senior Congressman about an emergency bill years ago that was not truly an emergency, and he said: Well, JEFF, we need to put it on the emergency supplemental.

I said: Why?

He said: It doesn't count against the deficit.

I said: Why?

He said: I don't know. It just doesn't count.

What he meant was it was not part of the budgetary numbers. It was on top of it. It added to the debt in general.

We have to be careful about that. We are borrowing now 40 cents of every $1 we spend. That is not a misprint. I am not speaking erroneously. Forty cents of every $1 that is spent this year is borrowed.

Responsible senatorial management requires us to examine the legislation. When we have a bill that is about 40 percent more than the President asked for, maybe that ought to throw up a red flag around here. Maybe we ought to examine it more closely because every single penny that is spent should be spent wisely. There are two areas: Are we spending money that is not needed at all—and we have had some of that under emergency spending—or are we spending money that could be spent better on other problems that arose from the emergency than the problems we are spending it on?

I have been to hurricane damages, I have been to flood damages, I have been to tornado damages, drought damages. It is hard to get the money to the people who truly need it and whom you can justify. This is not just throwing money at something.

So we can do a better job of that. Congress needs to be more involved. I think $2 billion is a lot. We ought to be careful before we do that. Most of the money is not going to get spent until next year, by far. Overwhelmingly, 80 percent of it is to be spent next year. I believe we ought to be taking time to do this right.

I would also like to take the opportunity, while I have the floor, to address this morning's hearing in the Budget Committee, on which I am the ranking member. At today's hearing, I emphasized the economic danger our country is facing as a result of the increasing deficit. We had three economists testify. Two of them were selected by our Democratic majority colleagues. We asked whether they agreed that it would be wise to pursue policies that create jobs without creating debt. They all acknowledge that increasing debt is a dangerous thing.

We discussed whether we should seek ways to create jobs and growth in America without adding to the debt. Wouldn't that be smart? They all agreed it would—things such as producing more American energy, reducing costly bureaucratic regulations, and instituting growth-oriented tax reform. All three witnesses said those are good things to do for America.

I would say, if we are going to spend $7 billion or $5 billion on an emergency, it helps Americans' growth, productivity, and competitiveness if that money is spent the best possible way, every penny of it to help people truly in need and to help increase our national productivity.

Those are some of the concerns I have. I just wanted to share those thoughts because I think we would have been better off had this bill come through the regular process, we had full testimony from the administration witnesses, from FEMA, which will be handling the money, setting forth in detail where they expect to spend the money, how it is needed, and how they are going to do it in a way that is fair and helps the people in the right way. I do not believe the way this bill is moving is careful enough, and I believe it places at risk the treasury of the United States.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. 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. THUNE. Mr. President, in a few minutes we are going to be voting on a bill that has been put on the floor that would address many of the emergency disaster needs that have come our way this last year.

In my State of South Dakota, it has been a year for the record books. We have had historically cold winters the last couple of winters. We had a historically wet spring and, if you look at the Missouri River basin, unprecedented amounts of runoff, to the point where we had flooding on the Missouri River throughout the entire basin, up and down. My State of South Dakota, of course, was impacted dramatically by that, as were many of the States in the basin, and I think, like a lot of parts of the country this year that have experienced weather-related disasters, there are a lot of people who have been hurt by that. In my State of South Dakota, we have a lot of homeowners in the Pierre and Fort Pierre area and the Dakota Dunes area and the Yankton area. We have had tremendous wet weather in northeastern South Dakota, and there are a lot of people who have been flooded up there.

We have people in these areas of my State who literally have lost everything—their homes. It was not one of those situations where you get an event that comes through, it is gone quickly, and you can go in and clean up and recover. In this case, they were floods that persisted over long periods of time—in this case months. I remember touring some of those areas in my State and in some cases having to go out there literally in a boat to see homes and having to walk into a home in waders because the water in the living room was literally up to my waist.

And the water was there literally for weeks. There were a lot of black mold problems, of course, just a tremendous amount of damage.

As I said, in many cases these are people who for various reasons did not have flood insurance, in most cases because they were told they didn't need it, they were not in the flood plain. These were homeowners who, when the Missouri River dams were built, thought, at least, that they were protected by those dams and as a consequence, perhaps, did not purchase flood insurance, with rare exceptions. Of course, in all of these cases too there are homeowners who, if they did not have flood insurance, have in some cases lost everything. I am not talking about just homeowners who have resources and means, I am talking about people—I met with retired schoolteachers who put everything they had into these homes along the Missouri River, and now they have literally lost everything. So I can appreciate how important it is that we do everything we can to respond to this enormous weather-related disaster that has come our way.

I have great sympathy for those other areas of the country that have been impacted this year as well. I know that on the east coast, we had flooding from the hurricane, and we have had tornadoes this summer that have wiped out parts of entire communities.

It has been a very difficult weather year, and as we approach this issue of how to deal with that, I think it is important that we bear in mind—that we do everything possible to address the needs these homeowners have and try to help them rebuild their lives and put things back together.

So as we get into this debate, certainly I recognize the importance of us having a response. I think that one way or the other, Congress will respond, whether it happens today or in the form of some relief that may be coming over from the House of Representatives. But I believe it is important that we do that. It is also important, given the budgetary circumstances in which we find ourselves, that we pay for it. I think there are a couple of amendments we are going to vote on this afternoon that would accomplish just that.

The Senator from Oklahoma has proposed an amendment which many of us have voted for in the past. I think it got 64 votes here in the Senate, both Republicans and Democrats supporting it. It would do away with some of the duplication we have in our Federal Government.

The Government Accountability Office has identified lots of areas of duplication. In fact, I think the Senator from Oklahoma has already gone through some of those, but I have been here on the floor and addressed some of these as well: 56, or thereabouts, programs spread across 10 or so agencies that deal with financial literacy; 82 programs that deal with the issue of teacher training. I think you have to argue that there is plenty of waste and duplication and redundancy in our Federal Government, and we ought to be doing everything we can to eliminate that, particularly if we are looking at prioritizing where we spend our tax dollars.

In a case such as this, we have people across our country who have been hurt by these natural disasters who need our assistance. It strikes me, at least, that if we are serious about priorities—and I think all budgets are about priorities—we ought to be able to find some savings in these programs and agencies that have been identified by the GAO that would enable us to find the funds that are necessary to cover the disaster effort.

So I would come down here and speak in support of the Coburn amendment.

I think the Paul amendment as well seeks to use unobligated balances from USAID, the State Department. Of course, we are getting to the end of the year, and if there are funds that have not been obligated, that have not been used, that strikes me as well as a way in which we can find some resources that would help us prioritize and put them where they are really needed right now; that is, to deal with these impacted communities, these impacted families, these impacted homeowners, and helping them rebuild their lives.

But fundamentally, when you have a $1.3, $1.4 trillion annual deficit and when you are already at $14 trillion in debt and it is growing at the rate it is, when you have a debt-to-GDP which is literally about 1 to 1, about 100 percent—you have to go back to the end of World War II to find a time in our Nation's history when we have seen that kind of debt. These deficits to GDP, debt to GDP, spending to GDP are at historic highs. It strikes me that even for important matters such as disaster relief, we have to be as responsible as we possibly can and make sure we are doing justice to the American taxpayer and not spending money we do not have.

I think the House of Representatives—and what they intend to do is address this through the continuing resolution which will be coming our way sometime next week. Their approach is to put some additional money, supplemental money, into FEMA, into the Corps of Engineers—those agencies that are kind of on the front lines in responding to many of these disasters. I hope we have an opportunity to vote on that legislation. That will be paid for. That will be within the budget. That will not be deficit spending or borrowing from our children and grandchildren, adding more to the debt. So I think it is a responsible and reasonable way to deal with this, and maybe in the end that is where this ends up.

But the debate we are having today is whether we are going to appropriate $6.9 billion, around $7 billion for disaster relief. I don't think we have a full grasp yet of what some of these damages are. The assessments are still coming in. But I think it is important that we be responsible in how we distribute disaster relief, that we know as much as possible about the full scale and the dimensions of the problem and what those damages are and then, secondly, that we do everything we can to find areas in the budget in which we can offset that disaster relief.

So I hope we can support the amendments that are before us today. As I said before, the Coburn amendment is not something new to the Senate. The Coburn amendment is an amendment many of us have supported in the past. Sixty-four Senators—that is a very large bipartisan majority here in the Senate—have supported this amendment to do away with these duplicative programs and to try to gain some efficiency and some savings in our Federal Government.

It strikes me, at least, that when we are dealing with an issue as important as disaster relief is to so many Americans, we certainly ought to be able to prioritize and take some of those duplicative programs and some of those redundant programs we have in the Federal Government that have been identified by the Government Accountability Office—ask the OMB to identify $7 billion in savings in order to offset the costs of what we are doing here with regard to disaster relief.

So I am certainly going to support these amendments—and I hope my colleagues will—for a lot of reasons. Again, we need to respond when we have a natural disaster such as this, but we need to do it in a responsible way. And when we are running these massive annual deficits we are running today, we need to do everything we possibly can to see that we are paying the Nation's bills, that we are not adding it to the credit card, not handing the bill to our children and grandchildren, not spending money we do not have, but doing everything we can to live within our means. It is the responsible way to go about this. In my view, it is a reasonable way to go about this. I think it is the right way to deal with the Nation's business; that is, to pay your bills. The Coburn amendment does that. His amendment, I guess of the two, specifically directs the $7 billion. I am not sure whether the Paul amendment has a specific score on it. But either would be an important, in my view, message to the American people that we are serious about getting our fiscal house in order. So I hope we will have both Republicans and Democrats here in the Senate that would support both of those amendments.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Nebraska.

Mr. JOHANNS. Madam President, I ask unanimous consent to speak as in morning business for about 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FARM DUST REGULATION

Mr. JOHANNS. I rise today to actually extend an invitation. The invitation I extend is to our EPA Administrator, Lisa Jackson. The reason for the invitation is very straightforward. There is a lot of confusion about EPA's position on regulating farm dust. It is remarkable. The Administrator says one thing, but then the agency takes a different position—back and forth, back and forth it has gone.

Administrator Jackson said, and I am using her words, ''It is a myth that EPA is proposing to regulate farm dust.'' That seems pretty clear, but then her agency says: Well, no, we cannot distinguish between farm dust and other dust subject to regulation, so rural America is not off the hook, it is out of luck.

Well, I was very pleased recently to offer a solution to this EPA dilemma. My solution was offered in partnership with my friend and colleague from Iowa, Senator CHUCK GRASSLEY, and others actually from both sides of the aisle. We proposed a simple solution to this confusion. We proposed legislation that—very straightforward—says: EPA cannot regulate farm dust unless there is scientific proof that it causes harm.

That proof does not exist today. Meanwhile, Ms. Jackson and her agency continue to have problems getting this story straight. You see, she scoffs at the idea of regulating farm dust, and then her agency turns around and says: Well, it is really a possibility.

I understand that sometimes the direction from the top can get muddled as it works its way down. After all, EPA is a very large organization.

Surely, Administrator Jackson does not intend to be saying one thing while her agency is saying and potentially doing something quite different. So I am hopeful I have come up with yet another solution.

Today, Senator GRASSLEY and I sent a letter to Administrator Jackson. We have invited her to publicly support our bill blocking the regulation of farm dust. After all, using her own word, this was a ''myth'' in the first place. I think it is a perfect solution. She says EPA has no intention of regulating farm dust, so there is absolutely no reason why she would not support this legislation that makes it official. My letter invites her to put her words into action by issuing a straightforward supportive statement. I look forward to hearing back from her or simply seeing her statement of support in print. Either will be acceptable.

I will tell you this: I believe if Administrator Jackson stands up in response to this and says, yes, I was serious, we are not going to regulate farm dust, that is a myth, and Senator JOHANNS has it all wrong, I believe rural America will cheer.

Supporting my bill that puts an end to this crazy, ridiculous notion of regulating farm dust would do more to improve Administrator Jackson's image than the charm offensive EPA has recently undertaken.

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.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFICIT REDUCTION

Mr. LEVIN. Madam President, I understand that a couple of our colleagues are on their way, and I will yield to them if they get here as expected.

In the meantime, I wish to share some thoughts with the Senate about the very complex and difficult duty we all now face, which is to agree to legislation that will reduce the deficit by at least $1.2 billion over the next decade. And, if we fail to do that, by the end of the year, huge automatic budgets in vital national programs, including in security, will take effect to meet the deficit reduction goal. Those automatic cuts would take an unacceptable toll on vital programs. I believe every Member of Congress must do their best to avoid that outcome, and that begins with the 12 members of the Joint Select Committee who have been given the assignment of crafting a plan for us to consider.

Despite the difficulty, the task is achievable. We can reach our deficit reduction targets and help ensure fiscal stability while avoiding not only the damaging automatic cuts but also avoiding devastating cuts to defense, health, education, and other programs vital to America and to its families. Achieving this goal will require sacrifices. Everyone is going to have to contribute. But if all of us, every American, will make the sacrifices necessary, we can get this done.

How can we do it? Well, we could pretend we can resolve this problem by ignoring why we got here to try to balance the budget by simply cutting more spending or we can take a realistic look at both spending and revenues. We need to take a realistic look at both spending and revenue. A little historical perspective might be helpful.

Federal revenues today are at the lowest share of gross domestic product in generations, just 14.9 percent. For the past 60 years, that number has averaged about 18 percent, and during that period we have balanced the budget five times, and each time revenues totaled 19 percent of gross domestic product or higher.

Past efforts to reduce high deficits have made new revenue a significant part of the equation. President Reagan presided over three deficit reduction plans that achieved more than three-quarters of their deficit reduction through revenue increases. That was President Reagan. Revenue increases were a major part of his deficit reduction plan. The deficit reduction legislation that we passed in 1990 under the first President Bush achieved about one-third of its deficit cuts through added revenue. President Clinton's 1993 deficit reduction plan was roughly 55 percent new revenue and 45 percent spending cuts and yielded our most recent balanced budgets.

Apart from history, the mathematical reality simply is that we must generate additional revenues. If we are going to reduce the deficit and do so while avoiding unacceptable cuts to programs that provide for the common defense and general welfare, revenue must be part of the discussion.

Many of our Republican colleagues have focused solely on nondefense discretionary programs for deficit reduction. The simple fact is those programs are not big enough to allow real deficit reduction. They make up only about 12 percent of the Federal budget. If we eliminated all those programs, zeroed them out, we would have done grave harm to millions of American families, but we still would have huge deficits as far as the eye can see.

So as the Concord Coalition, a nonpartisan group, said: For a grand bargain on deficit reduction, finding a way to bring in some revenue is a crucial piece of the puzzle.

The nonpartisan Committee for Responsible Federal Budget said that putting the deficit on a downward path requires looking at ways to generate additional revenues.

In the balance of my remarks I set out seven different loopholes which need to be closed. It is only fair that these loopholes be closed. They are loopholes which cannot be justified. They are loopholes which I think almost every American would say should not be in our Tax Code. If we simply will change our Tax Code and reform it and close these loopholes, we can raise about $1 trillion over 10 years. That is a huge part of what this Joint Select Committee is required to do.

We have to protect middle-class families from tax increases. We have to protect them from losing critically important programs, such as education. We can do that. I have sent a letter to the members—including my dear friend from Massachusetts—of our select committee laying out the seven loopholes which can, and should, be closed which will have an equitable impact. It is only fair these loopholes be closed, and I have laid out including the use of offshore tax havens to avoid paying taxes. In this letter that went to all the members of this Joint Select Committee, I have set forth what these loopholes are.

So revenue needs to be part of the joint select committee's agenda. Our deficit reduction plans will require sacrifice not just from middle-class families but from the corporations and upper income Americans who have done very well in recent years even as middle-class incomes have stagnated. In fact, from 1980 to 2008, the share of all U.S. income going to the top 1 percent of Americans more than doubled, from 10 percent to 24 percent. I make my proposals with that troubling fact in mind. Mr. President, I ask unanimous consent that my letter to the members of the Joint Special Committee be included in the RECORD after my remarks.

The letter identifies seven possible steps to eliminate wasteful tax expenditures and loopholes so as to share the burden of deficit reduction more broadly. As I say in the letter, ''Those measures would not only reduce the deficit, but also render the federal tax system more fair to the millions of honest Americans who pay their taxes.'' Each is practical and doable, each achieves real deficit reduction, and each protects the programs that defend our nation and support middle-class families without increasing the tax burden on the investments that help our economy grow.

I plan in the coming days to lay out these ideas in more detail, but to explain them briefly.

The first two proposals would close two kinds of unjustified loopholes that benefit corporations and wealthy individuals at the expense of working families: offshore tax shelter abuses that cost American taxpayers billions of dollars a year and a loophole that forces American taxpayers to subsidize the stock options that corporations grant to their executives.

The third and fourth would close two Wall Street tax loopholes, the ''carried interest'' loophole that forces Americans to subsidize the paychecks of hedge fund managers, and a derivatives blended tax rate loophole that promotes speculation in futures and options, favoring derivatives over long-term investments that boost economic growth.

The fifth and six would promote tax fairness and ensure shared sacrifice in reducing the deficit by restoring upper bracket income tax rates and capital gains tax rates to rates closer to historic norms.

The seventh is an administrative change, eliminating the use of paper tax liens and creating an electronic database of those liens.

I will discuss these changes in more detail in the days ahead, but let me emphasize today the role they can play in deficit reduction. Combined, these common-sense changes could reduce our deficits by $1 trillion over the next 10 years—a sum that would make the committee's difficult goal, one the Congress and the entire government share, much more achievable.

For Republicans, adopting some of these ideas will be difficult. I would say, in empathy and not in anger: Welcome to the club. The spending cuts that will be necessary for significant deficit reduction will be difficult as well. They will hurt real American families, in real ways, and they will damage programs that are at the core of my own party's philosophy about the important role of government in helping to create shared prosperity. Democrats will have to compromise on these cuts. Republicans will also have to compromise, and accept the reality that revenue must be part of the equation, if we are to do our duty.

The ideas I have proposed, and will discuss in more detail in the days ahead, outline a path toward such a compromise. It is a fair path. If Republicans are willing to embrace compromise, we can reduce our deficit while helping to protect middle-class families from further economic harm. If Republicans are not willing to compromise, the automatic cuts involved in sequestration that would be forced upon the American people will make our country less safe and the livelihoods of our families less secure. I hope my proposals will help us work together to avoid that tragic outcome.

Madam President, I ask unanimous consent to have printed in the RECORD a copy of the letter which I sent to the members of that Joint Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 15, 2011.

Hon. PATTY MURRAY
Hon. MAX BAUCUS
Hon. JOHN KERRY
Hon. JON KYL
Hon. ROB PORTMAN
Hon. PAT TOOMEY
Hon. JEB HENSARLING
Hon. XAVIER BECERRA
Hon. DAVID CAMP
Hon. JAMES CLYBURN
Hon. FRED UPTON
Hon. CHRIS VAN HOLLEN

DEAR MEMBERS OF THE JOINT SELECT COMMITTEE ON DEFICIT REDUCTION: As you work to construct a proposal to reduce the federal budget deficit and ensure long-term fiscal stability for our government, I urge you to eliminate wasteful tax expenditures and loopholes and restore more balance to the tax code. These measures would not only reduce the deficit, but also render the federal tax system more fair to the millions of honest Americans who pay their taxes.

Here are seven tax reforms that could together raise over one trillion dollars to reduce our federal deficits.

(1) Target Offshore Tax Abuses. The Stop Tax Haven Abuse Act (S. 1346) would combat offshore tax abuses. It contains more than a dozen provisions to shut down offshore tax loopholes and expose offshore tax cheats, including measures to penalize offshore financial institutions and jurisdictions that impede U.S. tax enforcement; stiffen penalties on aiders and abettors of tax evasion; shift the burden of proof establishing who controls an offshore entity; stop companies managed and controlled in the United States from claiming foreign status; treat U.S. deposits and investments by offshore subsidiaries of U.S. parent corporations as taxable repatriated income; and treat credit default swap payments made from the United States to offshore recipients as taxable U.S. source income.

(2) End the Corporate Stock Option Loophole. The Ending Excessive Corporate Deductions for Stock Options Act (S. 1375) would eliminate a corporate loophole that currently gives special tax treatment to corporations that pay their executives with stock options. Stock options are the only type of compensation which, due to a special method for calculating the tax deduction, often allows corporations to deduct more than the compensation expense shown in their books. The latest data available shows that, over a five-year period, from 2005 to 2009, corporate stock option tax deductions as a whole exceeded corporate stock option book expenses by $12 to $61 billion each year, forcing ordinary taxpayers to subsidize tens of billions of dollars in excessive executive pay tax deductions. Closing this loophole would end this unfair tax subsidy of corporate executive compensation.

(3) End the Carried Interest Loophole. Under current law, hedge fund and private equity fund managers treat certain income received from managing investments as ''carried interest'' taxable at the lower, long-term capital gains rate, instead of ordinary income tax rates. That income is not, however, a return on a capital investment made by the fund managers with their own money, but is instead compensation for work performed for other investors. Closing this loophole and treating carried interest as ordinary income would end an unfair taxpayer subsidy of this Wall Street income.

(4) End the Derivatives Blended Rate Loophole. Under current law, profits from some derivative trades are taxed at a ''blended rate'' comprised of part capital gains and part ordinary income, even in the case of derivatives held for minutes. This special tax treatment, enacted in 1981, favors derivatives like futures over stocks, and encourages bets on derivatives over direct capital investments that are key to economic growth. Closing this tax loophole would put a stop to that market distortion.

(5) Restore Reagan-Era Capital Gains Rates. In recent years, tax rates have been repeatedly lowered for capital gains derived from stock, bonds, and derivative transactions compared to income derived from the salaried work performed by most Americans. Despite the fact that capital gains rates currently range between 0% and 15%, our economy has little to show for it in the way of increased investment or other economic benefits. At the same time, these lower rates have greatly increased the deficit. While long-term investments should receive some degree of favorable treatment, restoring capital gains rates to Reagan-era levels in line with ordinary income rates—as several bipartisan deficit reduction proposals have suggested—would not only make the federal tax system more fair, but also end a tax expenditure costing hundreds of billions of dollars over ten years.

(6) Restore Upper Income Tax Brackets. Today, the wealthiest one percent of Americans take home 24 percent of all U.S. income, the highest percentage since the Great Depression. Yet, just a few decades ago, that number was below 10 percent. Rather than have their share of the tax burden go up accordingly, the wealthiest few have had their tax rates lowered several times. Our economy has not grown as a result of this special treatment, but our deficit has. Restoring ordinary income rates on those earning over $250,000 would reduce our deficit by hundreds of billions of dollars over the next 10 years while restoring balance to the tax code.

(7) Eliminate Paper Tax Liens. The Tax Lien Simplification Act (S. 1390) would create an electronic federal tax lien registry, available to the public at no cost, in place of the current antiquated system requiring federal tax liens to be filed on paper in 4,000 locations across the country. This simple, good government bill would save administrative costs, while expediting the removal of tax liens and freeing up an entire IRS division to tackle the collection of unpaid taxes that pose an unfair burden on honest taxpayers.

These common sense proposals, if enacted, would significantly reduce the federal deficit, while removing economic distortions from the marketplace and ending unfair tax expenditures and loopholes that disadvantage average taxpayers. Thank you for your consideration of these proposals.

Sincerely,

CARL LEVIN.

Mr. KERRY. Madam President, I yield myself such time as I use.

Let me, first of all, thank the Senator from Michigan, the chairman of the Armed Services Committee, for his comments and particularly for the recommendations that he is going to make to the supercommittee, to each of us. I think all of us in the Senate know Senator LEVIN is one of the most creative and thoughtful Senators. I am confident that the suggestions he makes are going to be important ones that are going to be worthy of consideration.

I know also, because it is something I began to focus on back in the 1980s, this issue of offshore havens is absolutely staggering. I look forward to this. I know the Senator has led the Permanent Subcommittee on Investigations on that. They have done outstanding work. I am confident that a lot of that work can be certainly put on the table, and it ought to be seriously considered. My hope is we can do something about it.

Mr. LEVIN. I thank my friend.

AMENDMENT NO. 613

Mr. KERRY. Madam President, one of the amendments we will vote on shortly is an amendment by Senator RAND PAUL with respect to cutting—or an offset, if you will—of $6.9 billion from the State Department and USAID in order to fund FEMA disaster relief programs.

First of all, a number of colleagues have come to the Senate floor over the last couple of days and talked about the principle that has governed our efforts to provide disaster assistance through all of the years of this institution. We do not know how to plan on the amounts. We do not hold people accountable to other programs because of acts of God, natural disasters that arise suddenly, and the Nation has always been rich enough and responsible enough to guarantee that we provide assistance to communities that have been hard hit by a flood, by a tornado, ravaged by fires—by some natural disaster.

I think the notion that suddenly we are going to start offsetting at a time when we are engaged in a very delicate balance of offsets with respect to the regular budgeting process is to try to put in place an inappropriate principle at an inappropriate time.

That argument has been made considerably. I want to talk for a minute about the merits of this particular proposal on its face. Let me make as clear as I can that this amendment would be absolutely devastating to our foreign aid and development programs. It would decimate agencies that have already taken huge funding cuts in fiscal year 2011, and it would completely undermine core national security priorities and humanitarian commitments.

Senator PAUL argues that foreign aid is ''welfare we give to other nations, many of which are rich nations.'' I disagree with both parts of that sentence, and I disagree profoundly with the notion that foreign aid is somehow welfare.

Foreign aid is an investment in our national security; it is not a gift to other countries. It is a very small investment that provides an enormous return in so many different ways in terms of advancing the interests of our country, of our citizens. Because of foreign aid in many parts of the world we have relationships, and we have programs, we have initiatives, joint ventures that make Americans safer every single day. We need to put politics aside and focus on concrete facts.

I know the easiest thing in the world is to walk into a big townhall meeting and say we ought to be building in—whatever the community you are in—before we send money somewhere else, and everybody cheers. There is an instant reaction—easy applause, easy politics, but not smart politics in terms of the interests of our country.

The fact is all of our foreign aid programs, all of our foreign policy initiatives, all in the State Department, everything we do in USAID, all the things we do from sending a diplomat to Baghdad or Pakistan or Afghanistan, every effort we make to help reverse the global HIV/AIDS epidemic, all of the things our State Department engages in make up barely 1 percent of the annual budget.

So often when we go out to those townhalls that are ready to applaud the idea of just giving the money here, we ask people: How much do you think we give in foreign aid? And people say: Oh, my God, it is 50 percent of our budget or 10 percent or 5 percent. It is none of those. It is barely 1 percent.

We spend about $700 billion on our military. By contrast, the international affairs budget in its entirety is less than one-tenth of the Pentagon's. A former Secretary of Defense, Bob Gates, pointed out, I think only a year or so ago, that if we took the entire Foreign Service roster we could barely crew one aircraft carrier in the U.S. Navy.

I understand we face a budget crisis in our own country. Obviously, I understand that. We are working hard to address this issue in the new committee that has been formed by the Congress. But if we cut these funds now, I guarantee my colleagues we will pay a much stiffer price later for increased threats to our national security, for loss of opportunity, for loss of business, for graver crises, all of which will come as a result of America pulling back.

I remind Senators our foreign policy and development programs have already been cut to the bone. The final fiscal year 2011 spending agreement cut $6.5 billion from the international affairs budget. That is a 10-percent cut. How many agencies took a 10-percent cut? It happens to also be a 15-percent cut from the President's request.

At a time that we are fighting a war in Afghanistan, when we are managing turmoil in the Middle East, when we are trying to guarantee that in Egypt, which we have encouraged to have an uprising, which we have celebrated for its reach for democracy and for freedom, at a time when it is trying to do it, are we going to pull the rug out from under them and say: Go ahead Muslim brotherhood, its pickings are all for you?

It doesn't make any sense at a time when we are coping with unprecedented famine in the Horn of Africa, millions of people starving to death, a global tragedy that challenges the morality of our Nation—it would be unbelievably extreme and irresponsible to take the approach that Senator PAUL's amendment takes. It would jeopardize our national security in several important ways. Let me just name a few specifically.

First of all, it would threaten the State Department and USAID's ability to serve as a critical partner to the military in postconflict situations. For instance, in Afghanistan we are working hand in hand, State Department and Defense Department, in order to be able to transition to the Afghan forces. This would put those troops at risk, put that effort at risk. I think it would raise serious questions about the viability of what we are trying to accomplish.

We are at a critical juncture in those efforts to stabilize Afghanistan and Pakistan. Cutting our aid to those countries will impact our military operations. For all of those Senators who want to get out of Afghanistan faster, we pull the aid out from underneath it, and we may be getting out in a way we do not want to, or we will make it longer before we get out in the way that we do want to.

I suggest respectfully Senator PAUL said he would ''much rather send . . . professors around the world than . . . our soldiers.'' I don't know an American who would not rather do that. We all hope that can happen as soon as possible. But we cannot just ordain it by saying: Here it is, here is what we are doing, and change the situations on the ground. The wish does not become the father to the fact in those situations.

As we have seen in recent days with the attack on our embassy in Kabul, there is a lot of work to be done in Afghanistan before our college deans can

take over from our district support teams.

This cut would set back progress in creating markets for U.S. goods and services. Here we are struggling to create jobs in the United States. One of the best opportunities for jobs is export—export to the new, emerging middle classes of India, Brazil, Korea, Mexico, China, other places. We want to sell them those products. But if all of a sudden we are pulling back our ability to marshal opportunities in those markets, if we reduce the ability of the U.S. businesses to get those opportunities, we diminish our own efforts to strengthen our economy.

We don't just face a budget deficit crisis, we also face a jobs deficit. In the face of global competition, our growth in our exports is directly tied to our ability to create new American markets. Money we spend helping to stabilize emerging economies has an amazing impact on our own economy, and that has been proven for all the years, certainly, since the end of World War II.

The Paul amendment would also lead to a $1 billion cut in our battle against global AIDS. PEPFAR, the President's program on which George Bush—President George Bush, Republican—worked with us on the Foreign Relations Committee, a program Senator Helms and Senator Frist and I and others originally developed, a program that currently supports 3.5 million people on lifesaving HIV/AIDS treatment, a reduction this size to 2011 funds would mean that around 1 million people would be thrown off of those treatments, dramatically reducing the numbers of lives saved through this program.

We are a country that has prided ourselves on our willingness to live our values. The Judeo-Christian ethic is one of charity and one of concern for the poor, the downtrodden, the sick, and so forth. It is hard for me to understand how we can take an ethic of our private lives that everybody talks about so pronouncedly around here and look at the fact that there are some folks in America who tithe 10 percent of their income, or others who give a fixed percentage of their income in order to help the world, and here we are, as a matter of national policy, going to put 1 million people at risk from a program we are currently saving lives on? I don't understand that kind of value system.

It would derail our efforts to forestall famine in the Horn of Africa, and that would trigger long-lasting suffering and destabilize the neighboring countries such as Yemen, Kenya, and Somalia. In Somalia alone approximately 3.2 million people are in need of immediate lifesaving assistance, a half million children are acutely malnourished, and more than 29,000 children under the age of 5 have tragically died.

This planet knows how to feed people. Rich countries have an obligation to try to do that. Our obligation is de minimis. We should not come in here installing a new principle all of a sudden, for the first time ever, saying we have to offset money to pay for emergency assistance to our communities at the expense of young kids who are starving in another part of the world.

I hope my colleagues will recognize this amendment is not the right way to approach this. It would have a negligible impact on our budget deficit, and its real impact on our security would be enormous.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I know the vote has been scheduled, but I ask unanimous consent 2 minutes be provided prior to the amendment votes and 4 minutes prior to final passage.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 610

Who yields time?

Ms. LANDRIEU. Madam President, how much time before the vote?

The PRESIDING OFFICER. There is 2 minutes.

Ms. LANDRIEU. I wish to speak, if I could, before the time is out.

The PRESIDING OFFICER. Without objection.

Ms. LANDRIEU. Madam President, in a few minutes, because the two amendments have been debated extensively this afternoon, I want to thank the Senator from Massachusetts for his strong objection to one of the amendments and the eloquent way he expressed the feelings of so many of us who will be voting with Senator KERRY against the Paul amendment.

Let me put this up, as I have been using this all week. The underlying bill we will be voting on in a few minutes will give the Senate the opportunity to vote for disaster relief now. It is the only vehicle available to us in the Senate to vote for relatively full disaster relief for the year 2012 now. I want people to realize, as they are considering how they are going to vote, we received 61 votes.

The PRESIDING OFFICER. The time has expired.

Ms. LANDRIEU. I understand we are out of time. I will speak later. Again, it gives us an opportunity to vote for disaster relief now.

The PRESIDING OFFICER. Who yields time in opposition?

Ms. LANDRIEU. I yield back the time, and I ask for the yeas and nays.

The PRESIDING OFFICER. All time is yielded back.

Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—54

| | | |
|---|---|---|
| Alexander | Graham | McConnell |
| Ayotte | Grassley | Moran |
| Barrasso | Hatch | Murkowski |
| Baucus | Heller | Nelson (NE) |
| Blunt | Hoeven | Paul |
| Boozman | Hutchison | Portman |
| Brown (MA) | Inhofe | Risch |
| Burr | Isakson | Roberts |
| Chambliss | Johanns | Rubio |
| Coats | Johnson (WI) | Sessions |
| Coburn | Kirk | Shelby |
| Cochran | Klobuchar | Snowe |
| Collins | Kyl | Tester |
| Corker | Lee | Thune |
| Cornyn | Lugar | Toomey |
| Crapo | Manchin | Vitter |
| DeMint | McCain | Webb |
| Enzi | McCaskill | Wicker |

NAYS—45

| | | |
|---|---|---|
| Akaka | Franken | Murray |
| Begich | Gillibrand | Nelson (FL) |
| Bennet | Hagan | Pryor |
| Bingaman | Harkin | Reed |
| Blumenthal | Inouye | Reid |
| Boxer | Johnson (SD) | Rockefeller |
| Brown (OH) | Kerry | Sanders |
| Cantwell | Landrieu | Schumer |
| Cardin | Lautenberg | Shaheen |
| Carper | Leahy | Stabenow |
| Casey | Levin | Udall (CO) |
| Conrad | Lieberman | Udall (NM) |
| Coons | Menendez | Warner |
| Durbin | Merkley | Whitehouse |
| Feinstein | Mikulski | Wyden |

NOT VOTING—1

Kohl

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 45. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

PAUL AMENDMENT NO. 613

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate on the Paul amendment No. 613. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Madam President, I ask unanimous consent that there be an additional 1 minute for Senator LINDSEY GRAHAM to speak on his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, my State was devastated by Hurricane Irene, and I am going to do everything possible to help Vermonters get the aid they need. But I strongly oppose the amendment offered by the junior Senator from Kentucky.

First, it is a terrible idea to cut critical national security programs to offset funding for emergency disasters. It would set a precedent and make it infinitely harder to help our States cope with these crises, whether it is Katrina or whether it is earthquakes or no matter what it is.

Disasters strike unexpectedly. The funding to recover and rebuild is not built into the budget. They strike Republican and Democratic States alike. To say in this: Well, why don't we cut out our State Department or our embassies, so we cut out the aid the United States gives to Haiti—we live in a global economy—this amendment makes no sense.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I thank the Chair.

This is very important. We are broke at home, and there are a lot of things we could and should be doing for our States. I want to try to get our fiscal house in order, but we have to defend this country. The foreign operations account is national security in another form. If you just do not always want to bomb people, you need to help people help themselves, and the money in this account will allow people to stand up against terrorism and do things America has been doing for a long time; that is, helping people who really would be better off for the experience and have a kindness toward us.

If you think Israel needs a friend now, this would hurt our relationship in terms of support to Israel. So all of those in this body who want to make sure Israel gets the right message at a time of need, please vote against this amendment because it will hurt our relationship.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky is recognized.

Mr. PAUL. Madam President, I think we ought to make just one clarification of fact. Israel gets all their foreign aid in the beginning of the year. They get it differently than any other country. This amendment will not affect any funding to Israel. This funding will take away a percentage. It is about 10 percent of foreign aid.

Foreign aid or welfare is opposed by 77 percent of Americans. Even if you thought it was a good idea to give welfare to foreign countries, you do not have it. So you are borrowing this money from China or you are printing it up and you are adding to the debt. Our country faces a debt crisis. We are borrowing $40,000 a second. I think it is unwise, when bridges are falling down and being closed in Louisville, KY, to send money to other countries, particularly money we are borrowing and printing.

I urge the support of my amendment to eliminate the 10 percent of foreign aid. I think it is a very reasonable proposal.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Paul amendment No. 613.

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nevada (Mr. HELLER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 20, nays 78, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—20

| | | |
|---|---|---|
| Barrasso | Inhofe | Sessions |
| Burr | Johnson (WI) | Shelby |
| Coburn | Lee | Thune |
| DeMint | Moran | Toomey |
| Enzi | Nelson (NE) | Vitter |
| Grassley | Paul | Wicker |
| Hutchison | Roberts | |

NAYS—78

| | | |
|---|---|---|
| Akaka | Durbin | McConnell |
| Alexander | Feinstein | Menendez |
| Ayotte | Franken | Merkley |
| Baucus | Gillibrand | Mikulski |
| Begich | Graham | Murkowski |
| Bennet | Hagan | Murray |
| Bingaman | Harkin | Nelson (FL) |
| Blumenthal | Hatch | Portman |
| Blunt | Hoeven | Pryor |
| Boozman | Inouye | Reed |
| Boxer | Isakson | Reid |
| Brown (MA) | Johanns | Risch |
| Brown (OH) | Johnson (SD) | Rockefeller |
| Cantwell | Kerry | Rubio |
| Cardin | Kirk | Sanders |
| Carper | Klobuchar | Schumer |
| Casey | Kyl | Shaheen |
| Chambliss | Landrieu | Snowe |
| Coats | Lautenberg | Stabenow |
| Cochran | Leahy | Tester |
| Collins | Levin | Udall (CO) |
| Conrad | Lieberman | Udall (NM) |
| Coons | Lugar | Warner |
| Corker | Manchin | Webb |
| Cornyn | McCain | Whitehouse |
| Crapo | McCaskill | Wyden |

NOT VOTING—2

| | |
|---|---|
| Heller | Kohl |

The PRESIDING OFFICER. On this vote, the yeas are 20, the nays are 78. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The majority leader is recognized.

Mr. REID. Before I recite the unanimous consent request that I hope will be approved, what we intend to do is have a vote on final passage of the joint resolution now before us, 10 minutes of debate, there will be votes on two amendments and then final passage. So we have four more votes and we should be finished.

I wish to express my appreciation to everyone. You will note in my last two speeches I made before the Senate yesterday and today, I said a lot of nice things about Republicans, the reason being that is how we have accomplished a lot. We got a decent bill from the House and we have been able to move forward on this legislation.

The Republican leader and I had quite a long conversation here in the well. We have a lot of work to do, but we want to do it together. So the cooperation we have had this week by both Democrats and Republicans has been extremely important.

UNANIMOUS CONSENT AGREEMENT—H.R. 2887

Mr. REID. Madam President, I ask unanimous consent that at a time to be determined by me, after consultation with the Republican leader, the Senate proceed to consideration of Calendar No. 167; that the only first-degree amendments in order to the bill be the following, the text of which are at the desk: Paul regarding limitation of highway trust fund; Paul regarding FAA funding levels; that there be up to 10 minutes of debate on the amendments and the bill to be equally divided between Senators PAUL and the majority leader or their designees, prior to votes in relation to the amendments in the order listed; that there be no amendments in order to any of the amendments prior to the votes; that the amendments be subject to a 60-vote threshold; that upon disposition of the amendments, the Senate proceed to vote on the passage of the bill, as amended, if amended; that there be no other amendments, points of order or motions in order to the bill other than the budget points of order and the applicable motion to waive; that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, I rise today to join my colleagues in urging the Senate to adopt this resolution and replenish the disaster relief fund without further delay.

To so many people struck by disaster this year, this fund is a life preserver to help carry them over until they can get back on their feet and begin the long, hard road to recovery. Without assistance from this fund, many disaster survivors would have no place to live due to damaged and exposed homes; critical commuting routes would remain impassable; and debris would mar communities and morale for months on end.

We are not just talking about a few disaster areas. This year seems like a record for major disasters, affecting all parts of our country. Nearly every State has sought and received assistance, which is why the fund is now perilously low. It has dwindled to about $377 million. At this rate, Senate appropriators say the fund may last for just days.

As I speak, wildfires are still blazing through drought stricken central Texas. The worst wildfire in Texas history closed area schools down last week, 1,500 homes were destroyed in hundreds of fires, and tens of thousands of acres have been scorched.

My home State of Connecticut was among those affected when Hurricane Irene swept ashore at the end of August, bringing gale force winds and tidal surges that knocked out power for days in many areas, damaged millions of dollars worth of property, and left whole communities under water. And when Irene struck, it didn't just touch down in one State or two. It sideswiped practically the entire eastern seaboard from North Carolina to Maine.

In Connecticut alone, the early preliminary and therefore probably low estimates of damage from this single disaster are around $300 million.

These major calamities only take us back to the last week of August.

In June and July, record flooding on the Mississippi and Missouri Rivers displaced thousands of people and ravaged land throughout the West and Midwest.

A string of tornadoes ripped through the Southeast and Midwest in April, killing hundreds of people, destroying countless homes and businesses and costing billions of dollars. A third of Joplin, MO, was wiped out, and that community continues to struggle to rebuild.

In February, the Midwest and Northeast were buried under 2 feet of snow.

That is not an exhaustive list, but the point is that these disasters have been equal opportunity ravagers, affecting almost every State in the Union this year. In fact, the President has declared this year a state of emergency in 47 States! Only Nevada, West Virginia, and Michigan have been spared.

So the replenishment of the disaster relief fund should not divide us along partisan lines. Nor should it divide us among geographic lines, or city versus rural lines. This fund has been tapped by almost every one of our States, and I know that the people of Connecticut were relieved when they learned that the Federal Government would help them get their lives back on track. I suspect the citizens of every other State that received disaster relief funds were similarly grateful.

Frankly, it doesn't really matter if 2 States or 47 States have been declared disaster areas. Helping people in need is what our Government does. The whole point of a federal government is to handle challenges that individual States, much less individual communities, cannot. The defense of our Nation is first and foremost among these Federal responsibilities, but so is providing aid to people and States following a natural or man-made disaster that takes as heavy a toll as this year's disasters have.

Congress has a long history of supplementing the disaster relief fund to cover those in need. From 2003 to 2010, $12.3 billion was appropriated through the regular appropriations process. But six times that much—$73.4 billion—was appropriated through supplemental funding.

It should be noted that only a small part of the administration's request seeks supplemental funding. The bulk of the request is for fiscal year 2012, and the aid requested constitutes disaster relief within the meaning of the Budget Control Act, which allows discretionary spending levels to be raised up to a certain limit—a limit that is not breached by the administration's request.

Already FEMA has had to start prioritizing its relief activities so that those in most immediate need can be assisted. In other words, longer term recovery projects not yet in the FEMA pipeline have been put on hold. That is how low the reserves are in the disaster recovery fund.

Current and future survivors will continue to receive assistance to help replace or repair damages to property or cover other personal losses. States will also continue to receive reimbursement for debris removal, emergency response and protective measures, and other critical needs. But FEMA has essentially had to begin rationing aid. That is just plain wrong. The people who suffer in one disaster are no more or less entitled to aid than those who suffer in another disaster. We are a humane country, not a selectively humane country.

As I said when I toured flooded homes on the Connecticut shore 2 weeks ago, the Federal Government does not default on its obligations—whether we are talking about debts to foreign nations or promised aid to its own citizens in need, through no fault of their own.

I have faith my colleagues will come together across party lines, as we have done so many times in the past, to replenish FEMA's disaster relief fund, which was designed to help make people whole again after major disasters.

Mr. LEVIN. Madam President, we soon will vote on a measure that includes two significant pieces of legislation. I support passage of both—one that upholds our duty to assist Americans coping with natural disasters, and one that upholds our duty as Americans to speak out against oppression and abuse around the world.

The first measure provides emergency supplemental funding for disaster relief and recovery efforts. Congress must do its job to appropriate emergency funding for disaster response and recovery quickly and thoughtfully, as we have done numerous times in the past. I will vote for this measure because the $6.9 billion in emergency supplemental funding for disaster relief and recovery is necessary to help families and businesses bounce back from catastrophic loss, to rebuild damaged infrastructure, to respond to emergencies, to restore forests and watersheds damaged by disaster, and to improve flood control structures. Importantly, this legislation does not set the bad precedent of requiring an offset in order to help communities and families when disaster strikes.

The second measure would renew sanctions against Burma by extending the import restrictions put in place under the Burmese Freedom and Democracy Act of 2003.

While the Burmese government has shown some recent signs of a willingness to implement meaningful reforms, legitimate questions regarding its commitment to these reforms as well as continuing concerns about the ongoing detention of political prisoners and about serious human rights violations justify the renewal of these sanctions.

I urge my colleagues to approve this important measure as a reaffirmation of our concern for those here at home who are struck by disaster, and for those abroad who suffer under oppression.

AMENDMENT NO. 602

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate on Reid amendment No. 602. Who yields time?

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I would like to speak for final passage. I would like to speak last.

Is there anyone who wants to speak in opposition?

The PRESIDING OFFICER. Is there someone to speak in opposition?

Ms. LANDRIEU. If not, then I will take the time to close. I wanted to say thanks to several Members, many Members on my side who have helped this week to clarify this issue and to build support for disaster funding for the 48 States that are currently experiencing devastation.

I wish to thank Members on the other side of the aisle, particularly Senators BLUNT, VITTER, RUBIO, others, Senator SNOWE who have left their voice and their vote to help us get to this point. I particularly wish to thank Senator BLUNT for spending 15 minutes on the floor today saying how crucial this is not only to his State of Missouri but to the whole country.

I wish to thank the Members on my side, Senators LEAHY and SCHUMER and HAGAN and others who have helped so much this week—Senator SHAHEEN, who has been at all the press conferences, Senator SANDERS.

Let me say this is the only vehicle—the only vehicle—we have before us to do long-term full funding for the disaster relief. This bill will provide help to Nebraska, to Minot, ND, to New York, to the east coast, to Tuscaloosa, AL, Joplin, MO.

If we do not vote for this, the DRF funding will be empty. This money gives us not only additional funding for disaster relief, but it also provides an additional $1.1 billion for the Corps of Engineers and funding for a few other programs that are essential to rebuilding.

I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Since there is no opposition that is going to speak, I would like to take those 2 minutes as well.

This is a very important vote. I know there are some people who think we should have gone through a regular process. The last time we went through a regular process, with individual votes coming to the floor by October 1, was 1994. It is 2011. As the appropriator, the chair of this committee, I knew that was not a way to go to bring quick relief to the disaster victims who need help.

So the stand-alone approach, sending a strong vote from the Senate today, will help us negotiate with the House. They have a different idea. I happen not to agree with their idea. They are entitled to their own idea. We are entitled to our own idea, and our own idea is with Democrats and Republicans voting yes on this Burma sanctions bill, we can send reliable, long-term funding.

In closing, let me tell you what the alternative is if you vote no. If you vote no on this and think you can go home and tell your people you helped them, you are going to be faced next week with a vote to give your people 6 weeks of disaster funding. That is how long the continuing resolution lasts.

Believe me, having had to rebuild a good part of our State, you cannot do it 6 weeks at a time. I strongly suggest you give a strong vote for disaster victims, long-term funding they can rely on, and we negotiate with the House next week.

The PRESIDING OFFICER (Mr. FRANKEN). The question is on agreeing to the Reid amendment No. 602.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 37, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—62

| | | |
|---|---|---|
| Akaka | Hagan | Nelson (FL) |
| Baucus | Harkin | Pryor |
| Begich | Heller | Reed |
| Bennet | Hoeven | Reid |
| Bingaman | Inouye | Rockefeller |
| Blumenthal | Johnson (SD) | Rubio |
| Blunt | Kerry | Sanders |
| Boxer | Klobuchar | Schumer |
| Brown (MA) | Landrieu | Shaheen |
| Brown (OH) | Lautenberg | Snowe |
| Cantwell | Leahy | Stabenow |
| Cardin | Levin | Tester |
| Carper | Lieberman | Toomey |
| Casey | Manchin | Udall (CO) |
| Collins | McCaskill | Udall (NM) |
| Conrad | Menendez | Vitter |
| Coons | Merkley | Warner |
| Durbin | Mikulski | Webb |
| Feinstein | Murkowski | Whitehouse |
| Franken | Murray | Wyden |
| Gillibrand | Nelson (NE) | |

NAYS—37

| | | |
|---|---|---|
| Alexander | Enzi | McCain |
| Ayotte | Graham | McConnell |
| Barrasso | Grassley | Moran |
| Boozman | Hatch | Paul |
| Burr | Hutchison | Portman |
| Chambliss | Inhofe | Risch |
| Coats | Isakson | Roberts |
| Coburn | Johanns | Sessions |
| Cochran | Johnson (WI) | Shelby |
| Corker | Kirk | Thune |
| Cornyn | Kyl | Wicker |
| Crapo | Lee | |
| DeMint | Lugar | |

NOT VOTING—1

Kohl

The PRESIDING OFFICER. On this vote the yeas are 62, the nays are 37. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time.

The PRESIDING OFFICER. Under the previous order, the joint resolution, H.J. Res. 66, as amended, is passed, and the motion to reconsider is considered made and laid upon the table.

The joint resolution (H.J. Res. 66), as amended, was passed, as follows:

H.J. RES. 66

*Resolved*, That the resolution from the House of Representatives (H.J. Res. 66) entitled ''Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.'', do pass with the following amendment:

Strike all after the resolving clause and insert the following:

***DIVISION A—RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003***

***SECTION 1. RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.***

*(a) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.*

*(b) RULE OF CONSTRUCTION.—This division shall be deemed to be a ''renewal resolution'' for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.*

***SEC. 2. EFFECTIVE DATE.***

*This division shall take effect on the date of the enactment of this joint resolution or July 26, 2011, whichever occurs earlier.*

***DIVISION B—SUPPLEMENTAL APPROPRIATIONS***

*The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for disaster relief for the fiscal year ending September 30, 2011, and for other purposes, namely:*

*TITLE I*

*DEPARTMENT OF AGRICULTURE*

*FARM SERVICE AGENCY*

*EMERGENCY CONSERVATION PROGRAM*

*For ''Emergency Conservation Program'' for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), $78,000,000, to remain available until expended: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.*

*EMERGENCY FOREST RESTORATION PROGRAM*

*For ''Emergency Forest Restoration Program'', for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), $49,000,000, to remain available until expended: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1958 (Public Law 99–177), as amended.*

*NATURAL RESOURCES CONSERVATION SERVICE*

*EMERGENCY WATERSHED PROTECTION PROGRAM*

*For ''Emergency Watershed Protection Program'' for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), $139,000,000, to remain available until expended: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.*

*TITLE II*

*DEPARTMENT OF COMMERCE*

*ECONOMIC DEVELOPMENT ADMINISTRATION*

*ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS*

*For an additional amount for ''Economic Development Assistance Programs'' for expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation in 2011 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), $135,000,000, to remain available until expended: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.*

*TITLE III*

*DEPARTMENT OF DEFENSE—CIVIL*

*DEPARTMENT OF THE ARMY*

*CORPS OF ENGINEERS—CIVIL*

*MISSISSIPPI RIVER AND TRIBUTARIES*

*For an additional amount for ''Mississippi River and Tributaries'' for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), $890,177,300, to remain available until expended for repair of damages to Federal projects: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That each amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.*

*OPERATION AND MAINTENANCE*

*For an additional amount for ''Operation and Maintenance'', $60,000,000, to remain available until expended to dredge navigation channels and repair damage to Corps projects nationwide related to natural disasters: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That the amount in this paragraph is designated by Congress as being for an emergency requirement pursuant to section 3(c)(1) of H. Res. 5 (112th Congress) and to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.*

*For an additional amount for ''Operation and Maintenance'' for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) to dredge navigation channels and repair damage to Corps projects nationwide related to natural disasters, $88,003,700, to remain available until expended: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House*

*of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That each amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.*

*FLOOD CONTROL AND COASTAL EMERGENCIES*

*For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repair and other activities in response to recent natural disasters as authorized by law, $244,000,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That the amount in this paragraph is designated by Congress as being for an emergency requirement pursuant to section 3(c)(1) of H. Res. 5 (112th Congress) and to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.*

*For an additional amount for ''Flood Control and Coastal Emergencies'', for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) and as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repair and other activities in response to recent natural disasters as authorized by law, $66,387,000, to remain available until expended: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That each amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.*

*TITLE IV*

*DEPARTMENT OF HOMELAND SECURITY*

*FEDERAL EMERGENCY MANAGEMENT AGENCY*

*DISASTER RELIEF*

*For an additional amount for ''Disaster Relief'', $500,000,000, to remain available until expended: Provided, That the amount in this paragraph is designated by Congress as being for an emergency requirement pursuant to section 3(c)(1) of H. Res. 5 (112th Congress) and to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.*

*For an additional amount for the ''Disaster Relief'' for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), $4,600,000,000, to remain available until expended: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended. This Act may be cited as the ''Emergency Supplemental Disaster Relief Appropriations Resolution, 2011''.*

*TITLE V*

*DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT*

*COMMUNITY PLANNING AND DEVELOPMENT*

*COMMUNITY DEVELOPMENT FUND*

*For an additional amount for the ''Community Development Fund'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) in 2011, $100,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended: Provided further, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: Provided further, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: Provided further, That funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: Provided further, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State or subdivision thereof under the Community Development Fund: Provided further, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: Provided further, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver.*

*This division may be cited as the ''Emergency Supplemental Disaster Relief Appropriations Resolution, 2011''.*

## SURFACE AND AIR TRANSPORTATION PROGRAMS EXTENSION ACT OF 2011

Mr. REID. Mr. President, I move to proceed to H.R. 2887 under the terms of the previous order.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2887) to provide an extension of surface and air transportation programs, and for other purposes.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the three votes that will come soon be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, there will be 10 minutes of debate equally divided between the Senator from Kentucky, Mr. PAUL, and the Senator from Nevada, Mr. REID, or their designees.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENTS NOS. 621 AND 622

Mr. PAUL. Mr. President, I ask unanimous consent to call up en bloc my amendments Nos. 621 and 622.

The PRESIDING OFFICER. Without objection, the clerk will report the amendments by number.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes en bloc amendments numbered 621 and 622.

Mr. PAUL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 621

(Purpose: To limit the amount authorized to be expended from the Highway Trust Fund in any fiscal year to the amount anticipated to be deposited into the Highway Trust Fund in that fiscal year)

On page 38, line 24, strike ''(d)'' and insert the following:

(d) LIMITATION ON HIGHWAY TRUST FUND EXPENDITURES.—Notwithstanding any other provision of law, the amount authorized to be expended or transferred during a fiscal year from the Highway Trust Fund, established under section 9503 of the Internal Revenue Code of 1986, may not exceed the amount appropriated, transferred, or otherwise made available to the Highway Trust Fund during such fiscal year, based on estimates made by the Congressional Budget Office.

(e)

AMENDMENT NO. 622

(Purpose: To decrease the authorization of appropriations for the Federal Aviation Administration to fiscal year 2008 levels)

At the end of title II, add the following:

**SEC. 210. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL AVIATION ADMINISTRATION AT FISCAL YEAR 2008 LEVELS.**

Notwithstanding the provisions of, or amendments made by, this title, or any other provision of law, there are authorized to be appropriated to the Federal Aviation Administration for the period beginning on September 17, 2011, and ending on January 31, 2012, for all purposes (other than for the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986) amounts not to exceed the amounts authorized to be appropriated to the Administration for the period beginning on September 17, 2007, and ending on January 31, 2008, for such purposes.

Mr. PAUL. Mr. President, we are considering today the highway bill and the

FAA bill. The highway bill is a trust fund. When we hear the words ''trust fund,'' we should have trust that money is only spent on highways. Unfortunately, that money has been spent through the years on other items. The same applies to the Social Security trust fund and with the Medicare trust fund. It is all sent to the General Treasury, and it is not protected.

What I am asking today through this amendment to the highway bill is that we keep the trust fund separate and the trust fund spends only money that comes in from the gas tax. If we continue to spend money that is not coming in from the gas tax, this will be money borrowed from China or simply printed, and there are ramifications to borrowing $40,000 a second.

So my amendment to the highway bill would say we only spend what comes in through taxes. I consider this to be responsible budgeting and what we should be doing and likely what we were probably obligated under the original trust agreement to do. So I urge passage of this amendment which would limit the highway trust fund to that amount of funds coming in through taxes.

My second amendment is to the FAA bill. This amendment says spending in the FAA bill go to 2008 levels. Since 2008, spending in our government has gone up 25 percent. We are mounting a deficit of $1.5 trillion. Our Nation's debt is $14 trillion. There are significant ramifications to incurring so much debt.

The debt does have a face—it is the face of unemployment. Economists have said our debt burden is leading to our losing 1 million jobs a year; that 1 million people are out of work because of the debt we carry. Economists have also said this debt burden, when it is paid for through the printing of money, leads to higher prices in the stores. Our gas prices have doubled not because gas is more precious but because our dollar is less precious. Our dollar is less precious because we are paying for a debt by inflating the currency.

What this amendment asks is that we go back to 2008 levels, which, believe it or not, if we did this through the entire government, will still not balance the budget. This is a modest proposal. It is the very least we can do if we believe in a responsible budget and that we must balance our budget.

The second amendment would take spending to 2008 levels, and I encourage the Senate to pass these amendments.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, the majority leader has asked that Senator ROCKEFELLER have 2½ minutes of the time that remains on our side, which shall be divided, and I will have the 2½ minutes to speak about the highway amendment, which I would share that, if he wants to, with Senator INHOFE. I ask unanimous consent that be the order.

The PRESIDING OFFICER. Senator REID has 5 minutes total under his control.

Mrs. BOXER. That is what I said, 2½ minutes and 2½ minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. If I can clarify, I think the Senator from California is saying the highway bill will get 2½ minutes, and we will agree to split our time with the ranking members.

Mrs. BOXER. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I rise in opposition—very strong opposition—to the Paul amendment. The Senate voted on this earlier this year and turned it down very emphatically. The Federal Aviation Administration, FAA, is taken for granted by some. They just assume there will always be money and everything can go on constantly. The Senate has rejected this.

The FAA has raised very substantial concerns publicly—but more importantly, from my point of view, to me privately—that at all levels they will have to start compromising safety, although they will not intend to, and eventually we will put FAA at risk.

It is a very bad and dangerous amendment—a mischievous amendment—and it should be defeated.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I urge my colleagues not to support the Paul amendment on FAA. Although I understand what he is trying to do, to bring it down, this is a clean extension that has been passed by the House. The House has gone out for the weekend, and the FAA authorization lapses tomorrow. We have had a shutdown of the FAA in the last 6 weeks and it disrupts airport expansions, and it disrupts the FAA itself.

We will work with Senator PAUL to make sure we are doing everything we can to cut the FAA budget, but this is a clean 2011 extension, with no additions, and I urge my colleagues to support the bill without the amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, if you can tell me when I have finished with 1½ minutes, please.

The PRESIDING OFFICER. Yes.

Mr. INHOFE. Point of inquiry, Mr. President. At some point I want 30 seconds, if we can figure out how to do that.

Mrs. BOXER. I will reserve the rest of the time for the Senator to close. So tell me when I have used that 1½ minutes, and the Senator will have 1 minute left.

Today, Mr. President, was a very rough day for us to get to this moment. I thank everyone who came together to finally get this moving.

Let me tell you why we are at a critical moment. We clearly have to keep the FAA going, and we are. I think we are going to win that amendment. On transportation, Senator PAUL has offered an amendment that technically doesn't do anything, but it is his intent, as he said, to cut the funding by one-third.

If that amendment were to pass, and if his intent was carried out, it would mean we would lose 608,000 jobs right away—608,000 jobs right away. We can't afford to do that.

The funding is in this bill. There is no need to cut this bill. It is paid for, and we are ready to go. Republicans and Democrats on the Environment and Public Works Committee are in agreement on a clean extension.

I thank my ranking member. As everyone knows, we do not see eye to eye on the environment, and that is an understatement.

The PRESIDING OFFICER. The Senator has used her allotted time.

Mrs. BOXER. On infrastructure, we are together. We want a clean extension. We fight for these jobs and these businesses.

I thank the Chair, and I yield the remainder of my time to the ranking member.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. We have two amendments we are talking about now in a short period of time. First, I will support the FAA amendment. I think Senator PAUL has a good idea.

I would only say this: I want my Republican conservatives to listen carefully. This is totally different than any other bill because what this is—there is adequate money right now in the highway trust fund to carry out the existing spending until 2013. So I would only say that money is dedicated for that purpose, and it is going to be spent for that purpose. Anything that came from a source other than a gas tax was merely paid back from money borrowed out of the trust fund. So from a moral standpoint, this should be spent on infrastructure on the highway bill—on the extension. Then we will be able to talk about something more important, which is the bill coming up, and that will be the permanent one.

So I think it is not going to make any difference. I will oppose it on concept because that money is dedicated for a purpose and paid for by people who believe we are going to improve our highways.

The PRESIDING OFFICER. The Senator from Kentucky has 2 minutes.

Mr. PAUL. Mr. President, I am satisfied, and I would ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to Amendment No. 621.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 14, nays 84, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—14

| | | |
|---|---|---|
| Burr | Crapo | McCain |
| Chambliss | DeMint | Paul |
| Coats | Johnson (WI) | Risch |
| Coburn | Kyl | Toomey |
| Corker | Lee | |

NAYS—84

| | | |
|---|---|---|
| Akaka | Graham | Moran |
| Alexander | Grassley | Murkowski |
| Ayotte | Hagan | Murray |
| Barrasso | Harkin | Nelson (NE) |
| Baucus | Hatch | Nelson (FL) |
| Begich | Heller | Portman |
| Bennet | Hoeven | Pryor |
| Bingaman | Hutchison | Reed |
| Blumenthal | Inhofe | Reid |
| Blunt | Inouye | Roberts |
| Boozman | Isakson | Rockefeller |
| Boxer | Johanns | Sanders |
| Brown (MA) | Johnson (SD) | Schumer |
| Brown (OH) | Kerry | Sessions |
| Cantwell | Kirk | Shaheen |
| Cardin | Klobuchar | Shelby |
| Carper | Landrieu | Snowe |
| Casey | Lautenberg | Stabenow |
| Cochran | Leahy | Tester |
| Collins | Levin | Thune |
| Conrad | Lieberman | Udall (CO) |
| Coons | Lugar | Udall (NM) |
| Cornyn | Manchin | Vitter |
| Durbin | McCaskill | Warner |
| Enzi | McConnell | Webb |
| Feinstein | Menendez | Whitehouse |
| Franken | Merkley | Wicker |
| Gillibrand | Mikulski | Wyden |

NOT VOTING—2

| | |
|---|---|
| Kohl | Rubio |

The PRESIDING OFFICER. On this vote, the yeas are 14, the nays are 84. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Under the previous order, the motion to reconsider is considered made and laid upon the table.

VOTE ON AMENDMENT NO. 622

Under the previous order, the question is on agreeing to amendment No. 622, offered by the Senator from Kentucky, Mr. PAUL.

Mr. INHOFE. 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 assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted ''yes.''

The PRESIDING OFFICER (Mr. UDALL of Colorado). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 61, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—36

| | | |
|---|---|---|
| Ayotte | Graham | McConnell |
| Barrasso | Grassley | Moran |
| Blunt | Hatch | Paul |
| Boozman | Heller | Portman |
| Burr | Inhofe | Risch |
| Chambliss | Isakson | Roberts |
| Coburn | Johanns | Sessions |
| Corker | Johnson (WI) | Shelby |
| Cornyn | Kirk | Thune |
| Crapo | Kyl | Toomey |
| DeMint | Lee | Vitter |
| Enzi | McCain | Wicker |

NAYS—61

| | | |
|---|---|---|
| Akaka | Franken | Murray |
| Alexander | Gillibrand | Nelson (NE) |
| Baucus | Hagan | Nelson (FL) |
| Begich | Harkin | Pryor |
| Bennet | Hoeven | Reed |
| Bingaman | Hutchison | Reid |
| Blumenthal | Inouye | Rockefeller |
| Boxer | Johnson (SD) | Sanders |
| Brown (MA) | Kerry | Schumer |
| Brown (OH) | Klobuchar | Shaheen |
| Cantwell | Lautenberg | Snowe |
| Cardin | Leahy | Stabenow |
| Carper | Levin | Tester |
| Casey | Lieberman | Udall (CO) |
| Coats | Lugar | Udall (NM) |
| Cochran | Manchin | Warner |
| Collins | McCaskill | Webb |
| Conrad | Menendez | Whitehouse |
| Coons | Merkley | Wyden |
| Durbin | Mikulski | |
| Feinstein | Murkowski | |

NOT VOTING—3

| | | |
|---|---|---|
| Kohl | Landrieu | Rubio |

The PRESIDING OFFICER. On this vote the yeas are 36, the nays are 61. Under the previous order requiring 60 votes, the amendment is rejected.

Under the previous order, the motion to reconsider is considered made and laid upon the table.

Mr. LEVIN. Mr. President, I will vote for passage of H.R. 2887, a combined FAA and surface transportation extension bill.

This legislation averts a damaging shutdown of either program. If we fail to extend these programs, it will mean layoffs and the loss of significant revenue to fund airport and road programs.

The current FAA extension expires tomorrow and the current surface transportation extension expires at the end of the month, along with the authority to collect the Federal gas taxes that fund the Highway Trust Fund. Passing this bill quickly and extending the FAA reauthorization for 4 months and the surface transportation bill for 6 months allows Congress more time to work out the issues that are holding up completing long-term reauthorizations.

Just as important, it keeps thousands of workers on the job, supporting their families.

Mr. HATCH. Mr. President, I want to explain my vote of the FAA extension.

As I have said many times, I share House Transportation and Infrastructure Committee Chairman MICA's frustration, and the frustration of Republican leadership in both the House and the Senate, that favors to organized labor have overshadowed the prospects for long-term FAA reauthorization.

Last year the National Mediation Board changed the rules under which employees of airlines and railroads are able to unionize. For decades the standard has been that a majority of employees would have to agree in an election to form a union. However, the new NMB rules changed that standard so that all it takes to unionize is a majority of employees voting. The NMB wants to permanently impose unionization with less than majority support.

The House passed long-term FAA reauthorization bill includes language I strongly support that eliminates this favor for big labor.

The enactment of a long-term FAA reauthorization bill is very important and is something we need to accomplish. However, the NMB issue needs to be resolved for long-term FAA reauthorization to occur. I will work with my colleagues on a resolution, but they should be on notice that avoiding the issue through 22 short-term extensions is no longer an alternative. I hope my friends have a restful weekend, but they shouldn't feel too relaxed even though we just extended the FAA for 4 months. We need to get back to work on a long-term FAA reauthorization bill right away.

Mr. LEAHY. Mr. President, Senators SANDERS, LAUTENBERG, CONRAD, GILLIBRAND and I filed an amendment to provide an additional $2.5 billion to the Federal Highway Administration's Emergency Relief Fund, which is woefully underfunded right now. In addition, our amendment would waive the $100 million per State cap on emergency funding, which has been done for previous disasters, and allow 100 percent Federal reimbursement for disaster repair work occurring more than 180 days after the disaster.

Nearly 3 weeks ago, Vermont bore the full brunt of then-Tropical Storm Irene as it turned gentle mountain streams and valley rivers into raging torrents of destruction. Whole towns were cut off from the outside world. Homes, businesses, farms, water systems, and miles of roads and bridges were swept away. And some Vermonters lost their lives in these devastating floods.

Roads, bridges, and rail lines all over the State have been wiped out. Flooding closed more than 300 town and State roads and damaged more than 30 bridges in Vermont, stranding people in more than a dozen towns for days. It is going to take years and years for my small State to recover.

In the aftermath, it has been extremely difficult to move emergency supplies and rebuilding materials around, as some of the washed-out roads have gaping gullies in the middle that are 30 feet or more deep, and some of the reopened roads and bridges are not yet recommended for heavy traffic.

The consequences have been harsh. Residents are forced to make 30-mile-plus detours to the nearest grocery store or doctor—on mountain roads, some of them unpaved. Businesses are struggling to reopen and find customers. Schools have been forced to remain closed until repairs are made.

And tourists are worried about traveling to Vermont this fall to see the foliage or this winter to do some skiing.

Our small State is stretched to the limit right now. Winter is fast approaching, which means the end of the construction season is near. By November it will be too cold to lay asphalt, and by December snow and ice will cover the mountains, leaving many towns dangerously isolated. We need to make more permanent repairs as soon as possible or future rains and the fall's freeze-thaw cycle will further deteriorate our roads and make them all but impassable this winter. With just weeks to accomplish so much, we need the full and immediate support of FEMA, the Department of Transportation, and many other Federal agencies.

Earlier natural disasters across the Nation have drawn down our emergency fund accounts, jeopardizing the ability to respond in those States, as well as the newly stricken States such as Vermont. FEMA has less than $400 million in its disaster account for the rest of fiscal year 2011, and the Federal Highway Administration's disaster account is under $200 million. On top of that, the Federal highway account already has over $1 billion in backlogged projects waiting for funding. Since damage to Vermont's Federal-aid roads and bridges alone will exceed half a billion dollars, it is unclear whether the $2.5 billion we propose in this amendment will even cover all of the costs for declared disasters including Irene. But it is a good start.

We must act quickly to replenish FEMA's disaster relief fund, Federal highway's emergency road fund, and a variety of other disaster accounts that are at dangerously low levels right now. Without additional funding to these and other emergency accounts, Vermont and all of the other 49 States with ongoing Federal disasters will not have the resources they need to rebuild.

Thousands of American families and businesses have been devastated by an unprecedented series of floods, tornadoes, hurricanes, wildfires, and other natural disasters this year. The people hurting out there are desperate for a helping hand from their fellow Americans. Given the breadth and depth of Irene's destruction, on top of the ongoing disasters already declared in all 50 States, we must ensure that FEMA, the Department of Transportation, and all of the other Federal agencies involved in disaster-relief efforts have the resources they need to help our citizens in their desperate time of need.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill having been read the third time, the question is, Shall the bill pass?

Mrs. FEINSTEIN. 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 assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL), is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: The Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—92

| | | |
|---|---|---|
| Akaka | Franken | Mikulski |
| Alexander | Gillibrand | Moran |
| Ayotte | Graham | Murkowski |
| Barrasso | Grassley | Murray |
| Baucus | Hagan | Nelson (NE) |
| Begich | Harkin | Nelson (FL) |
| Bennet | Hatch | Portman |
| Bingaman | Heller | Pryor |
| Blumenthal | Hoeven | Reed |
| Blunt | Hutchison | Reid |
| Boozman | Inhofe | Risch |
| Boxer | Inouye | Roberts |
| Brown (MA) | Isakson | Rockefeller |
| Brown (OH) | Johanns | Sanders |
| Burr | Johnson (SD) | Schumer |
| Cantwell | Kerry | Sessions |
| Cardin | Kirk | Shaheen |
| Carper | Klobuchar | Shelby |
| Casey | Kyl | Snowe |
| Chambliss | Landrieu | Stabenow |
| Coats | Lautenberg | Tester |
| Cochran | Leahy | Thune |
| Collins | Levin | Udall (CO) |
| Conrad | Lieberman | Udall (NM) |
| Coons | Lugar | Vitter |
| Corker | Manchin | Warner |
| Cornyn | McCain | Webb |
| Crapo | McCaskill | Whitehouse |
| Durbin | McConnell | Wicker |
| Enzi | Menendez | Wyden |
| Feinstein | Merkley | |

NAYS—6

| | | |
|---|---|---|
| Coburn | Johnson (WI) | Paul |
| DeMint | Lee | Toomey |

NOT VOTING—2

| | |
|---|---|
| Kohl | Rubio |

The bill (H.R. 2887) was passed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The Senator from Wyoming.

## MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, with an exception for myself and the other Senator from Wyoming, concerning a tribute to Malcolm Wallop, who passed away yesterday, and that we might have such time as needed.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RELATIVE TO THE DEATH OF THE HONORABLE MALCOLM WALLOP, FORMER SENATOR FROM THE STATE OF WYOMING

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 268, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 268) relative to the death of the Honorable Malcolm Wallop, former Senator from the State of Wyoming.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENZI. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 268) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 268

Whereas Malcolm Wallop served in the Wyoming House of Representatives from 1969 to 1972, and in the Wyoming Senate from 1973 to 1976;

Whereas Malcolm Wallop represented the people of the State of Wyoming in the United States Senate with distinction for 18 years, from 1977 to 1995;

Whereas, while serving in the Senate, Malcolm Wallop championed the development of space-based anti-missile defense, supported legislation to reduce inheritance and gift taxes, fought to restore fish habitats in the United States, and opposed the control of the water resources of the State of Wyoming by the Federal Government;

Whereas Malcolm Wallop created the Congressional Award Program in 1979 as a challenge to young people throughout the United States to change the world around them through personal initiative, achievement, and service;

Whereas, in 1984, Malcolm Wallop coauthored section 1014 of the Tax Reform Act of 1984 (Public Law 98-369; 98 Stat. 1015), commonly known as the Wallop-Breaux Amendment, which remains today as the leading legislative initiative for sport fish restoration in the United States;

Whereas Malcolm Wallop served as chairman of the Select Committee on Ethics, ranking member of the Committee on Energy and Natural Resources and the Committee on Armed Services, chairman of the Senate Steering Committee, and was the first nonlawyer in the history of the Senate to serve on the Committee on the Judiciary;

Whereas, after retiring from the Senate, Malcolm Wallop founded the Frontiers of Freedom Institute to continue addressing the issues he championed as a Senator and to ensure that the ideals he espoused were not forgotten; and

Whereas the hallmarks of Malcolm Wallop's public service were conservatism, civility, and working for the western way of life: Now, therefore, be it

*Resolved*, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Malcolm Wallop, former member of the Senate; and

(2) the Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy

of this resolution to the family of the deceased.

Mr. ENZI. Mr. President, it was with a mixture of sadness for his loss and gratitude for having known him that I received the news that Malcolm Wallop had passed away yesterday. He was a man of strong principles who served over the years with some truly remarkable people, such as Dick Cheney and Al Simpson, to make up some of the most influential and strongly united State delegations I have ever seen.

Those of us who served with him will remember him with a great deal of fondness as one of the greatest warriors from Wyoming and the West who have ever served in the Senate. Whether a person agreed with him or not, he earned the respect of those he served with because it was clear he spoke from the heart with words that reflected his commitment to his home State of Wyoming and our Western way of life.

Malcolm was born in New York and later attended and graduated from Yale University. He immediately felt the call to serve his country, and he joined the Army. Then, when his days in the military were over, he returned to his life as a rancher in Wyoming. It was a vocation he took up with great passion as it reflected his love of the land and his enjoyment of the great outdoors. I think those long hours spent on his ranch gave him the time he needed to think about that which really mattered to him and to his future. It must have been there that he began to get his thoughts together and speak his mind on a long list of issues that mattered to him and to all of those who shared his political philosophy. It led him on a path over the years that would see him writing a long list of prestigious and popular publications that got him noticed and quoted throughout his long and productive career.

Malcolm found his home on his ranch, but he really found his true calling when he ran for and won a seat in the State legislature, first in the house and later on in the Senate. It was in the State legislature that he developed a well-earned reputation for being a thoughtful legislator who became the voice of his constituents as he worked to ensure their concerns were heard and heard clearly on a number of issues that affected them and their daily lives.

Encouraged by what he had been able to do, Malcolm ran for Governor, but God needed a legislator, so he lost the primary. Malcolm then set his sites on serving in the U.S. Senate. He ran against a three-term incumbent. He knew running for the Senate would not be easy, but he was always one willing to do whatever was needed to ensure he achieved his objectives. The Senate race proved to be no exception.

OSHA, the Occupational Safety and Health Administration, had come into being and drafted its first regulations. Malcolm noted the requirements for extensive port-a-potties and built an ad that made the point. Of course, we can't show videos on the floor, but I have to describe this ad because it is still considered one of the classics of running for office.

The camera first shows a cowboy in a blue work shirt and a tattered straw hat saddling and mounting his horse while the announcer says:

> Everywhere you look these days, the Federal Government is there, telling you what they think, telling you what they think you ought to think, telling you how you ought to do things, setting up rules you can't follow. I think the Federal Government is going too far. Now they say if you don't take that portable facility on a roundup, you can't go.

At that point, you see the cowboy shake his head in disgust, and then cut back to a donkey tied behind the cowboy's horse, and strapped on the donkey's back is a portable toilet. The cowboy rides off.

That ad got him noticed and elected, along with his great ability to explain things.

After a spirited campaign, Malcolm proudly took his oath of office and prepared for the challenges that would lie ahead as Wyoming's newest Senator. Some may have thought it wise to start slowly and eventually gain momentum but not Malcolm. He got here and started right to work on what he came here to do. Over the years, he served on a long list of committees, and he had an impact on each and every one of them. They included the Energy and Natural Resources Committee, the Finance Committee, the Small Business Committee, the Armed Services Committee, and the Select Committee on Intelligence. He will also be remembered as the first nonlawyer to serve on the Judiciary Committee.

Malcolm served for 18 years in the Senate, and the record reflects that he used his time wisely and well. Although it would be impossible to list everything he was able to accomplish during his service, quite a few milestones stand out that had a great impact not only on his constituents but on people across the whole country.

His legislation to cut inheritance and gift taxes was passed by Congress, an achievement that was hailed as one of the major legislative accomplishments at that time on tax reform. He also fought to stop the Federal Government's effort to control Wyoming's water resources and the taking of private property.

Although Malcolm's career had begun right in his own backyard, it wasn't long before he had expanded his sights and soon began to work on energy and foreign trade issues which took him to conferences and meetings all over the world. He had a great deal of success in those efforts as he worked to strengthen our relationships with our foreign trade partners. Because of his concern about our national defense, Malcolm was heavily involved in the work that was being done internationally on arms control. He was an active participant in a number of those talks. Ultimately, the human rights issues and Western pressure on them helped to bring about deliberations on the Baltics and Eastern Europe.

Still, no matter where he was or what he was doing, he never lost his focus on his constituents back home and how they were being affected by what the Federal Government was doing or proposing. That is why so many in Wyoming will always remember him as a warrior who fought with all his might to put an end to the battle that was going on back then to increase Federal regulations and reduce State and local control over many facets of life in Wyoming and the West. He knew it had to be stopped, and he did not rest until he made it happen.

Malcolm was a true conservative, and the principles and values that meant so much to him helped to set his inner compass and guide and direct him in everything he did. His commitment to conservative values was so strong that it led him to create the Republican steering committee, which now includes just about all the Republicans in the Senate. He knew how important it was to create a working group that would serve as a sounding board that would provide guidance and direction for the ideas and proposals he and other conservatives wanted to offer to control spending, to limit the growth of government, and to ensure freedoms we have all come to cherish as Americans, to see that they would forever be protected and preserved.

His love of outdoor sports led him to champion a tax on hunting and fishing equipment that could only be used for habitat and facilities. Supported by the sportsmen, that provision is still in place, and we protect its use, to be used for what it was intended.

These are just a few of the items you could find on a list of Malcolm's accomplishments in the Senate. There are many, many more that would be part of the legacy of his service. But there is one more at the top of the list which I know was closest to his heart and which I have to mention before I close.

Throughout his life, Malcolm was a strong believer in the importance of the volunteer spirit. That is why he proposed the Congressional Awards program. First of all, it did not cost anything, which he appreciated as a fiscal conservative. Secondly, it was best described as a challenge issued to young people all across the Nation to get up, get active, and get involved down the street, down the block, or across town. It helped young people to realize that no matter the problem, there was something they could do to help solve it.

Malcolm proposed the idea, and Congress soon passed it. No other award program is quite like it, and no other award like it is issued by Congress. It is not an easy award to earn. I am certain that is how Malcolm intended for

it to be. Any young American who has a dream they wish to pursue can earn one of these important awards. Whether it is a bronze, silver, or gold award, each participant sets his own goal and works with an adviser to get there, step by step. They set their own standards in four program areas: volunteer public service, personal development, physical fitness, and exploration. How well they do in each of these categories determines which award they will earn.

It may be because of Malcolm's status as the founder of the program that it always seems to me that when the gold award winners come to Washington, DC, for the presentation ceremony, there are more Wyoming winners than those from any other State. Just like Malcolm, I am very proud of the spirit of my State's young people and the way they answer this and every challenge—with enthusiasm and determination to do whatever it takes to succeed.

In the years to come, the Congressional Awards will continue to be one of the best parts of Malcolm Wallop's legacy of service to the Nation, and it will inspire and encourage countless more young people to do whatever they can to change the world around them, beginning like Malcolm did, right in their own backyard. It already has a great record of successes, and I cannot think of a better way to remember Malcolm Wallop. In fact, it is probably how he would most want to be remembered.

After Malcolm had served three terms in the State senate and given 18 more years of his life to the people of Wyoming, he took another long walk on his ranch, gave it some thought, and decided it was time for him not to retire—for someone like Malcolm never slowed down—he just felt it was time for him to change direction. So he announced he was stepping down from the Senate to give someone else a chance to continue the work that must be done to make Wyoming and our Nation a better place to live for us all.

It was not long after leaving the Senate that Malcolm founded an organization called the Frontiers of Freedom to enable him to continue his work to address the issues of personal freedom and the need to keep our government from growing too large and too powerful. I have always felt, like Will Rogers said so many years before him, that he opened his office just a short distance from Washington so he would be better able to keep an eye on us.

In the years he served at the helm of the Frontiers of Freedom, it was clear that it reflected the true north of Malcolm Wallop's inner compass. Just like he had done for so many years, the organization was completely focused on many of the issues he had worked on in the Senate, and, like him, it was a much valued and important presence in the ongoing conversation and debate about the direction in which our country was headed and whether that needed to change.

Now Malcolm is taken from us all too soon. He will be greatly missed, and he will never be forgotten. When I learned of his passing, my thoughts turned to those Wyoming Senators we have lost over the last few years: Craig Thomas, Cliff Hansen, and now Malcolm Wallop. They may be gone, but their memories will live on and serve to remind us that each and every one of us—Americans all across this country of ours—has something to offer to make a difference in the world. If we do not do what God has sent us here to do, no one else will be able to do it for us.

Diana and I join in sending our heartfelt sympathy to Malcolm's family and to everyone who knew him personally or politically or who followed his public life. He was a remarkable individual who fulfilled his life's dream by working hard, always giving the best he had to offer, and constantly looking ahead to the problems that were looming on the horizon so they could be addressed before they became too difficult to handle.

At moments such as these, I have always believed there is no greater gift we can give to someone who is grieving the loss of a loved one than to keep them in our thoughts and hold them gently in our prayers. I have found that God has a way of hearing and healing us in our darkest hours. May His presence now be a source of peace and comfort to all those who mourn Malcolm's loss. The knowledge that there are so many who will never forget him may, in time, help to soften the pain his passing leaves behind for all who knew him, loved him, and called him their friend.

To heal the empty spot in our hearts, I encourage all who knew Malcolm to write down their memories and share them. I know with full confidence this will not be the last time Malcolm Wallop's name will be heard on the Senate floor. In the years to come, we will often think of him and the example he provided at so many times. But for now, let us say goodbye to our friend. He will be missed, but he will never be forgotten.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I come to the floor today to honor one of our former colleagues and a dear friend. U.S. Senator Malcolm Wallop died yesterday, September 14, 2011, at his Wyoming home overlooking the majestic Big Horn Mountains.

Senator Wallop will be remembered as a unique and enduring figure in the history of Wyoming and in the history of the United States. Malcolm was a stalwart defender of freedom and democracy around the world and a determined advocate for limited government and opportunity for every person. Like that iconic range in northern Wyoming that he loved, Malcolm stood very tall—as a citizen, as a State and Federal legislator, and as a loyal guardian for Wyoming people and our way of life.

I want to send my deepest condolences to Malcolm's family back in Wyoming and around the country: to Isabel, his wife; to his beloved children, Malcolm, Matthew, Amy, and Paul; to his dear sisters, Jeannie and Carolyn.

I also want to offer my condolences to all of those folks who worked for Senator Wallop during his years of extraordinary public service. I have met most and have known many over the years. My wife Bobbi served on his very first staff in Washington, and last night she shared with me again what we have all come to know: Malcolm was a kind, caring, and extraordinary gentleman. Malcolm's staff served him ably and honorably.

I know there are also some in this body today who served alongside Malcolm Wallop. You no doubt remember him well. It was just 4 years ago that Senator Wallop returned here to this Chamber and attended my own swearing-in on June 25, 2007. On that day, as is tradition, Senator Wallop walked with me up to the President's desk to take the oath. He stood with me during the ceremony and offered private words of encouragement and advice. I was honored that day to have him there next to me, and it saddens me greatly to join Senator ENZI to announce his death.

Malcolm Wallop was someone I followed throughout his career. I admired him greatly. He was a man whom many of us looked up to, as he grew into one of the most influential legislators of his time.

''Hello, my friend''—that was his classic western rancher's drawl, and it was what you heard if Malcolm Wallop was on the other end of the phone line or came through the door. Malcolm was a real-life version of anyone's image of a western gentleman.

Today, I remember him as a brilliant servant-leader. He possessed a special western wisdom, which often found those around him racing just to catch up. He found great contentment in all of the many facets of his life. Even during recent years, when numerous medical challenges conquered his physical body, his spirit and his intellect were never diminished.

Public service was his heritage and his calling. His grandfather, Oliver Henry ''Noll'' Wallop, founded the Canyon Ranch in the Big Horn Mountains of Wyoming in 1888. That is before Wyoming even became a State. Noll had the distinction of serving first in the Wyoming State Legislature and then, later in life, in the House of Lords in Great Britain. Noll was the youngest son of Lord Isaac Newton Wallop, the fifth Earl of Portsmouth. When Noll's older brothers died, he reluctantly returned to England to fulfill the family duty. However, his own son Oliver, who was Malcolm's father, had been grown up and he remained in Wyoming.

Malcolm was born in 1933, and Big Horn was always his home. His children and his grandchildren are the fourth and fifth generations of his family to make their lives in the beautiful

Big Horn Mountain area of north central Wyoming. They ranch, they own businesses, they teach, they raise their children, they serve their community—all those things we do to make this Nation strong.

Malcolm was a pilot. He served as a first lieutenant in the U.S. Army. He was a cattle rancher elected to the Wyoming State Legislature, serving both in the house as well as in the senate from 1969 through 1976.

In 1974, Wallop ran unsuccessfully for Governor of Wyoming. But it was during that summer campaign that Malcolm began to distinguish himself as a principled and energetic future force in Republican politics. He did not shy from the tough issues; instead, he seemed to gather strength from the challenges.

Only 2 years later, he unseated incumbent U.S. Senator Gale McGee and became Wyoming's 19th Senator, serving from 1977 to 1995.

When Malcolm was elected to this body in 1976, it was really something. You heard about the commercials from Senator ENZI. Well, a group of young people had gathered around to support his very unlikely bid to serve Wyoming in the U.S. Senate. The national press called it the Children's Crusade. Many of those young people came to Washington with him, and my wife Bobbi Brown was among those, who began her own public service career as part of his first-term staff.

It is an indication of the affection and the loyalty felt by those who were part of his team that more than 60 people gathered with Malcolm in Wyoming in 2006 for a 30-year reunion.

He served three terms in the Senate, and his work here was very broad in scope. His presence was lasting, and it touched on the mercurial issues of the late 1970s and 1980s, from energy policy to the environment, from national security to tax reform.

One of our own colleagues, Senator CARL LEVIN, said of Malcolm:

> While we disagreed, again, probably as often as we agreed, that did not stand in the way of my admiration for the quality, the characteristic that he had of letting you know precisely where he stood and why.

He went on to say:

> And his patriotism is second to none in this body.

Malcolm Wallop was the first elected official to propose a space-based missile system, which eventually became part of our Strategic Defense Initiative. He was highly regarded for his knowledge and understanding of defense issues and surely helped bring the Berlin Wall down. Later in his Senate service, he was a member of the Helsinki Commission, and he traveled in Eastern Europe and the former Soviet Union as an arms control negotiator.

Speaking of their strategic partnership, President Reagan said: ''Leadership, hard work, experience, loyalty to Wyoming—that's what Malcolm Wallop is all about.'' Malcolm was fiercely protective of States rights, property rights, the rights to privacy, and he was a champion of the rights of the individual.

He was remembered for the Wallop amendment to the Surface Mining Control Act, a property rights issue which forced the Federal Government to compensate property owners whose ability to mine was undercut by regulation. He worked successfully to protect State interest in the Clean Water Act. He brought significant wilderness to Wyoming through the 1984 Wilderness Act.

He was a key force behind the passage of the far-reaching 1982 Energy Policy Act. Senator Wallop, on more than one occasion, commented that he ''was not burdened with a law degree.'' Yet he was selected in his very first term to serve on the Judiciary Committee, the first nonlawyer ever so chosen.

Perhaps his greatest contribution was his landmark legislation to address the heartbreaking issue of parental kidnapping. He was one of a long and distinguished line of Wyoming Senators who served with distinction on the Senate Finance Committee. His 1981 bill to cut inheritance and gift taxes is remembered as one of the most substantive changes to tax policy that decade.

He appreciated opportunities which allowed for private/public sector partnerships. Early in his Senate career, there was talk of establishing a national service requirement for young people. But Malcolm felt that if we were going to require young people to serve the Nation, the Nation should recognize them for the service so many were already providing through their daily lives.

This resulted in his leadership to establish the Congressional Award. He joined with colleagues in both Houses of Congress in a bipartisan effort and a unique program available to all interested young people in the country was created.

It is a program of Congress which operates with private sector funds. It is an earned honor and is the highest honor which we bestow on our Nation's young people. The many young people in my State who participate in the Close Up program do so because Malcolm thought it was an important opportunity for his young constituents. At the time, Close Up only offered their program in the cities. Malcolm worked to convince the Close Up Foundation that a statewide program would work. I believe Close Up today counts their Wyoming program as one of its most successful.

Malcolm Wallop reached across Capitol Hill. He reached across party lines in the creation of the Aquatic Resources Trust Fund, commonly known as the Wallop-Breaux Trust Fund, which has resulted in billions of dollars generated by users for support of fisheries and wetlands around the country.

But it was not all serious. He was an enthusiastic supporter of his staff's efforts to deal with their homesickness in July. In July of 1977, he held the first Frontier East, an east coast celebration of Cheyenne's Frontier Days, which is known simply as COWPIE. COWPIE stands for the Committee of Wyoming People in the East. It is still today one of the Washington area's most celebrated summer events.

My wife Bobbi reminds me how absolutely joyful Malcolm was each year on his birthday. His birthday was February 27. As Bobbi reminds me, that is when his staff organized the Wally Awards, making great fun of themselves and their boss. I am told the best was the impersonation of him by his chief of staff, Bill Hill. That is the same chief of staff who then went on to serve as Chief Justice of the Wyoming Supreme Court.

Malcolm remained forever steadfast against the growth and the power of centralized government. He warned: ''As we remain the sheep, the government happily remains our shepherd.''

He talked often as a Senator of our shrinking freedom and the battle to lay claim to our fragile liberty. That was Malcolm Wallop. When he announced his retirement in 1993, after 18 years in the Senate, Senator Wallop told the Casper Star Tribune simply: ''I don't think the only place to fight for freedom is in the halls of Congress.''

His life after the Senate was filled with his continuing work on issues focusing on constitutionally limited government, a strong national defense, and the rights of the individual. To address these issues, he founded the Frontiers of Freedom.

He spoke with power and eloquence about the issues which he found to be the core of our great country. In a 2003 interview with Peter Evans, he said:

> You'll find in the American people an enormous sense of pride and self assurance that only comes from people living free. It's unbelievably invigorating, and very reassuring, to know the great experiment is in the hands of people who don't even know it, and isn't in the hands of the people who think they hold it.

Malcolm Wallop was so many things. But what Malcolm Wallop was not was sentimental. The new phase of his life was the full phase of his life. He did not dwell on past things. His energy was always spent looking forward.

I wish to conclude by repeating Senator Wallop's own words. Speaking in 2005 before the Ronald Reagan Gala sponsored by the Frontiers of Freedom, Senator Wallop spoke about his own beliefs.

> Government was not meant to possess us, rule us, encompass us, judge for us, substitute for us. It was meant to serve us. We were founded as a noble self-governing tribe of free people respecting each other as Americans under God—not under Washington. Americans know this even if their government does not.
>
> The biggest difference between the principle of government in America, and anywhere else is that here the rulers must stick to clearly defined tasks, while ordinary people may do whatever they wish. We must make up our minds to put this principle into practice again, lest we lose the spirit that made us the envy of the world.

Most important, the American model is based on a certain kind of people—defined not by race but by virtue and by the willingness to take responsibility for our own lives. People fit to be Americans ask for blessings only from God. Because being Americans is not a matter of birth, we must practice it every day—lest we become something else.

The size of our continent, its fabulous wealth, its indescribable beauty, the ships, tanks and airplanes in our arsenal, are no treasure compared to the moral character of the American people. I pray to God that he will graciously help us preserve and protect that splendid moral base.

To Isabel and his beloved children, Malcolm, Matthew, Amy, and Paul, to his dear sisters, Jeannie and Carolyn, we thank you for letting him share so much of his life with us all. There is no question our world is better for the time he spent addressing the great issues of the day and we are grateful.

We can cherish our memories and stories of Malcolm knowing he would cast a wry glance and wonder why we were not spending our thoughts and our energy on a challenge that needed our attention. It is what he would expect of all of us. It is the example he left for us. It is his legacy.

So, today, godspeed, Malcolm. The Senate, Wyoming, the United States of America, has lost one of its most steadfast defenders.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DISAPPEARING MIDDLE CLASS

Mr. BENNET. Mr. President, I went back to the office and I saw my senior Senator sitting here at this late hour and I wanted to come down and keep him company. So I am glad to be here with you tonight, proud to be from the West tonight with two great Senators from Wyoming remembering Malcolm Wallop's service in this body. It was wonderful to hear their remembrances of him. I am glad we were here to share that being from the West.

Similar to the Presiding Officer, I spent most of August in our beautiful State—the most beautiful State in the United States, if I do say so myself—in townhall meetings, mostly in red parts of the State, but in red and blue parts of the State. They do not actually think of themselves that way, but that is how Washington would talk about it.

In the townhalls, I always start the same way. I say: Ask any question you have. Bring any criticism you have. I tell them I was an urban school superintendent for almost 4 years, it is impossible to hurt my feelings. It was beaten out of me a long time ago. Then we have a conversation.

This time, every single meeting started with somebody saying: What is wrong with you guys? Why can't you work this out in Washington, DC? We are struggling in the worst economy we have had since the Great Depression, and what we see are a lot of political games being played back there.

That is the version of the conversation I have heard now for 2½ years in our State.

Then, one of the things we get into at the very beginning is the fact that this is not a garden-variety recession that we are just coming out of. This is the first time—this last decade, not just this recession, the last decade—the first time in this country's history when median family income actually declined instead of going up.

Generation after generation after generation of Americans saw their income rise. Median family income is sort of shorthand for middle-class family income in this country. It is the backbone of this country, and it has fallen for the first time in a decade, as the cost of health insurance doubled on the people who live in Colorado, and the cost of higher education went up by 60 percent.

People are saying: MICHAEL, I have been at my job for this whole decade and I am earning less at the end of the decade than I was at the beginning of the decade. My costs of not ''nice to haves,'' my costs of critical things to move my family ahead to create stability for me and my small business—such as health care, such as higher education—have done nothing but skyrocket.

I am going to show you some numbers that are pretty scary that came out this week from the Census Bureau that reflect, in numbers, what I am talking about and reflect how profound the structural issues are that we face in our economy, structural that do not fit on the back of a bumper sticker or a political slogan or during a debate at night on the television set.

This week's Wall Street Journal, on Monday, had an article on the front page with the headline that reads as follows: ''As Middle Class Shrinks, P&G Aims High and Low.'' P&G is Procter & Gamble. There is not a more iconic brand in our country's history when it comes to the middle class than Procter & Gamble.

Here are some of the things they make: Crest toothpaste; Head & Shoulders shampoo; Tide detergent; Pamper's diapers—I am glad to be out of those in my house, by the way—Bounty paper towels; Downy fabric softener, Scope mouthwash; Duracell batteries; Charmin toilet paper; Bounce fabric softener—nobody needed fabric softener before there was a middle class in this country, but they make it—Mr. Clean; Pepto Bismol; Pringles; Swiffer brooms and dusters—we have that in our closet—Old Spice deodorant; Nyquil cough syrup; Puffs tissues; Ivory soap; Covergirl makeup.

That is what Procter & Gamble makes. That is what they sold to the great middle class in this country for decades. Here is this article that says Procter & Gamble aims high and low.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 12, 2011]

AS MIDDLE CLASS SHRINKS P&G AIMS HIGH AND LOW

(By Ellen Byron)

For generations, Procter & Gamble Co.'s growth strategy was focused on developing household staples for the vast American middle class.

Now, P&G executives say many of its former middle-market shoppers are trading down to lower-priced goods—widening the pools of have and have-not consumers at the expense of the middle.

That's forced P&G, which estimates it has at least one product in 98% of American households, to fundamentally change the way it develops and sells its goods. For the first time in 38 years, for example, the company launched a new dish soap in the U.S. at a bargain price.

P&G's roll out of Gain dish soap says a lot about the health of the American middle class: The world's largest maker of consumer products is now betting that the squeeze on middle America will be long lasting.

''It's required us to think differently about our product portfolio and how to please the high-end and lower-end markets,'' says Melanie Healey, group president of P&G's North America business. ''That's frankly where a lot of the growth is happening.''

In the wake of the worst recession in 50 years, there's little doubt that the American middle class—the 40% of households with annual incomes between $50,000 and $140,000 a year—is in distress. Even before the recession, incomes of American middle-class families weren't keeping up with inflation, especially with the rising costs of what are considered the essential ingredients of middle-class life—college education, health care and housing. In 2009, the income of the median family, the one smack in the middle of the middle, was lower, adjusted for inflation, than in 1998, the Census Bureau says.

The slumping stock market and collapse in housing prices have also hit middle-class Americans. At the end of March, Americans had $6.1 trillion in equity in their houses—the value of the house minus mortgages—half the 2006 level, according to the Federal Reserve. Economist Edward Wolff of New York University estimates that the net worth—household assets minus debts—of the middle fifth of American households grew by 2.4% a year between 2001 and 2007 and plunged by 26.2% in the following two years.

P&G isn't the only company adjusting its business. A wide swath of American companies is convinced that the consumer market is bifurcating into high and low ends and eroding in the middle. They have begun to alter the way they research, develop and market their products.

Food giant H.J. Heinz Co., for example, is developing more products at lower price ranges. Luxury retailer Saks Inc. is bolstering its high-end apparel and accessories because its wealthiest customers—not those drawn to entry-level items—are driving the chain's growth.

Citigroup calls the phenomenon the ''Consumer Hourglass Theory'' and since 2009 has urged investors to focus on companies best positioned to cater to the highest-income and lowest-income consumers. It created an index of 25 companies, including Estee Lauder Cos. and Saks at the top of the hourglass and Family Dollar Stores Inc. and Kellogg Co. at the bottom. The index posted a

56.5% return for investors from its inception on Dec. 10, 2009, through Sept. 1, 2011. Over the same period, the Dow Jones Industrial Average returned 11%.

''Companies have thought that if you're in the middle, you're safe,'' says Citigroup analyst Deborah Weinswig. ''But that's not where the consumer is any more—the consumer hourglass is more pronounced now than ever.''

Companies like Tiffany & Co., Coach Inc. and Neiman Marcus Group Inc., which cater to the wealthy, racked up outsize sales last Christmas and continue to post strong sales.

Tiffany says its lower-priced silver baubles, once a favorite of middle-class shoppers craving a small token from the storied jeweler, are now its weakest sellers in the U.S. ''I think that there's probably more separation of affluence in the U.S.,'' Tiffany Chief Operating Officer James Fernandez said in June.

Firms catering to low-income consumers, such as Dollar General Corp., also are posting gains, boosted by formerly middle-class families facing shrunken budgets. Dollar stores garnered steady sales increases in recent years, easily outpacing mainstream counterparts like Target Corp. and Wal-Mart Stores Inc., which typically are more expensive.

P&G's profits boomed with the increasing affluence of middle-class households in the post-World War II economy. As masses of housewives set up their new suburban homes, P&G marketers pledged that Tide detergent delivered cleaner clothes, Mr. Clean made floors shinier and Crest toothpaste fought off more cavities. In the decades since, new features like fragrances or ingredient and packaging enhancements kept P&G's growth robust.

Despite its aggressive expansion around the world, P&G still needs to win over a healthy percentage of the American population, because the U.S. market remains its biggest and most profitable. In the fiscal year ended June 30, the U.S. delivered about 37% of P&G's $82.6 billion in annual sales and an estimated 60% of its $11.8 billion in profit. P&G says that Americans per capita spend about $96 a year on its products, compared with around $4 in China.

During the early stages of the recession, P&G executives defended its long-time approach of making best-in-class products and charging a premium, expecting middle-class Americans to pay up.

But cash-strapped shoppers, P&G learned, aren't as willing to splurge on household staples with extra features. Droves of consumers started switching to cheaper brands, slowing P&G's sales and profit gains and denting its dominant market share positions.

In late 2008, unit sales gains of P&G's cheaper brands began outpacing its more expensive lines despite receiving far less advertising. As the recession wore on, U.S. market-share gains for P&G's cheaper Luvs diapers and Gain detergent increased faster than its premium-priced Pampers and Tide brands.

At the same time, lower-priced competitors nabbed market share from some of P&G's biggest brands. P&G's dominant fabric-softener sheets business, including its Bounce brand, fell five percentage points to 60.2% of the market as lower-priced options from Sun Products Corp. and private-label brands picked up sales from the second quarter of 2008 through May 2011, according to a Deutsche Bank analysis of data from market-research firm SymphonyIRI.

P&G's grasp of the liquid laundry detergent category, led by its iconic Tide brand, also posted a rare slip over the same period as bargain-priced options from Sun and Church & Dwight Co. gained momentum. Even the company's huge Gillette refill razor market suffered, declining to 80.1% by May from 82.3% in the second-quarter of 2008, as Energizer Holdings Inc.'s less-expensive Schick brand gained nearly three points.

P&G began changing course in May 2009. After issuing a sharply lower-than-expected earnings forecast for the company's 2010 fiscal year, then-CEO A.G. Lafley said the company would take a ''surgical'' approach to cutting prices on some products and develop more lower-priced goods. ''You have to see reality as it is,'' Mr. Lafley said.

When the company's 2009 fiscal year ended a month later, P&G's sales had posted a rare drop, falling 3% to $76.7 billion.

In August that year, P&G's newly appointed CEO, company veteran Robert McDonald, accelerated the new approach of developing products for high- and low-income consumers.

''We're going to do this both by tiering our portfolio up in terms of value as well as tiering our portfolio down,'' Mr. McDonald said in September 2009.

To monitor the evolving American consumer market, P&G executives study the Gini index, a widely accepted measure of income inequality that ranges from zero, when everyone earns the same amount, to one, when all income goes to only one person. In 2009, the most recent calculation available, the Gini coefficient totaled 0.468, a 20% rise in income disparity over the past 40 years, according to the U.S. Census Bureau.

''We now have a Gini index similar to the Philippines and Mexico—you'd never have imagined that,'' says Phyllis Jackson, P&G's vice president of consumer market knowledge for North America. ''I don't think we've typically thought about America as a country with big income gaps to this extent.''

Over the past two years, P&G has accelerated its research, product-development and marketing approach to target the newly divided American market.

Globally, P&G divides consumers into three income groups. The highest-earning ''ones'' historically have been the primary bracket P&G chased in the U.S. as they are the least price sensitive and most swayed by claims of superior product performance. But as the ''twos,'' or lower-income American consumers, grew in size during the recession, P&G decided to target them aggressively, too. P&G doesn't specifically target the lowest-income ''threes'' in the U.S., since they comprise a small percentage of the population and such consumers are typically heavily subsidized by government aid.

At the high end, it launched its most-expensive skin-care regimen, Olay Pro-X in 2009, which includes a starter kit costing around $60. Previously, the Olay line had topped out around $25. Last year, the company launched Gillette Fusion ProGlide razors at a price of $10 to $12, a premium to Gillette Fusion razors, which sell for $8 to $10, and Gillette Mach3, priced at $8 to $9.

At the lower end, its new Gain dish soap, launched last year, can sell for about half per ounce of the company's premium Dawn Hand Renewal dish soap, which hit stores in late 2008.

Developing products that squarely target the high and low is proving difficult for a company long accustomed to aiming for a giant, mainstream group.

Conquering the high end is difficult because it usually involves a smaller quantity of products.

''We do big volumes of things really well,'' said Bruce Brown, P&G's chief technology officer. ''Things that are smaller quantities, with high appeal, we're learning how to do that.''

Likewise, the cost challenges at the bottom of the pyramid are also proving difficult, Mr. Brown said. Over the past two years, P&G has increased its research of the growing ranks of low-income American households.

''This has been the most humbling aspect of our jobs,'' says Ms. Jackson. ''The numbers of Middle America have been shrinking because people have been getting hurt so badly economically that they've been falling into lower income.''

Mr. BENNET. I wanted to read a few excerpts from it because I think it is instructive about what we are doing.

P&G's profits boomed with the increasing affluence of middle-class households in the post-World War II economy. As masses of housewives set up their new suburban homes, P&G marketers pledged that Tide detergent delivered cleaner clothes, Mr. Clean made floors shinier and Crest toothpaste fought off more cavities. In the decades since, new features like fragrances or ingredient and packaging enhancements kept P&G's growth robust.

What is happening now? For generations Proctor & Gamble's growth strategy was focused on developing household staples for the vast American middle class. Now, P&G executives say many of its former middle-market shoppers are trading down to lower priced goods—widening the pools of have and have-not consumers at the expense of the middle. That has forced P&G, which estimates it has at least one product—and you heard the list, so this won't be surprising in 98 percent of American households—to fundamentally change the way it develops and sells its goods.

For the first time in 38 years, for example, the company launched a new dish soap in the United States at a bargain price. P&G's rollout of Gain Dish Soap says a lot about the health of the middle class. The world's largest maker of consumer products is now betting that the squeeze on middle America will be long lasting.

If you needed any example of what our families are struggling with in Colorado every single day, here is a business plan that is modeled on a perpetually shrinking middle class by a company whose whole business model in their history was based on a rising middle class.

I will skip the next one in the interest of time. I will go right to the end. I want to show some numbers. This was the conclusion of the article:

To monitor the evolving American consumer market, P&G executives study the Gini index, a widely accepted measure of income inequality that ranges from zero, when everyone earns the same amount, to one when all income goes to only one person. In 2009, the most recent calculation available, the Gini coefficient totaled 0.468, a 20 percent rise in income disparity over the past 40 years, according to the U.S. Census Bureau. ''We now have a Gini index similar to the Philippines and Mexico—you'd never have imagined that,'' says Phyllis Jackson, P&G's Vice President of consumer market knowledge for North America. ''I don't think we typically thought about America as a country with big income gaps to this extent.''

I don't think we typically thought about America that way either. It is not who we purport to be or who we are

going to be. In order to put us on a path that will actually produce a rising middle class again, instead of a division among the very wealthy at the top and the poorest of the citizens at the bottom, we are going to have to come together on some pretty serious choices.

I know there have been some who argue that this is all a problem that is caused by too many regulations, and I am the first to say we should only have the regulations that we need. Some say the threat of any revenue—even at a time when we are collecting less revenue as a percent of our economy than we have over the last 30 years—some are saying any revenue is choking off this recovery.

Let me show you something very surprising. This is high-tech Senate stuff. Here are some lines on a chart. I know people probably cannot see the detail at home. They can get it on the Web site. This blue line, from 1992 to 2010, which is about 20 years, represents what is called the productivity index. It shows that we have become far more productive as an economy over the last 20 years. It is not surprising that we have, and we have because we have had a technological revolution that has made us more productive.

See at the very end where the recession is, look what happened to the productivity index during our recession—because with every single month that went by we were losing jobs; American business was doing what they had to do, which was figure out how to get through the recession and get to the other end; how to ring out every efficiency they could, how to make themselves as productive as they could. They did and they have. We are much more productive today than we were here.

The green line is our gross domestic product, our Nation's economy per capita, the amount of money per person that our economy is generating. Here is an amazing fact. This is where we were before the recession. This is where we are today. Our economy is the same size today as it was before we went into the recession. We are producing about the same economic output as a nation that we were producing before we went into this downturn. I was shocked when I learned this number.

But look at this. Here is our employment level. Here is our employment level today. We have 14 million people unemployed, but we are producing about the same as we were before we went into this horrible recession.

That is a structural unemployment problem. That is not a problem that will be solved by slogans, and it is not going to be a problem that is solved by companies that have become much more efficient at what they do. It is going to be solved by companies that will be started tomorrow and the day after tomorrow—small businesses, venture-backed firms, people who are inventing the technology of the 21st century, the products and services of the 21st century, not the products and services of the 20th century. That is the only way we are going to put these people back to work. We could be investing in infrastructure too; that would help.

This line is median family income, which is what I started this conversation with. This is a terrible story. It is not just a sad story, it is a terrible story. That is that line for median family income. It was over $53,000 in 1999. It is $49,000 today. It is almost $4,000 less in real dollars in a decade.

I could have brought in another slide which shows that this trend has actually been going on a little longer than that. Think about that. It means half of the families in 1999 were earning less than $53,000, and half were earning more than $53,000. Today half are earning less than $49,000 and half are earning more than that.

These are folks who have done absolutely everything that anybody ever asked them to do. But I don't care whether you are a family or a business, it makes it very hard for you to make ends meet if that is the slope that you are on. I argue that we cannot consume one more decade of this new century, with economic policies that are leading us here, and expect to have a vibrant middle class. I want to be in an economy where Procter & Gamble has to change their business model to catch up with a rising middle class, not be in a position that they are in today where they believe they have to bet on a falling middle class.

Mr. SCHUMER. Will my colleague yield for a question?

Mr. BENNET. Sure.

Mr. SCHUMER. I compliment him on this outstanding speech. The hour is late and many colleagues have gone home, so I hope he will send this to every one of our colleagues. It has been a joy for me to stay and listen.

The only question I wanted to ask—and we talked about this last night at dinner—here is another interesting fact amid so many that my colleague brought up in this great speech.

If we look at that chart, from 1999 to 2007, before the recession hit, median income didn't go up.

Mr. BENNET. Exactly.

Mr. SCHUMER. That is a question we have to ponder. We need great minds like the Senator's to figure out the answer. If we just blame the recession and think it will come back up, it won't. The kinds of structural changes my colleague talks about are so needed if we are not going to have a continually declining middle class, even in a period of growth. Am I right about that assumption?

Mr. BENNET. I thank the Senator from New York. He is right about that. What he will see on another slide—not tonight—is that we were already on this decline. This is not news to people living in our States. It is not news to people trying to figure out how to make ends meet week by week. This is not news to them. It is not news to the people who came to my townhalls and said they cannot afford to send their kids to the best schools. They sent their first kid to the fancy school, but they cannot send their second kid there. They are upset that we are not getting done what we ought to be getting done.

What we see on this other chart is that this decline was happening already because the economy wasn't lifting all boats, and it was widening in equality terribly. I have things tonight that talk about that. Then the recession accelerated that decline. They lost 2.3 percent of median family income in the recession, which is more than any of the previous recessions, going back to the Great Depression. So that is how tough this is.

The Senator is right. If we keep doing what we have done for the decade that led us into this recession, if we go back to those policies and readopt those policies, and that is where we end up, we will continue to see this slide.

Mr. SCHUMER. I thank my colleague.

Mr. BENNET. I thank the Senator from New York. This gives a sense of the widening inequality that has happened. This is average income, which is different from median income. The amazing thing is, while middle-class income has been falling, and it fell throughout this 10 years, average income actually went up because a few people at the very top of the economy did incredibly well over this period of time. They have done incredibly well. This is the very top 1 percent of our earners who went from here to up here.

The top 1 percent saw that, and here is everybody else. This red line is 90 percent of the people in America. Their average income was flat from 1967 to 2006. That is 90 percent of the people who live in the United States. It is hard to see how people can get ahead under circumstances like that.

It is no wonder that we have these alarming numbers this week from the Census Bureau which show there are 46.2 million Americans now living in poverty. That is a 46-percent increase since 2000. I had to look to make sure I was reading that right. Since 2000, when 31 million people were in poverty, it has gone up to 46 million people in poverty today, and 22 percent of the children in the United States of America tonight are living in poverty. Over one-fifth of the children living in the United States tonight are living in poverty. And, by the way, as a former superintendent of the Denver public schools, I can tell you we are not doing ourselves any favors when the chances of a child living in poverty in this country graduating from college are roughly 9 in 100, which is what their chances are today. Ninety-one out of one hundred poor kids in the country can't expect to get a college degree; can't expect to be anywhere but on the margin of our democracy or our economy. I wonder what effect that will have on our median family income going forward.

This is the last slide, because I know the hour is late, and it is one that was in the Washington Post. I am not going to bother to describe the details, but you can find it on the Web site and it is worth looking at. It is worth looking at.

This red line—and it is the only thing I will talk about from this slide—shows what the bottom 90 percent—and it seems ridiculous to talk about the bottom 90 percent—what the 90 percent of earners in this country earned as a percentage of the income that everybody earned in the United States from before the 1920s to today, essentially. For the vast majority of time or some majority of time in the period from World War II—the end of World War II—until the present, the bottom 90 percent of earners earned roughly 70 percent of the income in the United States—a majority of the income, 70 percent of the income—for a long time. Now they are earning roughly 50 percent. The bottom 90 percent is earning roughly 50 percent of the income. That means, by the way, the other 10 percent are earning roughly 50 percent of the income. That is how it is distributed. It is a unique moment in the country's history, actually, uniquely unbalanced. In fact, we have to go back to 1928—the year before the market crashed, the year before Black Friday, the year before our financial markets collapsed and put us into the Great Depression—to find income disparity that looks like the income disparity we face today.

In my view, the 20th century represented a period in this country's history of limitless opportunity, limitless economic growth, limitless educational attainment. Our democracy succeeded in generating an economy that gave everybody a fighting chance. Maybe a definition of whether we are giving people a fighting chance is whether middle-class income is rising or falling. Now we are in a period where it is falling and we find ourselves in the position of producing the same domestic product we were producing before this recession with 14 million more people unemployed.

The economists tell us we have recovered, that we are in a recovery. The technical definition is that we are in a recovery because the technical definition is based on whether GDP is growing. That is a very cruel definition of recovery for the 14 million people who are unemployed. It is a very cruel definition of recovery for a middle class that is getting wiped out because median family income is falling.

Look, the people who live in Colorado, notwithstanding all of this, are optimistic. They are optimistic about their communities and they are optimistic about their families. It gets tougher and tougher, but they rise to the occasion. And you know what. That is what they are asking us to do. They are asking us to knock off the political games that seem to be only about Washington and seem to have nothing to do with the challenges they face.

Today was a good day here. I was pleased. It has been a long time. I was pleased to join my senior Senator and about 30 other Democrats and Republicans at an event to say it is time for us to think big about solving this country's fiscal challenges and that we are anxious to work together to do it. We are anxious to create a comprehensive plan to deal with it. We should be taking exactly the same approach on jobs.

Getting our fiscal house in order is incredibly important to encourage and inspire confidence in our markets and confidence in our businesses and confidence in our local economies. But our work won't stop there. We need to reinvent our Tax Code so it is driving innovation and driving a rising middle class. We need to reimagine our regulatory code so it is doing the same. We need to educate the children in this country so they can take on the jobs of the 21st century, because the jobs of the 20th century are not coming back. We will be waiting in vain for those jobs to come back.

The people in my meetings back in Colorado are demanding—that is the right way to say it, they are demanding—we work together. Our State is a third Republican, a third Independent, and a third Democrat, but they are Coloradans before any of that, and they are Americans maybe even before that, and it is time for us to meet their standard.

Tonight we had votes on the reauthorization of FEMA—our emergency agency—to respond to the incredible tragedies that have happened around the country. It got 62 votes and we were able to pass it. We had a vote on the transportation extension, the FAA reauthorization, and I think the vote was 92 to 6, with Democrats and Republicans moving this country forward. That is what we have to do in order to get this economy going again. The people in Colorado today are saying: We want more of that and less of the bickering, more problem solving and less finger pointing. My hope is that on an occasion such as today, when we actually have made some progress, no matter how limited, it may give us the chance to move forward together.

Mr. President, I appreciate the Chair's endurance and allowing me to speak on the floor tonight.

## COMBATING AUTISM

Mr. MENENDEZ. Mr. President, I want to address a very important issue that is currently before the Senate. This past Tuesday I submitted a bill to the Senate—the Combating Autism Reauthorization Act, S. 1094—for a unanimous consent agreement. Since then, the Republicans have blocked this bipartisan bill from passing. The Health, Education, Labor and Pensions Committee reported this legislation unanimously on September 7, 2011.

My legislation is a simple 3-year extension of the Combating Autism Act, CAA, of 2006. This original legislation was passed out of the Senate by unanimous consent on December 7, 2006, and signed into law shortly thereafter. This landmark legislation included provisions relating to the diagnosis and treatment of persons with autism spectrum disorders, ASD, and expanded and intensified biomedical research on autism, including a focus on possible environmental causes. Additionally, it provides for detailed surveillance by the Centers for Disease Control and Prevention, CDC, of the increasing prevalence of autism spectrum disorders, ASD. The Act also reconstitutes the Interagency Autism Coordinating Committee to advise the Secretary, coordinate the federal response to autism and develop the annual strategic plan for autism research.

I am greatly disappointed that my colleagues on the other side are playing politics with this bill. On September 30, just a couple of short weeks from now, the programs authorized under the CAA sunset, and with them the myriad programs which have helped families better understand, treat and live with ASD. Now is not the time for politics. Now is the time to reauthorize the Combating Autism Act so families living with ASD can continue receiving the care and support they deserve.

## NATIONAL POW/MIA RECOGNITION DAY

Mr LUGAR. Mr. President, September 16 is National POW/MIA Recognition Day.

Throughout history, American men and women have stood up to defend freedom by courageous and selfless service across the world. Today, 46,010 American men and women are actively engaged in uniform in Iraq with a total of 84,310 deployed to the region aboard ships at sea, on bases, and air stations in the region supporting Iraq operations. Mr. President, 98,900 military personnel are deployed in Afghanistan, with a total of 131,900 deployed to the region aboard ships at sea, on bases, and air stations in the region supporting Afghanistan operations. Others are engaged in Libya operations. All are fighting to ensure our security here at home, to protect the life and liberty of our friends and allies, and to promote American values.

Amidst the current economic crisis and countless other challenges, one thing is clear, members of Congress and the executive branch cannot become distracted from a commitment to ensure the return of POWs and MIAs at the end of hostilities. This commitment must continue through painstaking on-site investigations, diplomatic negotiations and complete examinations of records following a conflict.

As we look forward with resolve, I would like to recognize the work that the many POW/MIA organizations have done, led by the Department of Defense Prisoner of War/Missing Personnel Office, DPMO. The painstaking work of

recovery operations has, since January, seen the return of 32 Americans from World War II and the war in Southeast Asia. Nevertheless, 1,683 remain unaccounted for at this time from SEA, 1,292 from Vietnam alone. Last year, those numbers stood at 1,703 and 1,305 respectively.

This June, in an effort to recover nine American servicemembers from crash sites in Laos, 25 Joint POW/MIA Accounting Command, JPAC, recovery members deployed, marking the 119th Joint Field Activity conducted. As a member of U.S. Pacific Command, JPAC is an organization of over 400 military and civilian specialists whose mission is to return America's heroes home and achieve the fullest possible accountability of Americans lost in our Nation's past conflicts.

In Korea, where the fighting ended in 1953, progress continues. This year, Joint Recovery Operations have been conducted in North Korea resulting in the recovery of seven Americans to their families and final resting places. Two have been identified from World War II recoveries. Teams from the U.S. Army Central Identification Laboratory in Hawaii continue to implement cutting-edge DNA technology, and as renowned experts in the field, have contributed their know-how and direct assistance to the operations in New York and the Pentagon.

JPAC announced on August 12 that teams had been recently deployed to Vietnam, Canada, Vanuatu, Germany and Papua New Guinea to search for Americans unaccounted for from the Vietnam War and World War II.

The deployment to Vietnam, the 104th joint field activity to that country, has approximately 35 team members who will search for five Americans at burial and aircraft crash sites in three provinces. They expect to spend 35 days on the mission.

Separately, JPAC team members and Navy divers from Virginia Beach, Va. have deployed to Newfoundland province in Canada to search for three Americans that remain unaccounted-for from a World War II aircraft crash. The team will conduct underwater excavations for 30 days at the crash site.

We must also be vigilant on the topic of American POWs and North Korea, and I have encouraged the Obama administration to include this important issue in any talks with North Korea.

As we all know, this is a team effort requiring the commitment and dedication of the Congress, the administration, the Departments of Defense and State, the Joint Chiefs of Staff and the NSA. I am hopeful that all of us, through continued humanitarian support and dedicated diplomatic endeavors will gain further information about the servicemen still missing to honor their sacrifice and provide peace and solace to their loved ones. You are not forgotten.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of Indiana's missing and unaccounted for from the Korea and Vietnam wars.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VIETNAM/SOUTHEAST ASIA

| Name | Date of incident | Status | Rank | Branch | Country | Home of record |
|---|---|---|---|---|---|---|
| Bancroft, William W. Jr | 11/13/1970 | NBR | 02 | USAF | N. Vietnam | Indianapolis. |
| Beals, Charles Elbert | 07/07/1970 | NBR | E4 | USA | S. Vietnam | French Lick. |
| Beecher, Quentin Rippetoe | 06/11/1967 | PFD | W2 | USA | S. Vietnam | Terre Haute. |
| Breiner, Stephen Eugene | 09/24/1968 | NBR | E2 | USMC | S. Vietnam | Decatur. |
| Carver, Harry Franklin | 04/10/1968 | NBR | E6 | USA | S. Vietnam | New Albany. |
| Chomel, Charles Dennis | 06/11/1967 | NBR | E2 | USMC | S. Vietnam | Columbus. |
| Clark, Lawrence | 10/18/1966 | PFD | E5 | USAF | N. Vietnam | Logansport. |
| Clem, Thomas Dean | 05/03/1968 | PFD | 02 | USMC | N. Vietnam | New Paris. |
| Davis, Gene Edmond | 03/13/1966 | PFD | E5 | USAF | Laos | Evansville. |
| Ducat, Phillip Allen | 09/25/1966 | NBR | 03 | USMC | S. Vietnam | Fort Wayne. |
| Duvall, Dean Arnold | 03/13/1966 | PFD | E3 | USAF | Laos | Monticello. |
| Green, George Curtis Jr | 12/04/1970 | NBR | E5 | USA | Laos | Attica. |
| Heitman, Steven W. | 03/13/1968 | PFD | E5 | USA | S. Vietnam | Indianapolis. |
| Held, John Wayne | 04/17/1968 | PFD | 03 | USAF | S. Vietnam | Indianapolis. |
| Hills, John Russell | 02/14/1966 | NBR | 04 | USAF | Laos | South Bend. |
| Johns, Paul F | 06/28/1968 | PFD | 04 | USAF | Laos | Laconia. |
| Johnson, James Reed | 08/21/1966 | NBR | E3 | USA | S. Vietnam | Indianapolis. |
| Jones, Grayland | 11/23/1969 | NBR | E3 | USA | S. Vietnam | Indianapolis. |
| Klute, Karl Edwin | 03/14/1966 | NBR | 03 | USAF | S. Vietnam | Richmond. |
| Knochel, Charles Allen | 09/22/1966 | NBR | 03 | USN | N. Vietnam | Lafayette. |
| Kuhlman, Robert J. Jr | 01/17/1969 | PFD | 02 | USMC | S. Vietnam | Richmond. |
| Lambton, Bennie Richard | 06/13/1966 | NBR | E7 | USN | N. Vietnam | Indianapolis. |
| Lautzenheiser, Michael | 10/26/1971 | NBR | E5 | USA | S. Vietnam | Muncie. |
| Lawson, Karl Wade | 04/09/1968 | NBR | E4 | USA | S. Vietnam | Terre Haute. |
| Lyon, James Michael | 02/05/1970 | PFD | 03 | USA | S. Vietnam | Indianapolis. |
| Mann, Robert Lee | 10/22/1965 | NBR | 03 | USAF | S. Vietnam | Lafayette. |
| Martin, Jerry Dean | 11/03/1970 | NBR | E3 | USA | S. Vietnam | Bedford. |
| McGarvey, James Maurice | 04/17/1967 | PFD | 04 | USMC | N. Vietnam | Valparaiso. |
| Midnight, Francis B | 08/23/1967 | PFD | 02 | USAF | N. Vietnam | Gary. |
| Miller, George C | 03/12/1975 | NBR | | CIV | S. Vietnam | IN. |
| Mitchell, Harry E | 05/05/1968 | PFD | E8 | USN | S. Vietnam | Marion. |
| Montgomery, Ronald Wayne | 10/02/1969 | NBR | E5 | USN | N. Vietnam | Moores Hill. |
| Moore, Ralph Edward | 05/03/1967 | NBR | E3 | USA | S. Vietnam | Indianapolis. |
| Nellans, William L | 09/17/1967 | PFD | 03 | USAF | N. Vietnam | Warsaw. |
| Newburn, Larry Stephen | 08/29/1967 | NBR | E3 | USA | S. Vietnam | Kokomo. |
| Parker, Thomas Aquinas | 04/05/1967 | NBR | E6 | USN | S. Vietnam | Oxford. |
| Posey, George Ray | 09/05/1968 | NBR | E3 | USN | S. Vietnam | Anderson. |
| Rogers, Billy Lee | 12/01/1969 | NBR | E3 | USN | N. Vietnam | Gary. |
| Rogers, Charles Edward | 05/04/1967 | NBR | 04 | USAF | Laos | Gary. |
| Schoonover, Charles David | 01/16/1966 | NBR | 04 | USN | S. Vietnam | Indianapolis. |
| Smith, Ronald Eugene | 11/28/1970 | NBR | E7 | USA | Laos | Covington. |
| Soucy, Ronald Philip Sr | 05/23/1967 | NBR | E5 | USN | N. Vietnam | Whiting. |
| Staehli, Bruce Wayne | 04/30/1968 | PFD | E3 | USMC | S. Vietnam | Crown Point. |
| Stonebraker, Kenneth Arnol | 10/28/1968 | PFD | 03 | USAF | N. Vietnam | Hobart. |
| Stuart, John F | 12/20/1972 | PFD | 04 | USAF | N. Vietnam | Indianapolis. |
| Stuckey, John Steiner Jr | 11/11/1967 | NBR | E2 | USA | S. Vietnam | Cloverdale. |
| Trampski, Donald Joseph | 09/16/1969 | PFD | E2 | USA | S. Vietnam | Chesterton. |
| Wagner, Raymond Anthony | 03/27/1972 | NBR | E3 | USAF | | Evansville. |
| Whittle, Junior Lee | 09/24/1966 | NBR | E4 | USA | S. Vietnam | Indianapolis. |
| Wright, Thomas T | 02/27/1968 | PFD | 03 | USAF | Laos | Gary. |
| Young, Jeffrey Jerome | 04/04/1970 | NBR | E3 | USA | S. Vietnam | Indianapolis. |

Korea

| Name | Date of incident | Status | Rank | Branch | Country | Home of record |
|---|---|---|---|---|---|---|
| Acton, Floyd Neal | 05/17/1951 | MIA | E4 | USA | Korea | Jackson. |
| Adams, James Dwight | 11/29/1950 | KIA | E4 | USA | Korea | Tippecanoe. |
| Akers, Herbert D | 12/01/1950 | POW | E4 | USA | Korea | Vigo. |
| Anspaugh, George | 05/17/1951 | MIA | E7 | USA | Korea | DeKalb. |
| Archer, Robert Gene | 12/02/1950 | POW | E4 | USA | Korea | Clay. |
| Baker, David | 11/28/1950 | MIA | E3 | USA | Korea | Lake. |
| Baker, Donald Lewis | 09/06/1950 | POW | E5 | USA | Korea | Howard. |
| Barker, Donald Lee | 11/26/1950 | KIA | E4 | USA | Korea | Cass. |
| Bauer, Lester William | 07/27/1950 | MIA | E4 | USA | Korea | Clinton. |

Korea—Continued

| Name | Date of incident | Status | Rank | Branch | Country | Home of record |
|---|---|---|---|---|---|---|
| Beard, Robert Allen | 11/26/1950 | MIA | 02 | USA | Korea | Vermillion. |
| Beed, Milton Marion | 02/12/1951 | POW | E7 | USA | Korea | Marion. |
| Bender, Victor Vernon | 12/27/1950 | MIA | E7 | USA | Korea | Marion. |
| Berry, A D | 12/02/1950 | POW | E8 | USA | Korea | Vandervurgh. |
| Binge, Charles F. | 07/15/1953 | MIA | E4 | USA | Korea | Newton. |
| Blasdel, William Stanley | 11/28/1950 | MIA | E4 | USMC | Korea | New Albany. |
| Bowerman, William J. | 12/02/1950 | MIA | E4 | USA | Korea | DeKalb. |
| Bowman, Allen Milford | 11/28/1950 | KIA | E4 | USMC | Korea | Covington. |
| Bradley, Eldon R. | 11/02/1950 | POW | E4 | USA | Korea | St. Joseph. |
| Brock, Kenneth Wilber | 12/01/1950 | KIA | E3 | USMC | Korea | Indianapolis. |
| Brown, Kenneth | 08/14/1952 | KIA | E3 | USA | Korea | Marion. |
| Brown, Thomas James | 05/18/1951 | MIA | E4 | USA | Korea | Elkhart. |
| Burch, Hugh Maynard | 04/12/1951 | MIA | E6 | USA | Korea | New Carlisle. |
| Burns, Forrest S. | 08/30/1952 | KIA | 02 | USA | Korea | Bartholomew. |
| Byard, Billie Jack | 11/28/1950 | KIA | E3 | USA | Korea | Marion. |
| Caddell, Donald | 01/12/1952 | KIA | E1 | USN | Korea | Greene. |
| Calhoun, Stanley Louis Jr. | 10/01/1950 | MIA | EMFN | USA | Korea | Dunkirk. |
| Chadwell, George R. | 12/12/1950 | MIA | E3 | USA | Korea | Tippecanoe. |
| Chappel, Richard A. | 11/02/1950 | MIA | E4 | USA | Korea | Allen. |
| Clark, Harold Robert | 02/13/1951 | POW | E3 | USA | Korea | Marion. |
| Clifford, Clyde R. | 07/26/1950 | MIA | E4 | USA | Korea | Elkhart. |
| Coleman, James Allen | 04/25/1951 | KIA | E7 | USA | Korea | Vermillion. |
| Conde, Louis Bernard | 01/29/1952 | MIA | E5 | USA | Korea | Lake. |
| Conrad, Jack Dwayne | 07/31/1950 | KIA | E2 | USA | Korea | Delaware. |
| Conrad, Richard Leon | 07/31/1950 | KIA | E3 | USA | Korea | Delaware. |
| Constant, James L. | 09/08/1950 | MIA | E3 | USA | Korea | Marion. |
| Cosby, Folton | 08/15/1950 | NBD | E7 | USA | Korea | Edinburg. |
| Cowger, John Harold | 11/28/1950 | KIA | E4 | USMC | Korea | Terre Haute. |
| Cox, Clarence Vernon Jr. | 11/01/1950 | MIA | E7 | USA | Korea | Madison. |
| Cozad, Kenneth Lee | 07/30/1950 | MIA | E5 | USA | Korea | Jennings. |
| Cranor, George Eldon | 11/28/1950 | MIA | E3 | USA | Korea | Lake. |
| Criswell, Reed A. | 02/13/1951 | POW | E4 | USA | Korea | Washington. |
| Cunningham, William R. | 12/02/1950 | MIA | E4 | USA | Korea | Vigo. |
| Dally, Kenneth Horton | 12/01/1950 | POW | E8 | USA | Korea | Steuben. |
| Dalton, Howard Dale | 04/27/1951 | POW | E4 | USA | Korea | Tippecanoe. |
| Davis, Ezekiel Alfonso | 02/11/1951 | MIA | E1 | USA | Korea | Grant. |
| Davis, Jack A. | 02/12/1951 | MIA | E3 | USA | Korea | St. Joseph. |
| Davis, Norman Glen | 09/12/1951 | MIA | E6 | USAF | Korea | Hymera. |
| Debaun, George Jr. | 07/25/1953 | MIA | E4 | USMC | Korea | Shelbyville. |
| Decker, Hobart | 12/20/1950 | NBD | E3 | USA | Korea | IN. |
| Decker, Raymond Alfred | 07/19/1951 | MIA | 02 | USAF | Korea | Hobart. |
| Delong, Clayton C. | 12/12/1950 | MIA | E4 | USA | Korea | Allen. |
| Dennis, Gene Alton | 09/28/1952 | MIA | 02 | USAF | Korea | Marion. |
| Dewitt, Stanley L. | 12/06/1950 | MIA | E5 | USA | Korea | Cass. |
| Dick, William L. Jr. | 08/15/1950 | MIA | E3 | USA | Korea | Jennings. |
| Doody, James Thomas | 07/17/1952 | KIA | E4 | USA | Korea | Marion. |
| Drew, Donald Dale | 07/20/1950 | MIA | E4 | USA | Korea | Washington. |
| Dunn, James R. | 11/02/1950 | MIA | E7 | USA | Korea | Knox. |
| Durakovich, Joseph | 11/28/1950 | MIA | E8 | USA | Korea | Lake. |
| Eads, Donald Wayne | 03/26/1953 | MIA | E3 | USMC | Korea | Bloomington. |
| Eaton, John Omer | 07/20/1950 | POW | E4 | USA | Korea | Crawford. |
| Eggers, Herbert Phillip | 07/16/1950 | MIA | E3 | USA | Korea | Marion. |
| Emrick, Howard W. | 07/20/1950 | MIA | E3 | USA | Korea | Allen. |
| Enright, William Chester | 12/02/1950 | KIA | E5 | USMC | Korea | Hammond. |
| Estes, Robert Vernon | 11/30/1950 | POW | E4 | USA | Korea | White. |
| Faith, Don Carlos Jr. | 12/02/1950 | KIA | 05 | USA | Korea | Daviess. |
| Finch, Robert Clarence | 09/07/1951 | MIA | 02 | USAF | Korea | Lafayette. |
| Fluhr, Peter Paul Jr. | 09/03/1950 | MIA | E4 | USA | Korea | Scott. |
| Frakes, Edward Leo | 10/03/1951 | MIA | 02 | USMC | Korea | Branchville. |
| Frankart, Ned Charles | 11/03/1951 | KIA | 02 | USAF | Korea | Fort Wayne. |
| Frans, Jack Marvin | 02/12/1951 | MIA | E4 | USA | Korea | Daviess. |
| Frantz, George Arthur | 07/11/1950 | POW | E3 | USA | Korea | Marion. |
| Garrigus, Charles | 12/01/1950 | KIA | E5 | USA | Korea | Gibson. |
| Gibson, Clifton E. | 10/15/1952 | MIA | E3 | USA | Korea | St. Joseph. |
| Gibson, Willard M. | 12/01/1950 | POW | E5 | USA | Korea | Sullivan. |
| Goe, Clyde | 11/30/1950 | MIA | E8 | USA | Korea | Brown. |
| Goodall, Robert | 02/12/1951 | POW | E3 | USA | Korea | Delaware. |
| Greene, Joseph P. | 02/14/1951 | KIA | E3 | USA | Korea | Vanderburgh. |
| Griffith, Jack Walter | 07/04/1952 | MIA | 01 | USN | Korea | Evansville. |
| Gude, Edward Allen | 11/19/1950 | MIA | E4 | USA | Korea | Perry. |
| Guynn, John Edwin | 11/04/1950 | POW | E4 | USA | Korea | Huntington. |
| Hamilton, Donald Sewell | 12/02/1950 | MIA | E5 | USA | Korea | Greene. |
| Hamm, Donald Lane | 11/28/1950 | MIA | E5 | USA | Korea | Daviess. |
| Hammon, Keith Edward | 11/08/1952 | MIA | E6 | USAF | Korea | Rockville. |
| Harmon, Gilbert Larry | 07/26/1953 | MIA | E3 | USMC | Korea | Terre Haute. |
| Harris, Elmer Jr. | 11/28/1950 | MIA | E4 | USA | Korea | Monroe. |
| Harris, Max Eugene | 12/12/1950 | POW | E7 | USA | Korea | White. |
| Harrison, Bannie Jr. | 12/01/1950 | POW | E4 | USA | Korea | Allen. |
| Hatch, Gene N. | 12/01/1950 | POW | E5 | USA | Korea | Allen. |
| Hay, Kenneth Verne | 03/19/1951 | POW | E4 | USA | Korea | Wayne. |
| Henkenius, Leo Joseph | 11/28/1950 | MIA | E3 | USMC | Korea | Fort Wayne. |
| Hill, James Fella | 12/01/1950 | POW | 05 | USA | Korea | Spencer. |
| Hinds, Robert Lee | 12/07/1950 | KIA | E3 | USMC | Korea | Indianapolis. |
| Hodge, William M. | 07/26/1950 | MIA | E1 | USA | Korea | Lake. |
| Holle, Joseph Francis | 07/08/1953 | MIA | E4 | USA | Korea | Marion. |
| Holman, Charles Rutherford | 08/01/1952 | KIA | 02 | USN | Korea | Indianapolis. |
| Hubartt, Ralph Ernest Jr. | 11/27/1950 | MIA | E4 | USA | Korea | Huntington. |
| Hukill, Paul F. | 11/30/1950 | POW | E3 | USA | Korea | Lake. |
| Inman, Richard George | 07/07/1953 | MIA | 01 | USA | Korea | Knox. |
| Jaynes, Edward R. | 12/01/1950 | MIA | E3 | USA | Korea | Gibson. |
| Jester, William F. | 07/12/1950 | POW | 02 | USA | Korea | Marion. |
| Jester, William R. | 07/11/1950 | POW | E4 | USA | Korea | Switzerland. |
| Jinks, Leonard W. E. | 07/16/1950 | MIA | E4 | USA | Korea | Ripley. |
| Jochim, Cornelius A. | 11/28/1950 | MIA | E7 | USA | Korea | Vanderburgh. |
| Johnson, William H. | 12/03/1950 | MIA | E3 | USA | Korea | Clark. |
| Killar, Paul Martin | 07/09/1953 | MIA | E3 | USA | Korea | Lake. |
| Lander, Lawrence Edward | 12/01/1950 | POW | E5 | USA | Korea | Vanderburgh. |
| Leffler, Everett W. | 11/30/1950 | MIA | E4 | USA | Korea | Knox. |
| Liddle, Harry H. Jr. | 06/11/1952 | KIA | E3 | USA | Korea | Dearborn. |
| Loveless, Larry | 08/11/1950 | KIA | E3 | USA | Korea | Harrison. |
| Lykins, Earl Paul | 07/20/1950 | POW | E4 | USA | Korea | Randolph. |
| Mace, Delbert Ulysses | 12/12/1951 | KIA | E7 | USA | Korea | Porter. |
| Magnus, Donald F. | 07/12/1950 | POW | E4 | USA | Korea | Vanderburgh. |
| Manion, Everett D. | 07/22/1950 | MIA | E4 | USA | Korea | Montgomery. |
| Marlatt, Donald Lee | 11/28/1950 | MIA | E4 | USA | Korea | Jasper. |
| Martin, Albert F. | 10/29/1952 | MIA | E4 | USA | Korea | Jay. |
| Martin, Herbert O. | 09/05/1950 | KIA | E3 | USA | Korea | Gibson. |
| Mastabayvo, Steve A. | 08/14/1952 | MIA | E3 | USA | Korea | Lake. |
| McClain, Earl E. | 09/04/1950 | MIA | E5 | USA | Korea | Marion. |
| McDaniel, Charles H. | 11/02/1950 | MIA | E8 | USA | Korea | Jennings. |
| McDoniel, Raymond John | 11/28/1950 | KIA | 03 | USA | Korea | Monroe. |

Korea—Continued

| Name | Date of incident | Status | Rank | Branch | Country | Home of record |
|---|---|---|---|---|---|---|
| McFarren, Edward Q. | 11/28/1950 | MIA | E3 | USA | Korea | Kosciusko. |
| McIntyre, James T. | 07/11/1950 | POW | E4 | USA | Korea | Floyd. |
| McKeehan, Herbert V. | 11/02/1950 | KIA | E3 | USA | Korea | La Porte. |
| McNally, Joseph Lawrence | 11/02/1950 | MIA | E8 | USA | Korea | Hancock. |
| Meshulam, Morris | 12/01/1950 | POW | E4 | USA | Korea | Marion. |
| Metzcar, Maurice R. | 04/25/1951 | POW | O3 | USA | Korea | Delaware. |
| Michaels, Melvin J. | 09/07/1951 | KIA | E3 | USA | Korea | Porter. |
| Middleton, Harry Richard | 04/30/1951 | KIA | O3 | USAF | Korea | Nappanee. |
| Minniear, Robert G. | 11/30/1950 | POW | E4 | USA | Korea | Tippecanoe. |
| Mishler, James E. | 11/30/1950 | POW | E3 | USA | Korea | Clay. |
| Mitchell, Donald K. | 11/30/1950 | KIA | E4 | USA | Korea | Lake. |
| Moore, John D. Jr. | 11/27/1950 | POW | E5 | USA | Korea | Lake. |
| Morris, Clarence Taylor | 12/27/1952 | MIA | E3 | USMC | Korea | Gary. |
| Morris, David Wesley | 02/12/1951 | POW | E4 | USA | Korea | Madison. |
| Morris, Russell F. | 02/13/1951 | MIA | E5 | USA | Korea | Delaware. |
| Mullett, Richard Everett | 06/15/1952 | MIA | E8 | USMC | Korea | Butler. |
| Murdock, Jackie Lee | 07/06/1950 | POW | E3 | USA | Korea | Montgomery. |
| Myers, Donald William | 12/02/1950 | MIA | E3 | USMC | Korea | Fort Wayne. |
| Neiswinger, Thomas W. | 09/06/1950 | MIA | E4 | USA | Korea | Clay. |
| Nicholson, Richard L. | 09/06/1950 | MIA | E4 | USA | Korea | Henry. |
| Northcutt, Charles Jr. | 07/20/1950 | MIA | E4 | USA | Korea | Montgomery. |
| Olcott, Richard Lee | 10/06/1951 | KIA | 02 | USAF | Korea | Fort Wayne. |
| Pearson, Raymond Edward | 07/14/1950 | POW | 02 | USA | Korea | Montgomery. |
| Pickens, Russell B. | 07/20/1950 | MIA | E4 | USA | Korea | Allen. |
| Pleiss, Lewis Peifer | 09/23/1951 | MIA | 02 | USAF | Korea | New Albany. |
| Plump, James | 11/27/1950 | KIA | E8 | USA | Korea | St. Joseph. |
| Pothast, Bobby Lee | 06/13/1952 | KIA | E3 | USMC | Korea | Indianapolis. |
| Reynolds, Bernard Clayton | 05/18/1951 | MIA | E4 | USA | Korea | Randolph. |
| Rice, Donald Ray | 05/18/1951 | POW | E5 | USA | Korea | Porter. |
| Rider, Alexander David | 12/06/1950 | KIA | E6 | USMC | Korea | Gary. |
| Riley, Charles D. | 11/28/1950 | POW | E4 | USA | Korea | Delaware. |
| Rodman, Marvin L. | 10/20/1952 | MIA | E7 | USA | Korea | Washington. |
| Ross, Edward F. | 04/25/1951 | MIA | E5 | USA | Korea | DeKalb. |
| Ross, Robert Lewis | 06/10/1952 | MIA | E6 | USAF | Korea | Rockville. |
| Ruby, Gene Robert | 11/30/1950 | KIA | E3 | USMC | Korea | Roanoke. |
| Rush, John Earl | 12/02/1950 | MIA | E4 | USMC | Korea | South Bend. |
| Scott, Marle D. | 11/29/1950 | KIA | E3 | USA | Korea | Fountain. |
| Scott, Richard Dale | 10/01/1950 | MIA | E3 | USN | Korea | Peru. |
| Sechman, Donald R. | 07/20/1950 | MIA | E6 | USA | Korea | Montgomery. |
| Selman, Clifford Gene | 05/17/1953 | MIA | 02 | USAF | Korea | Lafayette. |
| Serwise, Luther Dean | 02/12/1951 | MIA | E7 | USA | Korea | Lake. |
| Shepler, Gerald Ivin | 11/29/1950 | KIA | E4 | USA | Korea | Union. |
| Simmons, Wallace Jr. | 12/06/1950 | MIA | E8 | USA | Korea | Marion. |
| Smith, Charles E. | 07/27/1950 | MIA | E3 | USA | Korea | St. Joseph. |
| Smith, Leland Ford | 11/28/1950 | POW | E4 | USA | Korea | Steuben. |
| Soderstrom, Marvin W. | 09/09/1951 | MIA | E3 | USA | Korea | Porter. |
| Spangler, Donald E. | 11/02/1950 | MIA | E3 | USA | Korea | Delaware. |
| Stebbens, Alvin Lowell | 12/02/1950 | MIA | E4 | USA | Korea | Grant. |
| Strawser, Paul P. | 07/06/1950 | POW | E4 | USA | Korea | Steuben. |
| Sturdivant, Charles | 02/12/1951 | POW | E3 | USA | Korea | Huntington. |
| Sturgeon, Gene Alfred | 11/28/1950 | KIA | E4 | USMC | Korea | Connersville. |
| Surber, Harold Paul | 05/18/1951 | POW | E4 | USA | Korea | Marion. |
| Tabaczynski, Edwin Felix | 08/20/1951 | KIA | 01 | USAF | Korea | Mishawaka. |
| Talley, James Willis | 11/26/1950 | KIA | E3 | USA | Korea | Lake. |
| Thurman, John Edward | 10/16/1952 | NBD | E3 | USAF | Korea | Greensboro. |
| Titus, Robert Eli | 07/16/1950 | POW | E3 | USA | Korea | Grant. |
| Toops, William Wilbur | 06/16/1952 | KIA | 02 | USAF | Korea | Anderson. |
| Turner, Robert William | 10/12/1950 | KIA | E7 | USN | Korea | Logansport. |
| Wagner, Gene Lewis | 07/16/1950 | POW | E4 | USA | Korea | White. |
| Wasiak, Richard L. | 12/02/1950 | MIA | E4 | USA | Korea | Lake. |
| White, Robert Lee | 11/30/1950 | POW | E4 | USA | Korea | Henry. |
| White, Robert Louis | 11/30/1950 | MIA | E5 | USA | Korea | Decatur. |
| Wilder, Robert Dewitt | 10/06/1952 | KIA | E4 | USMC | Korea | Evansville. |
| Williams, Grover Lois | 11/28/1950 | MIA | E4 | USMC | Korea | Walkerton. |
| Wilson, Merble Eugene | 02/15/1951 | POW | E3 | USA | Korea | Tippecanoe. |
| Woliung, John George | 11/05/1952 | MIA | O3 | USAF | Korea | Greencastle. |
| Zekucia, Bernard M. | 08/27/1951 | KIA | E4 | USA | Korea | Lake. |

NBD = Non-battle Death
NBR = No body recovered
PFD = Presumptive Finding of Death

## RECOGNIZING WOMEN IN SCIENCE

Ms. LANDRIEU. Mr. President, I rise today to honor an extraordinary group of women for their passion and commitment to scientific research. These women have pursued careers in the science, technology, engineering and mathematics, or STEM, fields knowing that their hard work and dedication might one day have profound effects in the worlds of science and medicine.

In partnership with the American Association for the Advancement of Science, the L'Oréal USA for Women in Science Fellowship program was established in 2003. Today, five remarkable women are being accepted into this fellowship where they will join the 35 postdoctoral women scientists from across the United States who came before them.

I would like to recognize each of these five women: Dr. Trisha Andrew, for research in organic electronics with the possibility of improving the performance of polymer-based solar cells; Dr. Karlin Bark, for work in haptic feedback that aims to help retrain the motor pathways of stroke survivors; Dr. Sasha Devore, a neuroscientist studying sensory processing which could lead to understanding numerous neurological diseases and disorders; Dr. Regan Blythe Towal, a biomedical engineer working to understand information processing of the nervous system thus leading to improved robotic technologies; and, Dr. Tijana Ivanovic, a virologist working on how viruses, such as influenza, enter into cells. These women are truly an inspiration to us all.

Please join me in honoring these five extraordinary women and the L'Oréal USA for Women in Science Fellowship Program for striving to raise awareness of women's contributions in the field of scientific research and serving as strong female role models for generations to come.

## TRIBUTE TO WOLFGANG MATTES

Mr. LEVIN. Mr. President, today, I honor a son of Michigan, Mr. Wolfgang ''Wolf'' Mattes, a loving husband, dedicated father, caring friend, and stalwart patriot. Mr. Mattes will celebrate his 80th birthday on Sunday, September 18.

Mr. Mattes is a dedicated public servant who has selflessly served his country, State and community in various capacities for nearly six decades. Known as an honest, warm, and generous man, Mr. Mattes chose a career as a public servant and worked for the city of Detroit for many years, where he retired as the supervising naturalist at the Belle Isle Nature Center. Wolf is a wildlife conservationist at heart and spent countless hours rehabilitating wild animals and protecting their habitat. Additionally, when his country called, he did not hesitate to respond and proudly served in the U.S. Army during the Korean war.

An avid sports fan and athlete, Wolf worked as an usher at Tiger and Olympia Stadiums. At Olympia Stadium, he was the guard for the Red Wing's locker room and bench and was known as ''Wolfie on the bench'' by the players. After Olympia Stadium closed, the Detroit Red Wings brought him with them to Joe Louis Arena, where he worked in the press box.

Mr. Mattes understands the value and importance of community service, and his many efforts have been fittingly honored through his selection as a volunteer and firefighter of the year, Kiwanis volunteer of the year, and Elk volunteer of the year.

On Sunday, we will all look back and see the hallmarks of a life well lived. He is beloved not for a litany of accomplishments, but simply for who he is. Beneath a humble exterior lies a generous and kind soul. His quiet determination, unfailing kindness, and unyielding spirit have made him a pillar not only of a proud and loving family, but of all who have come to know him.

He remains the dedicated husband to his lovely bride Barb, whom he met at Michigan State on a blind date over 52 years ago, and he has been a wonderful father to his adoring daughters Erika Lynn Mattes Rebbe, Heidi Leigh Mattes Mason, Brigitte Beth Mattes Cooper, and Inger Ann Mattes Griffin.

Today, we offer heartfelt congratulations to Wolf as he celebrates his 80th birthday. This is truly a joyous occasion. His unending love of family, friends, and country, as well as his devotion to those who have had the privilege of knowing him serve as inspiration to all.

Happy birthday, Wolf. May you enjoy happiness, good fortune, and good health for many years to come.

## REMEMBERING ADMIRAL ERNEST JOSEPH KING

Mr. BROWN of Ohio. Mr. President, I rise to speak today as citizens of Lorain County, OH soon gather to honor one of their favorite sons, ADM Ernest Joseph King, an American hero, who served as commander in chief of the U.S. Fleet, and Chief of Naval Operations during World War II.

This Sunday, September 18, 2011, Admiral King's memory will be honored with a Lorain elementary school named in his honor. An open green space, in the shape of an anchor, will be dedicated directly across the street from the admiral's birthplace, a home at 113 Hamilton Avenue that still stands today. Both the elementary school and the green space will remind future generations of the admiral's contributions to our country and the personal traits that made him an American hero: tenacity, love of country, fearlessness.

Ernest Joseph King was born in Lorain on November 23, 1878, to Elizabeth and James Clydesdale King. He was the older brother to two sisters and two brothers. Admiral King attended Lorain High School and graduated fourth in his class from the U.S. Naval Academy in 1901. Still enrolled at the Naval Academy, he served in the Spanish American War. In 1905, he married Martha Lankin Edgerton in Baltimore, with whom he raised six daughters and a son. King was known to return to Lorain throughout his life to visit his childhood friends.

After his distinguished service in World War I, in 1927, he became a naval aviator, and only 6 years later, he was made chief of the Bureau of Aeronautics of the U.S. Navy, where he made patrol bombers an essential naval arm. He was appointed by President Franklin D. Roosevelt in World War II as chief of the U.S. Fleet and Chief of Naval Operations, taking the post only 2 weeks after the attack on Pearl Harbor. He earned his nickname, Eagle Eye Ernie, by possessing boundless energy, and being a strict disciplinarian.

He retired from the Navy as a decorated officer, having been awarded 10 medals and 14 Foreign Awards, including the Navy Distinguished Service Medal and the National Defense Service Medal. Upon Admiral King's passing, on June 25, 1956, President Eisenhower remarked: ''Admiral King carried his heavy responsibility with courage, brilliance and continued devotion to duty.''

This weekend, the city of Lorain, the Black River Historical Society, Charleston Village Society, Lorain City Schools, along with several members of Admiral King's family will join together to honor the legacy of an American hero. For school children who will attend Admiral King Elementary School, and for all Lorain residents who will pass by his home on Hamilton Avenue, let us remember the lessons of Admiral Ernest Joseph King, that patriotism and service forever anchors the greatness of our Nation.

# ADDITIONAL STATEMENTS

## TRIBUTE TO SHELLY FAGENSTROM

• Mr. BAUCUS. Mr. President, today I recognize Shelly Fagenstrom, an outstanding educator from my home State of Montana. Shelly is the principal of East Middle School in Great Falls and has been recognized by the Montana Association of Secondary School Principals as the Montana Principal of the Year for 2011.

Shelly has taught and served as an administrator in the Great Falls school system for 38 years; all but 2 of those have been at the middle school level. She has been the principal at East Middle School since 2005 and prior to that served for 6 years as the principal at Paris Gibson Middle School. This isn't the first time Shelly has been honored for her dedication to her students—in 2010 she was named Educator of the Year by the Montana Parent Teacher Association.

In nominating her for these awards, teachers, staff, students, and parents have praised Shelly's work to build a respectful environment at East Middle School while creating a personalized learning environment for each student, her ability to collaborate and seek innovative solutions to complex problems. Shelly has also worked to integrate more technology into the curriculum to help prepare students for the challenges of the 21st century economy. Shelly says she loves being in education, ''because of the relationships you build with kids and their families. I love the energy of middle-schoolers, you can't take yourself too seriously with them.''

Shelly is also involved in the Great Falls community volunteering for the United Way and serving in leadership positions at Central Christian Church. This month Shelly will be visiting Washington, DC, with other award-winning principals when they will be recognized for their hard work and achievement in educating and preparing our children for the future, and have the opportunity to share ideas on how to strengthen our education system.

I congratulate Shelly on being named the 2011 Montana Principal of the Year and thank her for her decades of service to the Great Falls school system. Montana has some of the best teachers, principals, and school administrators in the country. I would like to commend all of them for their hard work and dedication in providing young Montanans with a world class education that prepares them for a bright future.•

## TRIBUTE TO MR. AND MRS. VIRGIL POE

• Mrs. HUTCHISON. Mr. President, today I wish to honor the 65th wedding anniversary of Mr. and Mrs. Virgil Poe, the parents of my good friend serving the 2nd District of Texas, Congressman TED POE.

In the summer of 1945, following his service in Germany in the Second World War, TSgt Virgil Poe was stationed at the US Army Post in Fort Hood, TX, re-equipping and preparing for a possible land invasion of Japan. At the same time, Miss Dorrace Hill was serving the local Army hospital as a volunteer for the Red Cross. On a Wednesday night during that summer of 1945, Virgil met Dorrace at a prayer meeting church service. The next year, the couple was married on October 16, 1946.

Virgil and Dorrace began their wedded life operating a DX service station where Virgil pumped gas, sold tires, and fixed cars. Soon thereafter, they moved to Abilene, TX, where Virgil enrolled at Abilene Christian University. While there, he supported his family and paid his tuition by working nights for Southwestern Bell and KRBC Radio.

After college, the Poes moved to Houston, where Virgil and Dorrace

raised TED and Jayne. Virgil worked for more than 40 years as an engineer at the Southwestern Bell Telephone Company, and the Poes were active members of the Memorial Church of Christ.

Virgil and Dorrace's marriage is rooted in faith and love. The Poes are celebrating 65 years of marriage surrounded by their beloved family, including their son TED and his wife Carol and their daughter Jayne, their 8 grandchildren, and 13 great-grandchildren. Mr. President, I am proud to honor the 65th wedding anniversary of Virgil and Dorrace Poe, and join with their family and friends in recognizing them on this special occasion.●

## REMEMBERING HENRY TAUB

● Mr. LAUTENBERG. Mr. President, I speak today in commemoration of the life of Henry Taub, founder of ADP in 1949 at 21 years of age. He was 19 years old when he received his degree in accounting from NYU.

The company then called Automatic Payrolls was started with a loan of $5,000.

Henry Taub and I became acquainted in 1952 when we both worked in a building in Paterson, NJ where Henry's payroll service company was based. Our occasional contact served to familiarize me with a vital service to businesses large and small.

It was in 1952 that I joined this fledgling organization to become its first salesman and early on a senior member of management. Henry, his brother Joseph Taub, and I worked well together, and the business began the growth that would lead ultimately to a status few companies achieve.

Today ADP employs over 45,000 people in 23 countries and holds the record for at least 10 percent growth in profits each year for 42 years in a row. It is a record unmatched by any other publicly held company. It is now also only one of four companies in our country to qualify as a AAA rated company.

Thirty years at ADP in various assignments as head of marketing, president, chairman, and CEO of ADP brought me to think my experience might be of value for service in the public interest. In that connection I decided to try to win a seat in the U.S. Senate. Good fortune came my way, and in 1982 I won a first term as a Senator.

My business experience and background credentials were principal issues in a tough campaign. I learned a great deal over the three decades at ADP, but a major factor in that success was my good luck to have worked side by side with Henry Taub.

Henry was an unusually talented individual. He had superb instincts buoyed by extraordinary intelligence. His modesty was widely known, and a subtle demeanor was included. He was a strategic thinker and responded calmly and directly with problem solving.

Additionally, he had an outstanding ability to bring people to his views, earning enormous respect and allegiance. He was highly moral and honest and encouraged trust in all who knew him. He was without trappings, and with Henry Taub his word was his bond. He shared affection and deep love with family and friends and could always be counted upon for straight answers when questions arose.

Henry Taub was my junior by a few years, but through more than 50 years of friendship, his high personal standards set a target for decency and quality in life. He will long be remembered as an example for others to follow and I remain extremely grateful for his contributions to my life.

I ask to have printed in the RECORD, a copy of the obituary that appeared in the New York Times at the time of his passing.

The information follows.

[From the New York Times, Apr. 4, 2011]

HENRY TAUB, A FOUNDER OF A PAYROLL FIRM THAT BECAME A GLOBAL GIANT, DIES AT 83

(By Duff Wilson)

Henry Taub, a founder of the payroll company that grew into the global giant Automatic Data Processing, died on Thursday in Manhattan. He was 83 and lived in Tenafly, N.J.

The cause was complications of leukemia, his son Steven said.

For many years Mr. Taub was also a co-owner of the New Jersey Nets.

Starting in 1949 in an office above a Paterson, N.J., ice cream parlor and then in a hotel basement, Mr. Taub and his brother, Joseph, built the company on a reputation for precision and timeliness. They were joined in the early years by an aspiring salesman who had been their childhood friend—Frank R. Lautenberg, now a Democratic senator from New Jersey.

''The idea was not a brilliant idea, it was a good idea, but what we did in terms of hard work made it,'' Senator Lautenberg said in an interview on Sunday. ''Lots of seven-day workweeks, lots of 12-hour days.''

Today, A.D.P, based in Roseland, N.J., has annual sales of more than $9 billion and about 550,000 clients and is one of the world's largest providers of business services. Back then, however, it was a shoestring operation: the Taubs often delivered payrolls by bus and cleaned their own offices at night.

''Each of us had a function,'' Senator Lautenberg said. ''Henry was the strategic one in the firm and designed the system, and Joe managed the operation, and I was the marketer, the salesman.''

The company, initially called Automatic Payrolls, changed its name to Automatic Data Processing in 1958 and went public in 1961. The timing was perfect because I.B.M. had recently begun marketing an attractively priced business computer system that increased A.D.P.'s capabilities.

Mr. Taub was president of the company from 1949 to 1970, chairman and chief executive from 1970 to 1977 and chairman from 1977 to 1985. He was an honorary board chairman since then. Senator Lautenberg left the company in 1983 after winning election to the United States Senate. He is now the longest-serving senator in New Jersey history.

Mr. Taub and his brother were among seven local businessmen who were co-owners of the struggling Nets franchise in the National Basketball Association for almost 20 years. The Nets suffered injuries, coaching changes, many losses and bickering among the owners, who were known as the Secaucus Seven. When the owners tried to turn things around in 1996, they selected the well-liked Mr. Taub as chairman. Two years later, they sold the team to another group of New Jersey businessmen.

Henry Taub was born in Paterson on Sept. 20, 1927, the son of a junk dealer, and was raised in a working-class neighborhood there. ''The streets were just filled with people and kids and debate and excitement and, from my point of view, intellectual fervor,'' he said in a 1996 interview with The New York Times.

After skipping two grades in public school, Mr. Taub graduated from New York University with a degree in accounting in three years at 19 and joined an accounting practice. When a client, a clothing business, did not issue paychecks one week because of an illness, causing an employee walkout, Mr. Taub had the idea for a new business: payroll processing.

Mr. Taub retired from A.D.P. in the mid-1980s, when the company said it was processing paychecks for a 10th of the nation's work force. Afterward he became involved in an array of community, philanthropic and other business endeavors. With his wife he created the Henry and Marilyn Taub Foundation, with assets estimated at $150 million.

He financed the Taub Institute for Research on Alzheimer's Disease and the Aging Brain at Columbia University, the Taub Center for Israel Studies at New York University and the Taub Center for Social Policy Studies in Israel in Jerusalem.

Among other activities, he was president of the American Technion Society, the United States affiliate of an Israeli institute of technology, and was chairman of the institute's international board of governors. He was chairman of the United Israel Appeal from 1986 to 1990.

He was also a trustee of New York University and served on the boards of Rite-Aid, Hasbro, Bank Leumi and Trust Company of New York, Interfaith Hunger Appeal and the New York Shakespeare Festival/Public Theater.

Mr. Taub is survived by his brother, Joseph; his wife of 53 years, Marilyn; their three children, Judith Gold, Steven and Ira; and 10 grandchildren.●

## 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.)

PRESIDENT'S REPORT TO CONGRESS RELATIVE TO THE SECRETARY OF COMMERCE'S CERTIFICATION UNDER SECTION 8 OF THE FISHERMAN'S PROTECTIVE ACT OF 1967, AS AMENDED (THE ''PELLY AMENDMENT'') (22 U.S.C. 1978) THAT NATIONALS OF ICELAND HAVE CONDUCTED WHALING ACTIVITIES THAT DIMINISH THE EFFECTIVENESS OF THE INTERNATIONAL WHALING COMMISSION (IWC) CONSERVATION PROGRAM—PM 21

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was referred to the Committee on Commerce, Science, and Transportation:

*To the Congress of the United States:*

On July 19, 2011, Secretary of Commerce Gary Locke certified under section 8 of the Fisherman's Protective Act of 1967, as amended (the ''Pelly Amendment'') (22 U.S.C. 1978), that nationals of Iceland are conducting whaling activities that diminish the effectiveness of the International Whaling Commission (IWC) conservation program. This message constitutes my report to the Congress consistent with subsection (b) of the Pelly Amendment.

In 1982, the IWC set catch limits for all commercial whaling at zero. This decision, known as the commercial whaling moratorium, is in effect today. Iceland abided by the moratorium until 1992, when it withdrew from the IWC. In 2002, Iceland rejoined the IWC with a reservation to the moratorium on commercial whaling. In 2003, Iceland began a lethal scientific research whaling program. In 2004, Secretary of Commerce Donald L. Evans certified Iceland under the Pelly Amendment for lethal scientific research whaling. When Iceland resumed commercial whaling in 2006, Secretary Carlos M. Gutierrez retained Iceland's certification, which remains in effect today.

Iceland's commercial harvest of fin whales escalated dramatically over the past few years. In addition, Iceland recently resumed exporting whale products. Of particular concern to the United States, Iceland harvested 125 endangered fin whales in 2009 and 148 in 2010, a significant increase from the total of 7 fin whales it commercially harvested between 1987 and 2007.

Iceland's sole fin whaling company, Hvalur hf, suspended its fin whaling due to the earthquake and tsunami in Japan, where it exports its whale meat. Despite this suspension, Iceland continues to permit whaling and has a government issued fin whale quota in effect for the 2011 season that continues to exceed catch levels that the IWC's scientific body advised would be sustainable if the moratorium was removed. This continues to present a threat to the conservation of fin whales. Further, Icelandic nationals continue to hunt minke whales commercially and Iceland's exports of whale meat to Japan reportedly increased significantly in both March and April 2011.

Iceland's actions threaten the conservation status of an endangered species and undermine multilateral efforts to ensure greater worldwide protection for whales. Iceland's increased commercial whaling and recent trade in whale products diminish the effectiveness of the IWC's conservation program because: (1) Iceland's commercial harvest of whales undermines the moratorium on commercial whaling put in place by the IWC to protect plummeting whale stocks; (2) the fin whale harvest greatly exceeds catch levels that the IWC's scientific body advised would be sustainable if the moratorium were removed; and (3) Iceland's harvests are not likely to be brought under IWC management and control at sustainable levels through multilateral efforts at the IWC.

In his letter of July 19, 2011, Secretary Locke expressed his concern for these actions, and I share these concerns. To ensure that this issue continues to receive the highest level of attention, I direct: (1) relevant U.S. delegations attending meetings with Icelandic officials and senior Administration officials visiting Iceland to raise U.S. concerns regarding commercial whaling by Icelandic companies and seek ways to halt such action; (2) Cabinet secretaries to evaluate the appropriateness of visits to Iceland depending on continuation of the current suspension of fin whaling; (3) the Department of State to examine Arctic cooperation projects, and where appropriate, link U.S. cooperation to the Icelandic government changing its whaling policy and abiding by the IWC moratorium on commercial whaling; (4) the Departments of Commerce and State to consult with other international actors on efforts to end Icelandic commercial whaling and have Iceland abide by the IWC moratorium on commercial whaling; (5) the Department of State to inform the Government of Iceland that the United States will continue to monitor the activities of Icelandic companies that engage in commercial whaling; and (6) relevant U.S. agencies to continue to examine other options for responding to continued whaling by Iceland.

I concur with the Secretary of Commerce's recommendation to pursue the use of non-trade measures and that the actions outlined above are the appropriate course of action to address this issue. Accordingly, I am not directing the Secretary of the Treasury to impose trade measures on Icelandic products for the whaling activities that led to the certification by the Secretary of Commerce. However, to ensure that this issue continues to receive the highest level of attention, I am directing the Departments of State and Commerce to continue to keep the situation under review and continue to urge Iceland to cease its commercial whaling activities. Further, within 6 months, or immediately upon the resumption of fin whaling by Icelandic nationals, I have directed relevant departments and agencies to report to me through the Departments of State and Commerce on their actions. I believe these actions hold the most promise of effecting a reduction in Iceland's commercial whaling activities.

BARACK OBAMA.

THE WHITE HOUSE, *September 15, 2011.*

## MESSAGES FROM THE HOUSE

At 9:40 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 77. Joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on August 2, 2011.

At 2:44 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2587. An act to prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstances.

H.R. 2867. An act to reauthorize the International Religious Freedom Act of 1998, and for other purposes.

The message also announced that pursuant to 22 U.S.C. 276d and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Canada-United States Interparliamentary Group: Mr. DREIER of California, Mr. LUNGREN of California, Mrs. MILLER of Michigan, Mr. SMITH of Nebraska, Mr. HUIZENGA of Michigan, Mr. HIGGINS of New York, Mr. MEEKS of New York, Ms. SLAUGHTER of New York, Mr. WELCH of Vermont, and Mr. LARSEN of Washington.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2867. An act to reauthorize the International Religious Freedom Act of 1998, and for other purposes; to the Committee on Foreign Relations.

## MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar pursuant to Public Law 112–25, section 301(a)(2):

H.J. Res. 77. Joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on August 2, 2011.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2587. An act to prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstance.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3247. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis in Cattle and Bison; State and Zone Designations; Michigan'' (Docket No. APHIS–2011–0075) received in the Office of the President of the Senate on September 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3248. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to violations of the Antideficiency Act that occurred within the Operation and Maintenance, Navy account 17* 1804, during Fiscal Year (FY) 2004 and FY 2006 at the Bureau of Naval Personnel and was assigned Navy case number 07–10; to the Committee on Appropriations.

EC–3249. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11–069, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–3250. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Admiral Gary Roughead, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC–3251. A communication from the Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Allen G. Peck, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–3252. A communication from the Acting Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled ''The Fiscal Year 2010 Inventory of Contracts for Services''; to the Committee on Armed Services.

EC–3253. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Ships Bunkers Easy Acquisitions (SEA) Card and Aircraft Ground Services'' ((RIN0750–AH07) (DFARS Case 2009–D019)) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Armed Services.

EC–3254. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Presumption of Development Exclusively at Private Expense'' ((RIN0750–AF84) (DFARS Case 2007–D003)) received in the Office of the President of the Senate on September 14, 2011; to the Committee on Armed Services.

EC–3255. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Multiyear Contracting'' ((RIN0750–AG89) (DFARS Case 2009–D026)) received in the Office of the President of the Senate on September 14, 2011; to the Committee on Armed Services.

EC–3256. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Annual Representations and Certifications'' ((RIN0750–AG39) (DFARS Case 2009–D011)) received in the Office of the President of the Senate on September 14, 2011; to the Committee on Armed Services.

EC–3257. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–8195)) received in the Office of the President of the Senate on September 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3258. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Indorsement and Payment of Checks Drawn on the United States Treasury'' (RIN1510–AB25) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3259. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Retail Foreign Exchange Transactions'' (RIN1557–AD42) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3260. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC–3261. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Privacy Act of 1974; Implementation and Amendment of Exemptions'' (17 CFR Part 200) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3262. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Federal Government Participation in the Automated Clearing House'' (RIN1510–AB24) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC–3263. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Air Transportation and Aviation Fuels Excise Taxes'' (Notice 2011–69) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC–3264. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2011–75) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC–3265. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''List of Nonbank Trustees and Custodians'' (Announcement 2011–59) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC–3266. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Announcement of the Results of the 2010–2011 Allocation Round of the Qualifying Advanced Coal Project Program'' (Announcement 2011–62) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC–3267. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Tax Liability'' (Rev. Proc. 2011–45) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC–3268. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 6707A and the Failure to Include on Any Return or Statement Any Information Required to be Disclosed under Section 6011 with Respect to a Reportable Transaction'' ((RIN1545–BF61) (TD 9550)) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC–3269. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Form 990'' ((RIN1545–BH28) (TD 9549)) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC–3270. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the justification for the President's waiver of the restrictions on the provision of funds to the Palestinian Authority; to the Committee on Foreign Relations.

EC–3271. A communication from the Secretary of the Department of Homeland Security, transmitting, a legislative proposal relative to implementing a pay reform initiative referenced in the Department of Homeland Security's Fiscal Year 2012 Congressional Budget Justification; to the Committee on Homeland Security and Governmental Affairs.

EC–3272. A communication from the Register of Copyrights, United States Copyright Office, Library of Congress, transmitting, pursuant to law, a report entitled ''Satellite Television Extension and Localism Act''; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2219. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, and for other purposes (Rept. No. 112–77).

By Ms. MIKULSKI, from the Committee on Appropriations, without amendment:

S. 1572. An original bill making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2012, and for other purposes (Rept. No. 112–78).

By Mr. DURBIN, from the Committee on Appropriations, without amendment:

S. 1573. An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 112–79).

By Mr. NELSON of Nebraska, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2551. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2012, and for other purposes (Rept. No. 112–80).

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Edgardo Ramos, of Connecticut, to be United States District Judge for the Southern District of New York.

Andrew L. Carter, Jr., of New York, to be United States District Judge for the Southern District of New York.

James Rodney Gilstrap, of Texas, to be United States District Judge for the Eastern District of Texas.

Jesse M. Furman, of New York, to be United States District Judge for the Southern District of New York.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. STABENOW (for herself, Mr. THUNE, Mr. BROWN of Ohio, Mr. BENNET, Mr. WYDEN, Mr. COONS, Mr. BLUNT, Mr. COCHRAN, and Mr. INHOFE):

S. 1561. A bill to amend the Internal Revenue Code of 1986 to provide for the deductibility of charitable contributions to agricultural research organizations, and for other purposes; to the Committee on Finance.

By Mr. LUGAR (for himself and Ms. COLLINS):

S. 1562. A bill to amend section 1502 of title 5, United States Code, to permit law enforcement officers to be candidates for sheriff, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself and Mr. BROWN of Massachusetts):

S. 1563. A bill to require the President's budget to include, at a minimum, a request for disaster funding based on to the 10 year average; to the Committee on the Budget.

By Mr. UDALL of New Mexico (for himself and Mr. CRAPO):

S. 1564. A bill to amend the Clean Air Act to improve the renewable fuel program by combining the categories of ''cellulosic biofuel'' and ''advance biofuel'' into 1 technology- and feedstock-neutral category of ''advanced biofuel'', and for other purposes; to the Committee on Environment and Public Works.

By Mr. CASEY:

S. 1565. A bill to establish the National Competition for Community Renewal to encourage communities to adopt innovative strategies and design principles to programs related to poverty prevention, recovery and response, and for other purposes; to the Committee on Finance.

By Mr. KIRK (for himself, Mr. ALEXANDER, Mr. BURR, Mr. ISAKSON, Mr. MCCAIN, Mr. ROBERTS, Mr. RUBIO, and Mr. WICKER):

S. 1566. A bill to amend the Elementary and Secondary Education Act of 1965 regarding public charter schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself, Mr. ISAKSON, Mr. KIRK, Mr. ROBERTS, and Mr. WICKER):

S. 1567. A bill to amend title II of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself, Mr. BURR, Mr. RUBIO, Mr. GRASSLEY, Mr. ROBERTS, Mr. WICKER, and Mr. CORNYN):

S. 1568. A bill to amend section 9401 of the Elementary and Secondary Education Act of 1965 with regard to waivers of statutory and regulatory requirements; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURR (for himself, Mr. ALEXANDER, Mr. ISAKSON, Mr. ROBERTS, Mr. RUBIO, and Mr. WICKER):

S. 1569. A bill to amend the Elementary and Secondary Education Act of 1965 to provide State educational agencies and local educational agencies with flexible Federal education funding that will allow such State and local educational agencies to fund locally determined programs and initiatives that meet the varied and unique needs of individual States and localities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN:

S. 1570. A bill to provide for high-quality academic tutoring for low-income students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ISAKSON (for himself, Mr. ALEXANDER, Mr. KIRK, Mr. RUBIO, Mr. ROBERTS, and Mr. WICKER):

S. 1571. A bill to amend title I of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI:

S. 1572. An original bill making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2012, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. DURBIN:

S. 1573. An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes; from the Committee on Appropriations; placed on the calendar.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENZI (for himself, Mr. BARRASSO, Mr. MCCONNELL, Mr. REID, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 268. A resolution relative to the death of the Honorable Malcolm Wallop, former Senator for the State of Wyoming; considered and agreed to.

By Mr. GRAHAM (for himself, Mrs. HAGAN, Mr. ALEXANDER, Mr. BURR, Mr. BROWN of Ohio, Mr. CARDIN, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. COONS, Mr. CORNYN, Mr. DEMINT, Mr. DURBIN, Mrs. HUTCHISON, Mrs. MCCASKILL, Ms. LANDRIEU, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. CARPER, and Mr. LEVIN):

S. Res. 269. A resolution designating the week beginning September 19, 2011, as ''National Historically Black Colleges and Universities Week''; considered and agreed to.

By Mr. NELSON of Nebraska (for himself, Mr. CHAMBLISS, Mr. NELSON of Florida, and Mr. ISAKSON):

S. Res. 270. A resolution supporting the goals and ideals of ''National Life Insurance Awareness Month''; to the Committee on Banking, Housing, and Urban Affairs.

## ADDITIONAL COSPONSORS

S. 228

At the request of Mr. JOHNSON of Wisconsin, his name was added as a cosponsor of S. 228, a bill to preempt regulation of, action relating to, or consideration of greenhouse gases under Federal and common law on enactment of a Federal policy to mitigate climate change.

S. 366

At the request of Mrs. GILLIBRAND, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 366, a bill to require disclosure to the Securities and Exchange Commission of certain sanctionable activities, and for other purposes.

S. 384

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 384, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 412

At the request of Mr. LEVIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 434

At the request of Mr. COCHRAN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 434, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 484

At the request of Mr. BENNET, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 484, a bill to direct the Secretary of Education to pay to Fort Lewis College in the State of Colorado an amount equal to the tuition charges for Indian students who are not residents of the State of Colorado.

S. 497

At the request of Ms. MIKULSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 497, a bill to amend the Immigration and Nationality Act to modify the requirements of the visa waiver program and for other purposes.

S. 506

At the request of Mr. CASEY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 641

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 641, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 693

At the request of Mr. JOHNSON of Wisconsin, his name was added as a cosponsor of S. 693, a bill to establish a term certain for the conservatorships of Fannie Mae and Freddie Mac, to provide conditions for continued operation of such enterprises, and to provide for the wind down of such operations and dissolution of such enterprises.

S. 742

At the request of Mr. BROWN of Ohio, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 742, a bill to amend chapters 83 and 84 of title 5, United States Code, to set the age at which Members of Congress are eligible for an annuity to the same age as the retirement age under the Social Security Act.

S. 821

At the request of Mr. LEAHY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 821, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1002

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1025

At the request of Mr. LEAHY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1039

At the request of Mr. CARDIN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1094

At the request of Mr. MENENDEZ, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1094, a bill to reauthorize the Combating Autism Act of 2006 (Public Law 109–416).

S. 1151

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1151, a bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

S. 1214

At the request of Mrs. GILLIBRAND, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1214, a bill to amend title 10, United States Code, regarding restrictions on the use of Department of Defense funds and facilities for abortions.

S. 1280

At the request of Mr. ISAKSON, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1280, a bill to amend the Peace Corps Act to require sexual assault risk-reduction and response training, and the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes.

S. 1301

At the request of Mr. LEAHY, the names of the Senator from Ohio (Mr. BROWN) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, and for other purposes.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1366

At the request of Ms. CANTWELL, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1366, a bill to amend the Internal Revenue Code of 1986 to broaden the special rules for certain governmental plans under section 105(j) to include plans established by political subdivisions.

S. 1369

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1369, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 1392

At the request of Ms. COLLINS, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1399

At the request of Mr. FRANKEN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1399, a bill to protect children affected by immigration enforcement actions, and for other purposes.

S. 1472

At the request of Mrs. GILLIBRAND, the name of the Senator from Indiana

(Mr. COATS) was added as a cosponsor of S. 1472, a bill to impose sanctions on persons making certain investments that directly and significantly contribute to the enhancement of the ability of Syria to develop its petroleum resources, and for other purposes.

S. 1514

At the request of Mr. TESTER, the names of the Senator from Nevada (Mr. REID), the Senator from Oregon (Mr. MERKLEY), the Senator from New York (Mr. SCHUMER) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 1514, a bill to authorize the President to award a gold medal on behalf of the Congress to Elouise Pepion Cobell, in recognition of her outstanding and enduring contributions to American Indians, Alaska Natives, and the Nation through her tireless pursuit of justice.

S. 1523

At the request of Mr. GRAHAM, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Florida (Mr. RUBIO) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S. 1523, a bill to prohibit the National Labor Relations Board from ordering any employers to close, relocate, or transfer employment under any circumstance.

S. 1528

At the request of Mr. JOHANNS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1528, a bill to amend the Clean Air Act to limit Federal regulation of nuisance dust in areas in which that dust is regulated under State, tribal, or local law, to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, and for other purposes.

S. 1538

At the request of Ms. COLLINS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1538, a bill to provide for a timeout on certain regulations, and for other purposes.

S. 1540

At the request of Mr. CASEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1540, a bill to amend the Internal Revenue Code of 1986 to allow credits for the purchase of franchises by veterans.

S. 1552

At the request of Mr. CRAPO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1552, a bill to amend the Endangered Species Act of 1973 to provide an exception to that Act for actions carried out against grizzly bears in self-defense, defense of others, or a reasonable belief of imminent danger.

S. 1558

At the request of Mr. SANDERS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1558, a bill to amend the Internal Revenue Code of 1986 to apply payroll taxes to remuneration and earnings from self-employment up to the contribution and benefit base and to remuneration in excess of $250,000.

S. RES. 232

At the request of Mr. MENENDEZ, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. Res. 232, a resolution recognizing the continued persecution of Falun Gong practitioners in China on the 12th anniversary of the campaign by the Chinese Communist Party to suppress the Falun Gong movement, recognizing the Tuidang movement whereby Chinese citizens renounce their ties to the Chinese Communist Party and its affiliates, and calling for an immediate end to the campaign to persecute Falun Gong practitioners.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. STABENOW (for herself, Mr. THUNE, Mr. BROWN of Ohio, Mr. BENNET, Mr. WYDEN, Mr. COONS, Mr. BLUNT, Mr. COCHRAN, and Mr. INHOFE):

S. 1561. A bill to amend the Internal Revenue Code of 1986 to provide for the deductibility of charitable contributions to agricultural research organizations, and for other purposes; to the Committee on Finance.

Mr. INHOFE. Mr. President, Agriculture is one of the key forces driving Oklahoma's economy. In 2008 alone, Oklahoma's agriculture industry directly supported 188,000 jobs and contributed more than $8.5 billion to the States's economy. The importance of agriculture to the Nation's economy is also difficult to understate, and the industry's products rank among the top exports each year. This year, USDA estimates that U.S. farmers and livestock producers will export nearly $140 billion in goods to nearly every country on Earth.

Knowing that strength, it is not surprising that the industry is a hotbed of innovation. The agriculture community has long been involved in the research and development of better crops and farming methods. This work has produced crops that are resistant to drought and certain farming chemicals, are packed with more and better nutrients, and ultimately provide higher yields for every acre farmed. This research will only grow in importance as the global population continues to grow and demand more food. Fortunately, the United States is leading the world in this effort.

Oklahoma is also a key agriculture R&D player in the United States. This is in large part due to the work of the Samuel R. Noble Foundation. Headquartered in Ardmore, OK, the Noble Foundation is one of the top 50 private foundations in the United States, and the foundation employs hundreds of scientists, agriculture consultants, and research personnel who are actively researching better agriculture products and practices. Between 2009 and 2010, the foundation spent nearly $80 million on agriculture research activities, and this work has recently resulted in development of Texoma MaxQ II, a cool-weather fescue grass that will reduce the reliance of livestock producers upon costly hay and feed for their livestock during the winter months. I congratulate the Noble Foundation on this breakthrough and look forward to hearing about the future benefits of this research.

The Food and Agriculture Organization has estimated that food productivity will need to expand by 70 percent over the next 40 years to meet rising global demand. This underscores the need for continued funding for agriculture research and development so that more breakthroughs like those at the Noble Foundation occur. Today, a substantial amount of agriculture research funding is provided by the Federal Government; however, the government's share is declining. Since fiscal year 2010, Federal funding for agriculture research has decreased by nearly $200 million, and further cuts are likely as we try to tackle the national debt. Because government is scaling down its role, Congress should do what it can to encourage the private sector to fill the gap.

One way that we can do this is with the Charitable Agriculture Research Act, of which I am a cosponsor. This bill, introduced today by Senators STABENOW and THUNE, will allow the creation of Agricultural Research Organization, ARO, which would extend public charity tax status to entities conducting continuous agriculture R&D in collaboration with land-grant universities and agriculture colleges.

Currently, several organizations conducting research focused on agriculture are structured as private foundations. This is one of the two main types of charities that are provided with beneficial tax treatment under U.S. law. Public charities—the other type—are given full tax exempt status, but because private foundations are often very large and supported by a small group of donors, they are not completely tax free and must pay taxes on the investment income earned by their endowments. Donors are also prevented from collecting their full deduction on gifts relative to those made to public charities. Because of these restrictions, the United States is not reaching its full potential when it comes to attracting private dollars for agriculture research.

The Charitable Agriculture Research Act seeks to encourage individuals and families of wealth to contribute more of their assets to public agricultural research by working in conjunction with the Nation's land-grant universities and non land-grant colleges of agriculture. This legislation will provide donors with an additional option

of where to direct their agriculture research and development donations.

This beneficial tax treatment does not come without restrictions. To maintain its tax exempt status, an ARO must conduct research and development on agriculture issues in conjunction with a land-grant university or an agriculture college. An ARO must either commit more than 50 percent of its assets to the continuous active conduct of agriculture research or it must expend at least 3.5 percent of its endowment for the same in each calendar year. These restrictions are put in place to ensure that the ARO structure is not being abused as a tax shelter for the accumulated personal wealth of an ARO's benefactors.

Over the past decade many families with a passion for agricultural research have expressed their desire to do for their geographies and their crops of interest what the Noble Foundation has done for Oklahoma, forages, and beef cattle operations. However, the tax code is not conducive to such efforts and discourages them from maximizing their contributions to agricultural research.

The ARO tax structure is modeled after the extremely successful Medical Research Organization model. Similar to AROs, these charities must do their medical research in conjunction with a non-profit or government hospital. The Howard Hughes Medical Institute and the Stowers Institute for Medical Research are prime examples of MROs. The MRO structure has made these organizations more effective and productive, and I expect no less from the ARO tax structure.

This bill will directly benefit Oklahoma by building on its legacy as a leader in agriculture R&D. As better agricultural methods and crop yields are produced in Oklahoma, the State will continue to serve as a global leader in agriculture. Oklahoma is home to 86,000 farms that occupy 80 percent of the State's land area. The State has the land, the natural resources, and the facilities necessary to enhance agricultural research. The creation of AROs will help attract the necessary private capital to build on this success and boost research at our Nation's land-grant universities and non land-grant colleges of agriculture.

AROs will not be provided with a new tax incentive or a benefit greater than existing charitable organizations. They will, however, offer individuals an additional choice of where to send their charitable dollars. When individuals donate to AROs they will have certainty that their money will contribute directly to agriculture research rather than to other causes, which are guarantees not provided by most other charitable organizations. As we face deeper budget cuts on everything from education to agriculture research, we need to take the steps to encourage the private sector to step into the void left by Washington. AROs will help do this in the agriculture R&D community, so I urge its swift passage.

By Ms. SNOWE (for herself and Mr. BROWN of Massachusetts):

S. 1563. A bill to require the President's budget to include, at a minimum, a request for disaster funding based on the 10 year average; to the Committee on the Budget.

Ms. SNOWE. Mr. President, I rise today in support of the Safeguarding Disaster Funding Act of 2011, which I am introducing along with Senator BROWN from Massachusetts. This legislation would amend the Congressional Budget Act and the Budget Control Act to require the President to provide a more comprehensive view of disaster funding in his annual budget request.

Our bill would ensure that the true cost of disaster assistance is reflected in the President's budget, by requiring that Presidents' annual budget requests for disaster programs include funding levels equal to the average amount provided annually over the previous ten years, excluding the highest and lowest years, to account for years with unusually high or low disaster activity.

As disaster funding is already considered ''no-year'' money, unused monies would carry over to support years where additional funds are required. The status quo of Congress providing emergency appropriations to support these efforts, rather than including reasonable estimates, based on past disaster activity trends, is fiscally irresponsible. We should be working with the Administration to fund the necessary and appropriate activities of the Federal government, including disaster assistance. Responsible budgeting for disasters is the right thing to do for the victims of devastation, as the vivid images of the damage from Hurricane Irene have reminded us.

Hurricane Irene caused more than 4.5 million homes and businesses along the East Coast to lose power, including nearly 185,000 in my home State of Maine, which suffered flooding and washed out bridges in the Western portion of the state. But now that the winds and rain have subsided, our cities and towns must rebuild from the devastation.

With the Federal Emergency Management Agency's funding currently running unnecessarily low, they now must work on an ''immediate needs funding'' basis, meaning that non-emergency recovery projects are put on hold. Support of natural disaster recovery should not be stalled by the need for Emergency Supplemental Appropriations. While we cannot completely predict the number or nature of natural disasters, we do know that these events occur and cause massive damage. Policymakers cannot continue to play with the livelihoods of recovering Americans; assurances must be made that their recovery is facilitated through current Federal disaster recovery programs.

The Safeguarding Disaster Funding Act of 2011 will ensure that the President properly accounts for disaster spending. By basing the President's budget request for disaster funding on a ten-year average, and excluding the highs and the lows, we are assuring that funds are neither overextended nor falsely underestimated. In these hard economic times, Congress must promote fiscal responsibility while ensuring that those areas struck by disasters are able to access the funds needed to quickly rebuild.

I hope that my fellow colleagues will support this bill. In the wake of recent disasters it is readily apparent that we must plan better for these events.

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By Mr. CASEY:

S. 1565. A bill to establish the National Competition for Community Renewal to encourage communities to adopt innovative strategies and design principles to programs related to poverty prevention, recovery and response, and for other purposes; to the Committee on Finance.

Mr. CASEY. Mr. President, today over 15 percent of Americans live in poverty including 22 percent of our children. 46.2 million Americans and 16.4 million children struggle every day to survive in a system that is demoralizing and unfortunately does more to maintain people who live in poverty than to help them escape. Last year, 2.6 million Americans were added to the poverty rolls and 8.9 million have been added since 2007.

This must change. That is why I am today reintroducing the National Opportunity and Community Renewal Act. This legislation puts forth some new ideas and will grant waivers to ten communities so they can test different approaches to combatting poverty. I am not saying this is the only path forward or the most suitable path forward. But we must begin somewhere and we must take a comprehensive approach. As Robert Kennedy once said when talking about tackling the poverty problem in our country, we must ''grab the web whole.'' Piecemeal approaches won't work.

I know there are other Senators and Congressmen along with policy professionals and academics who share my concern and commitment to reducing poverty. I invite people to review this proposal. Let me know what you think and if you have other ideas to bring them to the table. It is long past time to reinstill our national commitment to the least fortunate.

We must also acknowledge that there is not one answer to helping people out of poverty. That is why this legislation is important. It will allow communities to pursue innovative approaches to problems arising from poverty and avoids a ''one size fits all'' method. This legislation also targets individuals and mandates the creation of an individual opportunity plan for every household. It also helps address the root causes of poverty by giving local communities to design programs that fit their community and they would not be restricted by the current law.

These pilots will help us test new ideas and understand how new approaches can help lift people out of poverty.

In closing, I should note it has been almost fifty years since Michael Harrington published The Other America and opened Americans eyes to the pernicious impact of poverty. While there have been improvements made in the ensuing years we still have a long way to go. Let us begin anew today.

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By Mr. McCAIN:

S. 1570. A bill to provide for high-quality academic tutoring for low-income students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. McCAIN. Mr. President, when poor children in low performing schools need help, what options are available to their parents to give them a chance to improve their learning achievement? Sadly, very few options exist to give children in low performing schools a chance.

I am pleased to introduce legislation that will protect and enhance the right of parents to have final say in their children's education. In order to create better outcomes for our nation's youth, we must restore power to parents. We must ensure that parents have real choices to raise their child's achievement level when schools fail to do so. The Tutoring for Students Act, furthers this critical goal by establishing a state-level grant program to give low-income parents the ability to provide their children high quality academic tutoring.

Low-income parents should have the same opportunities to help their children achieve as families with greater economic means.

Tutoring is as much a part of education in America as the yellow school bus or the neighborhood school building. If your child is struggling academically, and you have the financial means to do so, you get your child a tutor. Tutoring is time proven and common sense. Equally, while there are many ideas about how to improve education in America, one thing upon which everyone agrees plays a critical role in any child's education: the active involvement of their parents.

The Tutoring for Students Act encourages the active engagement of parents by giving them a say in helping their child's education. Parents can drive schools to apply for tutoring grants. Parents choose to enroll their children. Parents pick which tutoring provider they send their child to. Parents receive progress updates on their child.

For too long in this country the debate about education has been more about the institutions—the institution of powerful unions, the institution of the school bureaucracies. Make no mistake about it, strong leadership in the classroom and in school administration is important. However, education is not about protecting and preserving union contracts and the jobs of bureaucrats. Education is about our children. If they aren't getting what they need in the classroom, we need to work with schools to help them improve. At the same time, we must provide students in struggling schools with the help they need to ensure they receive a quality education.

The foundation for success in education is setting high expectations for our schools and holding them accountable to develop our most precious resource—our children. Every child, no matter what their economics, deserves not only a chance, but has an absolute right, to a good education. If students can't get what they deserve in the classroom, then we must empower parents with educational support tools and the ability to make meaningful choices about what is best for their children.

When Congress passed No Child Left Behind, embedded in that landmark legislation were certain programs specifically designed to recognize the importance of parental empowerment and parental participation. Supplemental Education Services is a program specifically designed to give low-income families the ability to access educational support opportunities just like families with more financial freedom, to shop for the best tutoring services for their child.

Thoughtful education reform means building upon successes and lessons learned. We have learned a great deal since passage of No Child Left Behind. That includes our experience in providing tutoring services to low-income children. One of the most important lessons we learned is that tutoring works. In March, the U.S. Department of Education released a study stating that the tutoring program led to significant gains in math and reading student achievement. Studies by respected organizations like the Rand Corporation and school districts like the Chicago Public schools have come to similar conclusions.

Another important lesson from NCLB is the cynical lengths to which some low performing schools districts are willing to go in order to avoid accountability and deny parents the opportunity to access tutoring services for their children. Far too often these districts gamed the enrollment process for tutoring services, making it difficult, if not impossible for parents to exercise their right to take advantage of the SES program and get their children the educational support services—tutoring—they desperately needed. Similarly, due to poor oversight, there have been cases where tutors failed to meet their responsibility to provide high quality tutoring.

These problems are addressed in this legislation by establishing a state-administered grant program. Any school can elect to participate, allowing low-income parents with children attending participating schools to take advantage of high quality tutoring services. The Tutoring for Students Act requires strict oversight of tutoring service providers, from certification to evaluation, in order to ensure that parents can rely upon qualified tutoring service providers to help their children.

I do not favor more Federal control over education. That is why the Tutoring for Students Act is not a Federal mandate. Rather, it is a guarantee that parents will have the right to stand up for their children and give them the opportunity for a better education and a better life. Empowering parents with the ability to positively impact their child's education is not a mandate. It is common sense. Freedom is not a Federal mandate. It is an individual right. The best use of Federal dollars in education is to make them more accessible to parents, empowering them to look out for the needs of their children. High quality tutoring is a common-sense, academic lifeline.

In my home State of Arizona, organizations like the Education Breakthrough Network to Literacy Volunteers of Tucson and the Arizona Chapter of Campfire USA have voiced their strong support. Nationwide, organizations such as the United Farm Workers of America, the National Urban League, the Commonwealth Foundation and the John Locke Institute continue to stand up for the rights of parents to have more tools and choices to help their children achieve. There is strong support for this program among communities across America, particularly among the parents who so often do not have a voice representing their needs and interests here in Washington.

I look forward to working with Senator ENZI, Senator HARKIN, and the rest of my colleagues to secure passage of meaningful education reform that includes protecting and strengthening the ability of parents to make educational choices for their children, choices that include high quality tutoring.

## SUBMITTED RESOLUTIONS

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### SENATE RESOLUTION 268—RELATIVE TO THE DEATH OF THE HONORABLE MALCOLM WALLOP, FORMER SENATOR FOR THE STATE OF WYOMING

Mr. ENZI (for himself, Mr. BARRASSO, Mr. McCONNELL, Mr. REID of Nevada, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER,

Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 268

Whereas Malcolm Wallop served in the Wyoming House of Representatives from 1969 to 1972, and in the Wyoming Senate from 1973 to 1976;

Whereas Malcolm Wallop represented the people of the State of Wyoming in the United States Senate with distinction for 18 years, from 1977 to 1995;

Whereas, while serving in the Senate, Malcolm Wallop championed the development of space-based anti-missile defense, supported legislation to reduce inheritance and gift taxes, fought to restore fish habitats in the United States, and opposed the control of the water resources of the State of Wyoming by the Federal Government;

Whereas Malcolm Wallop created the Congressional Award Program in 1979 as a challenge to young people throughout the United States to change the world around them through personal initiative, achievement, and service;

Whereas, in 1984, Malcolm Wallop coauthored section 1014 of the Tax Reform Act of 1984 (Public Law 98-369; 98 Stat. 1015), commonly known as the Wallop-Breaux Amendment, which remains today as the leading legislative initiative for sport fish restoration in the United States;

Whereas Malcolm Wallop served as chairman of the Select Committee on Ethics, ranking member of the Committee on Energy and Natural Resources and the Committee on Armed Services, chairman of the Senate Steering Committee, and was the first nonlawyer in the history of the Senate to serve on the Committee on the Judiciary;

Whereas, after retiring from the Senate, Malcolm Wallop founded the Frontiers of Freedom Institute to continue addressing the issues he championed as a Senator and to ensure that the ideals he espoused were not forgotten; and

Whereas the hallmarks of Malcolm Wallop's public service were conservatism, civility, and working for the western way of life: Now, therefore, be it

*Resolved,* That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Malcolm Wallop, former member of the Senate; and

(2) the Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy of this resolution to the family of the deceased.

## SENATE RESOLUTION 269—DESIGNATING THE WEEK BEGINNING SEPTEMBER 19, 2011, AS ''NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK''

Mr. GRAHAM (for himself, Mrs. HAGAN, Mr. ALEXANDER, Mr. BURR, Mr. BROWN of Ohio, Mr. CARDIN, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. COONS, Mr. CORNYN, Mr. DEMINT, Mr. DURBIN, Mrs. HUTCHISON, Mrs. MCCASKILL, Ms. LANDRIEU, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. CARPER, and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 269

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities allow talented and diverse students, many of whom represent underserved populations, to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates the week beginning September 19, 2011, as ''National Historically Black Colleges and Universities Week''; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

## SENATE RESOLUTION 270—SUPPORTING THE GOALS AND IDEALS OF ''NATIONAL LIFE INSURANCE AWARENESS MONTH''

Mr. NELSON of Nebraska (for himself, Mr. CHAMBLISS, Mr. NELSON of Florida, and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 270

Whereas the vast majority of people in the United States recognize that life insurance is important to protecting their loved ones;

Whereas the life insurance industry pays approximately $60,000,000,000 to beneficiaries each year, providing a tremendous source of financial relief and security to families that experience the loss of a loved one;

Whereas, as of the date of agreement to this resolution, the unfortunate reality is that approximately 95,000,000 adults in the United States have no life insurance, and ownership of both individual and employer-sponsored life insurance has declined in recent years;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insurance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2011 as ''National Life Insurance Awareness Month'' as a means to encourage consumers to become more aware of their life insurance needs, seek advice from qualified insurance professionals, and take the actions necessary to achieve financial security for their loved ones: Now, therefore, be it

*Resolved,* That the Senate—

(1) supports the goals and ideals of ''National Life Insurance Awareness Month''; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 610. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

SA 611. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 612. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 613. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra.

SA 614. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 615. Mr. SANDERS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 616. Mr. SANDERS (for himself, Mr. LEAHY, and Mr. LAUTENBERG) submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 617. Mr. LAUTENBERG (for himself, Mr. LEAHY, Mr. SANDERS, Mr. MENENDEZ, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 618. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 619. Mr. LEAHY (for himself, Mr. SANDERS, Mr. LAUTENBERG, Mrs. GILLIBRAND, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 620. Mr. CONRAD (for himself, Mr. LEAHY, Mr. LAUTENBERG, Mrs. GILLIBRAND, Mr. MENENDEZ, Mr. SANDERS, and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 621. Mr. PAUL proposed an amendment to the bill H.R. 2887, to provide an extension of surface and air transportation programs, and for other purposes.

SA 622. Mr. PAUL proposed an amendment to the bill H.R. 2887, supra.

## TEXT OF AMENDMENTS

**SA 610.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; as follows:

At the appropriate place, insert the following:

**SEC. ___. CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.**

Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the relevant department and agencies to—

(1) use available administrative authority to eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress, entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO–11–318SP) and apply the savings towards deficit reduction;

(2) identify and report to Congress any legislative changes required to further eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress, entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO–11–318SP);

(3) determine the total cost savings that shall result to each agency, office, and department from the actions described in paragraph (1); and

(4) rescind from the appropriate accounts the amount greater of—

(A) $7,000,000,000; or

(B) the total amount of cost savings estimated by paragraph (3).

**SA 611.** Mr. COBURN submitted an amendment intended to be proposed to amendmdent SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. CONSOLIDATING UNNECESSARY DUPLICATIVE, OVERLAPPING, AND INEFFECTIVE GOVERNMENT PROGRAMS.**

Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the relevant departments and agencies, including the Secretary of the Department of Labor, the Secretary of the Department of Health and Human Services, and the Secretary of Education, to—

(1) use available administrative authority to consolidate Government employment and training programs with duplicative and overlapping missions identified in the 2011 Government Accountability Office reports to Congress, entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO–11–318SP) and ''Multiple Employment and Training Programs: Providing Information on Consolidating Services and Consolidating Administrative Structures Could Promote Efficiencies'' (GAO–11–92), including the Department of Health and Human Services' Temporary Assistance for Needy Families (TANF) and the Department of Labor's Employment Service and Workforce Investment Act (WIA) Adult programs, and apply the savings towards deficit reduction;

(2) reduce by no less than 10 percent the excessive administrative costs of Government employment and training services identified in the 2011 Government Accountability Office reports to Congress, entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO–11–318SP) and ''Multiple Employment and Training Programs: Providing Information on Consolidating Services and Consolidating Administrative Structures Could Promote Efficiencies'' (GAO–11–92), including the $160,000,000 spent by the Temporary Assistance for Needy Families program to administer employment and training services and the $56 million spent by the Department of Labor to administer the WIA Adult program, including the approximately $4,000 spent for each WIA Adult participant who receives training services, and apply the savings towards deficit reduction;

(3) eliminate, as part of the consolidation described in paragraph (1), Government employment and training programs that have not demonstrated effectiveness in documenting a high rate of participants entering full-time employment or obtaining other positive job-related outcomes, such as increased wage or promotion;

(4) identify and report to Congress any legislative changes required to further eliminate, consolidate, streamline, and reduce administrative costs of Government employment and training programs with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress, entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO–11–318SP);

(5) determine the total cost savings that shall result to each department and program from the actions described in paragraphs (1), (2), and (3); and

(6) rescind from the appropriate accounts of the Department of Labor and the Department of Health and Human Services the amount greater of—

(A) $7,000,000,000; or

(B) the total amount of cost savings estimated under paragraph (5).

**SA 612.** Mr. COBURN submitted an amendment intended to be proposed to amendmdent SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. _____. RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET INCREASE IN SPENDING.**

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, $28,000,000,000 in appropriated discretionary funds are hereby rescinded.

(b) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under subsection (a) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(c) EXCEPTION.—This section shall not apply to the unobligated funds of the Department of Defense, the Department of Veterans Affairs, or the Social Security Administration.

**SA 613.** Mr. PAUL submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; as follows:

On page 12, between lines 11 and 12, insert the following:

TITLE VI

OFFSET

SEC. 601. (a) All unobligated balances made available to the United States Agency for International Development for foreign assistance programs for fiscal year 2011 are rescinded.

(b) There is rescinded on a pro rata base from the unobligated balances made available to the Department of State for fiscal 2011 an amount equal to the difference obtained by subtracting—

(1) the amount rescinded under subsection (a); from

(2) the amount appropriated under this division.

**SA 614.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

After section 2, insert the following:

**SEC. 3. EXEMPTION.**

The reconstruction process of any road, highway, or bridge that is in operation or under construction when damaged by a natural disaster, including a flood, and reconstructed in the same location shall be exempt from any environmental review under—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344);

(3) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(4) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(5) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(6) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(7) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), except when the reconstruction occurs in designated critical habitat for threatened and endangered species;

(8) Executive Order 11990 (42 U.S.C. 4321 note; relating to the protection of wetlands); and

(9) any Federal law (including regulations) requiring no net loss of wetlands.

**SA 615.** Mr. SANDERS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. HIGHWAY EMERGENCY RELIEF.**

(a) DEFINITION OF QUALIFYING STATE.—In this section, the term ''qualifying State'' means a State in which—

(1) there occurred, during fiscal year 2011, a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(2) the major disaster or emergency resulted in estimated damages to the Federal-aid highway system in the State in an amount that exceeds an amount equal to twice the total annual apportionment provided to any State under section 104(b) of title 23, United States Code, for fiscal year 2011.

(b) EXEMPTION.—As determined by the Secretary of Transportation—

(1) in the case of a qualifying State, notwithstanding section 120(e) of title 23, United States Code, or any other provision of law, the Federal share of the cost of carrying out eligible emergency repairs to minimize damage, protect facilities, or restore essential traffic, and the cost of carrying out permanent restoration work on all Federal-aid highways (as defined in section 101 of title 23, United States Code), affected by the major disaster or emergency in the State using funds made available under section 125 of title 23, United States Code, shall be 100 percent; and

(2) in the case of any State described in subsection (a)(1), the limitations under section 125(d) of title 23, United States Code, on the maximum amount of funding that may be received by the State shall not apply.

(c) ADDITIONAL FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), there is appropriated, out of money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2012, for an additional amount for the ''Emergency Relief Fund'', authorized under section 125 of title 23, United States Code, for expenses described in subsection (a) of that section resulting from a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), $2,500,000,000, to remain available until expended.

(2) BUDGET CONTROL AUTHORITY.—The amount made available by paragraph (1) is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177).

**SA 616.** Mr. SANDERS (for himself, Mr. LEAHY and Mr. LAUTENBERG) submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. DISASTER ASSISTANCE.**

(a) DEFINITIONS.—In this section—

(1) the term ''covered major disaster'' means the major disaster described in paragraph (2) for a covered State;

(2) the term ''covered State'' means a State for which the Federal obligations under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to a major disaster during fiscal year 2011 are not less than double the threshold amount applicable to fiscal year 2011 under section 206.47(b) of title 44, Code of Federal Regulations; and

(3) the term ''major disaster'' means a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(b) INCREASED FEDERAL SHARE.—Notwithstanding any other provision of law, for assistance under section 403, 406, 407, and 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173, and 5174) provided in a covered State relating to the covered major disaster for the State, the Federal share of the assistance shall be 100 percent of the eligible costs under such sections.

(c) MITIGATION ASSISTANCE.—Notwithstanding the second sentence of section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)), for a covered State that has a mitigation plan approved by the Administrator of the Federal Emergency Management Agency under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165), the total of contributions in the covered State under such section 404 for the covered major disaster shall not exceed 20 percent of the estimated aggregate amount of grants to be made (less any associated administrative costs) in the State under the Robert T. Stafford Disaster Relief and Emergency Assistance Act with respect to the covered major disaster.

**SA 617.** Mr. LAUTENBERG (for himself, Mr. LEAHY, Mr. SANDERS, Mr. MENENDEZ, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

On page 4, line 18, strike ''$135,000,000'' and insert ''$500,000,000''.

**SA 618.** Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

On page 12, between lines 11 and 12, insert the following:

**TITLE VI—GENERAL PROVISIONS**

**SEC. 601. NO REIMBURSEMENT REQUIRED FOR COVERED TORNADO SHELTER FACILITIES.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Federal Emergency Management Agency (in this section referred to as ''FEMA'') shall not require an educational institution Public Assistance applicant to reimburse FEMA for the market value of a covered temporary tornado shelter facility when the facility is no longer needed for its temporary purpose.

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

(1) COVERED TEMPORARY TORNADO SHELTER FACILITY.—The term ''covered temporary tornado shelter facility'' means a structure—

(A) designed to provide children protection from a tornado; and

(B) constructed or acquired with Federal financial assistance.

(2) EDUCATIONAL INSTITUTION.—The term ''educational institution'' means any elementary school or any secondary school that is an eligible applicant for FEMA assistance pursuant to section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b).

**SA 619.** Mr. LEAHY (for himself, Mr. SANDERS, Mr. LAUTENBERG, Mrs. GILLIBRAND, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. EMERGENCY RELIEF FUND.**

(a) FUNDING.—There is appropriated, out of money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2012, for an additional amount for the ''Emergency Relief Fund'', authorized under section 125 of title 23, United States Code, for expenses described in subsection (a) of such section resulting from a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), $2,500,000,000, to remain available until expended: *Provided,* That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177).

(b) DISASTER-RELATED REPAIR WORK.—

(1) DEFINITION OF QUALIFYING STATE.—In this subsection, the term ''qualifying State'' means a State in which a major disaster or emergency was designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) EXEMPTIONS.—As determined by the Secretary of Transportation, in the case of a qualifying State—

(A) notwithstanding section 120(e) of title 23, United States Code, or any other provision of law, the Federal share of the cost of carrying out eligible emergency repairs to minimize damage, protect facilities, or restore essential traffic, and the cost of carrying out permanent restoration work on all Federal-aid highways (as defined in section 101 of title 23, United States Code), affected by the major disaster or emergency in the State using funds made available under section 125 of title 23, United States Code, shall be 100 percent; and

(B) the limitations under section 125(d) of title 23, United States Code, on the maximum amount of funding that may be received by a State shall not apply.

**SA 620.** Mr. CONRAD (for himself, Mr. LEAHY, Mr. LAUTENBERG, Mrs. GILLIBRAND, Mr. MENENDEZ, Mr. SANDERS, and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003;

which was ordered to lie on the table; as follows:

On page 10, line 14, strike ''$100,000,000'' and insert ''$1,000,000,000''.

**SA 621.** Mr. PAUL proposed an amendment to the bill H.R. 2887, to provide an extension of surface and air transportation programs, and for other purposes; as follows:

On page 38, line 24, strike ''(d)'' and insert the following:

(d) LIMITATION ON HIGHWAY TRUST FUND EXPENDITURES.—Notwithstanding any other provision of law, the amount authorized to be expended or transferred during a fiscal year from the Highway Trust Fund, established under section 9503 of the Internal Revenue Code of 1986, may not exceed the amount appropriated, transferred, or otherwise made available to the Highway Trust Fund during such fiscal year, based on estimates made by the Congressional Budget Office.

(e)

**SA 622.** Mr. PAUL proposed an amendment to the bill H.R. 2887, to provide an extension of surface and air transportation programs, and for other purposes; as follows:

At the end of title II, add the following:

**SEC. 210. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL AVIATION ADMINISTRATION AT FISCAL YEAR 2008 LEVELS.**

Notwithstanding the provisions of, or amendments made by, this title, or any other provision of law, there are authorized to be appropriated to the Federal Aviation Administration for the period beginning on September 17, 2011, and ending on January 31, 2012, for all purposes (other than for the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986) amounts not to exceed the amounts authorized to be appropriated to the Administration for the period beginning on September 17, 2007, and ending on January 31, 2008, for such purposes.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on September 15, 2011, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 15, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Tax Reform Options: Promoting Retirement Security.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, to conduct a hearing entitled ''The Future of Employment for People with the Most Significant Disabilities'' on September 15, 2011, at 10 a.m., in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON INDIAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on September 15, 2011, at 2:15 p.m., in room 628 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Tribal Transportation: Paving the Way for Jobs, Infrastructure, and Safety in Native Communities.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 15, 2011, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on September 15, 2011, at 10 a.m., to conduct a hearing entitled ''Disaster Recovery: Evaluating the Role of America's Small Business in Rebuilding Their Communities.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 15, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on September 15, 2011, at 2:30 p.m., to conduct a hearing entitled, ''Improving Financial Accountability at the Department of Defense.''

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 358; that the nomination be confirmed; the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

### DEPARTMENT OF STATE

Wendy Ruth Sherman, of Maryland, to be an Under Secretary of State (Political Affairs).

Mr. INHOFE. Mr. President, I would like to inform the Chamber that I support the nomination of Wendy Sherman to be Under Secretary of State for Political Affairs. I had previously voted against her nomination earlier this week when it was brought before the Senate Foreign Relations Committee, but I have received information since that leads me to change my vote.

My good friend Senator ISAKSON of Georgia spoke to me about his 30-plus-year relationship with the Sherman family. Ms. Sherman's mother, Miriam ''Mimi'' Sherman, started working for Northside Realty, Senator ISAKSON's business based in Marietta, GA, in the late seventies and eighties. Mimi Sherman, who passed away in 2005, was a terrific person, and Senator ISAKSON was very happy to call her a close friend and fellow coworker. He also has known Wendy during this entire time and knows that she embodies the same qualities that her mother did. He is confident that she is qualified for the position and will do a great job at the State Department as Under Secretary of State for Political Affairs.

I have great respect for the wisdom and good judgment of my friend from Georgia. We both serve on the Africa Subcommittee, and as its ranking member, Senator ISAKSON always ensures that the views of his fellow Republican members are fully represented, even to the point of sharing his own speaking time at hearings with members like me who are passionate about bringing relief to the people on the African Continent. And when he expresses confidence in a particular person like Wendy Sherman, whom he has known personally for over three decades, that is good enough for me.

I support Ms. Sherman's nomination to be Under Secretary of State for Political Affairs.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 269, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 269) designating the week beginning September 19, 2011, as ''National Historically Black Colleges and Universities Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNET. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 269) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 269

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities allow talented and diverse students, many of whom represent underserved populations, to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning September 19, 2011, as ''National Historically Black Colleges and Universities Week''; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

MEASURE READ THE FIRST TIME—H.R. 2587

Mr. BENNET. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 2587) to prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstance.

Mr. BENNET. I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will have its second reading on the next legislative day.

ORDERS FOR FRIDAY, SEPTEMBER 16, 2011

Mr. BENNET. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Friday, September 16; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNET. Mr. President, there will be no rollcall votes on Friday. The next rollcall vote will be Monday, September 19, at 5:30 p.m.

ORDER FOR ADJOURNMENT

Mr. BENNET. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order, following the remarks of Senator WHITEHOUSE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

COSTS OF HEALTH CARE

Mr. WHITEHOUSE. Mr. President, we all traveled over to the House Chamber a few days ago to hear President Obama present his jobs plan, a jobs plan for which I intend to support and fight. But during the course of that speech, we also heard the President indicate that he was going to come and make some recommendations to the Senate and to the House regarding our debt and deficit strategy.

I come to the floor today to urge the White House, in dealing with our debt and our deficit issues, to pursue a strategy for cost reduction in our health care system that does not rely on harmful cuts to our seniors' Medicare benefits. I cannot tell you how important this is in Rhode Island where we have a significant senior population. Many of our seniors are low income. The average Social Security benefit is around $13,000 to $14,000.

Some of the ideas that have been floated in this body—more than just floated; they have actually passed the Congress, the House of Representatives—would be devastating to Rhode Island seniors: an end to Medicare in 10 years; $6,000 in increased costs to each senior, on average, per year, hidden in what the Republicans like to call their cut, cap and balance plan, with an even worse attack on Medicare and on Medicare beneficiaries than was in the House budget that passed, which was a bad enough attack on its own. That simply is more than seniors in Rhode Island can manage. It is not fair; it is not right. And, most importantly it is not necessary.

I do concede that rising health care spending has placed a lot of stress on our national budget. In the joint session of Congress in September 2009, President Obama himself said: Put simply, our health care problem is our deficit problem. Nothing else even comes close.

If you go to the other side of the political spectrum and to the other Chamber of Congress, Congressman RYAN said: Our debt and deficit problem is, at its core, a health care problem. I agree with that. We need to address it. The question is how.

The fundamental fact that so many of our colleagues overlook in their urgency to attack Medicare—a program that Republicans have been against from its very founding and that the renewed tea party assault on Medicare has revived—has misled the debate, because the cost problem in Medicare is not a problem that is unique to Medicare. Wherever you look in the American health care system, costs are exploding. They are going up in Medicare probably at a lower rate than other quadrants of the health care sector, but they are going up. They are going up in Medicaid. States are having trouble dealing with that burden. They are going up in TRICARE and in veterans' care. Indeed, Secretary Gates said: Health care costs are eating the Defense Department alive. Eating the Defense Department alive, health care costs are. And if you are in private insurance, whether it is Kaiser or United or Blue Cross, pick your insurer, the costs are going up dramatically. Our own hospitals in Rhode Island, which provide health care, are watching their health care costs accelerate at significant rates far above a multiple of our rate of inflation.

This problem of rising health care costs is creating real strain. It is not just creating strain on the Federal budget—granted, it is creating strain in the Federal budget—but it is also creating incredible stress on seniors, on small business owners who can't afford health insurance for themselves, or have to whittle away at the health insurance their employees have in order to keep it affordable, or have to give it up entirely as they face the stresses of this economic downturn.

As the Presiding Officer, the senior Senator from Colorado, knows because

his, like Rhode Island, is a small business State. When you are a small business, your employees are pretty darned close to family. When you have to whittle away at their health care benefits, when you have to whittle away at what they get, when you have to raise their costs, that is a hard decision for that small business owner/manager to make.

It is tough on American families. It is tough on big businesses. It is tough on American big export companies. Our automobile industry, the tractor manufacturers, the road building equipment manufacturers, the folks who build big American products that we export overseas, we build enormous amounts of health care costs into those products. It has been estimated that nearly $2,000 in health care costs goes into an American car. Well, the foreign car that competes in the international market with that American car comes out of a national health care system. So that health care cost isn't in the cost structure of the company that makes the car. And because they collected most of their taxes through a value-added tax, it doesn't even come in through the tax system, because the export products get out of those companies and into the international market without a tax burden. So there are our products, trying to compete overseas, with this weight of our health care system cost on them and it helps make America uncompetitive. So it is not just Medicare. It is everywhere in the American health care system. It is systemwide.

A couple of years back, when we were first discussing this issue and the White House held a couple of health care conferences, I was fortunate to be invited to those conferences. The President used a metaphor in discussing where we were in health care in those discussions. He used the discussion of us being headed for a cliff. If we didn't do something about our health care costs as a country, we were headed for a cliff.

Well, nothing has changed. We are still headed for that cliff, and the solution we have to find is to take the bus that we are all on and turn it before we get to the cliff.

It is not an adequate solution to simply throw seniors off the bus in order to lighten the Medicare cost load without doing what we need to do to change the direction of the American health care system to alleviate this cross-system, this economywide burden.

Fortunately, we gave President Obama tools to do this in the Affordable Care Act. We fought about all sorts of elements in the Affordable Care Act. We fought about the public option. We fought about universal coverage. There were imaginary claims raised that there were death panels in the health care bill. It was considered to be socialized medicine, the same phrase that was trotted out years ago to oppose Medicare. They brought that old stalwart phrase out again—totally false.

The only socialized medicine we have in this country is the kind we give our veterans, which is the very best quality care they are entitled to—what Bob Dole has said is the place we should look toward for health care reform. But that is a separate argument. But my point is there was a whole lot of phony controversy about that health care bill.

What was completely not discussed was that a huge chunk of that bill was dedicated to delivery system reform of the health care system, to turning the bus before we hit the cliff. There is a lot in there for the President to work with. There are literally dozens of programs and pilots to turn us in this new direction. I urge very strongly, as we address the government health care cost problem that we face, we look at it as a systemic problem, and we address it as a health care cost delivery system problem rather than pick out seniors, throw them off the bus, and keep it careening toward the cliff without changing its underlying direction. That would be, in medical parlance, a misdiagnosis of the illness and a mistreatment of it as a result, and fundamentally malpractice. But that is the direction we are being led, and I am here to urge us that we go in a different direction.

There is a lot to be gained. America's health care system is provably, wildly inefficient. We burn more than 18 percent of America's gross domestic product on our health care system every year—18 percent. To put that into context, the next most inefficient industrialized competitor that we deal with internationally runs at around 12 percent of gross domestic product. So here we are, the United States of America—the most innovative, the most technologically developed country in the world, a country that prides itself on efficiency, on common sense, on making smart decisions—and what are we doing? We are 50 percent more inefficient than the most inefficient other industrialized country in the world.

One would think that we would not be the most inefficient. One would certainly think we would not be the most inefficient by a margin of 50 percent over the second most inefficient country in the world. It just does not make any sense, but that is how bad it is. That is a pretty strong measure of how laden with excess costs our national health care system is.

For all of that, we do not get better outcomes. I wouldn't mind spending 50 percent more than Switzerland or France or any other country if we got 50 percent better outcomes, if we lived 50 percent longer, if we were 50 percent healthier, if we had 50 percent better care, if we had 50 percent better maternal mortality in childbirth—but we do not. When we look at the measures of how we do for our people in the American health care system, we compare with countries such as Greece and Croatia. We are down in the thirties in the ranking if you look at most of the quality measures.

Incredibly overbloated expenditure and at best moderate performance are the two prevailing characteristics of our health care system. That means there is a lot of ground to be gained.

It has been quantified by President Obama's own Council of Economic Advisers who estimated $700 billion every year could be saved if we cleaned up the health care system and made it moderately efficient. We could save that $700 billion without harming the quality of care for Americans.

That seems like a big number, but actually the New England Healthcare Institute says that number is $850 billion a year. George Bush's Treasury Secretary, Secretary O'Neill, who knows a lot about this from his time as CEO of Alcoa and as the person leading the Pittsburgh Regional Health Initiative, combined with the Lewin Group, which is a very well regarded Washington institution that looks at health care issues and evaluates them, they both agree that the number is $1 trillion a year that we could save without harming the experience or quality of care for the American consumer.

We tried to throw pretty much everything we could at this problem in the Affordable Care Act. A consultant to the administration, MIT Professor Jonathan Gruber, said about the Affordable Care Act and its delivery system reform component:

> Everything is in here. I can't think of anything I would do that they are not doing in that bill.

We gave the administration literally everything they could want, everything they asked for. I had a group that met with me as we were designing the Affordable Care Act, people from unions, people from NGOs that work on health care issues, people from the business sector, people who are experts in this area—to say, What are we missing? What more could we put in to help get at this problem of excessive costs for moderate results?

By the time the bill came to the floor, this was the answer from my group: Nothing. We can't think of anything else. We tried. It is all in there. So I agreed with Professor Gruber's assessment.

What is the nature of what we did? It boils down to what I contend are five basic strategies. One is quality improvement. The quality of American medicine is not anywhere near as good as it should be. Anybody who was listening to me talk, who has had a loved one in their family seriously ill, ill for any length of time, or who has been seriously ill themselves, they know that from their own experience. They know of the lost records. They know of the confusion between multiple doctors who are treating them and not talking to them, maybe both prescribing medications that are contra-indicated with each other, but they don't know the other one is doing it. They know the experience of having to be your own navigator through this complex system. They know what a nightmare that

is. They know it. It is not a debatable proposition.

It also works out in some pretty identifiable data. Nearly one in every 20 hospitalized patients in the United States gets a hospital-acquired infection. A hospital-acquired infection should be a ''never'' event. If we apply the Pronovost principles and do things started in Michigan and are carried out around the country now, we can knock that down by about 90 percent, but still it is endemic.

Everybody knows somebody who has gone to a hospital for a procedure and came out with a hospital-acquired infection, often a life-threatening one. Just treating those infections costs about $2.5 billion a year. They are completely avoidable.

That is just one element of the health care system. If we got after the quality gaps in our health care system, the savings would be far greater. So there is a lot to be gained in quality. That is one of the five.

The second is prevention. We do not analyze and evaluate and implement prevention strategies very well as a country. We don't even evaluate effectively what prevention methods save enough money in the long run that we should just pay for them for everybody because it saves money to have people do this. We don't differentiate between what is probably a good idea for an individual to pay for and what is such a good idea and saves so much money that it should be part of the baseline of medical treatment that every American gets. It doesn't matter how sick they are, doesn't matter how old they are, doesn't matter how wealthy they are, doesn't matter where they live, they should be getting this prevention treatment because it saves all of us money.

We should be analyzing those things, proving them and putting that prevention strategy to work because the cheapest way to treat an illness is to prevent it in the first instance. The third is payment reform. We pay doctors more—the more they prescribe, the more tests they order, the more medications they order, the more procedures they direct, the more they get paid. It should come as no surprise that when you send that incentive out there into that particular marketplace, you get dramatic overuse, which has been quantified in study after study.

This bill, the Affordable Care Act, has pilots to start directing the payment for medical procedures and for medical care based on the outcomes so that its value is how well you get that dictates payment, not how much the doctor does to you. That will be a paradigm shift in health care. You have to get it right. It is not easy to do. It is going to take some doing, but it is vitally important. That is the third part.

The fourth is administrative simplification, in particular, administrative simplification in the area of the warfare that currently exists between health insurance companies and hospitals and doctors. Ask any hospital, ask any doctor what it is like dealing with the insurance companies, trying to get paid for the services they deliver. They will tell you it is torture.

The last time I was at the Cranston Community Health Center in Rhode Island, they told me half of their personnel are dedicated to trying to get paid. The other half do the health care work. Half of their personnel are dedicated to trying get paid. And they have a $200,000 a year contract with experts to try to help train the 50 percent of their personnel who are dedicated to trying to get paid in what the latest tricks are from the insurance industry so they can keep ahead of the game. Because it is an arm's race. Well, my guess is that about 10 percent of the health care dollar that goes through the insurance companies goes to delay and denial of payment. There is 10 cents right off the top, leaving only 90 cents for the rest of the health care equation.

The doctors and the hospitals have to fight back. They have to hire their own consultants and their own experts and their own billing companies. They are not as efficient. There are more of them. They are more spread out. It is not what they are expert at. It is harder for them to fight back. I think they pay more than 10 cents out of every dollar. You put the 2 together, that is 20 cents out of the health care dollar on the private insurance side that does not go to health care at all. It goes to fund the arms race between insurers and doctors over getting paid.

This year Health Affairs: Journal of Health Care Policy published a study that compared the administrative costs of physician practices in Ontario, Canada, and physician practices in the United States. It found if doctors in the United States could lower their administrative costs to match those of the Ontario physicians, the total savings would be approximately $27.6 billion a year. The Ontario doctors have administrative costs, but they have a single-payer system and it is pretty easy to deal with. The $27.6 billion is primarily fighting with the different insurance companies that all have different systems about claims and billing. There are big savings to be had by eliminating that unnecessary and expensive warfare that produces zero health care benefit to anybody.

The last piece, which is the structure for most of the rest of it, is a solid, strong health information technology infrastructure for this country. I can go to a bank anywhere in this country and I can take out my ATM card and access my checking account. I can find out what is in my savings account. I can do transactions. I can make deposits. However, if I step out of that ATM booth and get whacked by a taxicab and rushed to the emergency room, they have no idea what my health history is or what my health records are. We do not have a modern electronic health record in this country. We do not have modern electronic infrastructure in this country.

When I started arguing about this a few years ago, I can remember The Economist magazine publishing an article that said the health care industry in America was the worst industry for the deployment of information technology of all of the American industries except one. The only industry that was behind the health care industry and the deployment of information technology was the mining industry. We have improved, thanks to President Obama and this administration putting a big investment in this area, but we have a long way to go because we were way behind the curve.

Those five things—quality improvement, serious investment and prevention where it saves money, payment reform so that the system has incentive to provide value rather than volume, knocking down the administrative overhead that drapes over this system and weighs it down, and a robust health information technology infrastructure, those are the five keys and almost every single one of the programs I referred to that is in the Affordable Care Act fits one of those principles.

Why are we not doing this? Why is this not a bigger part of the debate if it is $700 billion to $1 trillion a year, if the result is better care for Americans, fewer medical errors, more prevented illness, less nonsense and unnecessary care from their doctors in chasing the payment model of volume, less fighting with the insurance company over trying to get paid and a health information record that is yours, that is private, that is secure, that goes with you wherever you are?

There was a fellow in Rhode Island whose daughter was taken ill. She had a pretty serious condition. She was taken to the emergency room in Rhode Island, and they realized that this was bad. They needed specialty care, specialty machinery and treatment, and they had to rush to the specialty hospital in Massachusetts that could do the work on her she needed to save her life. So off they went. When they got there, they discovered that they had not brought her paper health records with her. They had to redo all the testing. They had to start from scratch. Seconds counted as they fought for this woman's life. Thankfully it all turned out fine, but it put her life at risk and it cost a fortune to redo all the tests. It made her recovery harder because a lot of time was wasted. Are you kidding me, a paper health record? But that is where we are.

All of this is win-win. Where is the pressure to do it? Well, there is a problem, and the problem is that it is not the kind of change that CBO—the people who guide our budget decisions around here—can score. I asked Alan Simpson from the Simpson-Bowles budget group during one of our Budget Committee hearings if he believed that reducing health care costs through delivery system reform is an important

part of addressing our debt and deficit problem. And he answered: What you are saying is exactly right. It is not, unfortunately, scoreable. That is why it is not in our report.

I get it. It is not scoreable. It is not in the report. We should not overlook these factors as we make these decisions on behalf of the American people because even if you cannot score how you get to that $700 billion in savings or if the New England Health Care Institute is right, that $850 billion, or if Bush Secretary O'Neill is right, that $1 trillion a year in savings using methods that improve both our experience and quality of care needs to be a priority even if it is not scoreable.

Tomorrow I will send a letter to the President, which the Presiding Officer has been good enough to sign, along with a broad array of my colleagues who have agreed to cosign, which reiterates the case I make here tonight. The letter urges the President's attention to the potential of delivery system reform rather than Medicare benefit cuts for seniors. It should be our first priority to fix that overloaded 50 percent more inefficient than the most inefficient country in the world system, the one with $700 billion or $850 billion or $1 trillion in annual savings that are possible. Fix that before you go to a senior who had no part in this, who cannot help but try to do their best, and say to them, we are taking away your benefit. That is not the way to proceed. That is the wrong way to proceed. It is morally wrong and it is wrong as a matter of policy.

Where I contend we are—and I will say this in closing—there is a movement and an industry emerging in the area of health care delivery system reform. It is strong in the private sector, whether we look at places such as Palmetto down the Carolina Coast; Geisinger in the Pennsylvania area; up in the Wisconsin area, Gundersen Lutheran; out toward Utah, the west, Inner Mountain; Mayo in Minnesota and Florida; or Kaiser, based in California. These are all major American health care delivery companies that have seen the potential delivery system reform. They are working hard to make it happen. They are committed to it, and they are getting results. We need to have their back. We need to support them as they do this.

But it is never going to be scorable because this is not a mathematical equation where we say: You are not getting this benefit. We are going to take away 20 percent of what you get. We are going to run it through the same nonsensical system that causes most of our cost problems and at the end we are going to say it is going to be 20 percent cheaper. It is easy to do the math that way, but it is a pretty cruel way, and it is lazy because we need to be in the middle fixing that piece.

But it is not arithmetically easy because where we are is like the early stages, I contend, of the airline industry—I should say of the flight industry. What did we know when the Wright Brothers first put their flying machine into the air at Kitty Hawk? We knew a curved surface sped through the air, generated lift. We knew a whirling air screw generated propulsion, and we knew that if you twisted the ends of the wings, you could control the direction. Those principles haven't changed.

I just got back from Afghanistan and Pakistan. We flew for 14 hours from the Arabian Peninsula back to Dulles Airport. That plane had movies on it. It had food on it. Everybody was comfortable. It had air-conditioning. We landed a plane that was the size of probably the average small town in America at the time the Wright Brothers were flying and everybody on it felt perfectly safe and comfortable. It came down a tube of electronic decision support for those pilots so they knew exactly what was going on every moment. If you went back to the Wright Brothers, you could not score in the actuarial sense the progress that would lead us in less than a century from a rickety wooden canvas, manned kite, puffing down the beach at Kitty Hawk, to these sleek, computer-guided, miraculous aircraft that fly us in comfort around the world today. You could not do it. But that didn't mean we shouldn't bet on it. That didn't mean we shouldn't pursue it. That didn't mean it wouldn't make a huge difference in the quality of mankind's life to be able to have that technological lead.

So that is where we are. These five principles are a little bit beyond the Kitty Hawk stage perhaps but not by much. If we invest and if we get behind this, the day will come, and it will come soon, when the quality of health care each one of us receives—we will look back and we will think, what we are getting now, that was canvas and wood sticks. That was primitive. We will have personalized electronic health care. Companies will emerge to create applications so whatever illness you have, the very best treatment will be downloaded so you know what you should be doing, when, and it will be adjusted for your blood type and family history and gender, if it is a factor that makes a difference, and for your body mass. Whatever it is that is relevant to you getting the best treatment as an individual, that is the kind of stuff that will be available. We will aggregate the data about what is effective, and people who have far more brilliance than I will plow through all the data about America's health care experience and they will start learning things about what works and what doesn't, what two things we didn't notice are connected. We will start to find those anomalies or those associations, and that will open a whole new era of discovery and treatment. Between those new applications that will guide in a personalized way health care for Americans, based on their own data and based on the best available information so your doctor is a little bit like that pilot landing the plane out of Dulles, making their own decisions, flying the plane directly but surrounded by that decision support that makes plane landings so safe—if your wheels aren't down, the alarms go off. If you get out of the glide slope, the alarms go off. If there are wind gusts on the field, the alarms go off. All that information and more is captured so the pilots can focus on flying the plane. That is the kind of support our doctors can have. That is the kind of support we can have. Those are American industries that will grow and emerge.

So we need to get behind this. I feel very strongly about this, as my colleagues can tell and as the four pages have had to wait and listen to me at this late hour can tell. But I say now it would be a shameful act on the part of the Congress of the United States if, with an opportunity like that in front of us, if with a compelling cost target, as we have from delivery system reform in front of us, and with the proven thesis that by getting there we actually improve the quality of care for people—we are not taking anything away; we are making their quality and experience of care better, which is a win-win-win. If we turn away from that win-win-win and instead take the easy, lazy way of throwing seniors off the bus and putting Medicare benefit cuts on them and let that bus just keep rocketing toward that cliff, that will be a moment that will merit the scorn of the American people and the shame of our own conscience because we will have done the wrong thing and we will have done it because it was the easy way out.

I urge the White House not to take that road and to instead redouble their efforts on delivery system reform, back Secretary Sebelius in what she is doing and Don Berwick in what he is doing and, most significantly, put a hard date and dollar metric out there so the world can evaluate how well the administration did. If this is as important as I think it is, if this is as important as the administration thinks it is by the work they have already dedicated to it, then they should be willing to set for themselves a date and dollar savings target to tell the country: By this date, we will save this many hundreds of billions of dollars a year through delivery system reform. If we don't, then it is murk, it is mush. There is no accountability to it. It is generally going in the right direction.

A young President many years ago had a similar opportunity. We were losing the space race to the Soviet Union. He could have said in his speech: I think it is time that we bent the curve of America's space program. I think it is time we bent the curve of America's space exploration. But he didn't. He said something much more specific. He said: Within a decade, the United States of America is going to put a man on the Moon and bring him home safely. If President John Fitzgerald

Kennedy had given that first speech, we would never have put a man on the Moon. The reason we put a man on the Moon is because when a President of the United States sets a hard target for the Government of the United States, that vast bureaucracy moves to achieve that purpose. If the President of the United States denies that vast bureaucracy, the clarity of that purpose does not give a specific measurable goal, and it makes that goal far less likely to achieve.

So not only do I ask the White House to turn away from Medicare benefit cuts and redouble their efforts on delivery system reform, I ask them to decide how much they are going to save, and by when, and let us know so we can evaluate their success in meeting that goal. I promise them every support in reaching that goal.

I thank the Presiding Officer for his patience and yield the floor.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 8:07 p.m., adjourned until Friday, September 16, 2011, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### THE JUDICIARY

RONALD LEE BUCH, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS, VICE DAVID LARO, TERM EXPIRED.

### DEPARTMENT OF THE TREASURY

ALASTAIR M. FITZPAYNE, OF MARYLAND, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY, VICE KIM N. WALLACE.

### DEPARTMENT OF DEFENSE

BRAD CARSON, OF OKLAHOMA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY, VICE BENEDICT S. COHEN, RESIGNED.

### THE JUDICIARY

KEVIN A. OHLSON, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW, VICE ANDREW S. EFFRON, TERM EXPIRING.

### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO AND WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

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CHRISTOPHER J. MARUT, OF CONNECTICUT
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KATHERINE VAN DE VATE, OF TENNESSEE
LEO F. VOYTKO, JR., OF VIRGINIA
MATTHEW ALAN WEILLER, OF NEW YORK
HOYT B. YEE, OF CALIFORNIA

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MICHAEL J. BARELA, OF VIRGINIA
MAURICE C. CROSSLAND, JR., OF PENNSYLVANIA
JAN MARIE FLATTUM-REIMERS, OF NORTH DAKOTA
MELISSA CLAIRE FOYNES, OF TEXAS
GLEN A. GERSHMAN, OF MARYLAND
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BARRY L. HANEY, OF FLORIDA
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LEIGH ANN KIDD, OF VIRGINIA
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NIALL E. MEEHAN, OF VIRGINIA
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KURT E. OLSSON, OF VIRGINIA
LAWRENCE PAUL OSTROWSKI, OF FLORIDA
JOSEPH N. RAWLINGS, OF GEORGIA
JIM W. SCHNAIBLE, OF VIRGINIA
DANIEL J. WEBER, OF WASHINGTON

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

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PETER FOWLER, OF THE DISTRICT OF COLUMBIA
ALBERT KEYACK, OF VIRGINIA
BARBARA LAPINI, OF VIRGINIA
LINDA MINSKER, OF THE DISTRICT OF COLUMBIA
BRENDA VANHORN, OF VIRGINIA

### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C, SECTION 271:

*To be rear admiral (lower half)*

CAPTAIN MARK E. BUTT
CAPTAIN LINDA L. FAGAN
CAPTAIN THOMAS W. JONES
CAPTAIN STEVEN D. POULIN
CAPTAIN JAMES E. RENDON
CAPTAIN JOSEPH A. SERVIDIO

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

KELLY A. CRICKS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

DAMIAN G. MCCABE

THE FOLLOWING NAMED OFFICER IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

*To be major*

JOHN R. PENDERGRASS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

ROBERT D. BLACK
GEORGETTE GOONAN
TRUDY A. SALERNO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

JAMES A. CHRISTENSEN
CHRISTOPHER J. DEMEULENAERE
FORD D. PAULSON
KATHLEEN A. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

MATTHEW J. CONDE
RAYMOND FEELEY
MICHAEL E. GAFNEY
DANE S. HARDEN
GARY J. MCKAY
OWEN F. MUELLER
VICTOR M. PALOMARES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

LEE A. ADAMS
ROXANNE M. ARNDT
BEVERLY A. BLAIR
PATRICIA M. BRIGHAM
NANCY A. CANTRELL

DIANE L. CASSELL
MARY A. COLBERG
VALERIE COLEMAN
JOHN N. ELZIE
SUSAN M. FITZGERALD
NANCY P. GRIEGO
GARY J. GROSSI
GLORIA HARRIS
LAVONNA J. HEATH
DIANNE JACKSON
CINDY B. KATZ
TRISHA E. KILIANY
SHERRIE L. LAKES
KATHRYN A. MARTIN
JAMES D. MELSON
CATHLEEN M. NELSON
DARLENE M. NICHOLS
SUSAN M. PALMER
BARBARA J. PILAK
MARILYN E. RICHMONDJOHNSON
JOAN M. RUTTLEKING
JOY A. SAARI
ROBERT T. SHORT
JAN L. SHRINER
CAROL STPIERRE
JODENE M. STRONG
PATRICIA L. TENHAAF
CHRISTIAN L. TOLLIVER
MARK A. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C, SECTION 12203:

*To be colonel*

KATHIE S. CLARK
RONALD D. EARDLEY
NANCY L. MCLAUGHLIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C. SECTION 12203:

*To be colonel*

LYNN R. GAYLORD
SIERRA A. GOWER
NATALIE R. HIGHLEY
CAROLYN A. HUNT
MARION J. JARRETT
ELENOR G. JESSEN
DOROTHY JOHNSON
VICKI L. NOLIN

THE FOLLOWING NAMED OFFICERS IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

*To be major*

NATHAN W. BLACK
GREGORY L. CATO
TROY G. DANDERSON

## CONFIRMATION

Executive nomination confirmed by the Senate September 15, 2011:

DEPARTMENT OF STATE

WENDY RUTH SHERMAN, OF MARYLAND, TO BE AN UNDER SECRETARY OF STATE (POLITICAL AFFAIRS).

# EXTENSIONS OF REMARKS

## HONORING RIVERBANK NAVAL PETTY OFFICER THIRD CLASS JAMES RAY LAYTON

### HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor fallen Riverbank Naval Petty Officer Third Class James Ray Layton.

HM3 James Ray Layton was born in Livermore, California on January 29, 1987 and died September 8, 2009 in Kunar Province, Afghanistan serving during Operation Enduring Freedom. Artist, healer and music lover James Ray Layton brought joy and love into the lives of his family, friends and Comrades in Arms.

At the time of his death Layton was assigned to Combined Security Transition Command in Afghanistan, which is responsible for training and equipping Afghan security forces. Lt. Cmdr. John Daniels, a Navy spokesman at the Pentagon, said Layton deployed to Afghanistan with an element of the Okinawa-based 3rd Marine Division. Layton enlisted Dec. 20, 2007.

Layton's death was described by McClatchy Newspapers correspondent Jonathan Landay, who was embedded with a group of Marines and pinned down by heavy fire in a rugged section of Kunar Province on Tuesday. "The Marines were cut down as they sought cover in a trench at the base of the village's first layer cake-style stone house. Much of their ammunition was gone. One Marine (later determined to be Layton) was bending over a second, tending his wounds, when both were killed, said Marine Cpl. Dakota Meyer, 21, of Greensburg, Ky., who retrieved their bodies."

Layton is the 28th soldier or Marine from the Northern San Joaquin Valley and foothills killed in the wars in Iraq and Afghanistan, and the first from Riverbank.

He is survived by his father Brent Layton, mother Nikki Freitas, step-father Gilbert Freitas, brothers Jonathon, Jesse, Brandon and Sage, and sister Jordan, grandmothers Kathy Anderson and Shirley Hughes, grandfather Winn Layton, stepsister Andrea Freitas, stepbrother Jason Freitas, and loving aunts, uncles and cousins and friends. He was preceded in death by his Papa, Ray Hughes.

## HONORING MR. RONNY VANDYKE UPON THE OCCASION OF HIS RETIREMENT

### HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise to highlight the career of Mr. Ronny VanDyke on the occasion of his retirement, on September 1, 2011, and to thank him for his more than thirty-three years of distinguished service and dedication to the United States House of Representatives.

Mr. VanDyke has played an integral role in the Information Technology journey of the House. He began in 1978 as a COBOL programmer supporting mainframe applications, transitioned readily into online application development using CICS, and then integrated mainframe and workstation technologies for the Information Services and Integrated Systems (ISIS) project. Finally, Mr. VanDyke worked on the design, development and support of the CAO's Web-based services.

Mr. VanDyke developed the first electronic mail system on the House mainframe and played a key role in the design and development of the mainframe-based Member Information Network (MIN). MIN provided congressional offices with online information services including newswires, LEGIS and GRANTS, as well as Member services such as scheduling, casework and tracking. Mr. VanDyke excels at developing standardized processes that are then readily adapted for multiple uses in support of House office business.

Mr. VanDyke played a key role in the design and development of the first release of the www.house.gov web site and the Write Your Representative Service, providing Members their first opportunity for a customized Web presence and e-communications.

Many of the core services Mr. VanDyke originally developed for the mainframe, he successfully made available on the Internet. These services continue to provide Member offices ease of communication with their constituency including, but not limited to, Google Site Search, custom in-House content management and publishing services, zip code authentication, and Web form processes enabling both the development of dynamic surveys as well as the electronic submission of constituent requests to one's specific House Representative.

Mr. VanDyke's knowledge, experience, dedication and consistently outstanding performance of his daily tasks have been exemplary. His ability to adapt to emerging technologies and his skilled transition of core House services has provided House offices seamless support and earned the respect of his coworkers, peers and management. Mr. VanDyke has provided House offices with superior customer service, almost always from behind the scenes, by providing those on the front lines with the confidence to propose technical solutions knowing that he will make it work.

On behalf of the entire House community, we extend congratulations to Mr. Ronny VanDyke for his many years of dedication, outstanding contributions and service to the House.

We wish him many wonderful years to fulfill his retirement dreams.

## DISAPPROVAL RESOLUTION RELATING TO DEBT LIMIT INCREASE

SPEECH OF

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 14, 2011*

Mr. HOLT. Mr. Speaker, nearly two-thirds of Americans say that job creation should be Washington's top priority. But no one here needs an opinion poll to learn that. I am sure all my colleagues are hearing what I hear by mail, fax, e-mail, Twitter, phone calls, Facebook, and passersby on the street. Everyone is saying, "Congress, get on with it! Make jobs! Get America to work! Get my husband, my cousin, my daughter to work." And, yet again, the Republican majority in the House is playing political games—wasting time debating a senseless resolution when we could, and should, be doing the work that the American people sent us here to do: creating jobs and revitalizing our economy. I recently visited several manufacturers in Central New Jersey to hear directly from job creators about what the federal government can do to promote growth. The political circus surrounding the debt ceiling negotiations was not mentioned once. With 25 million Americans either unemployed or underemployed, it's time to stop the political shenanigans and focus on the task at hand: putting America back to work. The debt ceiling debate this summer already wasted months that could have otherwise been spent focusing on job creation. In the end, the government made the responsible choice to pay its bills—case closed. Instead of further exacerbating the partisan divide on Capitol Hill, we should be coming together to fashion an effective, bipartisan jobs bill that the American people expect and deserve. How much time must we waste before we get serious about putting America back to work?

## EDISON INTERNATIONAL

### HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. DREIER. Mr. Speaker, I would like to take this opportunity to recognize Edison International on its 125th year of business.

Edison was founded on July 4, 1886 in Visalia, California and from then on, Edison has worked to find new and more efficient ways to serve its customers safely and reliably. For example, in 1898, Orville Ensign, an Edison engineer, designed the first insulator made from porcelain instead of glass which enabled the company to increase voltage on transmission lines. In the early 1900s, Edison engineer James Lighthipe designed the longest and highest voltage transmission line. It was also the first to be supported entirely by steel towers.

Today, Edison employs over 14,000 individuals in Southern California alone and its utility subsidiary, Southern California Edison, has over 12,000 miles of transmission lines. Edison is also currently building the Tehachapi Renewable Transmission Project, the largest wind transmission venture in the United States. Edison is also involved with developing wind energy. Edison Mission Energy, one of the largest developers of wind energy, has 30 projects in operation or under construction in 11 states.

Edison continues looking towards the future and is leading an initiative to prepare the electric grid for the widespread adoption of plug-in electric vehicles. Finally, Edison is currently working to upgrade its electric system infrastructure so that they will be prepared for the next 125 years.

It is important to note the dedication of Edison International to the communities it serves. With many families struggling in the current economy, Edison is working with residents and businesses to help them save money by utilizing energy efficiency techniques. In addition, in 2010, employees contributed $4.3 million to schools and non-profits. This year, to celebrate its 125th anniversary, Edison employees are taking part in 125 community service events, including assisting City of Hope and other valuable organizations.

Congratulations to Edison and its employees for 125 years of innovation, reliable service and commitment to the community.

## HONORING NATHAN JAY CHALOUPKA

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Nathan Jay Chaloupka. Nathan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and earning the most prestigious award of Eagle Scout.

Nathan has been very active with his troop, participating in many scout activities. Over the many years Nathan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Nathan has contributed to his community through his Eagle Scout project. Nathan designed and built an outdoor prayer and meditation area for the First United Methodist Church of Kearney.

Mr. Speaker, I proudly ask you to join me in commending Nathan Jay Chaloupka for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## RECOGNIZING STREET SOCCER USA

### HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. McINTYRE. Mr. Speaker, I rise to recognize Street Soccer USA, a leader in sports-based youth development for Americans facing homelessness.

SSUSA builds trust through sports to help adults and youth overcome homelessness, and is a powerful tool for workforce development, educational advancement, improved health, and crime and violence reduction.

This summer, over 200 athletes from 18 U.S. cities competed as part of the Nation's premier sport-for-change event in DC June 10–12.

I ask my colleagues to please join me in congratulating this year's participating teams. They are among a distinguished group of individuals dedicated to improving their lives.

Congratulations to the men's and women's teams from Street Soccer Minneapolis, both of whom took home the Leonsis Trophy for first place.

Thanks to the hard-working employees and volunteers who made the event such a huge success. May God bless you with many more successful years ahead.

Indeed these individuals are demonstrating that ending homelessness and poverty is a team sport!

## HONORING CHRISTOPHER NOAL BROWNING

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Christopher Noal Browning. Christopher is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 237, and earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many scout activities. Over the many years Christopher has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Christopher has contributed to his community through his Eagle Scout project. Christopher designed and constructed a divider wall around the restrooms at Bunceton Park in Bunceton, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Christopher Noal Browning for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## HONORING THE LIFE OF DR. WILLIAM ASTOR KIRK, SR., EDUCATOR AND SOCIAL ACTIVIST

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to recognize Dr. William Astor Kirk, Sr., educator, social activist and author. Dr. William Astor Kirk, Sr., was the eldest of six children born to Alex and Exella Kirk in Harleton, Texas. He briefly attended Wiley College in Marshall, Texas before enrolling in Howard University in Washington, DC where he received both a bachelor's and master's degree, respectively.

Dr. Kirk led a life devoted to family, faith and intellectual pursuits and fought to bring about social justice and equality for African Americans in public facilities and accommodations in educational institutions. Dr. Kirk and his wife of more than sixty years, Vivian Tramble married in 1946 and had two children. The Kirk's core values centered on faith and family and intellectual curiosity and social responsibility—beliefs Dr. Kirk graciously shared with family and friends.

Upon completing his Master's degree in Government from Howard University in 1974, Dr. Kirk and wife Vivian relocated to Austin, Texas where he assumed the position of professor of Government and Economics at Huston-Tillotson College. Dr. Kirk, active in Austin civic life was an organizer in the local chapter of the NAACP and arranged peaceful protests that led to desegregation of the Austin Public Library and many other public facilities. Dr. Kirk's work against discrimination also focused on the University of Texas where he applied and was admitted to a PhD Program. Dr. Kirk's refusal to study in segregated classes prompted a lawsuit by the Austin chapter of the NAACP. Subsequently, Kirk began his studies at the University after a United States Supreme Court ruling of Sweatt v. Painter, which ended segregation of the University's school was applied to its graduate program as well. In 1958, W. Astor Kirk, Sr. became the first African American to earn and receive a Doctorate in Political Science from the University of Texas.

Dr. Kirk was awarded a Fulbright Scholarship and studied at the London School of Economics and Political Science in London, England. Professionally, in addition to his teaching post at Huston-Tillotson, Dr. Kirk was adjunct Associate Professor at the University of Maryland and had teaching assignments at Rutgers University, Boston University School of Theology and Howard University.

Dr. Kirk also had a distinguished career as a federal government executive and management consultant. In 1968, Dr. Kirk was personally recruited by President Lyndon B. Johnson for the post of Deputy Regional Director (Southwest Region) of the United States Office of Economic Opportunity. He continued his government service under the Nixon, Ford, Carter and Reagan administrations. Following his retirement from the federal civil service, Dr. Kirk founded and was CEO of Organization Management Services Corporation, an organizational development firm.

Prior to his passing, Dr. Kirk initiated an anti-discrimination mass petition in an effort with the Church to end, in his words, ''the mandatory negative differential treatment of gays, lesbians and bisexuals United Methodists.''

Dr. Kirk's lifetime of contributions to education, racial and gender equality and broad civil rights issues inspires all, as he was not afraid to tackle the biggest, most looming issues of his day.

Again, I ask that my colleagues please join me in saluting the life and legacy of educator, humanitarian and social activist, Dr. William Astor Kirk, Sr.

RECOGNIZING ANTONIO M. ''TONY'' PÉREZ 2011 FRANK P. ZEIDLER PUBLIC SERVICE AWARD HONOREE

## HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Ms. MOORE. Mr. Speaker, I rise to pay tribute to Antonio M. ''Tony'' Pérez, recipient of the 2011 Frank P. Zeidler Public Service Award. Mr. Pérez is a long-time social justice advocate, mentor, community leader and consummate professional. He currently serves as secretary-executive director of the Housing Authority of the City of Milwaukee (HACM). The Frank P. Zeidler Public Service Award acknowledges residents whose efforts most embody the social justice and public service values and vision of former Mayor Zeidler, who died in 2006 at the age of 93.

Mr. Pérez' body of work has been exemplary. He founded the Milwaukee Community Service Corps (MCSC), a non-profit vocational training organization that continues to provide employment and education to young adults in Milwaukee. It was modelled after the 1930s Civilian Conservation Corps (CCC). Mr. Pérez developed a holistic program that integrates education and life skills with on-the-job work experience for low-income 18–23-year-olds. During his tenure at MCSC from 1991 to 2000, more than 900 participants found jobs and received more than $4.5 million in income. MCSC serves an average of 100 young participants per year and has served approximately 2,000 young adults since its inception.

In 1996, Mr. Pérez was one of six inspirational youth role models and mentors profiled on PBS', ''The Merrow Report: Searching for Heroes''. Mr. Pérez serves on a number of prestigious committees and has received numerous awards including member of the Executive Committee of the AmeriCorps National Civilian Community Corps, past president of the National Association of Service and Conservation Corps, and has served as a consultant to the Peace Corps. In 2006, HACM received the prestigious World Leadership Award in London, England for developing solutions to housing that are innovative to city leaders around the world. Also, in 2007 Mr. Pérez was recognized by the National Child Labor Committee with the Lewis Hine Award.

At HACM, Mr. Pérez oversees an internationally-recognized agency that provides affordable housing options for over 12,000 low-income families, elderly and disabled persons in the City of Milwaukee. During his tenure, the agency received or leveraged more than $265 million in development resources. Accomplishments while at HACM include the construction of the $28 million Milwaukee Job Corps Center in conjunction with the U.S. Department of Labor. The facility opened in the fall 2010 and has resulted in the creation of over 125 administrative, teaching, health care and service jobs. Additionally, during his tenure the City of Milwaukee obtained a five-year, $24 million federal Enterprise Zone grant that helped thousands of youth gain training and employment.

Mr. Speaker, I am proud Antonio M. ''Tony'' Pérez hails from the 4th Congressional District and that I can call him friend. I am honored to give praise to his many accomplishments and life time commitment to youth and the entire Milwaukee Community. I wish him many more years of success.

HONORING AUSTIN SALMON

## HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Austin Salmon. Austin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1376, and earning the most prestigious award of Eagle Scout.

Austin has been very active with his troop, participating in many scout activities. Over the many years Austin has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Austin became a brotherhood member of the Order of the Arrow and earned the rank of Fire Builder in the Tribe of Mic-O-Say, as well as maintaining a position on the Honor Roll of Liberty North High School in Liberty, Missouri. Austin has also contributed to his community through his Eagle Scout project. Austin built shelving and renovated the basement of Blue Ridge Trinity Lutheran Church in Raytown, Missouri, a small church long in need of the renovation.

Mr. Speaker, I proudly ask you to join me in commending Austin Salmon for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PHARMACEUTICAL STEWARDSHIP ACT OF 2011

## HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Ms. SLAUGHTER. Mr. Speaker, I rise in support of the Pharmaceutical Stewardship Act of 2011.

Across the country, unused and expired pharmaceuticals are polluting our water ways, poisoning our children, and putting our public safety at risk. Americans should have a convenient and safe option when they want to rid their cabinets of unused drugs. The pharmaceutical stewardship bill I introduced today would ensure that these drugs are kept out of drinking water and out of the hands of both criminals and unsuspecting children.

The need for a safe drug disposal program has never been greater. In a 2008 investigation, pharmaceutical contamination was found in 24 out of 28 metropolitan areas' drinking water. Over 50 pharmaceuticals or byproducts were found in the Philadelphia source watershed alone.

Unlike the citizens of approximately a dozen other countries, Americans do not have a convenient and consistent place to bring their medications. Without a drug take back program, pharmaceuticals are frequently diverted to purposes for which they were not intended.

The results can be deadly. Unguarded, unused pharmaceuticals can cause accidental poisonings, be misused, or diverted for criminal purposes.

Every fifteen minutes, a child under four will overdose on drugs found at home. In 2011, the Centers for Disease Control (CDC) reported that unintentional prescription opioid overdoses now kill more Americans than cocaine and heroin combined. In Florida, the death rate for prescription drugs increased 84 percent.

Without safe disposal options, our most vulnerable and unsuspecting citizens are in the bull's eye of a proliferating pharmaceutical black market. The elderly are at risk of violent home break-ins, scams, and death as prescription drug addicts seek to steal their medications.

Drug thieves also target 'open house' events and ask to use the bathroom in order to have access to the medicine cabinet. The problem is so rampant that realtors in Ohio are given medication lockboxes to store medications during open houses and the National Association of Realtors recommends hiding all prescription medications during open houses.

Americans who want to reduce the threat to their health and safety posed by leftover prescription medications have few options.

Federal agencies from the Office of National Drug Control Policy to the Drug Enforcement Agency are encouraging Americans to use secure medicine take-back programs to return drugs for environmentally sound disposal. But these programs are too few and far between, and communities are struggling to provide them. Because secure take-back programs are not widely available, the FDA currently recommends that the most toxic and addictive substances be flushed down the toilet and into the wastewater system. When take-back programs are not available, federal agencies are forced to advise that all other unwanted pills should be mixed with undesirable substances in an attempt to prevent theft and then thrown in the trash for delivery to the landfill.

The current disposal methods are inadequate and even dangerous. A mother with Crohn's disease was prescribed an opioid patch 100 times stronger than morphine but she was afraid her plumbing could not handle the used patch so she threw it away. Her 4-year old died after finding and applying the patch from the trash.

Furthermore, pharmaceuticals disposed in the trash or down the drain reach our nation's waterways and our drinking water.

In 2002, the United States Geological Survey found that 80 percent of streams and 93 percent of groundwater was contaminated with at least one pharmaceutical. In 2008, an investigation found that at least 46 million Americans are exposed to prescription drugs through their drinking water. Others are exposed when food crops are fertilized with polluted biosolids and absorb pharmaceuticals through the roots to the plant itself. Perhaps even more frightening is that the current extent of pharmaceutical pollution is unknown and understudied.

Aquatic organisms and indeed whole ecosystems can never escape this witches brew of pharmaceuticals. The USGS recently reported the widespread sexual disruption in fish across the United States. Of the many compounds in the pharmaceutical slurry that

aquatic organisms swim in, estrogens are particularly concerning. In a review of the literature, fish were found to be particularly susceptible to these endocrine disrupting chemicals. Intersexed fish are found around the nation and even at a wastewater treatment plant in the Nation's Capital. In this District of Columbia study, female eggs were found in over 80 percent of the small mouth bass male reproductive organs.

Unused and expired pharmaceuticals are a threat to our homes, families, communities, and the environment. Sporadic take back events are not sufficient. DEA Administrator Michele M. Leonhart recently stated that the 309 tons of pills collected at two recent community-funded take-back events ''represents a clear need for a convenient way to rid homes of unwanted or expired prescription drugs.''

Public safety organizations and medical organizations have called for expanded drug takeback programs. The Blue Cross Blue Shield Association (BCBSA) senior vice president and chief medical officer, Allan Korn, M.D., stated that ''Unused prescription medicines that remain in homes can be misused or abused if they get in the wrong hands of children, family or friends,'' and commended, ''providing a safe and easy way for Americans to drop off their unnecessary prescription drugs.''

The bill I introduce today would help solve these serious environmental, public health, and public safety concerns by providing Americans with a convenient way to safely dispose of their pharmaceuticals. Producer responsibility and stewardship is the backbone of this legislation. Simply put, producers must take responsibility for their product beyond the initial manufacture and sale. By establishing a national drug take back program financed by producers, this legislation will help reduce the supply of unused medications across the country and prevent the entry of pharmaceuticals into the water supply.

In addition, this legislation establishes a commission of stakeholders to investigate risks, causes, and potential solutions of pharmaceutical contaminants in the environment and waterways. Using this information, the Commission will develop a strategy that will prevent pharmaceutical contaminants from polluting our waterways and environments from cradle-to-grave.

Without a safe means of disposing our pharmaceuticals, we risk our public health, our public safety, and our environment. We cannot wait any longer for action.

## REFLECTIONS ON SEPTEMBER 11

SPEECH OF

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 9, 2011*

Mr. WAXMAN. Mr. Speaker, on this tenth anniversary of the attacks on our country on September 11, 2001, I simply want to pay tribute to the American people, and to our country, and what it stands for: our enduring commitment to the freedoms we cherish, to liberty and democracy, and to our system of government and our way of life.

The attacks on 9/11 against the World Trade Center in New York, the Pentagon here in Washington, and over the skies of Pennsylvania, took nearly 3,000 lives. It was the worst attack against the homeland since Pearl Harbor, and a higher death toll was inflicted on 9/11 than even on that date in 1941 ''that will live in infamy,'' as Franklin Roosevelt memorialized for the nation.

On this 9/11, our sole responsibilities are the simple, sacred acts of remembrance and rededication: remembrance of those whose lives were taken, and rededication to our country and its future.

Those who perished will never be forgotten; their names are called out every year. And if anything, American patriotism is stronger than ever.

The 9/11 attacks were directed at our freedoms, our way of life, and modern civilization itself. It was an assault against American leadership in the world, against the ideals that have guided us since the founding of the Republic, and against the rule of law and any sense of morality.

But the fact is that those responsible for 9/11 could never—and will never—defeat the United States of America. No act of terrorism can overcome the spirit of the American people and our pursuit of our destiny.

Our resolve from that terrible day was clear: to pursue and defeat those who perpetrated this evil, and to make sure they can never again threaten the United States of America and those who live here.

As we commemorate the tenth anniversary of 9/11, we must note that the wars in Afghanistan and Iraq have now lasted longer than the Civil War and World War II combined. We have suffered substantial casualties—over 6,300 dead and 35,000 injured in Iraq and Afghanistan since 2001. The financial cost of the two wars is over $1.2 trillion—nearly equal to this year's Federal budget deficit. President Bush did not ask the American people for a tax increase to finance these wars, so we have not only a legacy of great human casualties, but also one of immense financial debt.

The American involvement in the war in Iraq is drawing to a close, and I support President Obama's stated intention to remove all American combat forces by year's end.

But I also believe it past time to end our involvement in Afghanistan. We should bring our troops home now. There is nothing more for our forces to achieve there. There are other fronts in the war on terror, such as Pakistan, Yemen, and Sudan, and we need to continue our efforts to combat violent extremists in those countries. But there is no overriding purpose served by continuing military involvement in Afghanistan. Let us leave Afghanistan to its people, and reserve the right to strike at any foe arising from Afghanistan that poses a threat to our country and its people.

As a nation we grieve for those whose lives were so brutally taken on 9/11. We honor their memory, and we support their families. And I hope that all our military forces in Iraq and Afghanistan will be brought home to us very soon.

## HONORING SAMUEL MORRISON EVANS

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Samuel Morrison Evans. Samuel is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 87, and earning the most prestigious award of Eagle Scout.

Samuel has been very active with his troop, participating in many scout activities. Over the many years Samuel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Samuel has earned 65 merit badges and spent countless hours volunteering at the Cameron Food Pantry and with the American Legion. Samuel has also contributed to his community through his Eagle Scout project. Samuel planned and constructed landscaping around Parkview Elementary in Cameron, Missouri. Samuel also designed and painted murals inside the school gymnasium to make the room more appealing to the student population.

Mr. Speaker, I proudly ask you to join me in commending Samuel Morrison Evans for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## IN REMEMBRANCE OF MRS. HELEN W. SOGGS

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Mrs. Helen W. Soggs, a longtime, active member of the Greater Cleveland community.

Helen was born on March 4, 1921, as a first generation American, in Cleveland, Ohio. At the age of four, her family moved to Cleveland's Old Brooklyn neighborhood. She attended Oak Park School, Our Lady of Good Counsel Catholic School and James Ford Rhodes High School. Following her high school graduation, in 1939, Helen enrolled in typing and shorthand classes at the Dyke School of Commerce.

On May 4, 1941, Helen married Kenneth Soggs. Because of Kenneth's job as a construction equipment operator, the young couple frequently relocated throughout the onset of World War II before returning to Old Brooklyn. During the War, in 1942, Helen became the first woman to be hired by Republic Steel; she worked as a ''scale girl'' for three years.

Following the War, Helen and Kenneth started their family and had two sons. The Soggs family would eventually settle in Seven Hills, Ohio. Kenneth and Helen became involved in family-owned furniture stores, including Parma Home Appliance and Pleasant Valley Furniture. Helen would later work for Higbee's on their furniture customer service team. She retired in 1986.

Helen was an involved member of the Greater Cleveland community. She was a parishioner of St. Columbkille Catholic Church and an active member of her ladies mission circle. She was involved with the Seven Hills Golden Agers, St. Columbkille Golden Agers, Justo Lane Club and was a longtime volunteer as an election day poll worker.

Mr. Speaker and colleagues, please join me in remembrance of Mrs. Helen W. Soggs. I offer my condolences to her sons, Loree and Jim, her eight grandchildren, and four great-grandchildren.

## HONORING DAKOTA MEYER

### HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. WHITFIELD. Mr. Speaker, the small community of Columbia in south central Kentucky is not unlike many of the rural areas of America that have given of their best young men and women to guarantee our freedom. As of today, however, Columbia has the distinction of being the birthplace of Dakota Meyer, only the third living recipient and the first Marine to be awarded the Medal of Honor for actions in Iraq and Afghanistan.

Today, President Barack Obama will award Dakota Meyer the Medal of Honor for conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty. He will receive the Medal of Honor for his courageous actions while serving as a member of Marine Embedded Training Team 2–8, Regional Corps Advisory Command 3–7, in Kunar Province, Afghanistan, in support of Operation Enduring Freedom. He and his family will join the President at the White House to commemorate his example of selfless service.

The Medal of Honor is awarded to members of the Armed Forces who distinguish themselves with meritorious conduct involving great personal bravery or self-sacrifice so conspicuous as to clearly distinguish the individual above his or her comrades, and the action must have involved risk of life. There must be incontestable proof of the performance of the meritorious conduct, and each recommendation for the award must be considered on the standard of extraordinary merit.

On September 8, 2009 an Afghan battalion was set to go to a village in the Ganjgal Valley. According to the plan, Meyer was to stay with the vehicles near the mouth of the valley and the Afghan soldiers and their U.S. advisers would walk into the village from there. But as the lead of the column approached the village more than 50 insurgents fired from positions on mountains surrounding the valley and from within the village. The troops were trapped.

Back at the vehicles, Meyer heard the firing. When requests for airstrikes and permission to drive into the valley were repeatedly denied, Meyer set himself in the turret of a Humvee and rode straight into the firefight, taking fire from all directions. He went in not once, but five times, trying to rescue his comrades and taking to foot in an effort to locate his team. During about six hours of chaotic fighting, he took out eight Taliban militants and provided cover for Afghan and U.S. servicemen to escape the ambush, according to a Marine Corps account of the events. Meyer saved the lives of 13 U.S. troops and 23 Afghan soldiers.

I join Dakota Meyer's hometown of Columbia, Kentucky in pride as they celebrate this rare distinction for their native son. Meyer joins the ranks of a small company, who in the face of adversity rise to the occasion and do what needs to be done regardless of the consequences. His heroic actions reflect the values taught and practiced in small communities throughout the heart of America.

## PERSONAL EXPLANATION

### HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. BUCHANAN. Mr. Speaker, on rollcall No. 706 I was inadvertently recorded as voting ''nay.''

Please let the permanent record reflect that I support H.J. Res. 77 and my vote should be recorded as ''aye.''

I support H.J. Res. 77 because Congress should not increase the debt limit until additional substantial cuts are made to the Federal budget.

## IN HONOR OF MR. JAY WILLIAMS

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Jay Williams, who has recently been appointed as the Department of Labor's Executive Director of the Office of Recovery for Auto Communities and Workers by President Obama.

Mr. Williams was born and raised in Youngstown, Ohio. He attended Youngstown State University and studied finance. After graduating, he began working with banks around the Youngstown area. He continued working in the banking industry as an examiner for the Federal Reserve Bank of Cleveland.

Upon leaving the financial industry, Mr. Williams became the director of Youngstown's Community Development Agency. He served as the leader of Youngstown 2010. This ongoing initiative plans for a Youngstown that is ''smaller, greener, cleaner, makes efficient use of its available resources, and capitalizes on its many cultural amenities and business advantages.''

In 2005, Mr. Williams was elected as the Mayor of Youngstown. He was the first African American elected as Youngstown's mayor and was also the first independent candidate elected since 1922. Mr. Williams was re-elected in 2009. On July 6, 2011, President Obama announced Mr. Williams as the Executive Director of the Office of Recovery for Auto Communities and Workers; he began on August 8, 2011.

Mr. Speaker and colleagues, please join me in honoring Mr. Jay Williams as he begins his tenure as the Executive Director of the Office of Recovery for Auto Communities and Workers. I extend my congratulations and well wishes as he embarks on this new endeavor.

## SCHOOL VIOLENCE AND BULLYING

### HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I would like to discuss an important issue that affects too many young people across this country. As many students look forward to the new school year, there are too many who fear returning because their school environment is made unsafe by bullying. Bullying is not a rite of passage and no child should be afraid to go to school. An unsafe school environment, including one made unsafe by daily bullying and harassment, leads to increased absences and decreased graduation rates.

A majority of parents, students, and educators report that bullying and harassment are issues of major concern. To combat this problem, I have introduced the Safe Schools Improvement Act which would help schools and school districts develop and improve anti-bullying and anti-harassment initiatives. Fortunately, others are also beginning to address this issue and are seeking ways to address bullying and make schools safer.

One effort to combat bullying in our schools is the ''be a STAR (Show Tolerance And Respect) program'' being led by World Wrestling Entertainment, WWE, in collaboration with the Creative Coalition, the National Education Association's Health Information Network, NEA HIN, Stomp Out Bullying, the Gay & Lesbian Alliance Against Defamation, and the National School Climate Center amongst others. This program provides teachers across America with a comprehensive toolset to teach children an anti-bullying message. 'be a STAR' is providing an easily accessible teaching aid written by the NEA HIN and educator Dr. Fran Prolman that meets National Education Standards. This teaching aid is available at no cost to educators and is designed to promote positive and equitable social environments for students within and beyond the classroom setting. The alliance is also offering a ''Start Your Own Be a STAR'' Chapter toolkit encouraging students to spread the anti-bullying message in their schools and communities. The be a STAR Alliance has also been instrumental in encouraging students to seek out resources or proper intervention to help protect victims of bullying and other forms of intolerance through its 'be a STAR' pledge.

I had the opportunity to participate in anti-bullying events with WWE Superstars Rey Mysterio and Eve, Los Angeles Mayor Antonio Villaraigosa, American Idol Winner Jordan Sparks, actor Tim Daly, Dancing with the Stars' Chelsie Hightower and many more. I joined them at the Algin Sutton Community Center to discuss with children the issue of bullying and to deliver a strong anti-bullying message of tolerance and respect. The reaction from the more than 500 children and families that participated was very positive. Through its participation and leadership in the alliance, WWE has demonstrated a real commitment to raise awareness about bullying, and is working in local communities around the country and overseas to combat bullying in our schools.

The anti-bullying movement has a new champion in the 'be a STAR' Alliance, co-

founded by WWE and The Creative Coalition and I want to commend them for the great work they are doing to promote equality for all people regardless of age, race, religion and sexual orientation.

## TWO MIGHTY OAK TREES: SYMBOLS OF THIS GREAT STATE

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. POE of Texas. Mr. Speaker, my grandfather, Theodore Otto Herman Hill, or ''Thunderhead'' as he was more appropriately known, was a hunter, a taxidermist and a Teddy Roosevelt conservationist. He was the frontiersman type. He could tell the type of tree by looking at the bark or observing the leaves. He predicted the weather by watching the actions of animals. He found and collected arrowheads on his land in central Texas. His love of nature was impressed on me as a child.

Being born near where Texas independence was declared, Washington-on-the-Brazos, he told me many stories of famous Texas trees. Two trees in particular stand out in my mind.

In Gonzales, Texas, stands the ''Sam Houston Oak.'' This tree was made famous 175 years ago this month during the War for Texas Independence. Before towns were settled, unusual or gigantic trees were often used as landmarks for people to gather under to worship, to hear campaign speeches or to prepare for battle.

William Barrett Travis and 187 volunteers sacrificed their lives on the altar of freedom after 13 glorious days at the Alamo. Sam Houston and his boys regrouped with Seguin and his company of Tejanos at this mighty oak. This tree became a rendezvous place for the new Texas Volunteers to organize and to later fight dictator Santa Anna.

The ''Sam Houston Oak'' site is considered by most historians as the beginning of the ''road to San Jacinto'' taken by General Sam and his ragtag bunch of freedom fighters on April 21, 1836, in the final battle for independence along the marshy banks of the San Jacinto River. Today, a historical marker along St. Louis Street in Gonzales recognizes this historical tree.

Another tree my outdoorsman grandfather told me about was the ''Treaty Oak.'' The Treaty Oak is an immortal symbol of Texas history that holds a special place in the hearts of all Texans. It is more than 500 years old. The Treaty Oak was a place of worship for the Comanches and Tonkawa Indians. The story goes that Stephen F. Austin signed the first boundary treaty with the Indians under the Treaty Oak, which is located in downtown Austin.

The Treaty Oak has endured multiple threats throughout its life. In 1920, the land that the Treaty Oak lives on was put up for sale, and the tree was almost cut down. There was a massive outcry to save the Treaty Oak. Texans felt a loyalty to this tree and so in 1947, the city of Austin purchased the land so that the Treaty Oak could remain untouched as a historic treasure for the state of Texas forever.

Back in 1989, a criminal by the name of Paul Cullen poisoned the great tree. In some sinister deliberate effort to kill the great tree, Cullen poisoned it with enough pesticides to kill a hundred trees. And as most outlaws do, he bragged about his crime, resulting in his swift arrest and incarceration. He was charged with felony criminal mischief.

Of course, I promptly volunteered to try that case while I was still a judge in Houston. Although I didn't get to hear the case, a jury of 12 tree-loving Texans in Austin found him guilty and sentenced the culprit to nine years in prison for trying to kill the mighty oak. The nation was stunned that Texans would send a person to prison for so long for ''just'' trying to kill a tree. But this wasn't any old tree. This tree was a symbol of Texas.

Amazingly, the Treaty Oak survived the attack, and her survival has astonished cynics who predicted the tree would certainly die. While she may not stand as mighty as before, she continues now to be a new symbol of Texas perseverance, ruggedness and determination.

Two mighty oaks of Texas . . . symbols of no place but Texas.

And that's just the way it is.

## IN HONOR AND RECOGNITION OF THE 2011 HISPANIC HERITAGE MONTH

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the 2011 Hispanic Heritage Month, as we celebrate the members of this community and their invaluable contributions to the Greater Cleveland Area and to our country.

In 1968, Hispanic Heritage Week began; the week was expanded to a month in 1988. Every year, Hispanic Heritage Month begins on September 15, a day that is celebrated in Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua as the anniversary of their independence. Mexico and Chile's independence days also fall within the month. This year's theme is ''Many Backgrounds, Many Stories . . . One American Spirit.''

Hispanic Heritage month celebrates and illuminates the significant contributions that Americans of Hispanic heritage have had on American culture. Hispanic Americans have contributed immeasurably toward efforts to elevate the human condition. Americans of Hispanic descent have served our country in numerous ways—as elected officials, teachers, musicians, physicians, veterans, community activists, and dedicated employees in virtually every sector of the economy. Their rich and diverse culture has touched the life of every American and has been an invaluable addition to Cleveland's diverse social fabric.

Mr. Speaker and colleagues, please join me in honor and celebration of Hispanic Heritage month of 2011, as we recognize the great contributions made by Hispanic Americans in my district and around the country.

## A TRIBUTE IN HONOR OF DR. C.J. HUANG ON THE OCCASION OF RECEIVING THE DEAN'S MEDAL FROM THE STANFORD UNIVERSITY SCHOOL OF MEDICINE

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Ms. ESHOO. Mr. Speaker, I rise today to honor Dr. C.J. Huang who was awarded the Dean's Medal on Saturday, September 10, 2011, by Dean Philip Pizzo of the Stanford University School of Medicine. Dr. Huang called the event the 'happiest day of his life' and he spoke eloquently about his philosophy and that of generations in his family of giving and the privilege of philanthropy. Dr. Huang was described in the event program as follows:

''Dr. Chang Jen Huang was born in 1916 in Liu Yang City, in Hunan Province, China. He received a Master's degree in engineering from University of Michigan, Ann Arbor, and is a special member of the Stanford Research Institute. Dr. Huang has established a number of graduate scholarship funds and fellowships at Stanford supporting surgical oncology, cardiovascular research, and the exchange of medical education and research between China and the United States.

Dr. Huang is a passionate supporter of Dr. Sam So, Lui Hac Minh Professor in the School of Medicine and Director of the Asian Liver Center at Stanford University. Dr. Huang is the honorary founder of the Asian Liver Center, established in 1996, to address the disproportionately high prevalence of Hepatitis B and liver cancer in the Asian and Pacific Islander populations) with the ultimate goal of eradicating Hepatitis B worldwide.

A dedicated philanthropist in many areas related to education and global health, Dr. Huang has most recently given a gift to establish the C.J. Huang Building at Stanford University. When constructed, this building with be the future home of the Asian Liver Center and other medical school programs.''

Mr. Speaker, I ask my colleagues to join me in honoring a great philanthropist, one whose life's work has been to promote science and education. Dr. Huang's support of the Asian Liver Center will help eradicate this disease and his gifts to Stanford will ensure that future generations will enjoy a high quality of life because of his extraordinary vision and generosity.

## WE MUST CONTINUE TO STAND WITH ISRAEL

### HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. JORDAN. Mr. Speaker, this past weekend's shocking attack on Israel's embassy in Cairo reminded us of the ongoing challenges faced by Israel as it continues to take risk after risk in the name of establishing lasting peace in the Middle East.

Thousands of rioters knocked down a recently installed protective barrier, ransacked the embassy, burned Israeli flags, and held six

security guards hostage. These shameful acts had the potential to do great harm to the hard-won 1979 peace treaty—a treaty penned barely a generation after the Holocaust and in the wake of the blatant 1973 attacks by Egypt and Syria that opened the Yom Kippur War.

Yet even in the face of evidence that the rioters seek an end to the peace treaty, Israel remains dedicated to it. Israeli Prime Minister Benjamin Netanyahu paid rich tribute to the ultimate actions of Egyptian authorities to quell the riot and rescue the embassy guards. He pledged that the ambassador and the embassy's staff will return to Cairo when security can be better guaranteed. Israelis well know that peace with Egypt is in the best interest of both nations and the entire region.

As Prime Minister Netanyahu said in his May address to Congress, Israel is "the one anchor of stability" in the Middle East. Unwavering, self-sustaining, and yet faced with threats to its sovereignty from many sides, Israel has taken every chance to secure peace over its six-plus decades of existence. The prime minister has repeatedly said that Israel is willing to make "painful compromises" to achieve a two-state solution and quell violence in Gaza and the West Bank. In response, Israel is vilified in the United Nations, mocked for its attempts to survive, and met with open calls for its elimination.

Mr. Speaker, we must continue to stand shoulder to shoulder with Israel, a vanguard against the terror states of the Middle East. Our two nations share a strong, long-lasting partnership based on mutual democratic values and freedoms. We must remain united against all threats to Israel's peace, stability, and its very existence—which, as we were reminded just days ago, cannot be taken for granted.

## UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM REFORM AND REAUTHORIZATION ACT OF 2011

SPEECH OF

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 14, 2011*

Mr. VAN HOLLEN. Madam Speaker, I rise in support of H.R. 2867, a bill to reauthorize the U.S. Commission on International Religious Freedom (USCIRF).

Around the world, millions of people suffer persecution merely because they practice a different religion than other people around them. No one should be made to feel that the practice of their religion is a crime or a source of shame. Such persecution violates their inalienable human right to practice the religion of their own choosing and promotes political instability. The historical record is replete with incidents of violence and conflicts that have their source in sectarian and religious differences and rivalries.

The U.S. Commission on International Religious Freedom is an important advocate for the freedom of religion and helps promote the issue as an integral part of the U.S. foreign policy and national security agendas. Additionally, by providing data analysis and assessment of conditions in affected areas, USCIRF enables the U.S. to impact acts of religious repression and intolerance in countries around the world.

USCIRF helps to advance the visibility of religious freedom as a priority of U.S. foreign policy and helps to address the challenges of religious extremism, intolerance, and repression throughout the globe.

I support the USCIRF and its mission and I encourage my colleagues to join me in support of H.R. 2867.

## IN REMEMBRANCE OF MR. JOSEPH LECZNAR, SR.

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Mr. Joseph Lecznar, Sr., a dedicated leader of Greater Cleveland's Polish community.

Joe was born to Anthony and Mary Lecznar on July 25, 1921 in the southern province of Lancut, Poland. After attending elementary and junior high school, Joe began working on his family's farm. He served in the Polish Armed Forces, 2nd Corps during World War II and was wounded in action. He fought in many battles throughout the War and was honored with many medals and commendations for his bravery. He transferred to England and was honorably discharged in 1947.

Following the War, Joe immigrated to Toronto, Canada and later Cleveland, Ohio to join his siblings. He attended the Westside Technical Center to study to become a tool and die maker. He worked for the Chrysler Corporation for 30 years, where he was awarded with a citation and plaque for excellence.

Joe was an active member of his community; in particular the Greater Cleveland Polish community. He was a member of the Polish Army Veterans Association of America, Alliance of Poles, Polish National Alliance, Polish Legion of American veterans, Association of Polish Women, Polish American Congress, Parma Polish American League, Foundations and Center of the 2nd Polish Corps and the Chopin Singing Society.

Mr. Speaker and colleagues, please join me in remembrance of Mr. Joseph Lecznar, Sr. I offer my condolences to his wife, Irene; four children, Joseph, Barbara, Daniel and Nancy; and nine grandchildren, Joseph III, Julie, Jessica, Nicholas, Lindsey, LeAnn, MacKenzie, Morgan and Macy.

## HONORING CHRISTIAN CHURCH HOMES OF NORTHERN CALIFORNIA

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Ms. LEE. Mr. Speaker, I rise today to honor the 50th Anniversary of Christian Church Homes of Northern California (CCH). Since its debut in 1961, CCH has provided quality, affordable housing in creating caring communities for low-income seniors, as well as assisting its residents with accessing critical services to maintain their well-being.

It was the vision of church members in 1959 that led to the start of a committee that explored innovative ways to take action to the issue of fewer housing choices for seniors in northern California. In 1961, the committee moved forward to incorporate, and three years later, they received their first U.S. Department of Housing and Development (HUD) loan and began construction on Garfield Park Village in Santa Cruz, CA.

Today, CCH serves more than 6,000 residents in over 60 properties in six States—California, Colorado, Florida, Missouri, Oregon, and Texas. CCH employs around 450 experienced people and works with 350 dedicated volunteers to keep and maintain a high quality of life for its residents through community events, activities, and services such as fresh produce markets, "feel good bingo," computer labs, wellness clinics, exercise rooms, and education workshops.

CCH takes pride in its Service Coordination Program that provides resident assessments and referrals to services that match the needs of the residents. Through the guidance of service coordinators, residents can access the resources available in the greater community, which ultimately can allow for extended ability to remain in their CCH community.

Moreover, CCH has been leading the "Aging in Place" movement that blends health and human service provisions into affordable senior housing. These features allow for our senior citizens to live comfortably and become better acquainted with their community, while maintaining dignity and independence.

As a private non-profit corporation, CCH has benefitted from leveraging public and private resources for affordable housing development. By accessing all available funding on the Federal, State, local, and private levels, it allows CCH to provide additional services and benefits to its residents. In addition, a majority of its communities are funded through HUD, and many communities offer Project-based Section 8 or other subsidy programs which allow residents to pay 30 percent of their income in rent.

On behalf of California's 9th Congressional District, I want to extend my congratulations on this important milestone. I want to thank all of the many people who have contributed to the continued success of Christian Church Homes of Northern California. I wish you the very best.

## PERSONAL EXPLANATION

### HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. HEINRICH. Mr. Speaker, I unfortunately missed three votes on September 12, 2011, which included roll call votes 699, 700 and 701.

If I had been present, I would have voted in favor of rollcall vote 699, H.R. 2076, the Investigative Assistance for Violent Crimes Act of 2011.

If I had been present, I would have voted in favor of rollcall vote 700, H.R. 2633, the Appeal Time Clarification Act of 2011.

Finally, if I had been present, I would have voted in favor of rollcall vote 701, H.R. 1059, to protect the safety of judges by extending

the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

## IN RECOGNITION OF THE LEVERETT JOHNSON HISTORICAL MARKER

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Leverett Johnson Historical Marker being dedicated in Westlake, Ohio's Evergreen Cemetery on September 15, 2011.

Leverett Johnson became the City of Westlake's first settler in 1811 at the age of sixteen. On August 15, 1814, he married Abigail Cahoon, marking the first marriage in the City of Westlake. Leverett and Abigail raised nine children together in a cabin that he built.

Leverett was an active and dedicated member of his community. He served as the township trustee and treasurer for Westlake from 1815 through 1847. Additionally, he was Westlake's Justice of the Peace from 1822 through 1833. He continued his political career and served as the Cuyahoga County Commissioner in 1829 and was elected to serve in the Ohio State legislature five times between 1837 and 1856.

In 1820, Leverett generously donated a piece of his land to the City of Westlake for the purpose of creating a cemetery, the Evergreen Cemetery. The Cemetery now serves as the final resting place for many of Westlake's early settlers, including the Johnson family. It is one of Westlake's most historic locations. Now, 200 years later, the Ohio Historical Society is honoring the City of Westlake's founder, Leverett Johnson, and his legacy, with an Ohio Historical Marker.

Mr. Speaker and colleagues, please join me in recognition of the dedication of the Leverett Johnson Historical Marker.

## COMMENDING TEXAS CITY, TEXAS ON ITS 100 YEAR ANNIVERSARY

### HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. OLSON. Mr. Speaker, I rise today to commend Texas City, Texas on its one hundred year anniversary. Located alongside Galveston Bay, this city has made significant contributions to both the Houston and Texas economies. Congratulations to Texas City for a wonderful century of contributions to the Great State of Texas!

September 16th, 1911 marks the founding of Texas City. This city has grown from a sleepy town of 3,500 people in 1925, to a vibrant city of more than 45,000 people today.

Texas City plays a critical role in our state's economy with its contributions to the shipping and petrochemical industries. The Texas City Industrial Complex is a leading center of the petrochemical industry.

The history and economic efforts of Texas City bring pride to our state. Congratulations to Texas City for one hundred years of excellence and to a bright future ahead.

## PERSONAL EXPLANATION

### HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. YARMUTH. Mr. Speaker, I was unable to cast the recorded votes for rollcall 700 and 701. Had I been present I would have voted "yes" and "yes" for these measures.

| Bill | Rollcall No. | Vote |
|---|---|---|
| H.R. 2633—On Motion to Suspend the Rules and Pass, as Amended | 700 | Yes |
| H.R. 1059—On Motion to Suspend the Rules and Pass | 701 | Yes |

## HONORING ALFRED L. PELOQUIN

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. KILDEE. Mr. Speaker, I rise today with a heavy heart and deep sympathy to commemorate the life of a tremendous journalist and friend Alfred L. Peloquin.

Mr. Peloquin enlisted in the U.S. Army in 1943, where he was a 1st lieutenant and later promoted to captain in the U.S. Army Reserve. After a stint in Europe during WWII he became a reporter at The Bay City Times in 1946. He was later named city editor of The Times in 1959. In the 1970s he was named metro editor of The Saginaw News until 1981 when he was named editor of the Flint Journal, a job he held until his retirement in 1989.

During his time in journalism, Alfred Peloquin remained deeply involved in each community, serving as chairman of Bay City's Planning Commission, Commodore of the Bay City Yacht Club, a member of the Bay City Ski Club, Bay City Industrial Development Committee, the Bay City Community Concerts Association and Chairman of the United Fund Campaign. In Flint, he helped establish the former Alliance for Greater Flint and the community-wide World of Difference anti-prejudice program. He also created a high school workshop for minority journalists.

Shortly after his retirement, he joined the Flint AARP chapter and held a variety of posts with the local and Michigan AARP. Mr. Peloquin was active in AARP from April 1990 until December 2005 and his positions include Chairman of the AARP Michigan State Legislative Committee and member of AARP's Executive Leadership Council. In the 90s, he was also vice chairman of the Bay City Planning Commission, director for Jennison Hardware Co., a member of the Steering Committee for the Bay County Civic Arena and a member of the Community Round Table on Care for the Patient with Dementia. He sponsored numerous seminars and public forums addressing civic responsibility and good government and he continued to share his wisdom and knowledge to aspiring journalists throughout his retirement.

Mr. Speaker, I would like to offer my deepest sympathies to the Peloquin family and my gratitude for having met Alfred. I am a better person for knowing him and our community is better because of his tireless and dedicated work.

## RECOGNIZING THE 20TH ANNIVERSARY OF UKRAINE'S MODERN INDEPENDENCE

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Ms. KAPTUR. Mr. Speaker, I rise today to commemorate the twentieth anniversary of Ukrainian independence. Twenty years ago Ukraine succeeded from the Soviet Union and on August 24, 1991 asserted its independence. For the first time since 1921, Ukraine was once again free. The Western world and in particular the United States welcomed Ukraine's sovereignty and its pursuit of democratic ideals.

Ukraine as a new nation has achieved much in the short time. Ukrainians enjoy the ability to share with the world their language, culture, history, and heritage without fear of persecution. During the Orange Revolution of 2004 the world saw Ukrainians united to uphold the sacred belief that in a democracy the will of the people must be fulfilled.

As we look back, we must remember that the path to democracy faces difficulties. Ukraine still struggles with its past, both inside and outside its borders. Legacies of the Soviet Union can still be seen in Ukrainian politics today. Political opponents have been intimidated and journalists harassed. Ukraine struggles to maintain civil liberties and the national identity of Ukraine has been endangered. Russia continually attempts to subjugate Ukraine by threatening Ukrainian territorial integrity, attempting to create Ukrainian reliance on Russian energy, and threatens Ukraine's pro-European ambitions. There are many challenges in democratization, but with the will of the Ukrainian people and the support of the world they can be realized.

On this twenty-year anniversary of independence I would like to offer my best wishes to all Ukrainians around the world who join us in celebrating this great milestone. It is important that we all reaffirm our strong commitment to Ukraine's independence as well as our tireless efforts to help democracy live strong in Ukraine.

## IN RECOGNITION OF COGSWELL HALL

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Cogswell Hall, a permanent housing residence for low income adults facing critical life challenges.

Founded by Mrs. Benjamin Cogswell in 1889, Cogswell Hall evolved from her earlier advocacy work as leader of the Women's Christian Temperance Union (WCTU). In 1878 Mrs. Cogswell formed the Missionary Committee of the Open Door to provide young

women temporary shelter, training, employment services, and spiritual guidance. However, she soon realized that these women needed a permanent residence and the Home of Friendless Girls was established.

The Training Home for Girls continued to operate. After several moves, it settled at its current location on Franklin Boulevard in 1914. In 1952, the Training Home for Girls was renamed Cogswell Hall in honor of its founder. Cogswell Hall has also adapted its mission several times, expanding its clientele from adolescent girls to women of all ages with limited incomes and disabilities.

Today, Cogswell Home's mission is to "provide safe, affordable housing and supportive services to adults of limited income facing critical life challenges who may otherwise be homeless." They serve as a permanent home for adult men and women facing life struggles ranging from developmental and physical disabilities to mental illness and addiction to abuse and HIV/AIDS.

Mr. Speaker and colleagues, please join me in recognition of the Cogswell Hall, as they continue to serve as a safe haven for Greater Cleveland's disadvantaged.

## IN HONOR OF CAPTAIN GORDON ROSS NAKAGAWA

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. FARR. Mr. Speaker, I rise today to pay tribute to a true American hero. Captain Gordon Ross Nakagawa was a career naval officer who completed his life journey with incredible dignity and grace on August 23, 2011. He was just 77 years old. Gordon's golden spirit was admired by many and will be deeply missed. I count myself privileged to have known him and know that his memory will be with us for generations to come.

Gordon was born on June 13, 1935 in Auburn, California. In 1941, Gordon, his parents Bunny and Harriet, and two brothers were sent to an internment camp at Tule Lake, California, and later to a farm labor camp in Caldwell, Idaho. In 1945, they returned to California where Gordon attended elementary school in Lincoln. There he first set eyes on his wife Jeanne. He graduated from UC Berkeley, where he served as the NROTC Midshipmen Battalion Commander.

On February 7, 1958, Gordon received his commission as an ensign in the United States Navy. He was designated a Naval Aviator in August 1959, earning the coveted Naval Aviation "Wings of Gold." After receiving a master's degree in electrical engineering from the Naval Postgraduate School (NPS) in 1966, he was selected to fly Navy jets. He flew 185 combat missions in an A–6 Intruder. In December 1972, during Operation Linebacker II, his aircraft was struck down by enemy fire in North Vietnam. The North Vietnamese held Gordon as a prisoner of war at the infamous "Hanoi Hilton" until his release on March 28, 1973.

Gordon's service in the Navy continued until September 1989. During his career, he helped develop tactics to protect carrier groups, taught at the United States Naval Academy, and coordinated all major design competitions for U.S. Naval Aviation. He ended his active duty career as Chair of Tactical Analysis at NPS. Gordon was awarded two Legions of Merit, two Bronze Stars, two Purple Hearts, two Meritorious Service Medals, Distinguished Marksman (Rifle) Medal, Distinguished Pistol Medal, Prisoner of War Medal, and various other campaign, service, and individual awards.

Active duty retirement did not end Gordon's public service career. He continued to educate our service members at NPS and served on the Monterey Peninsula Unified School District Board for over 8 years. He was an active member in numerous organizations including the Military Officers Association of America, Naval Postgraduate School Foundation, the Marina Foundation, the Veterans Transition Center, and the Central Coast State Veterans Cemetery. His commitment to his community was honored by being named the 2004 Monterey County Veteran of the Year, and sharing the 2006 Marina Citizen of the Year with his wife.

Gordon's life is a great American story. He was a hero who defended our nation with valor, an esteemed educator who shared his knowledge with generations of students, and he was a strong leader in the community who led by example. Above all, he was a devoted husband to Jeanne; a loving father to Gregory, Kathleen, and Steven; and a caring grandfather to Ryan, Graham, and Tait.

Mr. Speaker, I speak on behalf of the whole House when I extend my deepest sympathies to the family of Captain Gordon Ross Nakagawa, and extend to them the gratitude of the nation.

## COMMEMORATION OF THE SERVICE OF JUKE VAN OSS

### HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. HUIZENGA of Michigan. Mr. Speaker, I would like to honor Juke Van Oss's 60 years of broadcasting on WHTC 1450 in Holland, Michigan. On Aug. 9, Juke celebrated 60 years of service to the station and his community.

Juke's work in radio began during World War II in the Philippines and Korea. No doubt, his service transmitting codes and protecting radio equipment helped coordinate American troops against the great foes of National Socialism and Fascism. For any American, this service should be more than sufficient to earn the gratitude of others, but Juke further endeared himself to the people of West Michigan with his work during peacetime.

After the war, Juke attained his amateur license and became a radio engineer for WHTC at the age of 27. Juke recognized that radio is a medium like no other. Nothing else commands such great respect for the spoken word, and Juke soon learned to inspire that respect in listeners throughout the community. One morning, the scheduled announcer failed to arrive on time so Juke took a seat at the microphone. An instant favorite of listeners, Van Oss began hosting his own morning show, and for the past 45 years he has hosted "Talk of the Town." Juke became a local celebrity in the Holland area as thousands of families invited him into their homes, and men and women enjoyed his company during their daily commutes. Juke used radio to knit together and tighten a community. He helped make national issues local, and local people neighborly.

Mr. Van Oss is not only a radio personality, but a community servant. He served as a member of the Saugatuck Schools Board of Education and Village Council, including three years as Mayor, as well as President of the Chamber of Commerce and a seat on the Region 8 Criminal Justice Planning Council. I fervently wish for every community in our Nation their own Juke. Mr. Speaker, please let it be known that on this Sept. 16, 2011, that the U.S. House of Representatives acknowledges the achievements of Mr. Van Oss and wishes him the best in his future years in broadcasting.

## TRIBUTE TO KIDNEY DISEASE AWARENESS WEEK

### HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. OWENS. Mr. Speaker, I rise today to honor the American Nephrology Nurses Association as well as all those involved in the annual Kidney Disease Awareness Week, which took place this year from August 8th through August 12th.

There are over four hundred thousand Americans who have irreversible kidney failure, and the only treatment for this disease is dialysis or kidney transplantation. However, transplants are limited due to the shortage of donors, and the majority of patients who suffer from this forgotten ailment must undergo regular dialysis treatments.

The leading causes of end-stage kidney disease (ESRD), a disease that 24,000 New Yorkers suffer from, are Hypertension and Diabetes. An additional 15,000 people in my state suffer from these two ailments and are at risk of ESRD. Despite these staggering numbers, debilitating kidney diseases are typically forgotten.

Our area Nephrology Nurses play a fundamental role in providing our sick with dialysis and related treatments in my community and across the entire country. I applaud them for their efforts to contribute to the overall health of our nation.

Mr. Speaker, I thank the American Nephrology Nurses Association for their work to treat these diseases and urge every American to observe Kidney Disease Awareness Week this August.

## CONGRATULATING STREET SOCCER USA ON THE OCCASION OF THE 4TH ANNUAL STREET SOCCER USA CUP

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. VAN HOLLEN. Mr. Speaker, I rise today to recognize Street Soccer USA—a leader in sports-based youth development for the least-

served in our country—on the occasion of its 4th Annual Street Soccer USA Cup that was held here in Washington, D.C. this summer.

Street Soccer USA is an effective and innovative organization which builds trust through sports to better leverage existing social services in communities across the U.S., enhancing their outcomes and tying the greater community to the issues of homelessness and poverty in a new way. Building on the basic sports platform, Street Soccer USA creates a positive community around people who are homeless, dramatically transforming their lives.

SSUSA uses team sports to deliver job and life skills training and other specialized services, ultimately connecting participants directly to jobs, education, and housing. It has a broad coalition of implementing parties in 18 cities across the United States, including the Foundation for Change in Montgomery County in my district. The program's systemic approach is designed to build trust, self-esteem, discipline, and basic financial literacy. Mentoring and goal setting practices are designed to transform lives and address barriers like drug addiction and mental instability head on.

In 2010, SSUSA launched a research initiative with four universities to examine the impact of sport based programming on marginalized populations and looking both at the impact of its 265 day a year programming and its single day events.

Since its creation in 2007, SSUSA has a history of success including 410 players placed in jobs and housing through 18 programs across the country. 92 percent of participants show a new motivation for life, and 75 percent pursue further education, address substance abuse issues, reconnect with family, or address mental health issues.

This June, members of the Montgomery County program joined over 200 athletes overcoming homelessness from 18 cities across the United States to compete alongside an estimated 500 youth, adult, and corporate team players as part of the nation's premier sport for social change event in D.C. The Cup attracted national media attention and participation from professional athletes, and involved grassroots outreach throughout the Spring and Summer. I am proud that the Montgomery County team took home a second place finish to the Street Soccer Minneapolis team during a hard-fought battle that ended in overtime penalty kicks.

Top achievers on and off the field were selected to represent the United States men's and women's teams at the 56 Nation Homeless World Cup in Paris, France in August.

Two members of the Montgomery County program, Salvador "Chamba" Matos and Alvaro Gonzales, were among the 16 chosen from 8 different cities to represent our country in Paris. Both have returned safely and are now employed, housed, and using their free time to help others who are in the situation where they once found themselves.

Mr. Speaker, I ask my colleagues to join me in congratulating all of this year's participating Street Soccer USA Cup teams and the players chosen for the national teams. They are among a distinguished group of individuals dedicated to improving their lives.

I also want to recognize SSUSA's entire staff of employees and volunteers, who work so hard to strengthen their organization and help so many, and extend to them my best wishes for many successful years ahead. They are demonstrating that ending homelessness is a team sport.

## RECOGNIZING ORANGE COUNTY'S 1ST ANNUAL STAND DOWN

### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to proudly recognize the First Annual Orange County Stand Down to be held in Santa Ana, California on September 17–18, 2011. Nationally, it is estimated that one-third of the homeless population in the United States are veterans of the United States Armed Forces, many of whom face a constant battle with the effects of their time in service to our nation. There are approximately 5,000 veterans residing within the borders of Orange County that currently experience some form of homelessness during the year.

This event will create a "one-stop" environment for these homeless veterans and their families to receive basic social services such as veterans benefit assistance, mental health and substance abuse counseling, along with housing and employment placement assistance. The first Orange County Stand Down expects to serve approximately 400–500 of the county's homeless veterans and their families, many of whom have served their country valiantly in theaters of combat ranging from World War II to the current wars in Afghanistan and Iraq. Attendees of the Stand Down will be able to receive hot showers, new clothing, hot meals and a chance to bond with their fellow veterans.

Veterans First, a community-based organization in my district that serves homeless veterans along with other community groups and government entities such as the United States Veterans Administration (VA), State of California Employment Development Department (EDD) and Department of Motor Vehicles (DMV), the County of Orange, the American Legion, Elks Lodge, American GI Forum, the American Red Cross, and Furnishing Hope, have come together to serve a group of brave individuals who have fought for the freedoms we value and cherish.

I would like to recognize the First Annual Orange County Stand Down and commend its mission to restore honor to our homeless veterans and assist them in rebuilding their lives.

As ranking woman on the Armed Services Committee, I would like to extend best wishes of success to the First Annual Orange County Stand Down in the hopes that it will become a sustainable annual event to assist our homeless veterans until all of our heroes are no longer on the streets.

## HISPANIC SERVING INSTITUTION WEEK, SEPTEMBER 19–25, 2011

### HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. GRIJALVA. Mr. Speaker, I rise today to recognize the important role that Hispanic Serving Institutions (HSIs) play in educating our nation's students. And I congratulate those institutions for their efforts as HSIs across the country celebrate National HSIs Week next week, September 19–25, 2011.

Hispanic Serving Institutions play an important role in educating many underprivileged students and helping them attain their full potential through higher education. National Hispanic-Serving Institutions Week recognizes the contributions of these exemplary institutions at the forefront of service to our nation's youngest and largest ethnic population. It is significant that we pay tribute to them for their commitment to secure academic access, equity, excellence and success for every American.

Hispanic-Serving Institutions provide hope and opportunity to America's diverse communities of learners, reflecting the belief that every American should have access to a college education. While HSIs constitute less than 5 percent of America's institutions of higher education, they enroll 50 percent of all Hispanic Americans enrolled in colleges and universities.

This year also marks the 25th Anniversary or Silver Anniversary of the Hispanic Association of Colleges and Universities (HACU), an association working to improve the capacity of HSIs to help students succeed across our nation.

In honoring the many contributions of Hispanic-Serving Institutions (HSIs), we recognize the critical role that HSIs play in providing quality educational opportunities to Hispanics and to all other students who attend these institutions.

Congratulations to HACU and to the nations' Hispanic Serving Institutions, and thank you for your service to our communities and your contributions to higher education.

## THE INTRODUCTION OF THE FEDERAL EMPLOYEE SHORT-TERM DISABILITY INSURANCE ACT OF 2011

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Ms. NORTON. Mr. Speaker, today, I introduce the Federal Employee Short-Term Disability Insurance Act of 2011. This bill will offer federal employees short-term disability insurance at no cost to the federal government. Employees will be responsible for 100 percent of the premiums. If federal employees elect to purchase the short-term insurance provided for in my bill and they become injured or ill because of a non-work related injury or illness, federal employees will be able to collect disability insurance benefits, for up to one year, to replace a portion of their lost income.

I decided to investigate how we could provide short-term disability insurance to federal employees after learning that many of them already buy short-term disability insurance in the private market at high individual rates. Although federal employees have good health insurance, federal health benefits do not replace lost income if employees are unable to work. And, while federal employees may have limited available sick or annual leave days, these are often insufficient to cover the costs of an employee's living expenses if he or she has to be out of work for an extended period

of time. Moreover, although there are long-term disability options for federal employees who become permanently disabled, federal employees do not qualify if they have not worked for at least 18 months. My bill does no more than put federal employees in the same position as their private sector counterparts, who have access to disability insurance at group rates. The bill will not allow participating employers to exclude persons based on pre-existing conditions. And, because of the federal government's purchasing power, the bill will provide all of these benefits at a more competitive rate than is available if the employees seek such insurance as an individual.

According to the Social Security Administration, studies indicate that a 20-year-old worker has a 30 percent chance of becoming disabled by retirement age. The majority of disabilities are not caused by major accidents, but by conditions or illnesses such as cancer or back injuries, according to the Council for Disability Awareness.

I strongly urge my colleagues to support this bill.

## LANDAU ENGENE MURPHY, JR. AMERICA'S GOT TALENT WINNER

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. RAHALL. Mr. Speaker, America has voted. The Nation voted for a winning combination of humility, hard work, life-long dream, and finely tuned talent. Today, I join with my friends in Logan County and all throughout West Virginia in congratulating Landau Eugene Murphy, Jr., this year's winner of NBC Television's "America Got Talent."

Landau's journey is a true American success story. Coming from humble beginnings, he worked hard, never lost faith in his Lord, and always remained determined to pursue his dream.

I believe what Landau accomplished last night should stand as an example to every young person throughout this great Nation. He has shown them that they should always set their goals high and work until they get there, and indeed, if you should take some blows, just let the record show, you did it your way.

I send my very best to Landau, his lovely wife, Jennifer, and their family as they begin this new and exciting journey in their lives. I know that Landau remains as humble today as he was when he first took the stage at the Logan County Arts and Crafts Fair's annual talent show some years ago.

I would like to commend the Logan County Chamber of Commerce, the Hatfield and McCoy Convention and Visitors' Bureau, and Diana Barnette and all the fine folks at Fountainplace Cinema 8 in Logan for their support of our hometown hero. As we always have in West Virginia, we stand behind and support our own, and the work these organizations and individuals have done is phenomenal. Undoubtedly, their efforts were instrumental in Landau's victory.

Mr. Murphy accepted his victory with the hugs and "high fives" of his competitors, the hallmark of good sportsmanship. Throughout the weeks of competition he often spoke of his respect and compassion for, and friendship with, his opponents—a timely lesson for us all.

I hope my colleagues will congratulate all those whose talent carried them to the final weeks of a long competition. And, I thank America for recognizing a true talent in this fine son of West Virginia. Thankfully, we will be hearing a lot more from Landau Eugene Murphy, Jr., for many more years to come.

## IN RECOGNITION OF GARY YATES

### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Ms. SPEIER. Mr. Speaker, I rise to honor Gary L. Yates for providing two decades of leadership in health philanthropy through his work at the California Wellness Foundation.

After three years at Children's Hospital Los Angeles, Mr. Yates joined the Foundation as a senior program officer in 1992, was named the Interim President in 1994 and President and CEO in 1995.

Mr. Yates received his B.A. in Government from American University and his Masters in Counseling Psychology from the University of Northern Colorado. He also served in the United States Army from 1968–1970. He is a licensed marriage, family, child therapist and a clinical assistant professor of pediatrics at the University of Southern California Medical School where he trains doctors, psychologists, and social workers on how to work with adolescents. In brief, he is dedicated to improving health outcomes for those most in need.

Since joining the TCWF, Mr. Yates has worked tirelessly to create, lead and support initiatives to improve health and decrease violence throughout the state of California. In 1992, he led TCWF's first proactive grantmaking program, a 10-year, $60 million Violence Prevention Initiative. His approach to grantmaking has ensured that funds reach the right people, places, and causes, such as environmental health, violence protection, teen pregnancy prevention and women's health.

Mr. Yates' commitment to philanthropy can only be described as inexhaustible and inspirational. He also serves as a member of the board of Independent Sector and is co-chair of Voices for Philanthropy, a project of the Philanthropy Roundtable. He has previously served as the treasurer of Hispanics in Philanthropy, vice-chair of the boards of the Council on Foundations and Independent Sector, and chair of the boards of Grantmakers in Health, the Foundation Consortium, and Southern California Grantmakers.

During his time at TCWF, Mr. Yates has received many prestigious awards and honors, and this fall he will be recognized by the Center for Community Health and Well-Being, the California Primary Care Association and the National Hispanic Health Foundation.

It has been a personal privilege to work with him on a myriad of issues over the years, especially women's health.

Mr. Yates and his wife Ann are the proud parents of five sons.

Mr. Speaker, it is right to honor Gary L. Yates for his tireless dedication to the people of California upon the occasion of his retirement on September 14, 2011, after 19 years as a leading health philanthropist.

## TRIBUTE TO DR. EDWARD A. SHELDON

### HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. OWENS. Mr. Speaker, I rise today to honor and remember the life of Dr. Edward A. Sheldon, founder of Oswego State University in New York, as we celebrate the college's 150th anniversary.

A native of Perry Center, New York, Dr. Sheldon spent decades devoting his life to the New York education system by organizing and spearheading an educational system accessible to all children. Throughout the years, he served as a teacher, superintendent, and secretary of the board of education in Oswego, NY. In 1861 he founded the Oswego Primary Teachers' Training School, known today as Oswego State University. Serving as President until 1897, he worked to transform the subject matter and methods of formal education and to extend educational opportunities to all children.

Through his lifetime, Dr. Sheldon garnered national attention creating the Oswego method of object training. His time spent working to enhance the quality of education in Upstate New York provided a strong foundation for countless students and teachers.

Mr. Speaker, I rise today to honor and remember the life of Dr. Edward A. Sheldon and congratulate Oswego State University on their 150th year.

## DISAPPROVAL RESOLUTION RELATING TO DEBT LIMIT INCREASE

SPEECH OF

### HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 14, 2011*

Mr. PETERS. Mr. Speaker, I rise today in opposition to H.J. Res. 77. This resolution is another pointless political gesture put forward by Republicans in their efforts to fight our President tooth and nail, regardless of the impact on American families and our economy.

This resolution has already failed in the Senate; it is going nowhere. It is beyond irresponsible to spend time catering to far-right Tea Party Members with doomed procedural technicalities while American families face a jobs crisis.

Early this year, we were seeing hundreds of thousands of jobs created each month and real economic recovery was taking root. Since then, Republicans have manufactured one crisis after another. Whether it is threatening to shut down the government, default on our debt, or cripple the FAA with furloughs, Republicans have shown an unbelievable willingness to harm our economy so they can score points with their Tea Party base.

Washington gave our country a pointless, dangerous debt limit showdown in July, and our nation's employers responded by creating zero new jobs in August. We need to move past this divisive, debt limit gamesmanship and take action to get our economy moving by passing the American Jobs Act now.

## HONORING MAYOR JOHN HAMM III

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the dedicated community service of Madison, Illinois Mayor John Hamm III as he is recognized for his lifetime of community service by the Southwestern Illinois Chamber of Commerce of Madison County.

As the Executive Director of the Madison County Housing Authority, John has taken the Authority to a new level of activity, constructing hundreds of new residential units and communities in southwestern Madison County. He has overseen the redevelopment of numerous homes and properties and created new housing opportunities for the people of our area. He has helped break ground and redevelop new housing facilities for seniors and low to moderate income families, giving many families a place to call home.

Mayor Hamm has been a consistent, active participant in community service for Southwestern Illinois serving as a municipal representative on the Southwestern Illinois Metropolitan Area Planning Commission and East West Gateway Council of Governments.

Both he and his wife, Carol, have been longstanding community supporters of Madison's schools and are active with sports groups, booster clubs and many service organizations within the community.

In his longstanding roles, first as a City Council Member in 1987 and then as Mayor of the City of Madison beginning in 1997, Mayor Hamm has been a champion for his local community. He has undertaken aggressive steps to rid the community of over 100 derelict properties and has worked tirelessly to bring in new businesses, such as Abengoa Bio Energy, Mattingly Lumber and Gateway International Raceway. He has been successful in securing both state and federal grants and funding for a new fire station, parks and walking trails and was instrumental in securing the Chain of Rocks Bridge as a tourist destination.

As a Commissioner of the Tri City Regional Port District since 1997, Mayor Hamm has been an active leader in developing the Port District, working with my office to help in the transfer of the former U.S. Army Charles Melvin Price Support Center to the Port in 2000. During the last several years, over $325 million in both public and private investment has been made at the Port with an annual economic impact of over $200 million to the regional economy.

Mr. Speaker, I ask my colleagues to join me in an expression of appreciation to Mayor John Hamm in recognition of his years of service as a community leader and to wish him and his family the very best in the future.

## A TRIBUTE TO DOLORES REID BARKER

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Ms. Dolores Reid Barker, a charismatic Brooklynite who carries the energy to inspire and motivate others.

Ms. Dolores Reid Barker is a native of Colon, Panama but was raised in the Costa Rican province of La Lola by her maternal grandparents. Ms. Barker received her primary and secondary education in Costa Rica before migrating to the United States to pursue her quest and rich interest in attaining advanced degrees. With dedicated and focused attention, Ms. Barker obtained her Bachelor of Arts Degree from Brooklyn College, a Masters Degree in Special Education from Long Island University, and a second Masters in Educational Administration and Supervision.

Through her academic achievements, Ms. Barker developed a relentless focus on the student-teacher relationship as a prerequisite for sustained student success. It was this emphasis that drove Ms. Barker to assume the first of several positions in the academic environment as a bilingual teacher, eventually becoming staff developer/resource specialist and assistant principal. It is of most importance to Ms. Barker that she clearly communicates her vision of high achievement and teacher accountability in order to build a positive rapport with the parents of children. Ms. Barker currently holds the position of principal of one of New York City's elementary schools, PS 95 Queens, where she raised the schools' evaluation from mediocrity to high achievement.

Within her community Ms. Barker is very active with her Seventh Day Adventist church and several organizations. The organizations Ms. Barker works with include the Concerned Women of Brooklyn Inc., the National Association for the Advancement of Colored People, Phi Delta Kappa, The Interfaith Medical Auxiliary and Assistant Coordinator of the New York State Geography Bee.

She has also been the recipient of many awards for her ardent advocacy for teaching, learning, and leadership. The latest two were the Certificate of Excellence which was presented to her by the Community District Education Council, and Educator of the Week which was featured on Univision, Channel 41 New York.

A piece of inspiration that motivates Ms. Barker is found in Philippians 4:13, "I can do all things through Christ who strengthens me." Mr. Speaker, I would like to recognize Ms. Dolores Reid Barker for her contribution to the education of Brooklyn students and the community.

## COMMEMORATING THE NATIONAL RECONNAISSANCE OFFICE'S 50TH ANNIVERSARY

### HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. YOUNG of Florida. Mr. Speaker, I rise to commemorate the 50th Anniversary this month of the National Reconnaissance Office. The National Reconnaissance Office was secretly created in 1961 in response to the Soviet launch of Sputnik with the purpose of overseeing "all satellite and overflight reconnaissance projects whether overt or covert." This information was Declassified to the public in 1992. Today the NRO is in charge of designing, building, launching, and maintaining the United States of America's intelligence satellites. When the United States needs eyes and ears in critical places where no human can reach—be it over the most rugged terrain or the most hostile territory—we turn to the National Reconnaissance Office.

We are proud to applaud the National Reconnaissance Office for recently completing one of the most aggressive launch campaigns since its inception by launching six complex satellite systems in only seven months. With fewer people and less infrastructure than in years past, this great accomplishment is a testament to the diligent National Reconnaissance Office program teams and the essential collaborative launch efforts with the United States Air Force and the talented workforce they draw from across the Department of Defense and the Intelligence Community. Whether creating the latest innovations in satellite technology, contracting with the most cost-efficient industrial supplier, conducting rigorous launch schedules, or providing the highest-quality products to our customers, these successful launches prove the National Reconnaissance Office's never-ending commitment to protect our Nation and its citizens.

As one of the 16 Intelligence Community agencies, the National Reconnaissance Office is a hybrid organization consisting of some 3,000 personnel that is jointly staffed by members of the Armed Services, the Central Intelligence Agency and Department of Defense civilians. Headquartered in Chantilly, Virginia, the National Reconnaissance Office launches from Cape Canaveral, FL and Vandenberg Air Force Base, California, while maintaining ground station operations in Virginia, Colorado, New Mexico, the United Kingdom, and Australia. This unique composition and placement of the National Reconnaissance Office workforce allows for launching and operating the most technically-capable systems to continued operations of legacy satellites in order for the United States to remain the premier space reconnaissance organization in the world.

Together with other Defense Department satellites, National Reconnaissance Office systems play a crucial role in providing: global communications, precision navigation, early warning of missile launches and potential military aggression, signals intelligence, and near real-time imagery to United States forces in support of the war on terrorism and other contingency operations. Additionally, National Reconnaissance Office satellites have played an ever increasing role in supporting civil customers, assess crop production, map habitats of endangered species, track oil spills, and study wetlands.

Through continued vigilance from above, the National Reconnaissance Office provides America's policymakers, intelligence analysts, warfighters and homeland security specialists the critical information they need to keep America safe, secure, and free. For these many achievements, I join my colleagues in congratulating the men and women who support the National Reconnaissance Office on 50 years of outstanding service to our nation and may they continue on this path to reach even greater milestones in space reconnaissance for years to come.

## RECOGNIZING CONSTITUTION DAY

### HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to recognize the importance of Constitution Day, happening this Saturday, September 17, 2011, celebrating the 224th anniversary of our Founding Fathers' signing of the Constitution. Constitution Day gives us an opportunity to reflect on the past success of our founders in the form of the Constitution, the two centuries of progress since, and the future promise of the United States under the guidance of the document given to us in 1787.

Constitution Day reminds us to review the whole document and what it means to our country, and shows that support for the Constitution requires more than chanting slogans at a political rally. Calling yourself a ''strict constitutionalist'' means nothing if you don't bother to read the entire Constitution and fight for everything it includes, not just the portions that fit neatly with your personal political philosophy.

As an Iowan, and a student of the Constitution for more than 30 years, I take pride in repeating our state's motto: ''Our Liberties we prize and our rights we will maintain.'' Constitution Day gives us an opportunity to reflect on the document that prizes our personal liberties and preserves our rights in a system of laws that recognize the individual spirit of every American, and has made our Nation a shining beacon in the world. The development of the Constitution has recognized the rights of all men and women, and created a system of equality that has helped our Nation move past prejudice and discrimination in some of our darkest hours.

Constitution Day gives us an opportunity to reflect on the system of justice for all by creating an impartial judiciary and a system of law that recognizes the rights of every citizen to file a grievance against their government or fellow man. It lets us reflect on the goals of a responsive executive, a representative legislature, and a responsible judiciary working on behalf of all citizens to preserve their rights, respect their liberties, and allow for progress. It reminds us to all work harder to support the progress of the United States.

I ask all my colleagues and constituents to join me in recognizing Constitution Day and reflecting on the lasting work of the Founding Fathers.

## RECOGNITION OF THE 50TH WEDDING ANNIVERSARY OF CHARLES AND ELIZABETH SESSIONS OF PACE, FLORIDA

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize Charles and Elizabeth Sessions on the occasion of their 50th wedding anniversary.

Charles and Elizabeth Sessions were married on September 15, 1961 by Reverend Bo Lowery at Pace Assembly of God. Charles and Elizabeth are deeply rooted in Northwest Florida and are lifetime residents of Pace, Florida. As active members in the local community, they were entrepreneurs and owned several businesses in the area. Charles won the first Pace Pioneer Award from the Pace Chamber of Commerce and served on the first planning board for Santa Rosa County, all with Elizabeth by his side.

Charles and Elizabeth are parents to three children, Greg and twins Kim and Ken; and have two grandchildren, Chloe and Brandon. Now retired, Charles and Elizabeth enjoy spending their time with their family, traveling, and their favorite pastime—fishing on Lake Kissimmee or on the river in Camden, Alabama.

Mr. Speaker, on behalf of the United States Congress, I am proud to recognize Mr. and Mrs. Sessions on their 50th wedding anniversary. They are truly an outstanding family from the First District of Florida. My wife Vicki and I wish their entire family all the best.

## A TRIBUTE TO DECORAH HIGH SCHOOL

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. LATHAM. Mr. Speaker, I rise today to recognize the excellence in education in Iowa, and to specifically congratulate Decorah High School in Decorah, Iowa. The United States Secretary of Education Arne Duncan announced today that Decorah High School has made the list of the Nation's 2011 Blue Ribbon Schools.

The Blue Ribbon Schools Program honors public and private elementary, middle and high schools that are either academically superior or that demonstrate dramatic gains in student achievement. In the words of Secretary Duncan, ''National Blue Ribbon Schools are committed to accelerating student achievement and preparing students for success in college and careers. Their success is an example for others to follow.''

Decorah High School is among the state's highest performing schools. Decorah High School students scored in the top ten percent in Iowa with at least 40 percent of their students from disadvantaged backgrounds improving their performance on state assessments or nationally normed tests. Additionally, the students at Decorah High School averaged a full three points higher on their ACT scores than the national average.

Decorah High School's principal Kim Sheppard and one additional teacher will be invited to Washington, DC for the awards ceremony, to take place on November 14th and 15th. At this ceremony, Decorah High School will receive a Blue Ribbon Schools plaque and a flag to signify its elite educational status.

I consider it a great honor to represent Decorah High School Principal Kim Sheppard, the teachers, students, school board members and administrators of the Decorah Community School District in the United States Congress. I wish Decorah High School continued academic excellence as they provide a positive impact on future leaders of our state and country.

## A TRIBUTE TO SERGEANT DAKOTA MEYER

### HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. GUTHRIE. Mr. Speaker, I rise today to honor Sergeant Dakota Meyer, U.S. Marine Corps, who has virtuously served the United States and the Commonwealth of Kentucky.

Today, Sgt. Meyer will receive the Medal of Honor, the nation's highest medal for bravery, for his courageous actions while serving as a member of the Marine Embedded Training Team 2–8, Regional Corps Advisory Command in Kunar Province, Afghanistan in support of Operation Enduring Freedom.

On Sept. 8, 2009, Meyer's actions saved the lives of 13 U.S. troops and 23 Afghan soldiers.

Taliban insurgents were dug into the high ground and hidden inside a village, pouring down deadly fire at Afghan forces and their American advisers. Armed militants swarmed the low ground to try to finish off the troops.

Meyer's team was pinned down near the village. Defying orders to stay put, Meyer set himself in the turret of a Humvee and rode straight into the firefight, taking fire from all directions. He went in not once, but five times, trying to rescue his comrades.

During about six hours of chaotic fighting, he killed eight Taliban militants and provided cover for Afghan and U.S. servicemen to escape the ambush.

We owe our freedom to exceptional soldiers, like Sgt. Meyer, whose bravery and heroism, and the bravery of those who he fought alongside of, will forever be remembered and appreciated.

I ask my colleagues to join me today in honoring Sergeant Dakota Meyer for his steadfast commitment to the U.S. Marine Corps, his fellow soldiers, his nation and the Commonwealth of Kentucky.

## RECOGNIZING THE ACHIEVEMENTS OF MR. RALPH D. REID

### HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. CLEAVER. Mr. Speaker, I proudly rise today in recognition of the achievements of Mr. Ralph D. Reid, Vice President of Corporate Social Responsibility (CSR) for Sprint Nextel. In Ralph's role, he has responsibility for Community Affairs, Employee Engagement and Volunteerism, CSR strategy and operations, and Corporate Diversity and Inclusion. He also directs Sprint's philanthropic activities as President of the Sprint Foundation and works diligently for the residents of the Fifth District of Missouri, which I am honored to represent. This week, Mr. Reid is to be inducted into the Missouri Walk of Fame during a reception as part of the Congressional Black Caucus Foundation's Annual Legislative Conference, an event held to honor the achievements of African-Americans who have made significant contributions to Missouri and the nation.

Ralph graduated from Oakwood College in Huntsville, Alabama with a Bachelor of

Science in Business Administration and Accounting. He received his Law Degree from the University of Missouri—Kansas City. Ralph is currently President—Board of Directors of the Kansas City Downtown Minority Development Corporation, and the Vice President—Board of Directors of the Kansas City United Community Action Agency. He has served on multiple boards, including the Greater Kansas City Chamber of Commerce, the United Way of Greater Kansas City, the Salvation Army, the Greater Kansas City Urban League, Boys and Girls Club of Greater Kansas City, the Kansas City Repertory Theater, Oakwood College, Park University, and the Shawnee Mission Medical Center. He serves with me as a Trustee of the National World War I Museum Board. Mr. Reid was recognized by Savoy Magazine as one of the 100 Most Influential African Americans in Corporate America for 2010.

For those reasons and more, it is indeed an honor and privilege to recognize Mr. Reid's contributions to the State of Missouri and induct Mr. Ralph Reid into the Missouri Walk of Fame at its annual reception, hosted by myself and fellow Missourian, U.S. Representative WILLIAM LACY CLAY of St. Louis.

Mr. Speaker, please join me in expressing our appreciation to Mr. Ralph D. Reid and commending him on his induction into the Missouri Walk of Fame. Further, the entire State of Missouri is better because of his endless commitment to serving the residents of the State of Missouri and the Greater Kansas City Metropolitan Area. He is a true role model, not just to the African-American community in Missouri, but to the entire nation. May his success serve as a stepping stone for Kansas Citians in general and African Americans in particular who are eager to become as successful in their chosen profession and community activism.

## 50TH ANNIVERSARY OF BECTON, DICKINSON AND COMPANY

### HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to recognize the 50th anniversary of Becton, Dickinson and Company (BD) in Canaan, CT. BD is an example of an innovative corporation who provides hard working Americans with high quality manufacturing jobs. Starting with only 8 associates in 1961 in a 25,000 square foot facility, BD's footprint in Canaan has expanded 8 times and now employs over 350 people, making it the largest employer in the community.

BD has been a world leader in medical technologies throughout the company's history. In 1925, BD patented the Yale Luer-Lok syringe, which provides a simple and secure way to lock a needle onto a syringe. To this day, the Luer-Lok connector is still the standard for syringes in the United States.

Continuing to revolutionize the medical industry, BD created the world's first disposable plastic syringe, the BD Plastipak, which was exclusively manufactured at the Canaan facility. The Canaan manufacturing facility in 2002 became the first site to manufacture BD's newest syringe, the BD Integra, which is spring engineered to eliminate accidental needle-sticks and provide great dosing accuracy. The facility is the largest manufacturer of disposable syringes in the world, producing approximately two billion syringes annually.

Further, BD has been a great example of corporate social responsibility in Connecticut. The company served as the corporate sponsor for Juvenile Diabetes Research Foundation in order to raise money in Northwest Connecticut for diabetes research. BD has donated generously to The United Way, and also mentors students from Housatonic Valley Regional High School. In 2007, BD was named to Ethisphere Magazine's inaugural list of most ethical companies, and has since placed on the list every year.

In reflection of the 50th anniversary of BD in Canaan, CT, I ask my colleagues to join me in recognizing and honoring a company that has truly transformed the medical technology industry.

## HONORING YOUTH WHO REPRESENT JUNIOR ACHIEVEMENT OF SOUTH FLORIDA

### HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. DEUTCH. Mr. Speaker, I rise today in honor of the outstanding youth who represent Junior Achievement of South Florida, and their effort to foster an understanding of the United States Constitution in our community.

Junior Achievement is a non-profit organization that provides thousands of students across the world with a series of business, economics, free-enterprise, and life-skills programs. In South Florida, the young people of Junior Achievement are truly shining through their work to bring the Spirit of Freedom Experience to the Junior Achievement World Huizenga Center at Broward College. Envisioned by President Ronald Reagan, the Spirit of Freedom Experience aims to boost reverence for the founding principles of our nation by presenting bronze plaque replicas of the U.S. Constitution and the Bill of Rights to communities across America. The efforts of these Floridians will culminate during this year's Constitution Week as five plaques, representing our nation's founding documents, will be unveiled to the South Florida community.

Among those present to recognize the work of Junior Achievement and to commemorate the unveiling of these historical documents is Captain Scott F. O'Grady, an American whose career in the military epitomizes the spirit of public service. In a story of great perseverance, Captain O'Grady survived in hostile territory for six days after his aircraft was struck down by a Soviet missile during a NATO mission in Bosnia. All those present for the Spirit of Freedom experience will undoubtedly be inspired by Captain O'Grady's courage and commitment to country.

Junior Achievement's efforts to prepare young people to succeed as individuals and as citizens are truly commendable. It is an honor to recognize a group of young Americans who have already accomplished so much on behalf of our community by bringing the Spirit of Freedom Experience to South Florida.

## PERSONAL EXPLANATION

### HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. NEUGEBAUER. Mr. Speaker, due to an unforeseen delay earlier this week, I was unable to vote on the following bills: H.R. 2076, H.R. 2633, and H.R. 1059 that were rollcall vote numbers 699–701. Had I been present, I would have voted the following way: rollcall No. 699, H.R. 2076, Investigative Assistance for Violent Crimes Act of 2011, "yea"; rollcall No. 700, H.R. 2633, Appeal Time Clarification Act, "yea"; rollcall No. 701, H.R. 1059, To protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes, "yea."

## TRIBUTE TO USA NATIONAL TEAM AT THE 2011 RUGBY WORLD CUP

### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. CLYBURN. Mr. Speaker, I rise today to recognize the United States national rugby team, the Eagles, on their victory over Russia in the wee hours of this morning during the 2011 Rugby World Cup competition in New Zealand. Although rugby may not be as popular in the United States as many of our other sports, the Rugby World Cup is now established as the third biggest sporting event in the world behind the Olympic Games and FIFA World Cup for soccer.

The Eagles played their first match against Ireland on September 11 and lost to the much higher ranked team 22–10, after starting the day with a church service to commemorate the victims of the 9/11 attacks on the United States. I know this event held particular meaning for the members of the team from the Mid-Atlantic (MARFU) and Northeastern Rugby Union (NRU). Today's 13–6 win over Russia marks an important victory for the Eagles in their pool play at the tournament. I wish them the best of luck in their upcoming matches against Australia on September 23 and Italy just four days later.

My best wishes go to the host nation of New Zealand as they organize this event on the world stage for the second time in its 24 year history. At the inaugural Rugby World Cup in New Zealand in 1987 it is estimated 600,000 fans attended matches with 300 million people tuning in on television from 17 countries. The last World Cup in 2007, held in France, Scotland and Wales, saw 2.25 million fans filling the parks and 4 billion watching televised coverage from 200 nations. This year the numbers are expected to be even higher as the sport is growing in many countries, like ours, where it is the largest growing team sport on college and high school campuses across the nation. I wish New Zealand the best of luck and commend them for welcoming the millions of visitors to their shores for this spirited competition despite the devastating earthquakes suffered in Christchurch earlier this year.

I applaud the Eagle's victory today and commend each of these young men from across the country for the hard work and dedication they have committed representing our country at their sport's highest level.

Mr. Speaker I ask that you and my colleagues join me in congratulating the members of the U.S. national rugby team and wishing them continued success at the 2011 Rugby World Cup.

2011 Rugby World Cup USA Squad: Inaki Basauri; Chris Biller; Todd Clever; Patrick Danahy; Paul Emerick; Tai Enosa; Eric Fry; JJ Gagiano; Colin Hawley; Nic Johnson; Scott LaValla; Mike MacDonald; Nese Malifa; Matekitonga Moeakiola; Brian McClenahan; Takudzwa Ngwenya; James Paterson; Mike Petri; Shawn Pittman; Blaine Scully; Junior Sifa; Hayden Smith; Louis Stanfill; Andrew Suniula; Roland Suniula; Kevin Swiryn; Phillip Thiel; Tim Usasz; John van der Giessen; Chris Wyles.

## OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is $14,683,910,471,705.99.

On January 6, 2009 the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $4,045,484,725,412.19 since then. This debt and its interest payments we are passing to our children and all future Americans.

## TRIBUTE TO NASA DRYDEN FLIGHT RESEARCH CENTER

### HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. MCCARTHY of California, Mr. Speaker, I rise today to recognize the Dryden Flight Research Center as it commemorates 30 years of space shuttle operations. Located at Edwards Air Force Base in California, Dryden is NASA's primary center for atmospheric flight research and operations and has been a vital component of the Space Shuttle Program.

Located in the western Mojave Desert, Edwards Air Force Base has been the site of 54 shuttle mission landings since 1981. Additionally, as a result of the important work done by the Dryden professionals, the skies over Dryden have been the site of major advancements in the design, capability, and safety of many state-of-the-art civilian and military aircraft.

Tirelessly committed to its mission of advancing technology and science through flight, Dryden's projects have been critical in carrying out NASA's missions of space exploration, space operations, scientific discovery, and aeronautical research and development. Some of these critical projects include managing the Stratospheric Observatory for Infrared Astronomy (SOFIA) program, serving as the primary alternate landing site for the space shuttle, and providing orbital support for the International Space Station.

The Dryden Flight Research Center has served a vital role by leading in aeronautics and space technology. Having enjoyed the experience of watching space shuttle landings firsthand, I am honored to recognize Dryden on its 30 years of operations now and for all its contributions to the Space Shuttle Program.

## RECOGNIZING THE ACHIEVEMENTS OF MR. OLLIE W. GATES

### HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. CLEAVER. Mr. Speaker, I proudly rise today in recognition of the achievements of Mr. Ollie W. Gates, a businessman, humanitarian, community developer, and a resident of the Fifth District of Missouri, which I am honored to represent. Mr. Gates is President of Gates Bar-B-Q, and is recognized as one of the purveyors of the best barbecue in the Nation, if not the world. His sauces and seasonings are shipped around the world and his famous greeting, "Hi, May I Help You?" is also known world-wide. Some Presidents of the United States have either stopped at his local establishments or had his barbecue products shipped to the White House. This week, Mr. Gates is to be inducted into the Missouri Walk of Fame during a reception as part of the Congressional Black Caucus Foundation's Annual Legislative Conference, an event held to honor the achievements of African-Americans who have made significant contributions to Missouri and the Nation.

After receiving a football scholarship from Maryland State College (now the University of Maryland, Eastern Shore) and excelling there for two years, Mr. Gates moved closer to home to help in the family business, graduating from Lincoln University in Jefferson City, Missouri with a Bachelor of Science in Engineering. Upon completion of his studies, he joined the U. S. Army. He was a 1st Lieutenant at the conclusion of active duty service, and thereafter served in the Army Reserves in Kansas City, Missouri.

Mr. Gates' list of achievements read like a Who's Who in business, volunteerism, and philanthropy. He served on the Kansas City Board of Parks and Recreation for 18 years, many of those as President. He was the spearhead of the Black Veterans Memorial in Kansas City to honor a group of soldiers never-before-memorialized in Kansas City and he is in the process of renovating a building to honor his friend Buck O'Neil, a manager with the Kansas City Monarchs baseball team in the Negro Leagues, and a coach with the Chicago Cubs in the Major Leagues. He has served on numerous civic boards including the Missouri Highway and Transportation Commission, Bruce R. Watkins Foundation Inc., US Bank Corporation, Negro Leagues Museum, Spirit of Freedom Foundation Inc., City of Fountains, and the Enshriners to name a few. Mr. Gates has also been recognized for many civic honors such as Restaurateur of the Year Award by the Greater Kansas City Restaurant Association, Citizen of the Year Award by the Chamber of Commerce of Greater Kansas City, Outstanding Leadership Award by the NAACP, Executive of the Year Award by the Corporate Report of Kansas City, Missouri, and the Hall of Fame Award and Distinguished Alumni Award both from Lincoln University. Mr. Gates has received many more accolades too numerous to mention.

Ollie Gates has been recognized in the form of music by Professor Bobby Watson, director of the University of Missouri, Kansas City Conservatory of Music in the jazz ensemble work, The Gates BBQ Suite. This is a seven-part rendition which has been put on CD. There is also a CD recorded by Kansas City rapper, Tech N9ne entitled The Gates Mixed Plate. Mr. Gates was this year's "hero" to elementary students at the Gladstone Elementary School in Kansas City. The kids sang a song to him entitled "Hi, May I Help You!" which was a spin-off of the saying that employees of Gates Bar-B-Q say to everyone who comes into their restaurants to order food.

For those reasons and more, it is indeed an honor and privilege to induct Mr. Ollie W. Gates into the Missouri Walk of Fame at its annual reception, hosted by myself and fellow Missourian, U.S. Representative WILLIAM LACY CLAY of St. Louis.

Mr. Speaker, please join me in expressing our appreciation to Mr. Ollie W. Gates and applaud his endless commitment to serving the residents of the State of Missouri and the Greater Kansas City Metropolitan Area. He is a true role model, not just to the African-American community in Missouri, but to the entire community nationally. We are certain that his success as an entrepreneur and his use of his considerable gifts in rebuilding 12th Street, east of Troost, and the entire area around 47th Street from the Paseo to Troost Avenue will serve as a stepping stone or road map for many other African-Americans eager to become as successful in their own undertakings as Ollie W. Gates has exemplified.

## A TRIBUTE IN HONOR OF STANLEY N. COHEN, M.D. ON THE OCCASION OF RECEIVING THE DEAN'S MEDAL AT THE STANFORD UNIVERSITY SCHOOL OF MEDICINE

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Ms. ESHOO. Mr. Speaker, I rise today to honor Stanley N. Cohen, M.D., who was awarded the Dean's Medal on Saturday, September 10, 2011, by Dean Philip Pizzo of the Stanford University School of Medicine. He noted in his comments at the event that it was a particular honor to be honored by his colleagues and by Stanford. Dr. Cohen was described in the event program as follows:

Stanley N. Cohen, M.D., is a magna cum laude graduate of Rutgers University. He received his M.D. from the University of Pennsylvania School of Medicine in 1960. Following subsequent training at the National Institutes of Health, he joined the Stanford faculty in 1968.

Dr. Cohen is the Kwoh-Ting Li Professor in the School of Medicine, Professor and former Chair of Genetics, and Professor of Medicine at Stanford. He and his colleague, Herbert W.

Boyer, Ph.D., of the University of California, San Francisco, revolutionized the fields of biology and chemistry by inventing genetic engineering. Their discovery of a methodology for propagating DNA, the hereditary material of all living things, in foreign hosts has provided the cornerstone for virtually all modern biological and medical science, and a foundation for the current revolution in the diagnosis and treatment of disease.

Dr. Cohen has received numerous honors, including the National Medal of Science, the National Medal of Technology, the Lasker Award for Basic Medical Research, the Wolf Prize in Medicine, the Research Award of the Helmut Horten Foundation, the Prix de L'Institut de la Vie, the Lemelson-MIT Prize, the Albany Medical Center Prize in Medicine and Biomedical Research, and the Shaw Prize in Life Science and Medicine. He has been elected to the National Inventors Hall of Fame. He is a member of the National Academy of Sciences and a past chair of its genetics section, a member of the Institute of Medicine of the National Academy of Sciences, and a fellow of the American Academy of Arts and Sciences. Dr. Cohen has also received ScD honoris causa degrees from Rutgers University and the University of Pennsylvania.

Mr. Speaker, I ask my colleagues to join me in honoring a truly great American, one whose life's work has enhanced the lives of others and will continue to do so for generations. Together with other brilliant scientists, he continues to build on his discoveries. He adds great luster to Stanford University and to American science, and I'm extraordinarily proud to honor him and his work in the U.S. House of Representatives.

## PERSONAL EXPLANATION

### HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2011*

Mr. YARMUTH. Mr. Speaker, I was unable to cast the recorded vote for rollcall 706. During this time, I was on a conference call with FHWA Administrator Victor Mendez. We were discussing the closure of the Sherman Minton Bridge, which has severely impacted transportation and commerce in my district.

Had I been present I would have voted ''no'' for this measure.

| Bill | Rollcall No. | Vote |
|---|---|---|
| H.J. Res. 77—On Passage | 706 | No |

# *Daily Digest*

## HIGHLIGHTS

**Senate passed H.J. Res. 66, Burmese Freedom and Democracy Act, as amended.**

**Senate passed H.R. 2887, Surface and Air Transportation Programs Extension Act.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S5637–S5698***

**Measures Introduced:** Thirteen bills and three resolutions were introduced, as follows: S. 1561–1573, and S. Res. 268–270. **Page S5684**

**Measures Reported:**

H.R. 2219, making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, with an amendment in the nature of a substitute. (S. Rept. No. 112–77)

S. 1572, making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2012. (S. Rept. No. 112–78)

S. 1573, making appropriations for financial services and general government for the fiscal year ending September 30, 2010. (S. Rept. No. 112–79)

H.R. 2551, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2012, with an amendment in the nature of a substitute. (S. Rept. No. 112–80) **Pages S5683–84**

**Measures Passed:**

***Burmese Freedom and Democracy Act:*** Senate passed H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, after taking action on the following amendments proposed thereto: **Pages S5653–66**

Adopted:

By 62 yeas to 37 nays (Vote No. 135) Reid Amendment No. 602, to provide additional appropriations for disaster relief in fiscal years 2011 and 2012. (A unanimous-consent agreement was reached providing that the amendment, having achieved 60 affirmative votes, be agreed to). **Pages S5653, S5664–65**

Rejected:

By 54 yeas to 45 nays (Vote No. 133), Coburn Amendment No. 610 (to Amendment No. 602), to save at least $7,000,000,000 by consolidating some duplicative and overlapping Government programs. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, the amendment was not agreed to.) **Pages S5654–55, S5662**

By 20 yeas to 78 nays (Vote No. 134), Paul Amendment No. 613 (to Amendment No. 602), to offset the disaster relief appropriations by rescinding amounts for foreign assistance programs. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, the amendment was not agreed to.) **Pages S5655–56, S5661–63**

Withdrawn:

Reid Motion to commit the joint resolution to the Committee on Finance with instructions, Reid Amendment No. 607, to change the enactment date. **Page S5653, S5654**

Reid Amendment No. 603 (to Amendment No. 602), to change the enactment date. **Page S5653, S5654**

Reid Amendment No. 604 (to Amendment No. 603), of a perfecting nature. **Page S5653, S5654**

Reid Amendment No. 605 (to the language proposed to be stricken by Amendment No. 602), of a perfecting nature. **Page S5653, S5654**

Reid Amendment No. 606 (to Amendment No. 605), of a perfecting nature. **Page S5653, S5654**

During consideration of this measure today, Senate also took the following action:

Reid Amendment No. 608 (to (the instructions) Amendment No. 607), of a perfecting nature, fell when Reid Motion to commit the joint resolution to

the Committee on Finance with instructions, Reid Amendment No. 607, (listed above), was withdrawn. **Pages S5653, S5654**

Reid Amendment No. 609 (to Amendment No. 608), of a perfecting nature, fell when Reid Amendment No. 608 (to (the instructions) Amendment No. 607), (listed above), fell. **Pages S5653, S5654**

Subsequently, the motion to invoke cloture on Reid Amendment No. 602 (listed above), was rendered moot.

A unanimous-consent agreement was reached providing that the motion to invoke cloture on the joint resolution, be withdrawn. **Page S5654**

***Surface and Air Transportation Programs Extension Act:*** By 92 yeas to 6 nays (Vote No. 138), Senate passed H.R. 2887, to provide an extension of surface and air transportation programs, after taking action on the following amendments proposed thereto: **Pages S5666–69**

Rejected:

By 14 yeas to 84 nays (Vote No. 136), Paul Amendment No. 621, to limit the amount authorized to be expended from the Highway Trust Fund in any fiscal year to the amount anticipated to be deposited into the Highway Trust Fund in that fiscal year. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, the amendment was not agreed to.) **Pages S5666–68**

By 36 yeas to 61 nays (Vote No. 137), Paul Amendment No. 622, to decrease the authorizations of appropriations for the Federal Aviation Administration to fiscal year 2008 levels. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, the amendment was not agreed to.) **Pages S5666–68**

***Honoring Late Former Senator Malcolm Wallop:*** Senate agreed to S. Res. 268, relative to the death of the Honorable Malcolm Wallop, former Senator for the State of Wyoming. **Pages S5669–73**

***National Historically Black Colleges and Universities Week:*** Senate agreed to S. Res. 269, designating the week beginning September 19, 2011, as "National Historically Black Colleges and Universities Week". **Page S5693**

**Message From the President:** Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the President's report to Congress relative to the Secretary of Commerce's certification under section 8 of the Fisherman's Protective Act of 1967, as amended (the "Pelly Amendment") (22 U.S.C. 1978) that nationals of Iceland have conducted whaling activities that diminish the effectiveness of the International Whaling Commission (IWC) conservation program; which was referred to the Committee on Commerce, Science, and Transportation. (PM–21) **Page S5682**

**Nomination Confirmed:** Senate confirmed the following nomination:

Wendy Ruth Sherman, of Maryland, to be an Under Secretary of State (Political Affairs). **Pages S5692, S5698**

**Nominations Received:** Senate received the following nominations:

Ronald Lee Buch, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years.

Alastair M. Fitzpayne, of Maryland, to be a Deputy Under Secretary of the Treasury.

Brad Carson, of Oklahoma, to be General Counsel of the Department of the Army.

Kevin A. Ohlson, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

6 Coast Guard nominations in the rank of admiral.

Routine lists in the Army, and Foreign Service. **Pages S5697–98**

**Messages From the House:** **Page S5682**

**Measures Referred:** **Page S5682**

**Measures Placed on the Calendar:** **Page S5682**

**Measures Read the First Time:** **Pages S5683, S5693**

**Executive Communications:** **Page S5683**

**Executive Reports of Committees:** **Page S5684**

**Additional Cosponsors:** **Pages S5684–86**

**Statements on Introduced Bills/Resolutions:** **Pages S5686–89**

**Additional Statements:** **Pages S5680–81**

**Amendments Submitted:** **Pages S5689–92**

**Authorities for Committees To Meet:** **Page S5692**

**Record Votes:** Six record votes were taken today. (Total—138) **Pages S5662, S5663, S5665, S5668–69**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 8:07 p.m., until 10 a.m. on Friday, September 16, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5693.)

# Committee Meetings

*(Committees not listed did not meet)*

## BUSINESS MEETING

*Committee on Appropriations:* Committee ordered favorably reported the following business items:

H.R. 2219, making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, with an amendment in the nature of a substitute;

An original bill (S. 1572) making appropriations for Departments of Commerce, Justice, Science, and Related Agencies for the fiscal year ending September 30, 2012;

An original bill (S. 1573) making appropriations for Financial Services and General Government for the fiscal year ending September 30, 2012;

An original bill (H.R. 2551) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2012.

## ECONOMIC POLICY

*Committee on the Budget:* Committee concluded a hearing to examine policy prescriptions for the economy, after receiving testimony from Mark Zandi, Moody's Analytics, West Chester, Pennsylvania; and Chad Stone, Center on Budget and Policy Priorities, and Kevin A. Hassett, American Enterprise Institute, both of Washington, D.C.

## NOMINATIONS

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine the nominations of Gregory Howard Woods, of New York, to be General Counsel, David T. Danielson, of California, to be Assistant Secretary for Energy Efficiency and Renewable Energy, and LaDoris Guess Harris, of Georgia, to be Director of the Office of Minority Economic Impact, all of the Department of Energy, after the nominees testified and answered questions in their own behalf.

## TAX REFORM OPTIONS

*Committee on Finance:* Committee concluded a hearing to examine tax reform options, focusing on promoting retirement security, after receiving testimony from Jack VanDerhei, Employee Benefit Research Institute, William G. Gale, Brookings Institution Urban-Brookings Tax Policy Center, and Karen Friedman, Pension Rights Center, all of Washington, D.C.; and Judy A. Miller, American Society of Pension Professionals and Actuaries, Arlington, Virginia.

## DEPARTMENT OF DEFENSE FINANCIAL ACCOUNTABILITY

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine improving financial accountability at the Department of Defense, focusing on ongoing challenges in implementing the financial improvement and audit readiness plan, after receiving testimony from Robert F. Hale, Under Secretary, and Comptroller, Elizabeth A. McGrath, Deputy Chief Management Officer, Gladys J. Commons, Assistant Secretary of the Navy for Financial Management, and Comptroller, Mary Sally Matiella, Assistant Secretary of the Army for Financial Management, and Comptroller, and Jamie M. Morin, Assistant Secretary of the Air Force for Financial Management, and Comptroller, all of the Department of Defense; and Asif A. Khan, Director, Financial Management and Assurance, Government Accountability Office.

## EMPLOYMENT FOR PEOPLE WITH SIGNIFICANT DISABILITIES

*Committee on Health, Education, Labor, and Pensions:* Committee concluded a hearing to examine the future of employment for people with the most significant disabilities, after receiving testimony from Katy Beh Neas, Easter Seals Office of Public Affairs, and Jonathan Young, National Council on Disability, both of Washington, D.C.; Fredric Schroeder, San Diego State University Interwork Institute, San Diego, California; Ruby Moore, Georgia Advocacy Office, Decatur; Janet Samuelson, ServiceSource, Alexandria, Virginia; Michael Pearson, Union Packaging, LLC, Yeadon, Pennsylvania; Julie Petty, Fayetteville, Arkansas; and Deb Pumphrey, Ottumwa, Iowa.

## TRIBAL TRANSPORTATION

*Committee on Indian Affairs:* Committee concluded a hearing to examine tribal transportation, focusing on paving the way for jobs, infrastructure, and safety in native communities, after receiving testimony from John R. Baxter, Associate Administrator for Federal Lands, Federal Highway Administration, and Robert Sparrow, Indian Reservation Roads Program Manager, Office of Federal Lands Highways, both of the Department of Transportation; Paul Tsosie, Chief of Staff, Office of the Assistant Secretary, and Leroy Gishi, Chief, Division of Transportation, both of the Bureau of Indian Affairs, Department of the Interior; Jefferson Keel, National Congress of American Indians, Washington, D.C.; C. John Healy Sr., Intertribal Transportation Association, Harlem, Montana; Charles W. Murphy, and Pete Red Tomahawk, both

of the Standing Rock Sioux Tribe, Fort Yates, North Dakota; Wes Martel, and John P. Smith, both of the Eastern Shoshone Business Council, Fort Washakie, Wyoming; Paulson Chaco, Navajo Nation Division of Transportation, Window Rock, Arizona; and Jacque Hostler, Cher-Ae Heights Indian Community of the Trinidad Rancheria, Trinidad, California.

**BUSINESS MEETING**

*Committee on the Judiciary:* Committee ordered favorably reported the nominations of Edgardo Ramos, of Connecticut, Andrew L. Carter, Jr., and Jesse M. Furman, all to be a United States District Judge for the Southern District of New York, and James Rodney Gilstrap, to be United States District Judge for the Eastern District of Texas.

**DISASTER RECOVERY**

*Committee on Small Business and Entrepreneurship:* Committee concluded a hearing to examine disaster recovery, focusing on evaluating the role of America's small business in rebuilding their communities, and Federal contracting in the aftermath of Hurricanes Katrina and Rita, after receiving testimony from Albert B. Sligh, Jr., Associate Administrator, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security; Brigadier General Theodore C. Harrison, Director, National Contracting Organization, U.S. Army Corps of Engineers, Department of the Army, Department of Defense; William T. Woods, Director, Acquisition and Sourcing Management, Government Accountability Office; Dale P. Rentrop, Jr., Tiger Tugz, LLC, Berwick, Louisiana; Mindy Nunez Airhart, Southern Services and Equipment, Inc., St. Bernard, Louisiana; and Terri Bennett, Missouri Southern State University Heartland Procurement Technical Assistance Center, and Sid F. Davis, Big John's Heavy Equipment, both of Joplin, Missouri.

**INTELLIGENCE**

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 30 public bills, H.R. 2935–2964; and 4 resolutions, H. Con. Res. 80; and H. Res. 400–402, were introduced. **Pages H6230–32**

**Additional Cosponsors:** **Pages H6233–34**

**Reports Filed:** Reports were filed today as follows:

H. Res. 399, providing for consideration of the joint resolution (H.J. Res. 79) making continuing appropriations for fiscal year 2012, and for other purposes (H. Rept. 112–207);

H.R. 2401, to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes, with an amendment (H. Rept. 112–208); and

H.R. 2646, to authorize certain Department of Veterans Affairs major medical facility projects and leases, to extend certain expiring provisions of law, and to modify certain authorities of the Secretary of Veterans Affairs, and for other purposes, with an amendment (H. Rept. 112–209). **Page H6230**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Poe to act as Speaker pro tempore for today. **Page H6185**

**Chaplain:** The prayer was offered by the guest chaplain, Most Reverend Thomas John Paprocki, Bishop of Springfield, Illinois. **Page H6185**

**Oath of Office—Second Congressional District of Nevada:** Representative-elect Mark Amodei presented himself in the well of the House and was administered the Oath of Office by the Speaker. Earlier, the Clerk of the House transmitted a facsimile copy of a letter from Mr. Scott Gilles, Deputy Secretary of Elections, on behalf of Nevada Secretary of State, the Honorable Ross Miller, indicating that, according to the unofficial returns of the Special Election held September 13, 2011, the Honorable Mark E. Amodei was elected Representative to Congress for the Second Congressional District, State of Nevada. **Pages H6195–96**

**Oath of Office—Ninth Congressional District of New York:** Representative-elect Bob Turner presented himself in the well of the House and was administered the Oath of Office by the Speaker. Earlier, the Clerk of the House transmitted a facsimile copy of a letter from Mr. Robert Brehm and Mr. Todd Valentine, Co-Executive Directors of the Board of Elections, State of New York, indicating that, according to the unofficial returns of the Special Election held September 13, 2011, the Honorable Bob

Turner was elected Representative to Congress for the Ninth Congressional District, State of New York. **Pages H6195–96**

**Whole Number of the House:** The Speaker announced to the House that, in light of the administration of the oath to the gentleman from Nevada, Mr. Amodei, and the gentleman from New York, Mr. Turner, the whole number of the House is adjusted to 434. **Page H6196**

**Suspension—Proceedings Resumed:** The House agreed to suspend the rules and pass the following measure which was debated yesterday, September 14th:

***United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011:*** H.R. 2867, amended, to reauthorize the International Religious Freedom Act of 1998, by a ⅔ yea-and-nay vote of 391 yeas to 21 nays, Roll No. 709. **Pages H6197–98**

**Protecting Jobs From Government Interference Act:** The House passed H.R. 2587, to prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstance, by a yea-and-nay vote of 238 yeas to 186 nays, Roll No. 711. **Pages H6198–H6215**

Rejected the Bishop (NY) motion to recommit the bill to the Committee on Education and the Workforce with instructions to report the bill back to the House forthwith with an amendment, by a yea-and-nay vote of 189 yeas to 235 nays, Roll No. 710. **Pages H6213–14**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. **Page H6198**

H. Res. 372, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 239 yeas to 176 nays, Roll No. 708, after the previous question was ordered by a yea-and-nay vote of 234 yeas to 177 nays, Roll No. 707. **Pages H6187–95, H6196–97**

**Meeting Hour:** Agreed that when the House adjourns today, it adjourn to meet at 12 noon on Monday, September 19th. **Page H6218**

**Canada-United States Interparliamentary Group—Appointment:** The Chair announced the Speaker's appointment of the following Members of the House to the Canada-United States Interparliamentary Group: Representatives Dreier, Lungren, Miller (MI), Smith (NE), Huizenga, Higgins, Meeks, Slaughter, Welch, and Larsen (WA). **Page H6219**

**Presidential Message:** Read a message from the President wherein he transmitted a report with respect to Iceland's commercial whaling activities—referred to the Committees on Foreign Affairs and Natural Resources and ordered to be printed (H. Doc. 112–54). **Pages H6228–29**

**Quorum Calls—Votes:** Five yea-and-nay votes developed during the proceedings of today and appear on pages H6194–95, H6196–97, H6197, H6214, and H6215. There were no quorum calls.

**Adjournment:** The House met at 9 a.m. and adjourned at 3:34 p.m.

# *Committee Meetings*

## ORGANIZATIONAL CHALLENGES IN ACHIEVING SOUND FINANCIAL MANAGEMENT AND AUDIT READINESS

*Committee on Armed Services:* Panel on Defense Financial Management and Audibility Reform held a hearing on organizational challenges in achieving sound financial management and audit readiness. Testimony was heard from Lieutenant General Mitchell H. Stevenson, USA, Deputy Chief of Staff, Logistics, G–4, U.S. Army; Vice Admiral David Architzel, USN Commander, Naval Air Systems Command; Major General Judith A. Fedder, Director of Logistics, Deputy Chief of Staff for Logistics, Installations and Mission Support, USAF; and Martha Smith, Director, Defense Finance and Accounting Services.

## SUSTAINING GPS FOR NATIONAL SECURITY

*Committee on Armed Services:* Subcommittee on Strategic Forces held a hearing on sustaining GPS for national security. Testimony was heard from General William L. Shelton, Commander, USAF Space Command; Teresa M. Takai, Chief Information Officer, Department of Defense; Julius Genachowski, Chairman, Federal Communications Commission; Karl Nebbia, Associate Administrator, Office of Spectrum Management, National Telecommunications and Information Administration, Department of Commerce; and Anthony J. Russo, National Coordination Office, Space-Based Positioning, Navigation and Training, NOAA.

## INTERNET PRIVACY: THE IMPACT AND BURDEN OF EU REGULATION

*Committee on Energy and Commerce:* Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled "Internet Privacy: The Impact and Burden of EU Regulation." Testimony was heard from Nicole Lamb-Hale, Assistant Secretary, International Trade Administration; and public witnesses.

## SAVING JOBS FROM PPACA'S HARMFUL REGULATIONS

*Committee on Energy and Commerce:* Subcommittee on Health held a hearing entitled "Cutting the Red Tape: Saving Jobs from PPACA's Harmful Regulations." Testimony was heard from Steve Larsen, Director, Center for Consumer Information and Insurance Oversight, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and public witnesses.

## LEGISLATIVE PROPOSALS TO IMPROVE AND ENHANCE THE SECURITIES AND EXCHANGE COMMISSION

*Committee on Financial Services:* Full Committee held a hearing entitled "Fixing the Watchdog: Legislative Proposals to Improve and Enhance the Securities and Exchange Commission." Testimony was heard from Mary Schapiro, Chairman, Securities and Exchange Commission; and public witnesses.

## MISCELLANEOUS MEASURES

*Committee on the Judiciary:* Full Committee began markup of the following: H.R. 2885, the "Legal Workforce Act"; and H.R. 2847, the "American Specialty Agriculture Act." The Committee adjourned for the week and will resume next week.

## LEGISLATIVE MEASURES

*Committee on Natural Resources:* Subcommittee on Energy and Mineral Resources held a hearing on legislation to establish in the Department of the Interior an Under Secretary for Energy, Lands, and Minerals and a Bureau of Ocean Energy, an Ocean Energy Safety Service, and an Office of Natural Resources Revenue, and for other purposes. Testimony was heard from Michael Bromwich, Director, BOEMRE; Donald Boesch, President, Univ. of MD Center for Environmental Science, and Commissioner, National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling; and public witnesses.

## LEGISLATIVE MEASURES

*Committee on Natural Resources:* Subcommittee on National Parks, Forests and Public Lands held a hearing on the following bills: H.R. 1162, to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes; H.R. 2087, to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia; H.R. 2336, the "York River Wild and Scenic River Study Act of 2011"; H.R. 2351, the "North Cascades National Park Service Complex Fish Stocking Act"; H.R. 2352, to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside; H.R. 2606, the "New York City Natural Gas Supply Enhancement Act"; and H.R. 2687, the "Fort Pulaski National Monument Lease Authorization Act." Testimony was heard from Rep. Dicks; Rep. Rigell; Rep. Pingree of Maine; Rep. Grimm; Rep. Kingston; Herbert C. Frost, Associate Director, Natural Resource Stewardship and Science, National Park Service, Department of the Interior; Cas Holloway, Deputy New York City Mayor, New York City, New York; Maryann J. Minard, Director of Curriculum, York School Department; Wanda Thornton, Member, Accomack County Board of Supervisors; and public witnesses.

## CONNECTING INVESTORS AND JOB CREATORS

*Committee on Oversight and Government Reform:* Subcommittee on TARP, Financial Services, and Bailouts of the Public and Private Programs held a hearing entitled "Crowdfunding: Connecting Investors and Job Creators." Testimony was heard from Meredith B. Cross, Director, Division of Corporation Finance, Securities and Exchange Commission; and public witnesses.

## DEFENSE DEPARTMENT CONTRACTING IN AFGHANISTAN

*Committee on Oversight and Government Reform:* Subcommittee on National Security, Homeland Defense, and Foreign Operations held a hearing entitled "Defense Department Contracting in Afghanistan: Are We Doing Enough To Combat Corruption?" Testimony was heard from Gary J. Motsek, Deputy Assistant Secretary of Defense for Program Support, Office of the Assistant Secretary of Defense (Logistics and Material Readiness), Office of the Under Secretary of Defense (Acquisition, Technology and Logistics), Department of Defense; Kim Denver, Deputy Assistant Secretary of the Army for Procurement, Department of Defense; and Brigadier General Stephen Townsend, USA, Director, Joint Staff Pakistan Afghanistan Coordination Cell, Department of Defense.

## CONTINUING APPROPRIATIONS RESOLUTION, 2012

*Committee on Rules:* Full Committee held a hearing on H.J. Res. 79, the "Continuing Appropriations Resolution, 2012." The Committee 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 joint resolution. The rule provides that the amendment printed in the Rules Committee report accompanying the resolution shall be considered as adopted. The rule provides that the

joint resolution, as amended, shall be considered as read. The rule provides that all points of order against provisions in the joint resolution, as amended, are waived. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Rogers of Kentucky; and Rep. Dicks.

### EPA'S CROSS-STATE AIR POLLUTION RULE

*Committee on Science, Space, and Technology:* Full Committee held a hearing entitled ''Out of Thin Air: EPA's Cross-State Air Pollution Rule.'' Testimony was heard from Gina McCarthy, Assistant Administrator, Office of Air and Radiation, EPA; Bryan W. Shaw, Chairman, Texas Commission on Environmental Quality; Barry T. Smitherman, Commissioner, Texas Railroad Commission; Chip Merriam, Chief Legislative and Regulatory Compliance Officer, Orlando Utilities Commission; and public witnesses.

### HELPING SMALL BUSINESSES COMPETE

*Committee on Small Business:* Subcommittee on Contracting and Workforce held a hearing entitled ''Helping Small Businesses Compete: Challenges Within Programs Designed To Assist Small Contractors.'' Testimony was heard from Joseph G. Jordan, Associate Administrator of Government Contracting and Business Development, Small Business Administration; Jiyoung Park, Associate Administrator, Office of Small Business Utilization, General Services Administration; and William B. Shear, Director, Financial Markets and Community Investment, Government Accountability Office.

## *Joint Meetings*

No joint committee meetings were held.

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### COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 16, 2011

*(Committee meetings are open unless otherwise indicated)*

**Senate**

No meetings/hearings scheduled.

**House**

No hearings are scheduled.

*Next Meeting of the* SENATE

10 a.m., Friday, September 16

Senate Chamber

**Program for Friday:** Senate will be in a period of morning business.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

12 noon, Monday, September 19

House Chamber

**Program for Monday:** The House will meet in pro forma session at 12 noon.

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