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

DESIGNATION OF SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC., November 30, 2011.

I hereby appoint the Honorable Mo Brooks to act as speaker pro tempore on this day.  

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

MORNING-HOUR DEBATE
The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate. The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

THANKING GOD FOR HIS MANY BLESSINGS
The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. Duncan) for 5 minutes.

Mr. DUNCAN of South Carolina. Mr. Speaker, this past weekend I joined millions of Americans in celebrating Thanksgiving with friends and family. As Americans, each of us has so much to be thankful for this holiday season. America is the greatest, most free country in the history of the world. As a Nation, we can do anything we set out to accomplish. We have built the world’s most free and successful Republic right here in America. We’ve used innovation to cure disease, fight hunger, and spread the message of freedom all across the globe.

We’ve changed the way societies interact by inventing things like the telephone, the automobile, and the airplane. We’ve built some of the finest schools and universities in the history of the planet. We’ve changed our world for the better, but none of it would have been possible without the grace and blessing of our Almighty God.

That’s why I was both surprised and disappointed that President Obama failed to make a single reference to God during his Thanksgiving address to the Nation. Since the President has a history of doing this sort of thing, it’s hard to believe that this was simply an oversight on his part. Perhaps this glaring omission was an attempt at being politically correct. But regardless of the intention, there is no excuse for once again leaving out the One on whom the foundation of our liberties rest.

What did our Founding Fathers say in the Declaration of Independence? Not that our rights come from governments, but rather that our rights come directly from God.

As the Apostle Paul said, “In everything give thanks, for this is the will of God in Christ Jesus for you.”

We should never pass up an opportunity to thank the Lord for the blessings he has bestowed upon our great Nation.

I know the specter of political correctness looms over our country more than ever before. There’s a lot of pressure from elements within our society to censor public comments about faith in Jesus Christ. Groups like the ACLU seek to drive God out of our schools and our classrooms. Universities are discouraged from praying before graduation and athletic events.

Some shopping malls and radio stations would rather play Christmas music only about Santa Claus, and never mention the reason for the season, Jesus Christ. Seeking guidance from the Lord through prayer and thanking Him for the blessings He has given our Nation is something our country should do more of, not less.

Praying and giving thanks to God for all blessing was the example set for us by the first settlers who came to America for religious freedom. Times were tough for them. They endured bitterly cold winters, food shortages, and plagues. The early settlers faced insurmountable odds, but they kept the faith, persevered, and later thrived, leading to the formation of this great Nation.

General George Washington, who went on to become our first President, was known for frequently stopping whatever he was doing and getting down on one knee to seek guidance from the Lord, and to praise Him for the blessings that were given his troops.

Here in this building there’s a chapel where Members of Congress can go to pray for our country. And in that chapel there is a beautiful stained glass window, depicting our first President, George Washington, in his colonial uniform, frozen, kneeling in prayer. That chapel should be a reminder for all of us that our country’s faith should be nothing to hide, but rather something to embrace and protect. That image of George Washington in prayer should be a reminder that our leaders need to seek wisdom of the Lord whenever possible.

For the past several weeks, former Heisman Trophy winner and current starting quarterback of the Denver Broncos, Tim Tebow, has come under fire for publicly professing his faith. Facing mounting criticism from the media, from sports commentators, and even some of his own teammates, Tim Tebow gave the following response to

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
would give the average family $1,500 a year extra to spend. You would think that people ought to be able to corollate those two concepts. The way that this would be financed is a small surtax on not just rich, but super-rich people who make over a million dollars a year, and they would just pay the surtax on that amount that they earn over the million dollar threshold. It’s far less than the 1 percent that we are hearing argued about. They would pay lower Bush-era tax rates on the first million, and those that have extensive investment income, which most of them do, would still benefit from those lower rates.

Unfortunately, we find people here who are caught up in an ideology that trumps concern for the economy and the typical American family. It was this refusal to consider a balanced approach that is supported by the vast majority of the country that led to the collapse of the so-called supercommittee. Americans were and are ready for action that is bold, big, balanced and fair.

Now, we actually can start on the road of recovery just by going on autopilot. The default that is set up that will let the Bush-era tax cuts expire unless Congress does something and moving towards automatic sequestration will actually solve most of the deficit problem that we face just by doing nothing.

But we can do better than nothing. We can adjust. We can craft a plan. We can focus it to get the most benefit. And we can start with a modest adjustment.

I hope my colleagues will not let the worship of the top one-tenth of a percent of the economic pyramid trump concerns for the rest of working families and the American economy.

HAMESH KHAN

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

Mr. BLUMENAUER. Mr. Speaker, it's a sign of maturity to be able to retain two different but related concepts in your head at the same time. For instance, taxes should not be raised on the majority of working Americans while the economy is in this very difficult situation. But a little more can reasonably be paid by those who are extremely well off.

The simple fact is that our economy and our families cannot afford to take the economic hit that is poised to pull a hundred billion dollars out of the economy with the expiration of the 2 percent payroll tax holiday that's scheduled to expire this year.

There is currently a proposal that's being debated in the other body that I hope we seize the opportunity to vote on here to be able to extend and expand the payroll tax cut and to pay for it.

Under this proposal, employees would receive a 50 percent additional cut in the payroll tax, cutting it essentially in half. We would have reduction in the payroll tax that they pay on their employees up to the first $5 million of payroll. This would help 98 percent of businesses but not give unnecessary giveaways to large and profitable organizations, and, most importantly, it would prevent the family from suffering a significant increase in their taxes while the economy is still fragile. This proposal

EQUITY IN TAXATION

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

Mr. BLUMENAUER. Mr. Speaker, if you look at it as a relationship that I have with Him that I want to give Him the honor and the glory any time I have the opportunity.

Tim Tebow's brave comments are an excellent reminder that we need to look for every opportunity to thank the Lord for our blessings of liberty that He's bestowed upon this great country.

May God forgive this Nation of its sins, may He overlook the times we forget to thank Him for His gifts, may our people turn to Him for guidance and salvation, and may He continue to bless the United States of America.
over 18 months since Hamesh Khan became the first American citizen exiled to Pakistan, and for those 18 months, Mr. Khan has been held without bail, without indictment, and without trial. Mr. Khan lives in a 6-foot by 8-foot prison cell in Pakistan. If Pakistan's State Department did not anticipate that Mr. Khan would be held indefinitely without indictment or trial when they forcibly bound and shackled an American citizen and gave him to Pakistan.

Therefore, Mr. Speaker, I enter this statement in the CONGRESSIONAL RECORD: It is time for America's State Department to use whatever influence with Pakistan's own law and with international treaty obligations.

Justice cannot be served an American citizen in any other way.

WHO SAYS GOVERNMENT CAN'T CREATE JOBS?

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

Mr. JACKSON of Illinois. Who says, Mr. Speaker, that government can't create jobs? The greatest need of the American people today is jobs, but the question before them is this: Who is responsible and how should jobs be created?

Democrats, Republicans, and Independents, liberals, moderates, and conservatives all agree that the private sector is the primary source of jobs. However, with 9 percent official unemployment—the reality is it's much higher—and 25 million Americans either unemployed or underemployed, it's self-evident that the private sector has not supplied enough jobs and either can not or will not create enough full-time jobs today to employ the 25 million people who need them.

So what do we do? Throw our hands up and say, "Nothing can be done," Congress?

Democrats generally believe in "priming the pump," through deficit spending if necessary, to create jobs and stimulate the economy in order to put the overall economy back on track during these times when the private sector has obviously failed us. In the past, many Republicans have generally agreed; but this current Tea Party-Republican Party, all of whom have government jobs and employ government staffs, doesn't agree and generally argues that the government can't create jobs. Really?

President Franklin Delano Roosevelt, we are reminded by Michael Hiltzik in his new book "The New Deal: A Modern History," reveals a different truth, which is the source of the following information.

FDR was sworn into office on March 4, 1933. He came up with the idea himself of a Civilian Conservation Corps on March 13, the first jobs program of the New Deal. He presented his idea to a White House aide, Raymond Moley, on March 14—an idea that he had just come up with the night before. The idea was to put platoons of young unemployed men to work in the forests and farms.

That very afternoon, a memo and a skeleton bill went out to the four Secretaries who would be involved in implementing his CCC plan—Frances Perkins, Labor; Henry A. Wallace, Agriculture; Harold L. Ickes, Interior; and George H. Dern, War—the first interdisciplinary agency of the New Deal.

The next day, on March 15, the four Secretaries returned a joint response proposing a wider relief program, encompassing not only a Civilian Conservation Corps, but a public works program and a grants-in-aid to States and municipalities for relief. On March 21, FDR sent a message to Congress involving, among other things, his idea of a CCC. In his message, he observed "more important . . . than the material gains will be the moral and spiritual value of such work . . . We can take a vast army of these unemployed out to healthful surroundings. . . ."

So how did these government-created jobs work out?

The average enrollee signed up at the age of 18½, stayed for 9 months—6 months was the minimum tour, 2 years the maximum—and gained up to 30 pounds during his term, thanks to three square meals a day served up by the Army quartermasters as fuel for daily labor.

The program ramped up quickly. By July, there were 1,300 camps housing 275,000 enrollees, already working vigorously on projects that would rank among the most notable legacies of the New Deal. Before the CCC ended and with the coming of war mobilization in 1942, the CCC built 125,000 miles of roads, 46,000 bridges, more than 300,000 dams, planted more than 3 billion trees, and strung 89,000 miles of telephone wire.

The camps instilled in many of these young men the concept of an American identity. No doubt the camaraderie was fostered by a shared resentment of the camps' martial regimen, the rising discipline. The knowledge is priceless.''

"We built something, and I knew I could not or will not create enough full-time jobs today to employ the 25 million people who need them.

STOP OUTSOURCING SECURITY ACT

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

RON SMITH, A VOICE OF REASON FOR MARYLAND AND AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. BARTLETT) for 2 minutes.

Mr. BARTLETT. On November 18 Ron Smith, a respected and beloved Baltimore-area radio talk show host on WBAL, as well as a columnnist for the Baltimore Sun, announced his retirement after 26 years because of his diagnosis of inoperable pancreatic cancer and impending death.

I ask all of my colleagues to join me, along with thousands of loyal listeners and readers who have expressed their deep appreciation and admiration for Ron Smith. Ron unfailingly contributed a voice of reason with unmatched candor while providing a forum for civil and vigorous debate about politics and policy that is sorely needed everywhere in America.

I feel privileged to have been a guest a number of times on Ron's show on WBAL. It was always equally a pleasure and a challenge to meet Ron's high standards. Ron is a true conservative in the classical and historical meaning of the term. With equal enthusiasm and utmost respect, Ron asked tough questions of guests and callers and dissected the arguments of liberal elites, Democrats and Republicans, and others who call themselves conservative.

From a vast knowledge of both history and government, Ron Smith shared, and we in Maryland were most privileged to benefit from, his succinct and persuasive dialogue and dedication to liberty and reason.

Thank you, Ron. Godspeed.
Ms. SCHAKOWSKY. While many hours have been spent by this body debating the wars in Iraq and Afghanistan, far too little time has been devoted to the United States' growing dependence on private military contractors. For many years, private security companies—mercenaries—who have become integral and counterproductive actors in our war efforts.

I believe that the increased reliance on hired guns to provide security in conflict areas undermines our policy objectives, and I am not alone. In 2007 then-Defense Secretary Robert Gates stated that the mission of many security contractors was “at cross purposes to our larger mission in Iraq.”

We should be concerned. Private contractors don’t wear the badge of the United States. They answer to a corporation, not to a uniformed commander. Our government doesn’t even know how many contract personnel are endangered by the behavior of hired guns employed by Blackwater-like companies, that I will keep speaking out to protect our mission and our brave troops from risk.

And I want to tell the families of the men and women who have shared their concerns that they are not alone. In incidents involving Blackwater and other such companies that I will continue to push for full investigations and, whenever appropriate, criminal charges.

Moreover, a jury found there was no liability against him. On September 8, 2011, Guy Adams, a Los Angeles Times reporter, published in the London-based Independent an article discussing “Blackwater” (2011), a video game owned by Mr. Prince. In that article, Mr. Adams attributes to you the following observation: “If Mr. Prince had not emigrated to the United Arab Emirates, which does not have an extradition agreement with the US, he too would now be facing prosecution.”

We demand you cease and desist any further efforts to impugn the military men and women who have shared their concerns that they are endangered by the behavior of security companies—mercenaries—who have become integral and counterproductive actors in our war efforts.

I come to this floor today because I believe it is my responsibility as a Member of Congress to speak out against policies and entities that I believe are damaging to our Nation. I want to make it clear to Mr. Prince that what you have done that Mr. Prince has adopted yet another heavy-handed tactic—the attempted intimidation of Congress.

Last month a letter from his attorney was hand delivered to my congressional office. Mr. Speaker, I am submitting the letter for the Congressional Record. I ordered an investigation into defamatory statements, characterizes my efforts to urge investigations into Mr. Prince as a violation of congressional power, and describes possible legal action if I persist.

I come to this floor today because I believe it is my responsibility as a Member of Congress to speak out against policies and entities that I believe are damaging to our Nation. I want to make it clear to Mr. Prince that what you have done.

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Mr. MILLER of North Carolina. Mr. Speaker, around the world, the rights of workers to organize and bargain collectively through a representative of their choice, with their employer, over wages and benefits and conditions of employment, is recognized as an important human right and as a hallmark of democratic societies. But in the United States those rights have been under assault by some politicians and by some of those who want to turn the clock back three-quarters of a century.

When workers want to join a union here and bargain collectively with their employer, too many employers intentionally delay and delay, abusing the legal system to deny their employees the rights that we scold developing nations for denying their workers.

I rise in support of the proposed National Labor Relations Board rule to streamline NLRB election procedures, an important and overdue step to restore fairness to our inefficient and outdated system that has allowed too many abuses. The new NLRB rule would speed up union elections, giving representation to a voice to a representative of their choosing.

Under the current NLRB system, employers willing to break the law have many opportunities to delay a union election, stretching out the time period when they can intimidate and coerce workers, all in violation of the law. The effect of this rule is to help workers exercise their free choice to join and be represented by a union without illegal interference.

Streamlining NLRB elections is a long overdue and small step to ensure workers the right to speak with one voice to a representative of their choosing.

But, Mr. Speaker, in the last week we have heard that Brian Hayes, the only Republican member of the NLRB board, NLRB, is threatening to resign specifically to deny the board the quorum to act under the law, to deny the board the quorum to perform the duties that the law places upon them. Republicans in this Congress have now tried to defund the NLRB to take away the NLRB’s ability to impose sanctions on employers who violate the law, and now they are trying to shut the board down altogether by abusing the other body’s advice and consent powers to block any new appointments to the board and by having a Republican member resign specifically to deny the board the quorum to act.

Today, we are considering the so-called Workforce Democracy and Fairness Act; and despite that Orwellian name, the bill is designed to do the exact opposite. It is intended to deny workers the right to unionize without delay and litigation, to deny those rights through delay and litigation and by allowing employers to decide which employees, which workers get to vote on whether there is a union or not to stuff the ballot box, under this bill, to add new workers to the unit that will decide whether to have a union or not.

Under the rule that would be a waiting period, if there is an election dispute, whether it’s well grounded or frivolous, a waiting period for preelection hearing, a waiting period for unions to receive the better contact list; and the only goal for that, for those waiting periods is delay. The arbitrary waiting periods ensure that election will be delayed, and nowhere is there any assurance the election will really be held.

My Republican colleagues blame frivolous lawsuits for many of the Ills of our country; but this bill would reward frivolous lawsuits by providing more time for employers to find fault, real or fabricated, with the election process; and by blocking the NLRB’s current rule that would allow elections to move ahead before the complaints are resolved, this bill would allow employers to use litigation, frivolous or legitimate, to block elections.

Finally, this bill would allow employers to proceed to a preelection hearing to add new workers to the unit that will vote on whether there is a union or not to stuff the ballot box with a radical rewrite of our labor law so that the employer would decide which employees, which workers get to vote. They can add employees who were never engaged in the organizing drive, they can add employees who voted of the workers eligible to vote from those supporting a union until just before the election.

American workers deserve the same rights that we urge around the world for workers, the right to form a union, the right to speak with one voice and bargain with their employer so that our workers can win better wages and better benefits and rebuild the American middle class.

UNEMPLOYMENT REMAINS TOO HIGH AND GLOBAL MARKETS SHOWING SIGNS OF INSTABILITY

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

Mr. CONNOLLY of Virginia. Mr. Speaker, the economy received an early holiday gift this past week when Black Friday and Cyber Monday shoppers showed they do not just say “no” and now criticize the Recovery Act now for the fact that it didn’t do enough. That speaks less to the merits of the Recovery Act, I’d suggest, than it does about the magnitude of the Great Recession and it is extraordinary chutzpa from the other side to just say “no” and now criticize the Recovery Act for being inadequate.

The Great Recession was, in fact, the Nation’s worst economic collapse in 80 years. What began in the subprime housing market, spread throughout the financial industry, threatening economic ruin. At its height, more than 700,000 Americans were losing their jobs every single month. Millions more lost their homes through foreclosures. The Great Recession was already one of America’s worst before President Obama was ever sworn into office, and during that economic maelstrom our first act in the 111th Congress was to pass the Recovery Act to help, on a party-line vote, I’m sad to say.

According to CBO’s in-depth analysis, the Recovery Act will continue to have a significant impact on the economy. Although it was designed to operate from 2009 to 2011, CBO found it will continue to drive GDP growth next year, adding 1 percent to the economy and will further increase employment by 1 million jobs.

After opposing any stimulus action in the midst of the worst economic contraction in 80 years, the Republicans actually criticize the Recovery Act now for the fact that it didn’t do enough. That speaks less to the merits of the Recovery Act, I’d suggest, than it does about the magnitude of the Great Recession and it is extraordinary chutzpa from the other side to just say “no” and now criticize the Recovery Act for being inadequate.

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Many of my Republican colleagues point to the continued weakness in the economy as an indication of the Recovery Act’s failure, rather than acknowledging that it is actually a function of the severity of the recession and falling to acknowledge their own supine, Darwini response to it. They claim that, as the economic turmoil which began in 2007 raged all around us, Americans would have been better served had Congress simply done nothing and hoped for the best. Now, as the lingering effects of the recession continue to hold back a robust recovery, they continue to defy reasonable bipartisan attempts to put people back to work and get our country moving again.

The Recovery Act cut taxes for 95 percent of all Americans—both families and small businesses. It kept thousands of teachers, police officers, and firefighters on the job. Recovery Act dollars funded highways and transit.

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improvements in every State, putting hundreds of thousands in the depressed construction industry back to work. There was a time when cutting taxes and investing in infrastructure was a bipartisan endeavor and had broad Republican support as well as Democratic support.

But there's still time for redemption. The President's American Jobs Act now provides another opportunity for our Republican friends to actually partner with Democrats and support economic recovery. The American Jobs Act provides incentives for companies, large and small, to hire additional workers; it cuts taxes on every working American in order to further spur economic demand; and it provides support for sorely needed infrastructure investments to repair America's bridges, roadways, and schools. In short, it builds on the success of the Recovery Act we passed 2 years ago.

There are 2.4 million Americans with jobs today because we took action 2 years ago. With 14 million more waiting, we can't afford now to do nothing. We must act.

THE BENEDICT ARNOLD ALLY

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

Mr. POE of Texas. Mr. Speaker, this week Pakistani Prime Minister Gillani said that there will be no more "business as usual" with the United States. I couldn't agree more. The United States should not be doing business as usual with our unfaithful ally Pakistan. Since 2002, we have given Pakistan over $14 billion in so-called security-related aid and over $6 billion in economic-related aid. The American people have not gotten their money's worth.

Pakistan seems to be the Benedict Arnold of the list of countries that we call allies. They have proven to be deceptive, deceitful, and a danger to the United States. Here's some of the evidence.

In May of this year, Navy SEALs discovered Osama bin Laden living in an Abbottabad mansion right in the backyard of the Pakistani military community, but Pakistan claimed they had no knowledge of the world's most-wanted terrorist that was living under their noses. This is questionable at best. Mr. Speaker, that dog just won't hunt.

Since then, the more we learn about Pakistan, the worse it gets. Shortly after that raid, Pakistan also arrested CIA informants in Pakistan that led the United States to capture or take out Osama bin Laden.

Pakistan has tried also to cheat the United States by filing bogus reimbursement claims for allegedly going after militants; 40 percent of these claims have been rejected by our government.

There is more. Pakistan tipped off terrorists making IEDs, not once, but twice, in June 2011, after we gave them intel on the bomb-making factory location and asked Pakistan to go after them.

CIA Director Leon Panetta asserted that Pakistan had not done enough to bring Osama bin Laden to justice, saying there is "total mistrust" between the United States and Pakistan. Meanwhile, Pakistan is chumming up to the Chinese. It sounds to me like Pakistan is playing both sides in the war on terror.

This so-called ally takes billions of dollars in U.S. aid while, at the same time, supporting the militants who attack us. According to Admiral Mike Mullen, the Pakistani Government supported the groups who were behind the September 11 truck bombing attack in eastern Afghanistan that wounded more than 70 U.S. and NATO troops.

Based on this evidence, I have introduced legislation to freeze all U.S.A. aid to Pakistan with the exception of funds that are designated to help secure their nuclear facilities. By sending aid to Pakistan, we are funding the enemy, endangering Americans, and undermining our efforts in the whole region.

In the past week, relations between American and Pakistani officials have even further deteriorated. Saturday, NATO and Afghan forces near the border of northwest Pakistan and Afghanistant reportedly came under attack from Pakistani fire and responded in self-defense. Twenty-four Pakistani soldiers were killed. But Pakistan says NATO fired the first shot. Of course we cannot believe what Pakistan says. They will lie when the truth is obvious. But the facts will eventually come out as to what really happened in this episode.

Hated for its own sins, there is still an all-time high in Pakistan. This week on TV, Americans have seen Pakistanis burning American flags and cursing our Nation. And just today in Politico, we have this lovely photograph of Pakistani women proclaiming "Down with U.S.A."

Pakistan leaders are continuing to vilify the United States on the one hand and, on the other hand, take our money. Most importantly, crucial NATO supply routes have been cut off by Pakistan, stopping supplies from getting to our troops in Afghanistan. Monday, 300 trucks full of supplies were turned away at the Pakistan-Afghanistan border. Pakistan has cut off the supply routes to our troops; now it's time we cut off the money to Pakistan.

Pakistan has made it painfully obvious that they will continue their policy of American appeasement by pretending to be our ally in the war on terror while simultaneously giving a wink and a nod to extremism. By continuing to provide aid to Pakistan, we are funding the enemy, endangering Americans, and undermining our efforts.

Seven in 10 Americans believe we need to stop or decrease foreign aid to Pakistan. After all, it is their money. We should stop foreign aid to Pakistan until we know whose side they're on. We don't need to pay them to hate us; they'll do it for free, Mr. Speaker. Maybe we shouldn't pay them at all.

And that's just the way it is.

COST OF COLLEGE SMOOTHERING OPPORTUNITY

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

Mr. COURTNEY. Mr. Speaker, it has now been 2 months since the Occupy Wall Street movement spread all across this country; and despite attempts to marginalize it, parodify it, sometimes even suppress it, the fact is that one message has come through loud and clear, particularly from young Americans who have participated in those grassroots movements across the country, which is that the spiraling cost of college is smothering opportunity for millions of young Americans all across America.

Yesterday the Secretary of Education, Arne Duncan, presented a speech in Nevada which I think starkly presents the challenge which we face as a Nation. Today, the average student loan debt for graduating students is $25,000. That's the average. There are, again, millions of students who are graduating with six-figure debt. And in an economy like the one they're facing today, this is really an obstacle which will probably burden them for the rest of their lives. And as we are seeing in polls, the cost of college is discouraging many younger Americans, high school-age Americans from even considering the possibility of pursuing a higher education degree.

First of all, let's be very clear here. The value of higher education is still, quote, some critics, indisputable. If you look at the unemployment rate today, 9 percent across the board in terms of our country, the fact of the matter is that those who have pursued high school and above have much lower rates of unemployment; today, than those who have been unable to reach those training levels and education levels.

Nationally, today the graduation rate of the U.S. has now fallen to 12th in the world. Nationally, we have the College Board, which is the organization which tracks graduation rates across the globe, determined we were number one in the world in terms of college graduation rates. Yet today, in 2011, we are 12th. If anybody thinks that is a situation which bodes well for our ability to compete internationally going into the future, then, frankly, they're not paying attention in terms of where the high-value jobs of the future are. They are, in fact, in high science; they are, in areas of critical workforce needs which, as baby boomers retire in growing numbers across this country, we must have if we
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are going to continue to be a great Nation.

Now, let’s look at what is happening here in Washington. I think one of the reasons why young people are going into the streets of this country is the fact that we have a Congress that is not only out of touch in terms of listening and responding to this, in fact, they want to take us backwards.

When I first came to Congress in 2007, a narrow majority moved swiftly to pass the College Cost Reduction Act, which was an effort to try to boost the Pell Grant program, which is the workhorse of higher education affordability, a program which basically had been level-funded for 6 prior years despite the fact that higher education costs had gone up 40 percent. We passed the College Cost Reduction Act which infused new funding into the Pell Grant program. We cut the interest rates for the Stafford student loan program from 6 percent to 2.2 percent, and we paid for every single penny of those expenditures by cutting the bank subsidies which were basically sucking Federal dollars away from families and students. It was a critical step forward.

Last year we passed the Student Aid and Fiscal Responsibility Act, again with a Democratic majority, which provides for a cap in terms of loan repayments of 15 percent of your discretionary income and excuses loan repayments after 25 years under the Stafford student loan program.

I was pleased that President Obama, again, just a month or so ago, acted to increase the benefit of that program by limiting the discretionary income payments to 10 percent of income and lowering the forgiveness date to 20 years, from 25 years. This is an administration which gets it. This is an administration that understands middle class families with children who want to improve themselves and compete in their future by earning the opportunity to millions of Americans. It’s a huge job creation and it was about $8 million going into the University of Connecticut. And the grant level for students, the maximum award, would have been cut from $4,500 a year down to roughly about $3,000 a year. That is closing the doors of opportunity to millions of Americans.

That’s what the Ryan budget values, the Democratic agenda is the one that is on your side.

IT TAKES AN ACT OF CONGRESS

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

Mr. WOODALL. I’m happy to be down here this morning. I often come down here with something on my mind, Mr. Speaker. Invariably, one of my colleagues says something that inspires me even more than what I had on my mind when I came down. That’s the case this morning.

My colleague who was here right before me said the value of higher education in terms of future earnings is undisputable. The value of higher education, Mr. Speaker, in terms of future earnings, is undisputable. And he then went on to talk about all the Federal programs that provide money so that people can get the education.

Now my question is, Mr. Speaker: If the value is undisputable, why do we have to pay people to do it? If the value is undisputable, why do we have to pay people to do it? That’s what happens in this Chamber, Mr. Speaker.

I think back to 1787 and the passage of the Constitution. The Constitution, as conservative as it is in terms of preserving individual liberties, would not have passed, would not have been ratiﬁed, without the ratification by the Bill of Rights. Our Founding Fathers were so concerned about a Federal Government trying to do too much that the colonies would not ratify the Constitution in the absence of the Bill of Rights—the Bill of Rights, which sole purpose is to protect individual liberties.

Mr. Speaker, as I look around at what makes America great, it’s never something that comes out of this United States House of Representatives. It’s something that comes out of a family back home. It’s something that comes out of a community back home. It’s something that comes out of individual liberty and freedom back home. And my job as the representative of 900,000 folks in the great State of Georgia is to protect their liberties from the natural inclination that exists in this body to think they have all the right answers.

We talk about higher education Mr. Speaker. In the great State of Georgia, we have what’s called the Hope Scholarship program. It’s funded by lottery money. I would have voted against the lottery, but the lottery won anyway, and now it funds higher education for all Georgians. It’s a huge job creation tool. Folks want to come to and relocate their business to Georgia because they know kids with an accomplished high school record are going to be able to go to college for free.

That’s a State initiative, Mr. Speaker. We’re not going to pass a national lottery up to try to provide free college education for everybody in the country. That’s not the right answer. The right answer is to have States and local communities exercise those freedoms and implement their ideas back home.

When I was growing up—and it didn’t occur to me at the time, Mr. Speaker, how meaningful it would be—but there was a cliché then when things was really hard, you’d say: It takes an act of Congress to solve it. Have you heard that cliché, Mr. Speaker? It takes an act of Congress to solve that because the problem is so hard and it’s hard to pass something in Congress. It’s hard to get an act of Congress. And yet every time we make a mistake, Mr. Speaker, in the name of trying to do good, in the name of trying to have the best idea, in the name of trying to tell everybody in America if only they’ll do what we tell them to do they will be happier, every time we make a mistake it literally takes an act of Congress to fix it.

Mr. Speaker, we’re not in charge of providing happiness to America. We are in charge of preserving Americans’ freedoms so that they can find their own happiness.

Mr. Speaker, there are lots of countries on this planet that do not share the freedoms that we have. There is only one country on this planet that protects individual liberty and freedom as we do. When we talk about the direction of America, Mr. Speaker, we have to decide are we going to protect those things that have always made this country great—individual liberty and individual freedoms, or are we going to go the way of the rest of the world, which is looking to a central government that thinks it has all the right answers.

Mr. Speaker, they had it right in the summer of 1787. I hope we get it right here in this Congress.

IMPLEMENTING SMART SECURITY TO REPAIR A U.S.-PAKISTAN RELATIONSHIP IN CRISIS

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

Ms. WOOLSEY. Mr. Speaker, over the weekend, NATO airstrikes killed at least 24 Pakistani soldiers in a tragic “friendly fire” incident that has once again elevated tensions between the U.S. and Pakistan. Regardless of who was at fault—whether our forces were acting in self-defense or had legitimate reason to believe they were firing on insurgents—the Pakistan Government is furious and the bilateral relationship is facing a grave crisis.

Pakistan has said they are cutting off supply routes into Afghanistan. They have said they will no longer participate in a critically important international conference in Germany next week—a conference that will help chart Afghanistan’s future. This episode is furthering anti-American sentiment in a country whose people are already hostile. In the last few days, we’ve seen public demonstrations of...
Pakistanis burning the U.S. flag and shouting, "Whoever is a friend of America is a traitor of the land." Clearly, Mr. Speaker, instead of winning the hearts and minds, we are giving terrorists a recruitment tool.

Pakistan has not always been the most reliable partner, but they are an ally—and let’s not forget, a nuclear power—with whom we share important mutual interests. We need their cooperation if there is going to be political reconciliation and long-term stability neighboring Afghanistan. This incident leads me to believe more strongly than ever that we must redeploy our troops out of Afghanistan. We have very difficult diplomatic work to do there—work that is being complicated, not facilitated, by our military presence.

After more than 10 years of failed war that is undermining our security interests, it’s time to change our role in the region from one of military occupation to one that is more engaging and productive. Pakistan and Afghanistan are the first places we could be implementing the SMART security strategy I’ve talked about so many times from this very spot.

While it’s true that we send enormous amounts of foreign aid to Pakistan, the overwhelming majority of it goes to the military, with very little trickling down to the people. We could instead spend more to boost Pakistan’s literacy rate, or more investment in key infrastructure projects, the growth of civil society, or life-changing humanitarian efforts.

To give one specific example, Pakistan is one of four countries on Earth—and Afghanistan is one of the others—that hasn’t completely eradicated polio. For pennies on the dollar, compared to our military expenditures, we can help provide the vaccination that would eliminate this dire public threat. Perhaps then we’ll be able to change the fact that only 11 percent of Pakistanis have a favorable view of the United States. Perhaps instead of destabilizing influences of 100,000 troops on the ground, we can build a stronger relationship based on mutual trust, one that promotes peace and empowers the Pakistani people with a humanitarian surge instead of a military surge.

Mr. Speaker, it’s time for SMART Security, and it starts with bringing our troops home.

POVERTY AND HIV/AIDS

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

Ms. LEE of California. Mr. Speaker, as a founding co-chair of both the Congressional Out of Poverty Caucus and the Congressional HIV/AIDS Caucus, I rise today to draw attention once again to the ongoing crisis of poverty in America. And, today, I also want to draw particular attention to the impact of poverty on our national fight to stop HIV and AIDS.

Mr. Speaker, December 1 is World AIDS Day, and this year marks 30 years after the first discovery of AIDS cases. The United States and the HIV/AIDS community globally have made tremendous progress in our collective response to this domestic and global crisis. We have reduced the stigma surrounding the disease and strengthened education and outreach activities worldwide. Cause celebrations of the millions of new cases of HIV worldwide. The scientific community has improved the treatment of HIV and AIDS with antiretrovirals and combination therapies, and recent breakthroughs have revolutionized the way we think about AIDS.

We have come a long way in our battle against AIDS. Contracting HIV no longer has to be a death sentence. But we have much more work to do. Not everyone who is HIV positive has access to these life-saving therapies. For the millions who are poor or near poor, HIV can still be the same death sentence that it was during the Reagan Presidency. Today, nearly one in five Americans with HIV do not even know their status, and only about half of Americans who do know their status are receiving the treatment that they need.

For the 100 million Americans either in poverty or living on the edge of poverty, much more must be done. Access to the drug cocktails, high-quality health care, housing, and healthy foods that are all critical for people living with HIV are out of reach for far too many.

Mr. Speaker, 30 years later, we continue to shortchange HIV efforts in poverty-stricken communities; we fail to fully include women in outreach education and treatment; and we lack the resources for communities of color. This is just simply unconscionable.

And I also believe that gay and bisexual men still receive the most severe burden of HIV in the United States. African Americans represent approximately 14 percent of the United States population, but accounted for an estimated 44 percent of new infections in 2009. And we know the numbers are on the rise in Latino communities and Asian Pacific American communities as well. These disproportionate rates of infection are not something that happen in isolation. People of color tend to face higher rates of unemployment, incarceration, poverty and near poverty than their white counterparts. We can and we must do much better than this.

We must do more for those who are disproportionately impacted by HIV and AIDS, both here in America and around the world. We must provide the science-based, comprehensive sex education that is proven to reduce the spread of sexually transmitted diseases. For the first time in years, we must face past old fears and engage all community stakeholders to truly end the stigma surrounding the testing and treatment of this disease. We must repeal laws that legalize and promote discrimination and hate. We must support and expand programs which provide critical support for people living with HIV and AIDS and immediately—and mind you, immediately—extend treatment to the thousands of Americans on the waiting list for life-saving drugs.

And of course we must fully implement the national HIV/AIDS strategy and support Medicaid expansion under the Affordable Care Act. These policies are the critical next steps in our fight to stop this terrible disease. And we must protect the fraction of one percent the Federal budget directed to our global AIDS programs through PEPFAR and the Global Fund.

U.S. efforts are dramatically reducing the burden of HIV/AIDS in developing countries, and failing to support these programs would have dramatic national security and diplomatic implications for the United States—not only for the humanitarian disaster that would occur. That is why last week I was very proud to be joined by over 100 Members of Congress in seeking appropriations of at least $3.25 billion for the PEPFAR program and $1.5 billion for the Global Fund to Fight AIDS, Tuberculosis and Malaria. And I will enter this letter into the RECORD.

Finally, Mr. Speaker, I was proud to have played a role in overturning the unjust and ineffective HIV travel ban in 2009. And, now, for the very first time in 20 years, the International AIDS Conference will be held in Washington, D.C. in July of 2012. So let me encourage every Member and their staff to engage with the leading researchers and doctors in the worldwide fight against HIV and AIDS. Our global leadership will never be more important than at this promising moment of reversal, when we could move forward or we could go back. And, hopefully, everyone will join our bipartisan 60-plus members of the HIV/AIDS Caucus.
mark. More specifically, we urge you to support, at the very least, $5.25 billion for the U.S. President's Emergency Plan for AIDS Relief (PEPFAR) and $700 million for the Global Fund to Fight AIDS, Tuberculosis and Malaria, as explicitly allocated in S. 1601. In total, we support $1.05 billion for the Global Fund of which $300 million is contained in the Senate Labor, Health and Human Services appropriations bill. Moreover, we are strongly opposed to language contained in the House Subcommittee Mark prohibiting funding for syringe exchange programs, which are proven to reduce the incidence of HIV infection.

Global health programs, including PEPFAR, along with U.S. contributions to the Global Fund, are reducing disease burden in low- and middle-income countries, and these important national security and diplomatic elements for the United States. Global health programs directly impact American security interests by stabilizing parts of the world where extremism and a lack of alternatives are a recipe for future conflict. The economic impact of global health activities is also felt in the U.S., including the savings of jobs in ship plan and implement global health programming and to conduct health-related research at colleges and universities.

Thank you. The global health programs of the United States, the Global Fund has grown into a proven, country-driven, performance-based mechanism which ensures that countries themselves are responsible for building their own sustainable programs. The Global Fund has a robust history of improving its function and continues to do so through its recent announcement of an improvement agenda to further ensure every dollar is utilized effectively, remains accountable, and is transparent and performance-based.

We also welcome PEPFAR’s leadership on advancing combination HIV prevention approaches and urge the conferees to ensure that these interventions are implemented to their fullest and meet the needs of those most at-risk, especially marginalized populations. Moreover, integration of HIV/AIDS prevention, care and treatment programs—and, where appropriate, other critical global health programs funded by this bill, including maternal health, child survival, family planning, and reproductive health, and nutrition—is critical for ensuring that the health needs of individuals are met and the impact of funding is maximized.

In recent months, U.S.-funded research has made enormous progress in shaping the response to AIDS and malaria worldwide. These remarkable scientific advances call for a renewed emphasis on ensuring that we maintain robust support for PEPFAR and the Global Fund and continue the vital U.S. commitment to the fight against global HIV/AIDS in the world.

These programs amount to a fraction of one percent of the federal budget, but they affect millions of lives and guard against future conflicts, open up developing markets, and will have lasting impact on the global AIDS epidemic in the long term.

Thank you for considering this request.

Barbara Lee, Member of Congress; Wm. Lacy Clay, Member of Congress; Bobby Rush, Member of Congress; Maurice Hinchey, Member of Congress; Don Chaffetz, Member of Congress; Howard Coble, Member of Congress; Vern Buchanan, Member of Congress; John Conyers, Jr., Member of Congress; John Sarbanes, Member of Congress; Mike Quigley, Member of Congress; Eleanor Holmes Norton, Member of Congress; Gwen Moore, Member of Congress; Karen Bass, Member of Congress; Fredrick Wilson, Member of Congress; Diana DeGette, Member of Congress; Yvette Clarke, Member of Congress; Edolphus Towns, Member of Congress; Lynn Woolsey, Member of Congress; Bruce Braley, Member of Congress; Raul Grijalva, Member of Congress; Barney Frank, Member of Congress; Donna Edwards, Member of Congress; Lucille Roybal-Allard, Member of Congress; Nathaniel Skakowsky, Member of Congress; Theodore Deutch, Member of Congress; Alcee Hastings, Member of Congress; Terri Sewell, Member of Congress; Carolyn Maloney, Member of Congress; Tim Ryan, Member of Congress; Grace Napolitano, Member of Congress; Russ Carnahan, Member of Congress; Marcia Fudge, Member of Congress; Colleen Hanabusa, Member of Congress; Hansen Clarke, Member of Congress; Sanford Bishop, Member of Congress; Ed Perlmutter, Member of Congress; Charles Rangel, Member of Congress; Robert Brady, Member of Congress; G.K. Butterfield, Member of Congress; Elizabeth Esty, Member of Congress; Eddie Bernice Johnson, Member of Congress; Henry Waxman, Member of Congress; Danny Davis, Member of Congress; Mike Honda, Member of Congress; Sam Farr, Member of Congress; David Scott, Member of Congress; Joe Baca, Member of Congress; Betty Sutton, Member of Congress; John Garamendi, Member of Congress; Melvin Watt, Member of Congress; Dennis Kucinich, Member of Congress; Alan Lowenthal, Member of Congress; Cedric Richmond, Member of Congress; Jackie Speier, Member of Congress; Doris Matsui, Member of Congress; Carolyn Maloney, Member of Congress; Bobby Scott, Member of Congress; Steve Cohen, Member of Congress; Laura Richardson, Member of Congress; Debbie Wasserman Schultz, Member of Congress; Ruben Hinojosa, Member of Congress; James Moran, Member of Congress; Gary Ackerman, Member of Congress; Andre Carson, Member of Congress; Bennie Thompson, Member of Congress; Hank Johnson, Member of Congress; Al Green, Member of Congress; Judy Chu, Member of Congress; Bob Filner, Member of Congress; Jared Polis, Member of Congress; Corrine Brown, Member of Congress; Chaka Fattah, Member of Congress; Albsti Sires, Member of Congress; Joseph Crowley, Member of Congress; Ed Pastor, Member of Congress; Zoe Lofgren, Member of Congress; Michael Capuano, Member of Congress; Louise Slaughter, Member of Congress; Chris Van Hollen, Member of Congress; Shelly Berkley, Member of Congress; Howard Berman, Member of Congress; Jose Serrano, Member of Congress; Rosa DeLauro, Member of Congress; Lois Capps, Member of Congress; Luis Gutierrez, Member of Congress; David Cicilline, Member of Congress; James McGovern, Member of Congress; Jerrold Nadler, Member of Congress; David Price, Member of Congress; Sander Levin, Member of Congress; Madeleine Bordallo, Member of Congress; Rush Holt, Member of Congress; Gregory Meeks, Member of Congress; John Olver, Member of Congress; Elijah Cummings, Member of Congress; Earl Blumenauer, Member of Congress; George Miller, Member of Congress.
ANNOUNCEMENT BY THE SPEAKER

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

WORKFORCE DEMOCRACY AND FAIRNESS ACT

(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, in June the National Labor Relations Board, NLRB, proposed a new rule that accelerates the election process for unionization. Union workers would be forced into memberships without having a reasonable time for managers to fully explain the advantages and disadvantages of membership.

This afternoon, under the leadership of Education and Workforce Chairman JOHN KLINE, Congress will vote on the Workforce Democracy and Fairness Act, legislation that limits the NLRB’s ability to deny employers and workers the right to a fair, free, and open election. It is time for the President’s National Labor Relations Board to stop focusing on policies that trample over the rights of American workers. I encourage my colleagues to vote in favor of the bill today and reaffirm the protections workers and job creators have received for decades.

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

WORKFORCE DEMOCRACY AND FAIRNESS ACT

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

Mr. HIGGINS. Madam Speaker, I rise in opposition to legislation that will hinder the rights of American workers. There are several junctures in the union certification process in which an election can be delayed through unnecessary litigation. In June the National Labor Relations Board announced reforms to reduce litigation and streamline the process so that elections are held in a fair and timely manner.

The legislation before us will block those reforms and introduce even more opportunity to delay elections indefinitely. I don’t believe most employers try to delay elections. In fact, I often cite our history of cooperative labor relations as one of western New York’s strengths. But the record shows that some will use every loophole to prevent workers from voting on whether to bargain collectively. The National Labor Relations Board rules will close those loopholes and prevent elections from proceeding until all legal forms to stand and focus instead on legislation to create jobs and get our economy moving in the right direction.

GABE ZIMMERMAN RESOLUTION

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

Mr. BOEHNER. Madam Speaker, an attack on one who serves is an attack on all who serve.

I don’t think I fully understood the meaning of those words until last January’s senseless assault on our fellow citizens and our most fundamental responsibilities. This House responded in prayer and solidarity, reminding the world that no act of violence could silence the sacred dialogue of democracy.

It is in that same spirit that later today we will gather here to honor Gabe Zimmerman, the first congressional staffer to give his life in the line of duty and, God willing, the last.

Like every Member of this body, he took an oath to uphold and defend our Constitution. He died while well and faithfully discharging his duties. I think it is fitting and appropriate to honor Gabe Zimmerman with a permanent memorial in the United States Capitol.

I extend the thanks of the whole House to Gabe’s family for their participation in this project.

Let us honor Gabe’s memory by following his example of service to this institution, which remains the direct voice of the American people and their will. So later today, I would ask the House to support the resolution.

SUBMITTING TEMPORARY GUEST WORKER APPLICATIONS ONLINE

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

Ms. HOCHUL. Madam Speaker, last week, like millions of Americans across this country, my family and I gave thanks for our blessings, our Nation’s freedom, and for the food on our table—provided by the hardworking farmers of our country and from my district. Now I ask my colleagues to join me in giving thanks for our farmers who make this great harvest possible.

America’s farms are the best in the world. Our food is safer, higher in quality, and more efficiently grown than that of any other country. The labor and innovation of America’s farmers puts food on the tables of not just families here at home, but for hungry people across the world.

As our farmers bring their goods to market in the 21st century economy, they expect to have a 21st century government that will help, not hinder, their business. That’s why I call on the Secretary of Labor to allow farmers to submit their H-2A applications for temporary guest workers online.

New York farmers are increasingly relying on guest farm workers for the legal labor they need to plant and harvest their crops. This summer, I was absolutely shocked to learn that one of my onion farms in Genesee County had to mail almost 20 pounds of paperwork to the Federal Government in order to participate in this program. There must be a better way.

An online application program would save money for our farmers and our taxpayers, and I urge the Secretary of Labor to swiftly implement this program.

TIME FOR THE SENATE TO ACT

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

Mr. HULTGREN. Madam Speaker, recently a constituent of mine wrote to me and asked: What is going on in Washington?

It’s a good question.

She said that her husband, a small business owner, is taxed so hard that money is tight and, as a result, they cannot grow their business. And she said: If we cannot grow, we cannot create new jobs. I want to know what you are doing for job growth?

Again, a good question.

The answer is simple. We need pro-growth, pro-jobs policies. The House has passed more than 20 bills that do just that through low taxes, reasonable regulation, less spending, and a smaller, less intrusive Federal Government.

These are commonsense bills. Most of them passed with bipartisan support. Where are these bills? Langishing in the do-nothing Senate?

To my constituent, to many others who share her concern, my simple response is: We in the House have acted; now it’s time for the Senate to do the same.

WORLD AIDS DAY

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

Mr. HIMES. Madam Speaker, 25 million people dead around the world, 14 million orphaned children on the continent of Africa alone. This is part of the toll that the human race has borne since the terrible scourge of HIV/AIDS began its deadly work a generation ago. Tomorrow, December 1, is World AIDS Day.

I rise today to commemorate the millions of brothers, sisters, friends, and colleagues that we’ve lost to this disease. I rise to commemorate the struggle of the 33 million people around the world who are living with this terrible disease today. And I rise to celebrate the new and real possibility that we could end AIDS in this generation.

Madam Speaker, this government funded the PEPFAR fight which brought hope and health to millions of people around the world, and we have funded the research that allows us to say today that we could end AIDS.

We must do more. As we do the hard work of balancing our budget and governing this country, let’s do what we need to do to end this disease and make
sure that future World AIDS Days are all about celebration.

**TURN OUT THE LIGHTS FOR THOMAS EDISON**

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

Mr. POE of Texas. Madam Speaker, in 1 month, every home in America must be lit with the special $3, CFL government-approved light bulb. The 75-cent light bulb Thomas Edison's greatest invention, is going to be banned by the Federal Government. The Federal Government's anti-consumer choice law leaves Americans no other option but to purchase and use a harmful mercury-filled product.

Also, this new ban is an American job killer. The government's new ban ended a manufacturing industry that went back to the days of Thomas Edison and instead shipped most of those jobs overseas, particularly to China. Isn't that lovely. Where does the Federal Government have the constitutional authority to force anybody to buy anything, from health care insurance to a box of doughnuts or even a light bulb? It's time for the bureaucrats to quit forcibly micromanaging America. Let Americans choose how to light their own homes. Otherwise, we will have to turn out the lights. The party is over—even for Thomas Edison's light bulb.

And that's just the way it is.

**TAXES**

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

Mr. BACA. Madam Speaker, with the unemployment in the Inland Empire above 13 percent and home foreclosures at a record level, families in my congressional district are hurting. And now, Congress does not act soon, these struggling families will face a $1,000 tax increase. And why are our families facing this deadline? Because the Republicans refuse to ask those making more than a million dollars a year to contribute their fair share.

The Republican obsession with extending the Bush tax for the ultra rich has led to the failure of the super committee. We all know the Bush tax cuts were a horrible failure. They didn't produce jobs here in the United States. They didn't create any new jobs. They produce jobs here in the United States. Let's stop this gridlock. Let's extend this madness.

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Mr. HUIZENGA of Michigan. I rise today with a twinge of sadness in my heart as I pay tribute to Frederik Meijer, a friend to the entire west Michigan community and one of America's most entrepreneurial spirits, who passed away this week just shy of his 92nd birthday.

Fred was born in Greenville, Michigan, in 1919, and was known as the "Father of the super store." His innovation and entrepreneurship will live on in his name. Mr. Meijer grew with over 200 stores in five different States. Mr. Meijer will be remembered in west Michigan for his philanthropy, his friendship, and care of the community he lived in and its residents. He and his wife, Lena, gave back and invested millions in west Michigan, and created what would become one of the State's top attractions, the Frederik Meijer Gardens and Sculpture Park.

Despite growing one of the most successful businesses in the country and revolutionizing the retail model, Mr. Meijer remained a typical west Michigan down-to-earth person who once remarked, "Money is only a tool," and "You can't buy happiness."

He truly knew what was important and kept that in the forefront: friends, family, a strong relationship with his neighbors and community. The thing he loved to do the most was to hand out "Purple Cow" cards—free ice cream cards to kids in his stores. That will be remembered by my family as well.

Again, I rise to pay tribute to him, his family, and the innovation and entrepreneurship he leaves behind.

Mr. Meijer, you will be missed but you will not be forgotten.

**FEDERAL EMERGENCY UNEMPLOYMENT INSURANCE SYSTEM**

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

Mr. CICILLINE. Madam Speaker, at a time when so many Rhode Islanders and so many Americans are out of work, we need to do everything we can to provide assistance to families while individuals continue to look for work. The Federal Emergency Unemployment Insurance System is a critical part of our safety net that supports families during difficult economic times.

Many constituents have contacted my office explaining the impact on their families of not extending unemployment benefits, like Estella Londono in the town of North Providence. Estella is a single mother who was laid off from work and now relies on unemployment benefits to support herself and her son. She's looking for work and is currently participating in a job training program to improve her skills and to enhance her ability to find a job. Without unemployment benefits, she would not be able to support her household and pay her bills.

If the Emergency Federal Unemployment Compensation program is not extended at the end of this year, it will be devastating to Estella and to thousands of Rhode Islanders who rely on this program. These Americans who have worked hard throughout their lives should not be sacrificed on the altar of partisan political games with the fate of these families and act now to provide security to unemployed workers and their families while they look for jobs.

**INDIANA'S WAIVER REQUEST DENIAL**

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

Mr. STUTZMAN. I rise today to express my extreme disappointment with the recent HHS decision to deny Indiana's sensible waiver request that would have allowed our State to ease into the new rule that requires insurers selling policies to individuals to dedicate 80 percent of premiums they collect to medical care. This decision was made on the basis of the President's "all of the above" policy on health care. Business in Indiana were deemed "profitable enough." CMS claimed that no provider would be forced to leave because of the denial of such a waiver. However, it was the very specter of uncertainty surrounding the President's health care law that resulted in five providers leaving the Indiana market this summer. Invariably, the departure of providers from our State and the denial of this waiver will limit competition and push prices higher.

Let this serve as a warning to other States. Creative and consumer-driven solutions to meet our citizens' medical needs will be disproportionately harmed under the President's denial of these waivers.

**MIDDLE CLASS TAX CUT ACT OF 2011**

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

Ms. BERKLEY. Madam Speaker, Nevada's middle-income families have borne the brunt of the economic catastrophe that has devastated our State. We need to create jobs and get our economy moving again. What we don't need is a middle class tax hike. But this is exactly what some of our colleagues in the United States Senate are proposing as they consider whether to extend and expand the payroll tax cut this week.

This should be a no-brainer. Opponents to the Middle Class Tax Cut Act of 2011 is a vote to raise taxes on middle-income families in Nevada and across the country. This would be devastating for a State like Nevada. The Middle Class Tax Cut Act would cover 12 million Nevadans and 50,000 small businesses across the State. What does that mean? It means the average Nevada keeps $1,600 in their pocket.
means that a $1,000 tax hike on Nevada families is prevented. And it means that Nevada small businesses have more money to create jobs. But instead of wholesale support for this commonsense measure, we’re getting excuses and roadblocks.

It’s time for action. Let’s pass this bill.

NATIONAL FAMILY CAREGIVERS MONTH

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

Mr. HOLT. Madam Speaker, as the President has designated this month as National Family Caregivers Month, I rise to give honor and to recognize the tens of millions of Americans and the million New Jerseyans who provide loving care for family members and friends living with disabilities and illnesses.

Caregiving is not easy. The caregivers themselves face physical and mental health complications. Some are working with almost unbelievable endurance. Some of these caregivers are part of the “sandwich” generation, providing care for their children as well as their parents. There are economic costs as well. U.S. employers estimate the cost to be about $34 billion a year in lost productivity. I look forward to working with my colleagues here in Congress to provide caregivers with the help they need—respite care, a reauthorized Older Americans Act, tax credits. Just because the CLASS Act will not be implemented does not mean the need to provide care will go away. We have work to do.

PAYROLL TAX CUT

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

Mrs. CAPPS. Madam Speaker, I rise to urge you to bring legislation today to extend and expand the payroll tax cut to the floor today.

If Congress fails to extend the payroll tax cut, the average American family will pay $1,000 more in taxes next year. Countless families in my district are still struggling to stay afloat; they can’t afford to lose $1,000 in income next year.

Extending and expanding the payroll tax cut is not just the right thing to do for families on the central coast of California; it’s the right thing to do for our economy.

Leading nonpartisan economists estimate that letting the payroll tax expire could cost the economy 400,000 jobs by the end of next year. Such tremendous job loss would be devastating to our ailing economy and to American families.

Extending the payroll tax cut should have bipartisan support. With all the anti-tax pledges taken by our colleagues across the aisle, you’d think this would be a no-brainer. More than half of the Republican Conference already voted for the payroll tax cut last December.

Madam Speaker, let’s extend the payroll tax cut now. It’s a win for the middle class, it’s a win for small businesses, and it’s a win for our economy.

VOTER SUPPRESSION

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

Mr. CLAY. Madam Speaker, the attempt to intimidate, discourage, or otherwise prevent certain people from voting has a long and notorious history. Unfortunately, voter suppression isn’t just a part of our past; it’s a current event.

Southern States used tactics such as literacy tests and poll taxes to deny African Americans, Native Americans, and poor immigrants their right to vote. While civil rights achievements in the 1960s did away with these tactics, the strategy continues. The old ways have been replaced with voter ID laws, outrageous registration requirements, dishonest inactive voter lists, unfair purging of voter rolls, disinformation campaigns, and unlawful disenfranchisement of ex-offenders.

Madam Speaker, when anyone’s right to vote is threatened, we’re all threatened. We need to stop these blatant attempts to deny American citizens the right to vote.

WORKING ON BEHALF OF AMERICA

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

Mr. RANGEL. At a time that government is held in such low esteem, it’s time that we all really say to each other that we all love America and we respect America. And all over the world people are just trying to get here.

Recently, we talked about In God We Trust, and the question is whether God is going to continue to trust us. Because the fact is that one of the things that makes our country different is that people don’t come here to become rich. They come here to be respected. And that is what we have learned, no matter whether it’s Jew or gentile or Mormon, every religion emphasizes the fact that we have a moral obligation to take care of those people that are vulnerable, whether it’s our kids, our old folks, or sick people.

We don’t talk that way in the House. We talk about education, Medicaid and Social Security. But all of those things, including the opportunity to have a job, make America what it’s supposed to be. It’s the hope for the future that our kids will have a better opportunity than we did.

Let’s say God bless America, and let’s work and make certain that we do all that we can do.

EXTEND PAYROLL TAX CUT

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

Mr. YARMUTH. Madam Speaker, about 1 year ago, Republicans were insisting that before we do anything to help unemployed Americans, we had to guarantee that tax rates for the richest of the rich were made at the lowest level in 50 years. Before doing anything to help those who were struggling, they demanded we give more to those who are hurting the least. But that was just the beginning. Now, they are resisting a tax cut that would give American families an average of $1,000 per year. These are the same families that have seen their incomes drop by $6,000 in just the last 2 years.

Republicans are putting more and more money into the pockets of millionaires and taking it out of the pockets of American families. They’ve gone from simply not helping working Americans, to actively making it harder for them to get by. These are not the priorities of the American people.

I urge my colleagues to support the extension of the payroll tax cut and stand up for this commonsense policy that will help millions of American families.

EXTEND UNEMPLOYMENT INSURANCE AND PAYROLL TAX CUTS

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

Mr. PAYNE. Madam Speaker, I rise today to urge my Republican colleagues to move fast and join forces to extend the unemployment insurance and payroll tax cuts.
Now more than ever, most Republicans are content with cutting off the unemployment insurance and raising taxes on millions of middle class Americans while refusing to raise taxes on the richest 1 percent. The unemployment rates for the month of October in my congressional district of Union, Essex, and Hudson Counties in New Jersey are between nine and ten percent, which is above the national average. If Congress does not act by the end of this year, 2.2 million unemployed workers, including my constituents, will lose their unemployment insurance benefits by February 2012.

When times could not get any tougher, Republicans also refuse to extend the payroll tax cut holiday enacted earlier this year that gave virtually all working Americans a much needed tax cut. Failing to extend the payroll tax cut will strip over $120 billion from the pockets of consumers. We must act now and extend the unemployment insurance and payroll tax cuts.

EXPIRATION OF UNEMPLOYMENT BENEFITS

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

Ms. CHU. Dawn, a single mother of two, spends every day looking for a job. After 20 years working in human resources, she was laid off in July; and now, the only thing paying her heat and electricity bills, the only thing putting food on the table, is her modest unemployment benefit.

In just 35 days and counting, her safety net will be pulled away if Congress fails to act. If we don’t extend emergency unemployment benefits when they expire, by mid-February, 6 million Americans will have their benefits cut off. And by the end of the year, 6 million will be without this critical lifeline.

Today one out of every 11 Americans is out of work. Congress has never allowed unemployment benefits to expire when unemployment was this high for this long. We should not start now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Pursuant to clause of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

GABRIEL ZIMMERMAN MEETING ROOM

Mr. PLEISCHMANN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 364) designating room HVC 215 of the Capitol Visitor Center as the “Gabriel Zimmerman Meeting Room”.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 364

Whereas public events allowing Members of Congress to meet with constituents are an intrinsic element of democracy and representative government;

Whereas at approximately 10:10 a.m. on January 8, 2011, a gunman attempted the assassination of Congresswoman Gabrielle Giffords, opening fire at her “Congress on your Corner” event in front of a Safeway supermarket in Tucson, Arizona, killing 6 and wounding 13, including Congresswoman Giffords;

Whereas Christina-Taylor Green, Dorothy Morris, John Roll, Phyllis Schneck, Dorwan Stoddard, and Gabriel Zimmerman lost their lives in the attack;

Whereas Gabriel Zimmerman began his Congressional career in January 2007 as Constituent Services Supervisor for then newly elected Congresswoman Giffords, a role in which he supervised a robust constituent services operation and worked directly with the people of Arizona’s Eighth Congressional District to help them resolve problems with Federal agencies and to offer other forms of assistance;

Whereas Gabriel Zimmerman then served as Congresswoman Giffords’ Director of Community Outreach, a position in which he proactively engaged the Congresswoman and her office with constituencies, organizations, and citizens throughout southern Arizona;

Whereas Gabriel Zimmerman organized hundreds of events to allow constituents to meet with Congresswoman Giffords while serving as Director of Community Outreach, and led the organization, planning, and implementation of Congresswoman Giffords’ January 8, 2011 “Congress on your Corner” event;

Whereas Gabriel Zimmerman was a 1998 graduate of University High School in Tucson, Arizona, a 2002 graduate of the University of California at Santa Cruz, and a 2006 graduate of Arizona State University, where he received a Masters in social work;

Whereas prior to joining Congresswoman Giffords’ staff, Gabriel Zimmerman was a social worker assisting troubled youth;

Whereas Gabriel Zimmerman was an outdoors enthusiast, all-around athlete, and lover of history, who at the time of his death at the age of 30 was engaged to be married, and who was known and respected by countless individuals throughout the Eighth Congressional District;

Whereas staff serve a vital role in the Congress, allowing the legislative branch to execute its critical duties and enabling Members to effectively represent their constituents;

Whereas over 15,000 individuals are currently serving as Congressional staffers;

Whereas, on January 8, 2011, Speaker John Boehner stated, in reaction to the Tucson shooting, “I am horrified by the senseless attack on Congresswoman Gabrielle Giffords and members of her staff. An attack on one who serves is an attack on all who serve.”;

and

Whereas Gabriel Zimmerman was the first Congressional staffer in history to be murdered in the performance of his official duties: Now, therefore, be it

Resolved, That room HVC 215 of the Capitol Visitor Center is designated as the “Gabriel Zimmerman Meeting Room”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. PLEISCHMANN) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

Mr. PLEISCHMANN. Madam 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 House Resolution 364. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

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

House Resolution 364 would designate room HVC 215 of the Capitol Visitors Center as the Gabriel Zimmerman Meeting Room. This resolution has broad bipartisan support, with 367 co-sponsors.

On January 8, 2011, our Nation, and this Chamber in particular, suffered a horrendous tragedy. On that day, one of our distinguished colleagues, Congresswoman GABRIELLE GIFFORDS, was hosting one of her many Congress on the Corner gatherings at a local supermarket, where she routinely met and conversed directly with her constituents. During that event, a gunman shot and killed six people, while critically wounding 13 others, including Congresswoman Giffords.

I am heartened to hear of the amazing progress the Congresswoman is making in her recovery, and our prayers go out to her and her family.

On that day, six people lost their lives. Among the dead were a 6-year-old girl, Chief Judge John Roll of the United States District Court of Arizona, and Congresswoman Giffords’ director of community outreach, Gabriel Zimmerman.

On January 8, 2011, Speaker John Boehner stated, in reaction to the Tucson shooting, “I am horrified by the senseless attack on Congresswoman Gabrielle Giffords and members of her staff. An attack on one who serves is an attack on all who serve.”

Whereas Gabriel Zimmerman began his congressional career in 2007 as a Constituent Service Supervisor for then newly elected Congresswoman Giffords, in that role, he supervised her constituent services operation and worked directly with the people of Arizona’s Eighth Congressional District. He was later promoted to the Director of Community Outreach, where he organized hundreds of events to coordinate outreach to constituents.

As the first congressional staffer to be murdered in the performance of his
Gabe Zimmerman was a respected Congressional aide serving on the front lines of providing services to the Arizonans that Representative Giffords represented. There were nearly 15,000 Congressional aides that stream into House Office buildings and District offices across the nation, assisting Members of Congress in the business of the American people. In many ways Gabe Zimmerman represents some of the best aspects of these men and women, with his colleagues describing him as "fiercely loyal to his boss" and "dedicated to providing services to the constituents of the 8th Congressional District of Arizona." It is important to note that Gabe Zimmerman is the first staffer in U.S. history to be killed while in the performance of his official duties. Sadly, Gabe Zimmerman had been responsible for organizing Representative Giffords' "Congress on Your Corner" event and was staffing the event when he was killed. This dedication should also be seen as a tribute to not only Gabe Zimmerman but to all staff members who work behind the scenes to assist Members of Congress. Given Gabe Zimmerman's dedication to public service and in honor of his death while in service to the U.S. Congress, I believe it is appropriate to designate Room HVC 215 in the Capitol Visitor Center as the "Gabriel Zimmerman Meeting Room." I ask unanimous consent that the resolution be made by its sponsor, Representative Wasserman Schultz. The SPEAKER pro tempore. Without objection, the gentleman from Florida will control the time. There was no objection. Ms. Wasserman Schultz. Madam Speaker, I yield such time as I may consume. I rise today to offer House Resolution 364, designating HVC 215 of the Capitol Visitor Center as the "Gabriel Zimmerman Meeting Room." On January 8, in Tucson, Arizona, tragedy struck this country in a shooting that shocked our Nation and tore through the heart of a Congressional community. Six people died that horrific day, including Gabriel Zimmerman, a congressional staffer for our friend and colleague, Representative Gabrielle Giffords of Arizona's Eighth Congressional District. Now, less than a year after this horrible day, it is fitting that the United States House of Representatives, through passage of this resolution, properly honor the sacrifice and service of one of our Members. Gabe Zimmerman served as the community outreach director for our friend and colleague, Congresswoman Gabby Giffords. Gabe was perfectly suited for this position, as anyone who knew him would tell you. That's because working as a community outreach director married two great passions in his life: his drive to help individuals and a firm conviction that America's Government needed to be open, accessible, and responsive to every American. Ask any Member of Congress here what is one of the most valuable positions in their office, and they will tell you it is our constituent outreach director. They listen each and every day to the concerns of our constituents—their problems, their suggestions, their complaints—and then they work to help them. The hours are long. Nights and weekends at home with family or with friends spent conferring to attend community meetings. Each and every one of us have staff members working for us who show such dedication, and the hallways of this Capitol have echoed for two centuries with the hurried footsteps of congressional staff serving the American people. This resolution, designating the Gabriel Zimmerman Meeting Room, is not put forward to mark Gabe's death but, rather, to recognize his commitment in life and to making others' lives better. Ask those who knew him and they will tell you that Gabe had a way about him that invited conversation. He could walk into any room and find a way to connect to people. Gabe would often put in extra hours and was known to pay out of his own pocket for poorer constituents' bus fare, whatever he could do to help that little extra amount. Gabe's dedication and cheerfulness had a profound effect on those with whom he came in contact. Just days after the shooting, well after dark, a gentleman came to Representative Giffords' Tucson office, tears in his eyes, visibly shaking. He explained that just days before, Gabe had taken the time to talk to him, though he'd come in late in the day, he listened to him, treated him like a human being, and made it clear he was going to work to help him. The gentleman simply couldn't believe that such a good person had been taken so young. Among his colleagues in Tucson, Gabe was profoundly well liked. They told me, when I visited after the shooting, that Gabe was always excited to come in to work and that he cherished the ability to work for a Member of Congress and for one he so admired. His coworkers kiddingly called him Prince Charming because he was always there for them, always ready to come to their rescue.
Gabe Zimmerman is the first congressional staffer in the history of this institution to be killed while carrying out his official duties. It is in this historical and hallowed moment that we vote on this resolution to name the congressional meeting room currently known as HVC-215 the Gabriel Zimmerman Room.

As those of us who work on the Hill know well, HVC-215 is frequently used for staff meetings of every variety. I can think of no better way to memorialize Gabe’s service and ultimate sacrifice than to have this meeting place forever carry his name and memory.

Over the past 4 months, a bipartisan group of more than 400 of our colleagues, 402 now, to be exact, have signed on to this resolution in solidarity as co-sponsors of this resolution honoring Gabe’s sacrifice. This makes this resolution among just a select few pieces of legislation in history to have garnered such broad support in the House of Representatives.

With this vote, we honor the life of Gabe Zimmerman, and we also recognize all congressional staff—working in every corner of our great Nation—for their dedication to Congress and the American people.

From now on, each time we enter the Gabriel Zimmerman meeting room, let us be reminded of Gabe and of the service and sacrifice of every congressional staffer. I urge my colleagues to join me in supporting House Resolution 364.

I reserve the balance of my time.

Mr. FLEISCHMANN. Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. SCHWEIKERT), who co-authored this important resolution.

Mr. SCHWEIKERT. Today I rise in support of House Resolution 364, renaming House visitor room 215 the Gabriel Zimmerman Meeting Room.

As a Member of Congress, each of us consider our staff more than employees. They work with them. They represent our districts. But they are part of our team. They are part of our family. And they’re also the voice, the eyes, and ears in our communities. They solve problems, and they work very long hours. Often, and I particularly feel bad about this, we often forget to say “thank you” to those staffers.

Today we say thank you to Gabriel Zimmerman, who was truly one of these staffers. He had the reputation of being one of the most caring individuals you could possibly ever meet.

After receiving his master’s degree at Arizona State University, a fine institution, he chose to give back to Arizona and give back to the community in southern Arizona, making our State a better place.

But on the morning of January 8, he had organized a Congresswoman on the Corner meeting outside Tucson so constituents could meet and meet with Congresswoman GABRIELLE GIFFORDS. Representing, that Saturday morning in southern Arizona, was what democracy is all about. It is democracy at its finest. And then the unimaginable happened. Gabe Zimmerman is the first congressional staffer to lose his life in the service of this House.

Today we honor Gabe’s talents, the compassion, the wonderful things he did for Arizona, for southern Arizona, for the community. And naming something as simple as a room will never be enough for his sacrifice. But it is the right thing to do for Gabe, for the things he did for Arizona, the things he did for Tucson, and also for this congressional family.

Think about this: A hundred years from now, there will be a young staffer getting their first tour of this body, this building, and during that tour, they’re going to come across the Gabriel Zimmerman room. And when they read about it, they’re going to understand the sacrifice that he gave, just like so many Members here give, but Gabe also gave his life. We should honor his sacrifice, his love and his talent, for this body and for this family.

Ms. WASSERMAN SCHULTZ. Madam Speaker, it is now my privilege to yield 2 minutes to the distinguished gentleman from Maryland (Mr. HOYER), who co-authored this important resolution.

Mr. HOYER. Madam Speaker, I thank my friend DEBBIE WASSERMAN SCHULTZ, one of GABBY GIFFORDS’ closest friends, who acknowledges the presence of violence, I join the Arizona delegation in hoping that his sacrifice and the principles of his public service are remembered and honored by all of those who seek to make our Nation a better place.

Ms. WASSERMAN SCHULTZ. It is my privilege to yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Speaker, all of us who serve in this House know that we could not do the work we do without the help of our extraordinarily able and highly motivated staffs. They work long hours with pay below their counterparts in the executive branch and in the private sector. Many are young, in their twenties and thirties, with an energy and a passion for public service that give us all great hope for the future.

Gabe Zimmerman was one of those passionate and dedicated staffers who loved his job, who loved his fellow staffers, and who loved his Congresswoman. He was working for a beloved friend and colleague of all of ours, Congresswoman GABBY GIFFORDS.

Gabby Giffords’ sentiments bridge between the Congresswoman and individuals and constituent groups in her district, fostering and expanding each day.
the most important relationships Members of Congress maintain: those with their constituents, with the people who have entrusted them with the responsibility of representing them in this great body. Gabe Zimmerman was the first congressional staffer in history, as has been a member of the Capitol Visitor Center before him, to lose his life in the line of duty, in the 222 years of the history of this body. He lost his life protecting, promoting, and defending democracy.

Gabe Zimmerman, along with six others, was not the object of attack, but a victim of a domestic terrorist intent on assassinating Congresswoman GIFFORDS and intent on randomly killing people participating in one of democracy’s most basic activities—the discussion between constituents and their Representatives. Members of my own staff—and I’m sure the members of the staffs of every Member here—were profoundly shaken by this event, realizing that it could have been them or, indeed, any staffer, participating with their Members in any public or even private event.

It is entirely fitting, therefore, that we rename in his memory a room where, every day, Members and our staffs, any staffer, is further the representation of the American people. Every day, when we enter that room, we will remember Gabe Zimmerman. Gabe Zimmerman died while serving his country, and we honor him for that service.

But let me say to every staffer who serves with us that, by doing so, we honor you as well—your contributions and the contributions of all staffs—who, like Gabe, strive to make this country a better one for all Americans.

We send to Gabe’s parents our deepest sympathy for a loss that cannot be compensated, but tell them that we share their extraordinary pride in this American hero.

Mr. FLEISCHMANN. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. QUAYLE).

Mr. QUAYLE. I thank the gentleman for yielding.

Madam Speaker, I rise today in support of House Resolution 364, which will name HVC-215 after Gabe Zimmerman.

January 8, 2011, was a dark day in our country’s history. Six of our citizens lost their lives, and Congresswoman Giffords and others were severely injured during a senseless act of violence. There is nothing this House can do to ease the pain of the families and friends who lost loved ones that day. For them, Tucson’s painful memories may never fully recede.

What we can do is continue to honor those we lost—Gabe Zimmerman, Christina Taylor Green, John Roll, Dorothy Morris, Phyllis Schneck, and Dorwan Stoddard—and make sure they are never forgotten.

The loss of Gabe Zimmerman affected this body deeply. We all know staffers like Gabe—tireless public servants who work long hours and weekends for modest pay. Congressional offices wouldn’t be able to function without people like Gabe. Yet they rarely receive the credit they deserve.

Shortly after the shooting, Gabe’s friend C.J. told the Los Angeles Times about Gabe and his thoughts to the Lincoln Memorial. He said, “When we went to the Lincoln Memorial on a cold, damp January morning, the wind whipped through the place, and it was freezing cold, but Gabe had to read every single Gettysburg Address . . . He put all his into his work, He put his all into his life.’’

Madam Speaker, Gabe’s life was cut too short, but his life will be forever honored. Years from now, when young interns and visitors staffs visitors HVC-215, they will be reminded of Gabe Zimmerman’s story—of his passion, of his service to his State and country, and of the example that he set.

Ms. GIFFORDS, Madam Speaker, it is now my privilege to yield 2 minutes to a close friend of Congresswoman GIFFORDS’ and someone who has stood by her, the gentleman from Washington (Mr. SMITH). I thank the leadership of this House, both Democrat and Republican, and all the cosponsors for bringing this resolution before us and for honoring Gabe Zimmerman by naming the room in the Capitol Visitor Center after him.

I can think of nobody who better personified the idea of public service than Gabe Zimmerman. A lot of people get involved in politics for a lot of different reasons, but I think that the base reason that we all should want to be involved in it is to represent people. So when you read the stories about Gabe and about the service that he did even before he worked for Congressman GIFFORDS, you can see someone who truly understood what it meant to be a representative.

Gabe made so much of his life about caring for other people, and there can be no higher calling. In naming this room after him, Gabe, the permanent reminder to everybody who comes through this Capitol about what this place is all about. It’s about serving other people, and it’s about public service. On the base fundamental level, Gabe understood that to do his job right—to represent his district, to represent this country—he needed to make sure that everybody in his district believed that they had a voice in Congress, and he did everything to do so. We represent around 700,000 people, but there was nobody who Gabe wouldn’t reach out to and listen to.

I have no doubt that there are thousands of people, if not tens of thousands, who believe more in their government because of the work that Gabe Zimmerman did, and that’s something that we need to be permanently reminded of. By naming this room after him, we will offer that opportunity to everybody who comes through this Capitol.

I also think it is reflective on Congresswoman GIFFORDS as well. Gabe worked for GABBY because he believed in her and believed in what she was doing. She, too, personifies that notion that we are here to represent people—all of them—whether we agree with them or not. It’s not just a matter of taking the sides that we agree with and fighting for them. You have to fight almost extra hard for the ones who maybe you don’t agree with, because that’s what makes representative democracy work—believing in this country. Congresswoman GIFFORDS and her staff do that as well as any group of people that I’ve ever encountered.

It’s fitting that we honor Gabe and that we offer our condolences to his parents with the encouragement that he has personified what this institution is all about. We will never forget that.

Mr. FLEISCHMANN. Madam Speaker, I may inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from Tennessee has 10 1⁄2 minutes remaining, and the gentleman from Florida has 6 1⁄2 minutes remaining.

Mr. FLEISCHMANN. I yield 1 minute to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Madam Speaker, it’s hard to add to all of the things that have been said today about Gabe Zimmerman, but I identify with each one of them.

I would simply say to you, though, that I never met Gabe, I did have the privilege to meet his lovely, precious family, and it was clear to me that everyone who knew Gabe loved him. If they knew him well, they loved him more. His selfless spirit of service is an inspiration to all of us, and it’s also a reminder of how short our time here may be.

So, Madam Speaker, I just want to suggest to you that everyone in this place should embrace this resolution because it is a testament to the noble dedication of a dedicated congressional staffer who lost his life in the service of his country.

I had the privilege of being there when this room was dedicated to him, so I hope that all of us can embrace this. I urge my colleagues to vote “aye” and to honor Gabe Zimmerman and the legacy of service that he left behind.

Ms. WASSERMAN SCHULTZ. Madam Speaker, it is my privilege to yield 1 minute to the gentleman from Arizona (Mr. PASTOR).

(Mr. PASTOR of Arizona asked without permission to revise and extend his remarks.)

Mr. PASTOR of Arizona. Madam Speaker, I also rise in support of this legislation, and I too want to thank both the sponsors of this resolution, the cosponsors and the leadership, both on the Democratic side and the Republican side, for bringing this resolution before us today. I urge all my colleagues to vote “aye.”
It’s a tribute to Gabe Zimmerman, who gave his life less than a year ago in Tucson, and also it’s a tribute to his family. His mother was a public servant in Tucson. She worked for many years for the city of Tucson, so he knew what public service was through his family.

It’s also a tribute and a recognition of the service that all public employees give to our country and make our lives every day a little better. So may Gabe rest in peace, and may we continue to give thanks to the public servants who give us a better quality of life.

Mr. FLEISCHMANN. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. OLSON).

Mr. OLSON. Madam Speaker, this is a somber occasion, but I am honored to speak in support of congressional action dedicating a room in the Capitol Visitor Center as the Gabrielle Zimmerman Memorial Room.

As America knows, Gabe and five others lost their lives on January 8 of this year in a parking lot in Tucson, Arizona, when a deranged man opened fire on innocent people. Gabe was just doing his job.

And while I’ve never had the pleasure to meet Gabe, I feel like I know a lot about Gabe. He worked for GABBY GIFFORDS, a Congresswoman who has become a good friend through the Space and Aeronautics Subcommittee of the Science and Technology Committee. In the last Congress, GABBY showed me something rare in Washington, true bipartisanship, and it says a tremendous amount about Gabe that he had GABBY’s trust and confidence.

I also feel I know Gabe because, like him, I was a congressional staffer. I served in the offices of two Texas Senators, Senator PHIL GRAMM and Senator JOHN CORNYN, for nearly 9 years; and therefore I feel I wouldn’t do to protect my bosses.

Gabe was in a position that no congressional staffer in American history has faced, asked to sacrifice his life for his boss and innocent people. When the shots rang out, Gabe was in the line of fire. He didn’t run. He made the ultimate sacrifice and became the first congressional staffer to give his life in the line of duty.

One final comment about Gabe’s courage. As a Senate staffer, I served for nearly 10 years as a pilot in the United States Navy. Our military heroes who lay down their lives for their comrades are celebrated and remembered. They’re given our Nation’s highest military honors. They’re immortalized in history.

And while Gabe Zimmerman was not wearing a uniform the day he died, he deserves to be immortalized nonetheless. This Congress does so today by passing H. Res. 364, permanently affixing Gabe Zimmerman’s name on the public plaque in the Capitol Visitor Center. We can never, ever forget Gabe’s sacrifice for the United States of America.
for Congresswoman GABBY GIFFORDS, for her leadership in guiding the staff through this tragic time but not for one moment diminishing the concern and the service to the people of the district that GABBY GIFFORDS represents in Tucson.

Today we pray for Gabe’s family. His mother, Emily; his father, Ross; his stepmother, Pamela; his brother, Ben; and his fiancée, Kelly. We hope it is a comfort to them to know that Gabe will be forever remembered here in the Capitol. When people walk through that complex and they see that name, that signage, whether it is above the door or directions to it, some may ask the question: Who is Gabe Zimmerman? They may not know him by name, but they know him by his sacrifice. We all honor that here today.

May Gabe Zimmerman, of course, rest in peace. May his memory always be a blessing to us. We know that it is, but we want everyone else to know it as well.

With that, I again thank Congresswoman WASSERMAN SCHULTZ for her leadership, persistence, determination, advocacy, and relentlessness in making this possible. In honoring Gabe, we honor the work of all of our staff, past, present, and future.

Mr. FLEISCHMANN, Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I yield to the gentleman for yielding and I thank those who have brought this resolution to the floor, particularly the gentlewoman from Florida, and for the hard work she has put into it, and for the staff of GABBY GIFFORDS for working so hard to get this done, and for the family of Gabe Zimmerman, working with this body, both sides of the aisle, to make sure that this resolution came to the floor today.

I was fortunate enough to be in Tucson just a few hours after the shooting and was with those assembled at the hospital, with friends and community activists and others when it was confirmed that Gabe Zimmerman had lost his life. I wish all who are within the sound of my voice today could feel in that room, that day and the days that followed, the love that was felt for this good man, for the work that he did for our colleague, and for how much he is loved throughout the State of Arizona. The State of Arizona will not forget what he has done. And with this resolution today, with this naming, we ensure that this institution does not forget Gabe as well.

Now, all of us as Members of Congress here have a plaque outside of our office that denotes that we are serving the people of our representative States. When we retire, when we leave after serving here, we will take those plaques with us, and maybe they’ll decorate our office at home or a room at home. I think it is fitting that what plaque will remain here forever and will honor the service of Gabe Zimmerman and also honor the service of many staff who work so hard that are often forgotten and often not appreciated for the work they do.

So it’s an honor to be here, and I appreciate again those who have helped bring this resolution to the floor, particularly the gentlewoman from Arizona. And I hope they know how much we appreciate their sacrifice and Gabe’s sacrifice.

Mr. WASSERMAN SCHULTZ. Madam Speaker, I yield back. I want to share one more story to really demonstrate to the entire country the heart of the young man that we are honoring here today, because even those who only occasionally came into contact with Gabe Zimmerman were touched by his passing because of the way he treated them in life.

The week following Gabe’s death, the night shift security guard came and knocked on the door of Congresswoman GABBY GIFFORDS. They were working late, and her staff opened the door. The guard came hoping that the person he so often talked to at night hadn’t really been killed. Tearing up, he said he hadn’t known Gabe’s name, but that he always had a smile on his face and he would at times ask the guards working late and that Gabe would always ask him about his family or his weekend or just talk about sports. Gabe always treated him with dignity, which meant so much to him.

That’s the importance of the legislation that we have in front of us today. Knowing that we are going to forever designate HVC 215 as the Gabriel Zimmerman Meeting Room sends a message to all and to the hearts of all who serve that we will honor their service, honor their commitment, honor their willingness to make a personal sacrifice to devote their lives to helping others. That was the epitome of Gabe Zimmerman.

I want to close just by thanking the entire Arizona delegation, particularly Mr. FRANKS and Mr. FLAKE, and most especially DAVE SCHWEIKERT, who had such courage in sponsoring this resolution with me and in committed to garnering cosponsors for it, and really worked incredibly hard to bring it to the floor.

I also want to thank the leadership of both the Democrat and Republican Members. This is a very challenging and difficult time for our Nation, Madam Speaker. It is my hope, as hard as it is and as hard as it has become for us to engage in civil discourse, that we really reinforce how as we have all publicly stated that we are willing and interested in doing, myself included, to make sure that we can earn the respect and earn every day the privilege that our constituents have given us to represent them here in our Nation’s capital. And in doing so, we will honor Gabe’s memory, honor the service of our colleague and friend GABBY GIFFORDS, and know that Gabriel Zimmerman did not die in vain.

I yield back the balance of my time.

Mr. FLEISCHMANN. Madam Speaker, in closing, I wish to thank Congressmen SCHWEIKERT and Congresswoman WASSERMAN SCHULTZ for their coauthorship of this very, very important legislation honoring Gabe Zimmerman. I want to thank the entire Arizona delegation for all their tireless efforts in this regard. I also wish to urge all of my colleagues in this great House, the people’s House, to support this bill later today.

Mr. PAULSEN. I thank the gentleman for yielding, and I also want to thank my colleague from Florida for her leadership, along with the Members of the Arizona delegation, for putting this resolution together which is so important.

I have had the honor of knowing my colleague GABBY GIFFORDS since 2005 before either of us were actually elected to Congress. And there is no doubt in my mind that Gabe Zimmerman would be here today on the House floor to speak in favor of this resolution that is honoring the life of Gabe Zimmerman, her director of community outreach who lost his life in that senseless attack on January 8.

As a former staffer myself, I know firsthand that working for a Member of Congress is not like most jobs. You rarely go home at 5 or 6; you work long hours; you typically do not have weekends off. But to those staff who work for all of us, every one of the House Members, the reward comes from working for constituents on behalf of our districts, our States, and our great country. All of our colleagues are extensions of the Members that they work for.

GABBY’s staff is certainly a reflection of whom she is—a loyal, dedicated public servant. And Gabe Zimmerman is no different. I didn’t know him, but I do know that he cared for his community, he cared for his country. Gabe was a passionate advocate for children, for social justice, and for anti-racism. Gabe didn’t wear the uniform of a soldier or a police officer, but he did give his life while serving his country, and so it is absolutely fitting that, inside the Congressional Visitor Center where thousands of Americans visit each and every year, a room will now bear Gabe Zimmerman’s name in his honor. And I hope that this dedication will also serve as a reminder to all of us of the passion and the loyalty and that dedication that Gabe showed every day as a congressional staffer.

My thoughts continue to be with Gabe’s family, with GABBY and her husband, Mark, and with all of GABBY’s staff who have a constant reminder of how valuable life really is.
Gabe Zimmerman was a young man who dedicated himself to the betterment of his community, and lived a life of service to others. This led him to work for Representative Gabrielle Giffords—first as a field organizer and constituent service director, and later as a community outreach director.

We all know of the tragedy that occurred on January 8, when Gabe and 5 other individuals were forever taken away from this world. But what many of us don’t know is the type of life Gabe Zimmerman lived.

Gabe was integral in working with local charities, like Child and Family Resources, the YWCS, and the Comstock Foundation. He was a loving son, brother, and fiancé—and a dedicated public servant.

I urge all my colleagues to honor the life and service of this tremendous young man, and vote “yes” on H. Res. 364.

Mr. REYES. Madam Speaker, I rise today in support of H. Res. 364, a resolution to name a meeting room in the Capitol Visitors Center after Gabe Zimmerman, the only Congressional staff member killed while on duty.

Gabe, a 30-year-old social worker, began work for Congresswoman GABRIELLE GIFFORDS in 2007, supervising the constituent services operation and helping the people of Arizona’s Eighth Congressional District resolve problems with Federal agencies and obtain government services. He was promoted to Director of Community Outreach, using his considerable talent and energy to engage citizens and make Congress accessible to them. In that capacity, he planned Congresswoman Giffords’ Congressional on her Committee on January 8 and was at her side that day.

We continue to mourn his loss and pray for his family and friends. Gabe Zimmerman’s life is a testament to the selfless work performed by Congressional staff every day for the American people. Today, we designate a room in the Capitol as the “Gabriel Zimmerman Meeting Room” to honor his work and recognize the dedication that he and all staff show to their country.

Ms. RICHARDSON. Madam Speaker, I rise today as a proud cosponsor of H. Res. 364, Designating Room HVC-215 of the Capitol Visitor Center as the “Gabriel Zimmerman Meeting Room.” Adoption of this resolution would be a fitting tribute to Gabe Zimmerman’s commitment to public service and the courage of our colleague Congresswoman Gabrielle Giffords of Arizona.

Gabe Zimmerman’s devotion to public service knew no bounds and he made the supreme sacrifice in service to the public when he was killed on January 8, 2011, in Tucson, Arizona. This led him to work for Representative Gabrielle Giffords, as she engaged in one of the most important functions of a Member of Congress, communicating with her constituents. It is fitting that the House of Representatives is today considering legislation to dedicate a space to the memory of Gabriel Zimmerman, a room where Members of Congress and our staff come together to represent the interests of the American people.

In honor of Gabe Zimmerman and all Congressional staff including my own, I rise today to pay tribute to the men and women who dedicate themselves to public service.

Madam Speaker, the role of Congressional staff is an important one in helping all Members carry out our responsibilities, but it is a role too often not acknowledged. It is fitting that we pause today to honor one such staffer, Gabriel “Gabe” Zimmerman, who made the ultimate sacrifice in serving this Congress and this nation. Gabe was the first, and hopefully the last Congressional staffer to be murdered in the performance of his official duties when he was shot staffing Representative Gabrielle Giffords at a constituent event in her district. Six other people were killed and 13 were wounded, including Representative Giffords and two other Congressional staffers.

By all accounts, Gabe was a kind and dedicated young man who worked tirelessly to improve the lives of the people in the 8th Congressional District of Arizona. He was a former social worker who assisted troubled youth, an athlete who loved the outdoors, a beloved son and brother, and he was engaged to be married. His life was cut far too short. I am pleased that we are making this small tribute to him today.

Our hearts go out to Gabe’s family and friends, to Ranking Member of the Space and Aeronautics Subcommittee, GABRIELLE GIFFORDS, during her recovery, and to all those impacted by this horror.

Mr. VAN HOLLEN. Madam Speaker, on January 8, 2011 the nation was shocked and saddened by a senseless act of violence against a member of the House, Congresswoman GABBY GIFFORDS. That attack injured her and killed bystanders, including a Congressional staff, Gabe Zimmerman.

The entire Capitol Hill community mourned the senseless deaths and the loss of one of our own. Those of us who serve in Congress know that the work we do to represent our constituents would not be possible without the support of our hard-working and dedicated staff. Working early mornings and late nights, on weekends and holidays, they contribute to our success.

In honor of Gabe Zimmerman and all Congressional staff including my own, I rise today to pay tribute to the men and women who dedicate themselves to public service.

Ms. WASSERMAN SCHULTZ. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. FLEISCHMANN) that the House suspend the rules and agree to the resolution, H. Res. 364.

Ms. RIDDELL. Madam Speaker, I rise today as a proud cosponsor of H. Res. 364, Designating Room HVC-215 of the Capitol Visitor Center as the “Gabriel Zimmerman Meeting Room.” Adoption of this resolution would be a fitting tribute to Gabe Zimmerman’s commitment to public service and the courage of our colleague Congresswoman Gabrielle Giffords of Arizona.

Ms. MURKOWSKI. Madam Speaker, I rise today in support of H. Res. 364, Designating Room HVC-215 of the Capitol Visitor Center as the “Gabriel Zimmerman Meeting Room.” Adoption of this resolution would be a fitting tribute to Gabe Zimmerman’s commitment to public service and the courage of our colleague Congresswoman Gabrielle Giffords of Arizona.

Mr. WOODALL. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 477 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5363) to freeze Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission.

All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on House Administration; and (2) one motion to recommit.

Sec. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House recessed into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 527) to amend chapter

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Mr. WOODALL. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend 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.

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

Mr. WOODALL. 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 Georgia?

There was no objection.

Mr. WOODALL. Madam Speaker, House Resolution 477 is a structured rule for the consideration of three bills: H.R. 527, the Regulatory Flexibility Act; H.R. 3010, the Regulatory Accountability Act; and H.R. 3463, a measure to terminate the Election Assistance Commission and end taxpayer financing of presidential elections and campaigns.

Not only do these bills show this House’s commitment to small businesses, but they also demand that agency rulemaking be held accountable, reclaiming that authority that is vested here in this House.

H.R. 527, the Improvements Act, requires agencies to analyze the impact that a new regulation would have on small businesses before the regulation is adopted. By requiring all Federal agencies to obtain input and develop and conduct regular regulatory reviews, existing regulations, this bill, I believe, complements and codifies President Barack Obama’s commitment in Executive Order 13563 that directs agencies to review their regulations and solicit public input.

H.R. 3010, the Regulatory Accountability Act, makes further positive changes. It reforms and modernizes the Administrative Procedure Act. It requires agencies to analyze and regulations more cost effective. In a recent study, Madam Speaker, that the Small Business Administration commissioned, they estimated the cost of the U.S. Federal regulatory burden at $1.5 trillion. Now, I say that there aren’t benefits that outweigh that burden; but when the burden is substantial, Madam Speaker, we have to have a process in place that balances those benefits and those burdens, and that’s all H.R. 3010 asks to do.

Madam Speaker, time and time again the American people have demanded more accountability from their Congress, more accountability from their government. This collection of bills today not only provides that accountability of Congress, but requires that accountability of our executive branch agencies.

As we talk about accountability, Madam Speaker, it’s important to note that these bills are paid for by terminating the Election Assistance Commission. You will remember, Madam Speaker, that was a commission created in 2002 that was supposed to have been set by 2005 and yet has continued even until today. That commission was set up in the aftermath of the hanging chads of the 2000 Presidential election to help States implement election reforms, to help States make sure the integrity of their electoral process was preserved. And yet today, 6 years after the expected sunset of that commission, we hear from our Secretaries of State that they no longer need that commission, that the commission is not providing useful benefits to them. By terminating that, we’re going to save the American taxpayer more than $600 million over the next decade. Together, these three measures, H.R. 527, H.R. 3010, and H.R. 3463, help small businesses, increase agency transparency, and increase public participation in the entire regulatory process. They save money for hardworking American taxpayers and are positive reforms that this Congress can pass in a bipartisan way.

I hope that my colleagues on both sides of the aisle will support these unifying measures and I hope they will support this rule so that we may consider them today.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I want to thank the gentleman from Georgia, my friend, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. MCGOVERN. I rise in very strong opposition to this restrictive rule—and
Mr. WOODALL. Madam Speaker, I yield myself such time as I may conserve.

I look at the clock above your head. I think it’s been about 11 minutes since my colleague DEBBIE WASSERMAN SCHULTZ called for a toning down of the rhetoric and focusing more on policy. I don’t think we were able to make it to minute 15.

I will quote my friend as he referred to Republicans: Either they don’t care about the economy, or they are just acting for political gain.

Is that all there is? Either folks don’t care, or they’re just acting for political gain. It could be that their principles are different. It could be that their principles are different, but I don’t actually believe that. I believe our principles are the same, because what these bills are is one but thing only. Let’s balance the regulatory burden with the benefits that it provides.

Madam Speaker, who is it in America that does not believe that balance is important? What do they do in Congress? I heard it back home all the time: ROB, balance. I want you to get things done, but I don’t want you to get things done that are the wrong thing for the wrong reasons. I want you to come together and work on these issues.

Who is it, Madam Speaker, that does not believe that regulation to protect health and safety is important? I do. I come from one of the farthest right districts in the country. I believe health and safety are important things to regulate, but I believe we should balance those regulations.

When we doubled the budget of the Environmental Protection Agency between 2008 and 2009, where do you think the money went? Madam Speaker? The environment that I live in in Georgia was clean and thriving in 2008. But when you double the amount of money that you give to regulators, they have only one thing that they can do with it, and that’s regulate more, regulate more.

We need balance, and that’s all these bills are asking for. I have all the committee reports here, Madam Speaker, if any of my colleagues would like to come and look at them. There is not a bill in any of these bills that says: Thou shalt not regulate. Not one. What they say is: Thou shalt regulate with the benefits that it provides.

A friend of mine was walking through the Occupy Atlanta protest the other day, Madam Speaker. A fellow came up and shook his fist at him. One of the protesters shook his fist at my friend and said, It’s all about jobs. And my friend looked him in the eye and said, You know, you’re exactly right. You should hire somebody. You should go out and hire somebody. The fellow said, I’m not talking about providing jobs. I’m talking about I want a job myself.
Well, that’s right. Every single bill that this Congress considers that helps job creators helps jobs.

We’ve got to end the rhetoric of loving jobs and hating job creators, Madam Speaker. There’s only one opportunity for America, have for employment, and that is finding an employer. And line after line line of these bills say, before you punish American industry, make sure the balance is there, because, let’s be clear, Madam Speaker, it’s not that these jobs don’t have to be performed.

Time and time again I hear my colleagues bemoaning the fact that we’re not creating jobs. I, too, bemoan the fact that this administration has not created jobs. But that’s not our only problem. Our problem is jobs that are leaving this country, Madam Speaker. Our problem is destroying even more jobs.

Industry is going to continue to operate around this planet. We can either embrace that this country is in a balanced way or we can run them all overseas.

There’s something that I believe we sometimes do disagree about here in this Congress, and that is that government can create jobs. Government cannot create jobs. I, too, bemoan the fact that this administration has not created jobs. But that’s not our only problem. Our problem is jobs that are leaving this country, Madam Speaker.

I cannot pass a bill in this Congress, no matter how hard I try, Madam Speaker, no matter how hard I work, that will make everybody in this country try rich. I cannot do it. But this Congress has succeeded all too often at passing bills that can make everybody poor.

Balance, Madam Speaker, is what these bills contain. What this rule does—and it’s important because it’s a new operation that we’re doing here in this House; and I’m very proud of it, and I hope my friends on the other side of the aisle are proud.

This is not an open rule today. I don’t want to claim that it is. It’s not on open rule. What we did, though, as the Rules Committee, is we asked all of our colleagues, anyone who has a proposal that they believe will make these bills better, send those amendments to the Rules Committee for consideration. Anybody—Democrat, Republican—send those amendments to the Rules Committee for consideration. This is what we did in the Rules Committee.

We received six Democratic amendments for H.R. 527, six ideas from the 435 Members in this House, six ideas for making these bills better. They all came from the Democratic side of the aisle, and we made every single one of those ideas available for debate here on the House floor. You didn’t need to see that. You didn’t need to see it under Republican administrations. You didn’t need to see it under Democratic administrations. That’s what we’re doing today, in a bipartisan way.

H.R. 3010 sent out a notice to the entire Congress. Send your ideas for making H.R. 3010 better. Send them to the Rules Committee so that we can consider them for consideration on the House floor. There were 12 ideas that were submitted, Madam Speaker—one Republican idea, 11 Democrat ideas. Three of those Democrat ideas were later withdrawn, said, We don’t want to bring those ideas to the floor. So that leaves us with eight, and we brought all but one.

My colleague from Georgia (Mr. JOHNSON), his amendment was not made in order because my colleague from Texas (Mr. OLSON) had an amendment that was substantially similar, and knowing that time is valuable on the House floor, we wanted to consider all ideas, but not all ideas from everybody, each idea only once.

Seven Democratic amendments, one Republican amendment made in order because we invited the entire United States House into this process.

This is the time on the rule, Madam Speaker. I’m not here to debate the underlying provisions. We’ve provided the time to do that. What I want to defend this rule as an example of what we ought to do.

Is it a little more convoluted than I would have liked? Yes, it is.

Is it a little outside of my issue areas? Yes, it is.

But does it make in order all of the amendments that our colleagues want to submit? It provides for time for debate on every single idea submitted.

That’s an important change in this House. I’m grateful that we’ve been able to do it, and I reserve the balance of my time.

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

I want my colleagues to understand that one of the amendments they didn’t make in order was the amendment offered by our colleague, Congressman JOHNSON, which basically stated that if the experts conclude that this rule would result in a net job creation, the rule shouldn’t be delayed and blocked by all the stuff that’s in this bill because we need jobs right now. It’s interesting that that’s the one that my Republican friends chose to block because it has to do with jobs.

Another amendment that they blocked was one that I had offered. I’ve offered it many, many times in the Rules Committee, and that is to basically bring to the floor an amendment that would allow big oil companies that have tax dollars from the taxpayer-funded giveaways—subsidies is what I call them. And I’ve tried to bring it up on the floor a gazillion different times in a gazillion different ways, and I’m always told that there’s a germaneness issue. But yet Speaker, does the Rules Committee do? Oftentimes, it waives all the rules so that sometimes non-germane amendments can come to the floor.

Iissan, when you talk about balance, the fact that taxpayers are subsidizing big oil companies that made over $100 billion in profit last year, that we’re going to somehow continue taxpayer subsidies to these big oil companies, yet, when you look at the Republican budget that they passed, they find ways to balance the budget on every single program that impacts middle-income and low-income people in this country.

What they do is they choose to balance the budget by lowering the quality of life and the standard of living for everyday people and for those struggling to get in the middle. There’s no balance here. There’s no balance here.

President of the United States came to this Chamber and he gave a speech in which he outlined his jobs bill, which included a number of initiatives, all of which had in the past enjoyed bipartisan support. But I guess because he’s the President, he’s a Democrat, Republican leadership doesn’t want to have those debates here on the floor, give him any victories, because that might not be politically advantageous to them.

Let’s be frank about what’s going on here. In my opinion, this is about political opportunism. This is about the leadership of this House blocking important legislation to put people back to work just because they can, just because it’s been proposed by the President of the United States.

We need to focus on jobs in this Congress. We need to be focused on helping people get back to work. I don’t care what part of the country you’re from, people are hurting, people are struggling, and they’re looking for us to do something, something meaningful, not to bring bills to the floor like this that, in the scheme of things, mean nothing or to have these great debates over reaffirming our national motto or on bills that make it easier for unsafe people to carry concealed weapons from State to State.

That we’re debating those things when there are millions of people that are out of work, I think, is outrageous. Madam Speaker, at this time I am proud to yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Madam Speaker, as we stand here today, I would like us to pause for a moment and think about an American family who is not here. The husband works in a Home Depot, the wife works as an administrative assistant in a hospital, and they make together about $50,000 a year. They’re among the fortunate Americans who have jobs, but they’re frankly very worried because it seems like the harder they work, the less ground they gain. They’re going backwards the harder they work.

The House needs to understand that a month from tomorrow, unless this House acts, that family’s taxes will rise by $1,000. A month from tomorrow,
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unless the House and the other body and the President act, that family's taxes will go up by $1,000 a year.

President Obama has said he will sign legislation that prevents that tax increase from happening. The Demo-
crats, the other body, and Senator Reid, has said he will move and support legislation that prevents that from happening.

Last night the minority leader, the Republican leader of the other body, indicated as now moving to a position in favor of legislation preventing that from happening. House Democrats are prepared at this mo-
moment on this bill, on this day, to support legislation that will postpone that tax increase on middle class families.

The American people want us to work together, and I would trust that the vast majority of American people would say that in these economic times working together to suspend a thou-
sand-dollar tax increase on a $50,000-a-year family is something we ought to work together on. President Obama agrees. Senator Reid agrees. It looks work together, and I would trust that the American people are prepared at this mo-
moment on this bill, on this day, to support legislation that will postpone that tax increase on middle class families.

That is our opportunity, colleagues, to move away from the daily back-and-
forth of Republican versus Democrat politics and do something for which there is broad agreement and, I think, urgent need today.

Now, we have 30 days to get this done, and our track record is not very promising on meeting deadlines around here. My suggestion is let's move this agenda on this day at this time and put before the House a bill that would sus-

cend this thousand-dollar tax increase on middle class families, all wage earners, across the country. Certainly this is something on which we ought to agree, certainly this is something the House should be able to devote time to, and certainly we should act on it here today.

Mr. WOODALL. Madam Speaker, I yield myself such time as I may con-
sume.

Even though I'm a freshman in this body, I have been working hard to try to find metrics by which I can judge what's happening here because this body is not like so much that happens back home. The metric that I have found that is really helpful is that the less folks are talking about the rule, I think the better job we did crafting it. I think that's right. But because it was an awful rule, we'd spend our time talking about what an awful rule it is. When it's a pretty good rule, we'd spend our time talking about other issues on the floor.

I happen to agree with my friend from New Jersey. A thousand dollars for a family earning $50,000, that's real money. Now, I would say, though, to my friend from Massachusetts that if you take that $1.75 trillion burden that the Small Business Administration tells us is upon the American people because of regulations, that's actually $5,000 per person. That's $15,000 per a three-member family. And so yes, I agree with my friend from New Jersey that we should absolutely cooperate on focusing on those burdens. The burden we're focusing on today? Even larger, by orders of magnitude.

Mr. ANDREWS. Will the gentleman yield?

Mr. WOODALL. I'd be happy to yield.

Mr. ANDREWS. I would just ask the gentleman, though, if he's prepared to tell us whether the majority will put on this floor before the 31st of December a bill that suspends this tax in- crease on middle class Americans.

Mr. WOODALL. My friend flatters me by thinking I have the answer to that information as a young freshman on the House floor, but I'll tell you this. I'll tell you that two things are true, and it is a puzzler for me on the payroll tax holiday that's gone on this year.

On the one hand I will tell you that Republicans are the party of lower taxes and not higher taxes and that actually speaks to this issue. We're also the party of making sure that we're paying for those commit-
ments that we're making. Social Security is different from any other tax, and when I go and talk to my grand-
father, he'll say, 'Rob, I want that So-

Social Security. I paid into it all my life.' Well, we're not paying into it right now. The proposal is not to pay into it next year, the proposal was not to pay into it last year. I'd be interested to ask my friend if he's prepared to sup-
port lowering those Social Security benefits because, again, this is some-
thing we're paying into.

Mr. ANDREWS. Will the gentleman yield?

Mr. WOODALL. I'd be happy to yield.

Mr. ANDREWS. I am most certainly not in favor of that. I would frankly make up the lost revenue with a surtax on people making more than a million dollars a year to cover it.

Let me ask the gentleman another question.

I understand that there are differing views in his party, and frankly ours, as to whether an extension of the cut for middle class families should continue. And I'm not asking him to say it would pass. That's beyond the reach of any Member, even the Speaker.

But is the majority prepared to make a commitment to the American people to at least get to vote on it, that it will let the majority work its will and ei-

ther vote "yes" or "no" on avoiding this tax increase on middle class Amer-

cans? Mr. WOODALL. I would say to my friend that the majority, again speaking out of school as a young freshman here on the House floor, but I know enough about my leadership to know the majority is absolutely committed to protecting and preserving Social Secu-

rity not just for this generation but the next generation and beyond. And the question is going to be can we find a proposal, because the one that was passed last year was not a proposal that both lowered tax burdens and pro-
tected the solvency of Medicare and Social Security.

We must be sure not to further bank-
rupt a program that is already bankrupt. I look forward to that debate, Madam Speaker, be-

tween now and the end of the year.

And it's not just that tax that's ex-
piring. I know my friend is also con-
cerned about the Bush-Obama tax cuts that expire December 31, 2012 and wants to be sure that those will be extended in 2011 on into 2013.

Mr. ANDREWS. Will the gentleman yield?

Mr. WOODALL. I'd be happy to yield.

Mr. ANDREWS. Those income tax reductions, of course, were extended to December 31 of 2012. So there's not an urgent imminence to addressing that issue the way there is with this.

I would just again put the question this way. I fully understand there are different views as to whether or not we should avoid this middle class tax in-
crease. I'm simply asking whether the gentleman supports giving us a clear up-down vote on having that happen.

Mr. WOODALL. I would say to my friend that I happen to support up-

down votes on all sorts of things. I'm an open rules guy, and I'm very proud of our Speaker who believes that the House works best when the House runs its will. That's really one of the changes that I understand we've seen in this year that we haven't seen in years past.

I think that's important, Madam Speaker, for us to be able to bring those votes to the floor.

But it's also important to make sure that folks have all of the information in the same way that folks might be tempted to mischaracterize these bal-
ancing provisions that we're bringing forth today as some sort of Republican chicanery.

Folks might also be tempted to char-
acterize something that is going to have the bankruptcy of Social Secu-

rity as being something that has no consequence at all. There really are consequences to this decision. And to say to my friend I look forward to a ro-
bust debate on that because it's an im-
portant issue for American families.

With that, Madam Speaker, I would like to reiterate that on H.R. 527, six Democratic amendments offered, six Democratic amendments made in order. The House works best when the House works its will. The rule today is pro-
viding that opportunity.

I reserve the balance of my time.

Mr. McGOVERN. I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend from Georgia for engaging in good spir-

it in this dialogue. I want to make it clear: I think it's the position of our party very clearly the House should vote on whether to avoid this thousand-dollar...
tax increase on the middle class. That’s our position.
I think you can hear that the majority position is a little more nuanced than that. It is a yes-or-no question. We think there ought to be a vote on avoiding a thousand-dollar tax increase on the middle class. And we’re ready to put our cards in the machine and do that.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.
My friend, the gentleman from Georgia, said that his party likes to pay for things. That statement startled me a little bit because they didn’t think it was important to pay for the Bush tax cuts, mostly for the rich, which have now bankrupted us. They didn’t think it was important to pay for the Medicare prescription drug bill, which was a lot more expensive than they had promised and was not paid for. They don’t think about paying for the two wars that we’re fighting in Afghanistan and Iraq.

We had balanced budgets when Bill Clinton left office. It was after that that everything got out of whack, and it was because of these tax cuts, which were mostly for the wealthy, and it was because of a prescription drug bill and two wars, all of which were not paid for. So I hope my friends on the other side have finally gotten religion about how they’re spending their money and what that means.

Ms. HAHN. I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me this time.

Mr. Speaker, I just don’t think Americans can wait, but here we are again today debating legislation that will do nothing to create jobs or to help families during these tough economic times.

I agree with my colleague from New Jersey that we think that there just needs to be a vote on the House floor on this payroll tax cut, which, so far, my friends on the other side are not agreeing to. There were 120 million American families that had $1,000 more in their pockets last year because of the payroll tax holiday that we passed. I believe we need to pass a new middle class tax cut, one that will save the typical family $1,500.

Now, I do agree with my friend from Georgia about job creators. I love job creators, but I think I have a different point of view on what helps our job creators and what helps our small businesses. I spent Saturday, November 26, Small Business Saturday, shopping in small businesses.

I went into every one of them, and I talked to them about what would help them: What can we do in Congress to help you as a small business? Almost every single one of them said, Do you know what we need? We need customers. We need Americans to have jobs, and we need them to have money in their pockets that they will spend in our small businesses. That will help us. I guarantee, if we were to get more customers, businesses would expand and we would hire more people.

The SPEAKER pro tempore (Mr. Poe of Texas). The time of the gentlewoman has expired.

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

Ms. HAHN. We know that it’s our small businesses that have hired almost 60 percent of the new jobs that we’ve had in this country. We know that $1,500 would go back into the economy, and we know that that $1,500, through this middle class tax cut, would help businesses in this country.

I know we’ve been called the do-nothing Congress; but in this instance, if we do nothing, Americans who can least afford it will see a tax increase right after the holidays. I dare say, Americans who will see that kind of a tax increase in January might worry about how they’re spending their money this December, and it may just affect them not only to pay for their own families, but to those who are in need in this country.

Mr. WOODALL. I yield myself such time as I may consume, Mr. Speaker, to say I’m always happy to find things that I agree on with those across the aisle.

I’ll say to my friend from California that we’re both new in this House and that I spent my Saturday doing those very same things. My small business owners told me that very same thing, though they told me one more thing.

They said, Do get the foot of government off the throat of my small business. They did say, Rob, you cannot help me by doing more, but you can help me by getting out of the way and by letting me do what I do.

The question then becomes how we get those customers in that store, and there are absolutely two visions for making that happen. We can either try to dispense more favors from Washington, DC, Mr. Speaker. We can try to pump more money that we don’t have out of Washington, DC, money that we’re borrowing from our children and grandchildren to get folks higher- and better-paying jobs—more jobs—which is what this rule is about today.

We are running jobs out of this country. We are forcing jobs out of this country. The new report came out of over 150 nations, Mr. Speaker. We are number 69 in how easy it is for businesses to comply with their tax burdens, for example. Number 69. We should be the best place on Earth to do business.

What is it that raises salaries? Sometimes my friend on the left suggests that we could just raise the minimum wage and just guarantee everyone body money, but I don’t believe we can. What we can do is give folks an opportunity to increase their productivity. No worker on the planet works harder than the American worker. No worker on the planet has more productivity than the American worker, and regulation after regulation slows the American worker down. If you want to put more money in the American worker’s pocket, you let the American worker be more productive by providing some balance.

One again, nothing was talking about today, Mr. Speaker, says thou shalt not regulate. We know we’re going to regulate. What we’re saying is, let’s regulate with balance. Then my friend’s small businesses and my small businesses will have those customers that they need to get this economy moving again.

I reserve the balance of my time.

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tax laws have made it easier and even attractive for companies to pack up and go overseas and hire cheaper labor. One of the problems with these series of bills that we’re dealing with here today is that it will result in a rush to the bottom for regulatory agencies and the lowest common denominator in terms of clean water and clean air standards—because, among other things, this legislation says that we should take into consideration the standards in other countries.

So China is going to now set our clean water and our clean air standards? Give me a break. Let’s get real. Let’s bring something to the floor that will make a difference in the lives of the American people, especially those who are unemployed. Let’s bring a real jobs bill to the floor. Let’s do something meaningful.

I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume. I could likely go back and forth all day long with my friend from Massachusetts believing that he loves workers more, with my believing that I love workers more and with his believing that to define “loving of workers” means we have to regulate them differently from Washington, D.C. For me, “loving workers” means we’re going to help them do the things that they do best, which is to produce. I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, at this time I would like to yield 2 minutes to a member of the Judiciary Committee whose amendment was not made in order by the Rules Committee, the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Speaker, I rise in opposition to this rule and the underlying bills. Instead of creating jobs, the Grover Norquist/Tea Party Republicans are assaulting the very same regulations that ensure we have clean air, safe water and food, along with safe prescription drugs and other products that Americans consume. They want us to create so many barriers and obstacles that it would essentially make it impossible for Federal agencies to do their jobs, all in the name of simply increasing the profits of big business.

The Regulatory Accountability Act would require agencies to perform 60 additional procedural actions within the rulemaking process, further slowing down an already burdensome process. I am talking about bureaucratic red tape. They want to take it to the next level. They want to duct tape and blindfold and put a straitjacket on Federal agencies issuing regulations that help Americans. This would also make it much easier for large corporations to evade their obligations to protect the public by giving special interests multiple opportunities to stall the process to tie up the process in knots.

The Regulatory Flexibility Improvements Act is no better. It’s a wolf in sheep’s clothing. Don’t be fooled. This is not about helping small businesses. It’s about halting regulations and increasing the profits of big business. Under the guise of small business protection, it would subject any regulation that could conceivably have any effect on a small business to a more lengthy process, thereby delaying the implementation of virtually any action any agency proposes and wasting agency time while doing so.

I urge my colleagues to oppose this rule and the bills.

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

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

I would like to insert in the RECORD the Statement of Administration Policy, which is opposed to this legislation.

STATEMENT OF ADMINISTRATION POLICY

H.R. 3010—REGULATORY ACCOUNTABILITY ACT OF 2011

(Rep. Lamar Smith, R-Texas, and 36 cosponsors, Nov. 29, 2011)

The Administration is committed to ensuring that regulations are smart and effective, that they are tailored to advance statutory goals in the most efficient and cost-effective manner, and that they minimize uncertainty. Accordingly, the Administration strongly opposes House passage of H.R. 3010, the Regulatory Accountability Act. The Regulatory Accountability Act would impose unprecedented procedural requirements on agencies that would prevent them from performing their core responsibilities. It would also create needless regulatory and legal uncertainty and increase costs for businesses, as well as state, tribal, and local governments.

The Regulatory Accountability Act would impose unnecessary new evidentiary procedures on agencies and invite frivolous litigation. When a Federal agency promulgates a regulation, it must adhere to the requirements of the statute that it is implementing. In many cases, the Congress has mandated that the agency issue the particular rule or regulation, and once the process the agency must follow. Agencies must adhere to the robust and well understood procedural requirements of the Administrative Procedure Act and major rules are subject to the requirements of other Federal statutes such as the Regulatory Flexibility Act, the Unfunded Mandates Reform Act, and the Paperwork Reduction Act. In addition, for decades, agency rulemaking has been governed by Executive Orders issued and followed by administrations of both political persuasions. Agencies are not required to promulgate regulations only upon a reasoned determination that the benefits of the regulations justify the costs, to consider regulatory alternatives, and to promote regulatory flexibility. Lastly, final regulations are subject to review by the Federal courts to ensure that agencies satisfy the substantive and procedural requirements of all applicable statutes and consider input from the relevant stakeholders.

Passage of H.R. 3010 would replace this time-honored test of layers of additional procedural requirements that would seriously undermine the ability of agencies to execute their statutory mandates. It would require a “new rule” rulemaking for a new category of rules, for which agencies would have to conduct quasi-adjudicatory proceedings. It would impose unnecessary new evidentiary standards as a condition of rulemaking. It would subject the regulatory process to unneeded rounds of litigation. Finally, the Regulatory Accountability Act would undermine the Executive Branch’s ability to adapt regulatory review to changing circumstances.

The Regulatory Accountability Act would impede the ability of agencies to provide the public with basic protections, and create needless confusion and delay that would prove disruptive for businesses, as well as for state, tribal and local governments.

If the President were presented with the Regulatory Accountability Act, his senior advisors would recommend that he veto the bill.

Mr. Speaker, jobs, jobs, jobs. That’s what we should be focusing on today—not guns, not abortion, not reaffirming our national motto—jobs. We need to put people back to work. But that doesn’t seem to be part of the Republican agenda, and it’s hurting our country.

At the end of this year, as you have already heard during this debate, the payroll tax cut expires. If we don’t pass an extension, all working Americans will see their taxes go up by a thousand dollars next year. Without action, GDP growth will fall by half a percent and will cost the economy 400,000 jobs according to the economic forecasting group Macroeconomic Advisers. Extending this tax cut is not just good for American families, it’s good for the American economy. According to Ameriprise Financial, extending the payroll tax cut could add more than 1 million jobs to the economy.

Mr. Speaker, this is the kind of legislation that we need to be debating, not right-wing, hot-button social issues or bills that, when you add it all up, don’t mean anything to anybody in this country.

But where is this extension of the payroll tax? It’s not in this rule? It’s not in the majority leader’s schedule. In fact, the Republicans seem to be ignoring this issue.

It’s said that the Republican leadership would rather raise taxes on middle class Americans basically to protect tax breaks of millionaires. If there was a vote right now on a bill that was going to cut one penny, it was going to cost Donald Trump one penny more in taxes, the other side would be overfilled with speakers. But we’re talking about middle-income Americans, struggling Americans, that if we don’t act by the end of this year they will see a $1,000 increase in their taxes. If we don’t act by the end of this year, we can have a government shut down here today. We can change that here today and actually bring to the floor something that is meaningful. If we defeat the previous question, I will offer an amendment to the rule to require that we vote on a payroll tax holiday extension. After next year’s extension, all working Americans will get a little less in their paychecks beginning in January.
Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous materials prior to the vote on the previous question.

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

There was no objection.

Mr. McGovern. Mr. Speaker, again I urge my colleagues to vote “no” and defeat the previous question so we can make sure that working families do not see their payroll taxes go up while we’re still struggling to recover from a recession. This is exactly the type of action that people all over the country are hoping this Congress will move on. I urge a “no” vote on the rule, and I yield back the balance of my time.

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

I’m proud to be here with you today, Mr. Speaker. When we talk about jobs, jobs, jobs, why I came to Congress, and that is exactly what we’re talking about in this rule today. And I hope, Mr. Speaker, you have seen with great concern what I have seen here today, and that is a complete disconnect. It appears, with my colleagues on the other side, with the understanding that increasing regulation, needlessly increasing regulation, burdens the American worker, undermines the American economy, thwarts jobs. And I say, Mr. Speaker, this is one of those things on which if we disagree, it is as clear as to me as it is that the sky is blue that when you increase the regulatory burden you make the American family poorer for it.

I know I can’t ask for a show of hands here, Mr. Speaker, but if I did and said, Who is it, who wants dirtier drinking water back home in their district? Who is it that doesn’t drink from the same spigot as the rest of us? Who is it that doesn’t shop at the same grocery stores as the rest of us? Who is it who doesn’t drive on the same roads as the rest of us? We’re all in this boat together. We’re all this boat together, Mr. Speaker.

I come from the Deep South, and whenever we start talking about environmental issues, it always gets me so personal liberty. But we have decided that we’re going to have to agree to disagree, because it is as clear as to me as it is that the sky is blue that when you increase the regulatory burden you make the American family poorer for it.

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Mr. Speaker, these bills do that today: balance benefits and burdens, provide that information to the American voter, and let’s make sure that what we’re doing is worth it.

Mr. Speaker, this is an example of how we do it, how we ought to open up the process, how one ought to encourage debate on all of the ideas that are brought to this House floor. I encourage strong support for this rule. I encourage strong support for the underlying legislation.

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

AN AMENDMENT TO H. RES. 477 OFFERED BY MR. MCCOY OF MASSACHUSETTS

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

SEC. 5. Not later than December 16, 2011, the House of Representatives shall vote on passage of a bill to extend the payroll tax holiday beyond 2011, the title of which is as follows: ‘‘Payroll Tax Holiday Extension Act of 2011.’’

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

Mr. Clarence Cannon’s Precedents of the House of Representatives (VI, 308–311), describes the rules on the previous question as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker’s ruling in 1929, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition in order of amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition moved further debate, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

Because the vote today may look bad for the Republican majority they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution, and has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here’s how the Republicans describe the previous question on adopting the resolution: “(and) has no substantive legislative or policy implications whatsoever.”

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

WORKFORCE DEMOCRACY AND FAIRNESS ACT

Mr. KLINE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to review and extend their remarks and in include extraneous material on H.R. 3094.

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

There was no objection.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to rule 405, the bill is considered read the first time.

The gentleman from Minnesota (Mr. KLINE) and the gentleman from California (Mr. George Miller) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. KLINE. Mr. Chairman, I rise in support of H.R. 3094, the Workforce Democracy and Fairness Act, and I yield myself such time as I may consume.

The legislation we are considering today is straightforward. It reaffirms workforce protections that have been in place for decades.

Across the country, the American people are asking: How can we get this economy moving again? What will it take to finally put people back to work? And Washington is burdened with a number of answers. Some think we should support more spending, more taxes, and more regulations. In essence, they are asking the country to double down on the same failed policies of the past.

My Republican colleagues and I believe we should chart a different course, one that includes removing regulatory roadblocks to job creation. The Workforce Democracy and Fairness Act is part of that effort. The legislation says we shouldn’t allow unelected bureaucrats to dictate policies that make our workplaces less competitive. Under the National Labor Relations Board proposed sweeping changes to the rules governing union elections. Under the board’s radical scheme, employers would have just 7 days to find an attorney and navigate a host of complicated legal issues confronting an NLRB election official. Employees will have as little as 10 days to decide whether they want to join a union, denying them an opportunity to gain valuable information and make an informed decision.

The NLRB is already telling employers like Boeing where they can and cannot create jobs. Now the board wants to take away a worker’s right to make an informed decision about joining a union. This proposal largely prohibits employers from raising additional legal concerns, denies answers to questions that can influence the vote, and turns over to union leaders even more personal employee information.

Let’s get something straight: The board’s scheme isn’t about modernizing the election process. This is a draconian effort to stifle employer speech and ambush workers with a union election. Less debate, less information, and less opposition—that’s Big Labor’s approach to workers’ free choice, and it is being rapidly implemented by the activist NLRB.

For 4 years Democrats controlled this Congress. To my knowledge, not once did they try to streamline the union election process. Not once. They did champion a failed effort to strip workers of their right to a secret ballot, but they didn’t bother to offer any solutions to the alleged problems they now denounce the election process.

Today, union elections take place in an average of 31 days, giving workers a month to consider the monumental
Mr. Chairman, I yield 2 minutes to the colleagues to support the bill. Employers have long enjoyed. I urge my Chairman, protections workers and employees labor costs. The traditional standard, ensuring employers have the opportunity to make a fully informed decision, and still perpetuates the threat of more punitive measures in the future. The board seems utterly determined to finalize a flawed proposal, regardless of the damage to the integrity of the board and our workplaces. We must act now.

The Workforce Democracy and Fairness Act reaffirms workforce protections our Nation has enjoyed for decades. Employers currently have a fair opportunity to prepare for a pre-election hearing. The bill ensures employers have at least 14—2 weeks—a fair opportunity to prepare for the hearing. Employers and unions can currently seek board review of issues raised before the election. The bill preserves their right to seek board review before the election. Workers currently have at least 3 days to decide their vote. The bill guarantees workers at least 35 days.

Before the board's reckless Specialty Healthcare decision, a commonsense standard determined which employees would participate in the election. Once again, H.R. 3094 takes steps to restore a traditional standard, ensuring employees continue to have freedom and opportunities in the workplace and employers can effectively manage their labor costs.

Despite the heated rhetoric we will hear from opponents today, the bill is a responsible effort to set in law. Mr. Chairman, protections workers and employers have long enjoyed. I urge my colleagues to support the bill. I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER), a member of the Rules Committee.

Ms. SLAUGHTER. I appreciate the gentleman yielding.

Mr. Chairman, with millions of Americans out of work, job creation certainly should be the number one priority of this Congress. And yet, where are we today? We’re not creating any new jobs here, but we’re using the precious floor time considering a bill that attacks the rights of all American workers and has no chance of becoming law. The only thing it is doing is something we do week after week here.

As my colleagues have pointed out, rather than minimizing the delay in union voting procedures, today’s bill mandates delay. The bill empowers employers to interfere in union elections by adding anti-union employees to voting blocs—gerrymandering the elections. That, by itself, should be enough to vote against.

Letting an employer deny and manipulate union elections is a blatant attempt to put the fox in charge of the henhouse. It is a direct attack on the ability of workers to bargain collectively to protect their rights. And it has raised all the concerns of protests and uprisings, that American citizens don’t like that so much.

Wherever you work, whether it’s union or not, if you appreciate a 40-hour work week, sick leave and vacation days, safer working conditions, don’t blame the men and women of the unions for the unemployment crisis that they didn’t cause. Thank them for bringing those things to you. It was not a benevolent employer that gave you the opportunity to union movement.

So rather than considering a bill to attack the American worker, we should be working together. As we pled on the floor day after day to create jobs for the American people, the situation grows worse with each passing day.

I urge my colleagues to oppose this bill and see if we can get to work to really create jobs.

Mr. KLINE. Mr. Chairman, the gentleman just said that we should be addressing legislation to create jobs. That’s exactly what we are doing today.

At this time I am very pleased to yield 3 minutes to the chairman of the Subcommittee on Health, Employment, Labor, and Pensions, the gentleman from Tennessee (Mr. ROE). Mr. ROE of Tennessee. I rise today to urge my colleagues to support the Workforce Democracy and Protection Act. Our country is in the middle of a jobs crisis. The national unemployment rate is hovering at 9 percent. In Tennessee, where I live, it’s higher than that. Millions of American families are struggling to make ends meet. Amidst this economic uncertainty, the House has passed over 20 jobs bills that would help spur our economy that are sitting over on the Senate side, right down the hallway here, not voted on. Sadly, the Senate isn’t the only roadblock to economic recovery.

That’s why we’re here today—to rein in a National Labor Relations Board that has run amok.

I grew up in a union household. My father was a member of the United Rubber Workers Union. And I know about this. I lived with it, grew up with it.

In June, what problem were we trying to fix? Currently, elections are held, as the chairman said, within 31 days. And unions win almost 70 percent of the elections held. So let’s say the 1st of October of this year you wanted to have an election. By the end of that month you could vote on whether a worker wanted to be in the union or not. A very fair process. If this rule goes into effect, as he said, 7 days for an employer to find representation to go through over 400 pages of rules just on this very complicated subject.

It gets worse. As little as 10 days to vote. So a worker would have to make their mind up in 10 days. It could be as quick as 10 days. Imagine voting on the President of the United States in 10 days.

And it gets worse. Workers would then be required by law to hand over personal information that we want to do is to allow the employee to decide what information is given to the union about how they want to get contacted.

Mr. Chairman, this just isn’t right, nor is the National Labor Relations Board’s decision to redefine how a bargaining unit is determined. Instead of creating jobs, employers will be forced to negotiate with a multitude of small bargaining unions, which will raise labor costs and destroy the possibility of employer growth. Some thing must be done to restore the fairness to the union election process. And that’s why I’m a proud cosponsor of this legislation.

The bill simply does this. It gives 14 days to pass before a pre-election hearing is held. This hearing will allow both sides to raise any relevant or material issues in a non-adversarial environment. It would protect the worker’s right to make an informed choice by requiring an election take place in not less than 35 days. Now, I know my constituents to let them hear both sides of the story and make up their own minds. A worker’s privacy should also be protected, allowing the unions access to only what the employee decides is their contact information. This bill also restores longstanding rules for defining what a bargaining unit is. It’s over three decades of rules.

Mr. Chairman, there’s only one way I can describe this bill—it’s common sense. It respects the workers to form unions. That’s their right under the law. But I believe that the union election should follow a process that is balanced and protects the rights of employees and employers, not just the unions.

I urge support of this bill.

Mr. GEORGE MILLER of California. I yield myself 4 minutes.

Mr. Chairman, Members of the House, during the depths of the Great Depression, Congress gave the American worker the right to ban together with coworkers and to bargain for a better life. For more than 75 years, the National Labor Relations Act has vested the ultimate decision on whether or not to form or belong to a union with the workers themselves. The principle underlying this law is that when workers decide they want to have a union, they should get a union.

These rights and this law have served this country well. They built the middle class. They brought us the 40-hour
workweek. They brought us safer workplaces. The exercise of these rights ensured economically secure families and the prospect that our children could build an even better life. These rights have been an unqualified success in creating the economic engine unparalleled in the history of the world.

But especially this year, forces have gathered that will do anything to take away those rights from American workers, from American families. These forces subscribe to the perverse ideology that says workers should just accept whatever the powerful decides is good enough for them, and that’s the end of the discussion. They use real crises as an excuse to gain more power. We’ve seen them try it in Wisconsin and in Ohio and all across the country, where the real goal was to take away the rights of workers, not to solve the economic problems of those States; where the real goal was to constrain workers in the collective bargaining process, not to deal with the economic problems of those States; and where they don’t control the statehouses and Statehouses, they have come to the Congress of the United States.

This bill today is part of that scheme. This bill is part of a national effort by the Republican Party, by the Chamber of Commerce, and much of the business community in this country to strip workers of their rights at work; to take ordinary working men and women and tell them they will have no rights to join a union; they will be unable to gather for an election because this legislation prevents that election from happening.

How does it do that? It does that, one, by having the employer decide who will be in the bargaining unit, not the employees as is dictated under the law and as affirmed by this Congress over and over again that decision belongs to them.

How does it do that? Secondly, stuffs the ballot box; it creates a rogue majority of the NLRB that will decide how frivolous your appeals are; whatever frivolous issues you wish to raise, no matter how frivolous, must be raised before this time, before the election, and all of the appeals must be decided. So while they talk about how this gives you a tight time frame, in fact what we see is endless delays. It’s the endless running on the costs of attorneys on both sides, all in the idea of buying time for the employer to intimidate the employees from joining a union, to constantly hold businesses and the workplace—face to face, businesses to advance the union so that they can turn around the decision that the employees essentially have made when they say, We want to go to an election; we want to have a union; this is our bargaining unit. And that’s the goal here is to destroy the ability of this law to function.

You cannot have a situation where that exists in this country, because this law is not only important to employees in the workplace. It’s important to millions of Americans who are in the middle class in this economy today. These are people who are there because of the collective bargaining rights of people over the last 75 years in this country, because they brought the wages, to bring the job security, to bring the health care benefits, to bring the pension benefits and the protections to middle class families.

We have seen, as the unions have declined, as the NLRB has sided with the employers to take away the benefits of workers to their own productivity. The American worker continues to increase their productivity. They are the most productive workers in almost every sector of our economy in the world, and yet more and more of their productivity is being siphoned off by the 1 percent. If you will, by the employers that decide they need more bonuses, by the employers that decide they need bigger paychecks, by the employers that need more shareholder dividends, by the employers that decide that they need more golden parachutes, they need more arrangements to get rid of people at the elite level.

That’s what this is about. It’s about stealing from the American workers and not giving them a right to continue to bargain for the benefit of their families and their communities, and we ought to reject this bill today.

Mr. WALBERG. Mr. Chairman, I yield 2 minutes to the gentleman of the Subcommittee on Workforce Protections, the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. I thank the chairman for yielding. My Chair, Mr. Chairman, as I, a former United Steelworkers Union member, stand here today, the unemployment rate in Michigan stands at 10.6 percent, and in areas of my district it is as high as 14 percent.

Our primary focus in Congress, as passed in the Republican jobs plan and seated in the Senate right now, our primary focus is to get burdensome government regulations out of our way and out of the way of the American people and let them get back to work.

The National Labor Relations Board has taken actions that directly oppose American job providers and job creators. How can any Michigander operating a small business compete on a level playing field with NLRB membership like Craig Becker, who once wrote, “Employers should be stripped of any legally cognizable interest in their employees’ election of representatives.” And also, “Employers have no standing to assert their employees’ right to fair representation.”

In their recent action to create an ambush-style election process, the NLRB has taken the side of a former special interest attorney over the will of American working people. The rogue majority of the NLRB wants to set conditions that stifle job creation and expansion. Job creators are terri-
Mrs. ROBY. I thank the chairman for yielding.

Mr. Chairman, I rise today in support of H.R. 3094, the Workforce Democracy and Fairness Act, a bill I proudly sponsor.

As a Representative from Alabama, a right-to-work State, the continued activist agenda of the National Labor Relations Board is alarming.

I yield 2 minutes to the gentlewoman.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a ranking subcommittee member of the committee.

Ms. WOOLSEY. Mr. Chairman, H.R. 3094, the so-called Workforce Democracy and Protection Act, what a great title for legislation that assaul ds the majority’s year-long war against unions, against workers, and the National Labor Relations Board. This is just the latest of that. And they gave it this wonderful title.

And since they took control of this body in January, my colleagues on the other side of the aisle have been doing everything in their power to stack the deck against labor unions and those who aspire to join them. Seemingly, the bills that they bring to the floor are designed to make life easier for the corporate special interests and, as usual, harder on workers who just want a fair shake.

Currently, since the labor movement is the most powerful force for economic security and upward mobility that we have in this country, and unions are the reason there is a strong middle class in the United States of America, that they would want to attack it. We need to remove obstacles to union elections, and we need to create ways for members to join unions, not prevent them from members.

It is baffling to me that my Republican friends have absolutely no plans to create any kind of jobs, but a carefully orchestrated plan to undermine the rights and protections of working people. Instead, people who are reeling from this sluggish economy, they work to create distractions and to create scapegoats.

Mr. Chairman, workers deserve better than a government of, by, and for the wealthiest 1 percent.

Vote “no” on H.R. 3094.

Under H.R. 3094, no election may occur within 25 days after the filing of an election petition, even if all parties agree to it.

As a Representative from Alabama, a right-to-work State, the continued activist agenda of the National Labor Relations Board is alarming.

I yield 2 1/4 minutes to the gentleman.

Mr. HECK. I thank the chairman for yielding.

Mr. Chairman, I rise today to pose an important question to Nevadaans. How would you feel about having only 10 days’ notice that an election would be held? That would give you only 10 days to research the candidates and find out where they stand on the issues, 10 days to decide who best represents you, your voice, your values.

And to my distinguished colleagues in this body, how do you think your constituents would react if we changed the law so that they had only 10 days’ notice that an election would be held?

It would be unconscionable for Congress to abdicate its responsibility and allow a board of unelected bureaucrats to do something that this body would never do itself.

That’s the debate today, whether or not Congress allows the National Labor Relations Board to radically change the way union elections are governed, with little to no input from those most affected by this decision.

I urge my colleagues to vote for the Workforce Democracy and Fairness Act to prevent the National Labor Relations Board from doing something we would not do ourselves.

Mr. GEORGE MILLER of California. I yield 2 1/4 minutes to the gentleman from New Jersey (Mr. PAYNE), a member of the committee.

Mr. PAYNE. Mr. Chairman, H.R. 3094, the Workforce Democracy and Fairness Act, really, as you know, should be called the Protection of Elections Act.

I’m gravely concerned about today’s legislative proposal. Current law recognizes that workers should be able to associate with other units into any appropriate bargaining unit. This bill creates a presumption that all workers should be in a bargaining unit unless it is proven otherwise. That’s just the reverse of the way law should be.

Mr. HECK. I yield 2 minutes to the gentleman from California (Mr. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, H.R. 3094, the Workforce Democracy and Fairness Act, is one of many bills put forward by my Republican colleagues that will prevent the NLRB from imposing sweeping changes to our Nation’s workplaces. Additionally, and most importantly, this bill restores key labor protections that both employers and employees have already enjoyed for decades.

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I want to say that again: This bill restores key labor protections that both workers and employers have already enjoyed for decades. Congress has the responsibility to ensure that the NLRB’s labor interests are not undermining an employer’s efforts to create jobs and grow their businesses.

At a time when approximately 14 million Americans are unemployed and searching for work, not to mention the millions that have given up, Congress must implement policies that encourage new jobs, not hinder them. This legislation will rein in the activist NLRB and reaffirm protections workers and job creators have received for decades.

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That’s the debate today, whether or not Congress allows the National Labor Relations Board to radically change the way union elections are governed, with little to no input from those most affected by this decision.

I urge my colleagues to vote for the Workforce Democracy and Fairness Act to prevent the National Labor Relations Board from doing something we would not do ourselves.
It allows employers to staff the ballot boxes with workers who are not engaged in the organizing drive in the first place, therefore likely to vote "no." It also increases the chances that workers' petition for an election will be rejected, which would cancel elections because they do not obtain the 30 percent signatures from this vast bargaining unit, all ways to try to thwart the election.

This bill also has proposed rules which would eliminate loopholes in current law that allow unscrupulous employers to delay elections, frustrating workers' efforts to organize. This bill would essentially impose arbitrary delays and block those pending NLRB rules to eliminate avoidable delays.

The fact of the matter is that this bill encourages frivolous litigation. The original bill provided employers with an unqualified right to unilaterally propose a new issue at any time during the pre-election hearing in order to drag out the hearing. This bill attempts to achieve that same purpose, in addition. This bill also provides employers with a right to file for review of any issue even if it is not normally considered in pre-election hearings.

This bill does not limit these problems, but states that these issues, even when immaterial to an election, are considered relevant. Based on this fact, a hearing could therefore go on indefinitely, and that's what the purpose of this is.

Furthermore, parties could bring up issues such as economic conditions, or unfair labor practices, or other items not normally considered in pre-election hearings. Additionally, this bill seems to require that the board must finish a request for review before an election can be directed. This will encourage employers to file requests for review, even if not necessary, to create a backlog at the board and further delay elections.

The current election process needs to be fixed. Employers easily delay and prolong elections because they do not obtain the 30 percent signatures from this vast bargaining unit. This delay not only inhibits union organization efforts, but it can also lead to an unfair trade practice, which can be directed. This bill will encourage the "bargaining" of bargaining issues by codifying a test that delays union elections. Instead of minimizing delay in union elections. Instead of minimizing delay in union elections, the so-called "election prevention act" would delay union elections.

If there is no limit on how long an election may be delayed as a result of employer claims, challenges, and litigation. It delays elections employers make use of any means, legal or illegal, to pressure employees into organizing efforts. The bill imposes restrictions on employers' opportunities to receive information from unions, but does not curb the power of employers to manipulate elections. The bill also creates "gerrymandering" of bargaining units by codifying a test that destroys 75 years of Board decision-making.

In sum, this bill will delay and ultimately prevent union representation elections, encourage frivolous litigation, and manipulates the procedure for deciding who is in the bargaining unit. The bill encourages the "gerrymandering" of bargaining units by codifying a test that destroys 75 years of Board decision-making. In sum, this bill will delay and ultimately prevent union representation elections, encourage frivolous litigation, and manipulates the procedure for deciding who is in the bargaining unit. The bill encourages the "gerrymandering" of bargaining units by codifying a test that destroys 75 years of Board decision-making.

The fact of the matter is that this bill would prevent union elections, employers simply have no objection to allowing employers to force workers to listen to their anti-union propaganda, under the threat of discharge if they try to object. H.R. 3094 also manipulates the procedure for deciding who is in the bargaining unit. The bill encourages the "gerrymandering" of bargaining units by codifying a test that destroys 75 years of Board decision-making. In sum, this bill will delay and ultimately prevent union representation elections, encourage frivolous litigation, and manipulates the procedure for deciding who is in the bargaining unit.

If you have any questions, please contact Matthew McKinnon, Legislative Director.

Sincerely,
R. THOMAS BUFFENBARGER
International President.

BUILDING AND CONSTRUCTION TRADES DEPARTMENT, AMERICAN FEDERATION OF INDUSTRIAL ORGANIZATIONS.
Washington, DC, November 28, 2011.

DEAR REPRESENTATIVE: On behalf of the approximate 2 million skilled craft professionals who comprise the Building and Construction Trades Department, AFL-CIO, I write to urge you to vote against H.R. 3094, the Workforce Committee Democracy and Fairness Act.

This bill represents an unfair attack on workers and the mechanics in place that protect their ability to freely choose from a union. H.R. 3094 amends the National Labor Relations Act (NLRA) to allow for obstructions in the scheduling of a union election. This bill would mandate that workers wait at least 35 days before voting on joining a union, or have filed seeking the vote. Not only would this flawed legislation call for delays, but H.R. 3094 would also empower employers to engage in anti-union campaigns to discourage workers from making an unconstrained decision on whether to form a union.

Further, H.R. 3094 undermines the ability of the National Labor Relations Board to protect workers who are fired, threatened or otherwise harassed because they want to exercise their federal statutory right to form a union. This troubling and misguided attack on workers' rights must be stopped.

With kind personal regards, I am.

Sincerely,
M. H. AYERS
President.

SERVICE EMPLOYERS INTERNATIONAL UNION,
Washington, DC, November 28, 2011.

DEAR REPRESENATIVE: On behalf of more than 2 million members of the Service Employee International Union (SEIU), I strongly urge you to vote "NO" to the "Workforce Democracy and Fairness Act" (H.R. 3094). This anti-worker legislation should be called the "Election Prevention Act" because it would give unscrupulous employers more opportunities to thwart workers' organizing and add more delays to an already broken National Labor Relations Board ("NLRB") election process.

This bill was introduced in direct response to the NLRB's proposed rule to minimize undue delay in union elections. Instead of minimizing delay in union elections, H.R. 3094 mandates it. For example, no election may occur sooner than 35 days after filing of an election petition. However, there is no limit on how long an election may be delayed as a result of employer claims, challenges and litigation. This bill also imposes restrictions on employers' opportunities to receive information from unions, but does nothing to curb the power of employers to manipulate elections.

H.R. 3094 imposes restrictions on workers' opportunities to receive information from unions, but does nothing to curb the power of employers to manipulate elections. This bill also creates "gerrymandering" of bargaining units by codifying a test that destroys 75 years of Board decision-making. In sum, this bill will delay and ultimately prevent union representation elections, encourage frivolous litigation, and manipulates the procedure for deciding who is in the bargaining unit. The bill encourages the "gerrymandering" of bargaining units by codifying a test that destroys 75 years of Board decision-making. In sum, this bill will delay and ultimately prevent union representation elections, encourage frivolous litigation, and manipulates the procedure for deciding who is in the bargaining unit.

If passed, H.R. 3094 would disrupt 75 years of NLRB experience configuring appropriate bargaining units. It undermines employees' ability to form a union by removing employees' right to self-organize bargaining units; and removing employees' right to determine their bargaining units. If passed, H.R. 3094 would disrupt 75 years of NLRB experience configuring appropriate bargaining units. It undermines employees' ability to form a union by removing employees' right to self-organize bargaining units; and removing employees' right to determine their bargaining units.

I urge you to vote "NO" to the "Election Prevention Act" because it would give unscrupulous employers more opportunities to thwart workers' organizing and add more delays to an already broken National Labor Relations Board ("NLRB") election process.

Employers have the ability to drag the election process out over months, and to delay it for the purpose of undermining a union's right to communicate with workers; and removing employees' right to self-organize bargaining units; and removing employees' right to determine their bargaining units. If passed, H.R. 3094 would disrupt 75 years of NLRB experience configuring appropriate bargaining units. It undermines employees' ability to form a union by removing employees' right to self-organize bargaining units; and removing employees' right to determine their bargaining units.

I encourage you to vote against this latest attack on workers' rights by voting "NO" to the "Workforce Democracy and Fairness Act."
for bringing forth this most necessary legislation.

I rise in support of H.R. 3094. Quite simply put, the National Labor Relations Board has lost all credibility. From its anti-American attack on Boeing to its inability to allow Delta employees to choose their own labor future, the NLRB has become nothing more than a taxpayer-funded Big Labor advocate.

The Workforce Democracy and Fairness Act is just what it says it is, legislation that, if passed, will enshrine in law the rights of the American worker to both information and choice, two things my friends on the other side of the aisle believe in as well. What is truly sad, Mr. Chairman, is that taxpayers, already living under the burden of exploding debt and record unemployment, are paying the salaries of NLRB attorneys and administrators to stifle employment and to ship jobs overseas. The proposed NLRB rule remedied by this legislation requiring elections be held in as little as 10 days gives workers virtually no opportunity to inform themselves about their rights.

To show just how radical this NLRB has become, we must ask ourselves, when in the history of this great Republic has shortening the time for an election been considered more fair? We hear Members from the other side of the aisle say that even requiring some to show identification to vote is unfair. But drastically cutting the time for an election is more fair?

As if that was not radical enough, the NLRB’s decision on micro-unions overturns 30 years of successful precedent. For example, at retail stores, multiple labor unions could target unionized different groups of workers. Sales persons, merchandise managers, department managers, stock clerks, and security guards could each form separate unions. This will put worker against worker, and employers will spend more time negotiating with unions than they do on focusing on their jobs and on their business.

The question we must ask is, what are they so afraid of? The answer is they’re afraid of an American worker free to work hard and earn the fruits of that labor. They’re afraid of the American worker given the right to choose their own future. I don’t know about anyone else, but I trust the American worker to make the right decision. I don’t trust the government.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. The right to organize is a fundamental right in a democratic society. In fact, workers’ rights are human rights. This bill seeks to frustrate workers’ rights to an election through attacking the National Labor Relations Board.

Today workers have to wait an average of 101 days to cast a ballot in an election, 101 days to wait for union representation. How long should workers have to wait to be able to assert their fundamental rights in a democratic society is if we really believe in democracy?

Some of us believe that when a majority of workers want to be able to have a union, they should be able to do so forthwith.

We believe in government of the people. Why then would corporations want to block workers to be able to organize? I think it’s pretty obvious. When workers are organized, they have the ability to participate in being able to say what their wages are worth. So this is about wages. It’s about benefits. It’s about workplace safety, about working conditions.

Workers rights are human rights. And this assault on the NLRB actually ends up being translated into a fundamental assault on our democracy. If we believe in a democracy, then we believe in a right to organize, a right to collective bargaining, a right to strike, a right to decent wages and benefits, a right to a secure retirement, a right for workers to participate in a political process.

This is America. Let’s lift up the standard of workers—not attack it by making the day of their election and bargaining a farther and farther away almost to the point of nullification. Stand up for the American workers. Defeat this bill.

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

Mr. HURT. I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of the Workforce Democracy and Fairness Act offered by Chairman KLINE, and I thank the chairman for his leadership on this issue.

For the past 3 years, we have seen a vast expansion in the size and scope of the Federal Government, which has reaped economic benefits, to create a more secure and job market and an unfriendly business environment for job creation and investment.

A recent troubling example of this government overreach is the National Labor Relations Board’s proposed rulemaking that would alter the long-standing precedent of procedures that govern union elections. These new rules would do little more than empower Big Labor bosses by restricting the right to a secret ballot. Employers and employees during the process, preventing the employees from gaining access to critical information necessary to make informed decisions on their votes, and diminishing the fundamental right of both employees and employers across the country.

This sort of government intervention in the workplace is an attack on our economic freedom and will only provide more uncertainty in our economy at a time when we are struggling to recover.

With far too many Fifth District Virginians and Americans out of work, we must put an end to the arbitrary rule-making of the unelected bureaucrats that comprise the NLRB. Instead, we must provide our job creators the opportunity to hire and grow without the uncertainty caused by unnecessary and burdensome government regulations. And in addition, we must protect the rights and freedoms that American workers deserve, allowing them to participate in a full and fair election process.

I urge my colleagues to support this important legislation.

Ms. PELOSI. I thank the gentleman for yielding and for his leadership on behalf of America’s working families and for bringing the opposition to this legislation to the floor today.

Mr. Chairman and my colleagues, more than 75 years ago, President Franklin Roosevelt signed a bill which created the National Labor Relations Board and said he did so to give every worker “the freedom of choice and action which is justly his.” Today we say which is justly his or hers. That was a very important moment for workers because it said that after they negotiate, they could bargain collectively, giving great leverage to workers in our country, and it was necessary.

The freedom of choice in action has rested at the core of a growing, thriving American worker.”

Mr. MILLER. The Workforce Democracy and Fairness Act is an attack on the rights of the American worker to both information and choice, two things my friends on the other side of the aisle believe in as well. What is truly sad, Mr. Chairman, is that taxpayers, already living under the burden of exploding debt and record unemployment, are paying the salaries of NLRB attorneys and administrators to stifle employment and to ship jobs overseas. The proposed NLRB rule remedied by this legislation requiring elections be held in as little as 10 days gives workers virtually no opportunity to inform themselves about their rights.

To show just how radical this NLRB has become, we must ask ourselves, when in the history of this great Republic has shortening the time for an election been considered more fair? We hear Members from the other side of the aisle say that even requiring some to show identification to vote is unfair. But drastically cutting the time for an election is more fair?

As if that was not radical enough, the NLRB’s decision on micro-unions overturns 30 years of successful precedent. For example, at retail stores, multiple labor unions could target unionized different groups of workers. Sales persons, merchandise managers, department managers, stock clerks, and security guards could each form separate unions. This will put worker against worker, and employers will spend more time negotiating with unions than they do on focusing on their jobs and on their business.

The question we must ask is, what are they so afraid of? The answer is they’re afraid of an American worker free to work hard and earn the fruits of that labor. They’re afraid of the American worker given the right to choose their own future. I don’t know about anyone else, but I trust the American worker to make the right decision. I don’t trust the government.

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The freedom of choice in action has rested at the core of a growing, thriving American worker.”

My colleagues on the other side of the aisle have promoted many myths about their misguided legislation which they’re bringing forward today and how it will impact the National Labor Relations Board. So I would like to clarify a few facts.

First, this bill mandates delay rather than streamlines it. It encourages frivolous litigation rather than discourages it. It convolutes and distorts elections rather than simplifying them.

Simply put, this legislation would deny workers their right to a free and fair election to form a union. It adds extensive delays to the process as workers organize with the clear intention of, as my colleague, Congressman GEORGE MILLER, the ranking member of the Education and Labor Committee has said, wearing down workers so they eventually give up fighting for a better deal. It’s an age-old tactic. It must be rejected.

At a time when Americans are demanding jobs and job growth, economic...
growth for our country, today's legislation is the wrong priority. We need to be solving the problem and challenge of creating jobs, and not adding to the problems, as this bill would do.

There is a great deal of work to be done to reignite the American Dream. Igniting the American Dream is what Franklin Roosevelt did when he signed this bill and many other initiatives of that era. And they corrected manyills in our economy and our society in communities across the country in terms of failed values.

So we want to reignite the American Dream, to build ladders of success for all who want to work hard and play by the rules, and remove obstacles to fuller participation in our economy so that many more workers can participate in America's prosperity.

☐ 1510

This is about, again, strengthening the middle class and buttressing the core of our democracy. Yet this legislation will have the opposite effect of eroding rights and opportunity. I urge my colleagues to vote “no.”

Mr. KLINE. Mr. Chairman, I submit for the RECORD this letter from the Coalition for a Democratic Workplace, with 243 associations and organizations in support of this legislation.

DEAR REPRESENTATIVE: On behalf of millions of job creators concerned with mounting threats to the basic tenets of free enterprise, the Coalition for a Democratic Workplace urges you to support H.R. 3094, the Workforce Democracy and Fairness Act. Congress needs to immediately pass this much-needed legislation. The bill directly addresses recent and economically crippling actions of the National Labor Relations Board (Board or NLRB). Specifically, the bill would halt from moving forward with its ambush election proposal. If left unchecked, the proposal will effectively deny employees' access to critical information about their employer. Workers, including employers of free speech and due process rights. H.R. 3094 also would reverse the Board's recent decision in Specialty Healthcare, which poses an immediate threat to our economy by opening the door to swarms of micro-unions.

The Coalition for a Democratic Workplace, a group of more than 600 organizations, has been united in opposition to the so-called “Employee Free Choice Act” (EFCA) and EFCA alternatives that pose a similar threat to workers, businesses and the U.S. economy. As elected officials have stood firm against this damaging legislation, the threat of EFCA is less immediate this Congress. Politically powerful labor unions, other EFCA supporters, and their allies in government are not backing down, however. Having failed to achieve their goals through legislation, they are now coordinating with the Board and the Department of Labor (DOL) in what appears to be an all-out attack on job-creators and an effort to enact EFCA through administrative rulings and regular Board actions.

While the Board’s actions have gained recent notoriety from the unprecedented attempt by the agency’s Acting General Counsel to cross-train and meet customer and client demands via lean, flexible staffing because employees will no longer be able to perform work assigned to other units. Employees also will suffer from reduced job opportunities, as promotions and transfers will be hindered by contractual unit barriers.

Again, we urge you to support passage of H.R. 3094, the Workforce Democracy and Fairness Act. If left unchecked, the actions of the Board will fuel economic uncertainty and have serious negative ramifications for millions of employers, U.S. workers that have hired or would like to hire, and consumers.

THE COALITION FOR A DEMOCRATIC WORKPLACE
NATIONAL ORGANIZATIONS (118)
60 Plus Association; Aeronautical Repair Station Association; Agricultural Retailers Association; AIADA, American International Auto Mobile Dealers Association; Alliance for Worker Freedom; American Apparel & Footwear Association; American Bakers Association; American Concrete Pressure Pipe Association; American Council of Engineering Companies; American Feed Industry Association; American Fire Sprinkler Association; American Foundry Society; American Hospital Association; American Health Care Association; American Meat Institute; American Nursery & Landscape Association; American Organization of Nurse Executives (AONE); American Pipeline Contractors Association; American Rental Association; American Seniors Housing Association; American Staffing Association; American Supply Association; American Wholesale Lumber Association; American Wholesale Merchants Association; Americans for Tax Reform; AMT—The Association for Manufacturing Technology; Asian American Hotel Owners Association; Associated Living Federation of America; Associated Builders and Contractors, Inc.; Associated Equipment Distributors; Associated General Contractors of America; Association of Equipment Manufacturers; Automotive Aftermarket Industry Association (BOMA) International; Center for Individual Freedom; Center for the Defense of Free Enterprise Action Fund; Coalition of Franchisee Associations; College and University Professional Association for Human Resources; Consumer Electronics Association; Custom Electronic Design & Installation Association; Environmental Industry Associations; Fashion Accessories Shippers Association; Food Marketing Institute; Forging Industry Association; Franchise Management Advisory Council (FRACAC); Heating, Airconditioning & Refrigeration Distributors International (HARDI);
HR Policy Association;  
IEC National;  
INDA, Association of the Nonwoven Fabrics Industry;  
Independent Women’s Voice;  
Industrial Fasteners Institute;  
International Association of Refrigerated Warehouses;  
International Council of Shopping Centers;  
International Foodservice Distributors Association;  
International Franchise Association;  
International Sign Association;  
International Warehouse Logistics Association;  
Kitchen Cabinet Manufacturers Association;  
Leading Age;  
Metals Service Center Institute;  
Motor & Equipment Manufacturers Association;  
NAHAD—The Association for Hose and Accessories Distribution;  
National Apartment Association;  
National Armored Car Association;  
National Association of Chemical Distributors;  
National Association of Convenience Stores;  
National Association of Electrical Distributors;  
National Association of Home Builders;  
National Association of Manufacturers;  
National Association of Wholesaler-Distributors;  
National Club Association;  
National Council of Chain Restaurants;  
National Council of Farmer Cooperatives;  
National Council of Investigators and Security Services (NCISS);  
National Council of Textile Organizations (NCTO);  
National Federation of Independent Business;  
National Franchise Association;  
National Grocers Association;  
National Mining Association;  
National Multi Housing Council;  
National Pest Management Association;  
National Precast Concrete Association;  
National Ready Mixed Concrete Association;  
National Restaurant Association;  
National Retail Federation;  
National Roofing Contractors Association;  
National School Transportation Association;  
National Small Business Association;  
National Solid Wastes Management Association;  
National Systems Contractors Association;  
National Tank Truck Carriers;  
National Tooling and Machining Association;  
National Utility Contractors Association;  
NATSO, Representing America’s Travel Plazas and Truckstops;  
North American Die Casting Association;  
North American Equipment Dealers Association;  
Petroleum Marketers Association of America;  
Precision Machined Products Association;  
Precision Metalforming Association;  
Printing Industries of America;  
Professional Beauty Association;  
Retail Industry Leaders Association;  
Snack Food Association;  
Society for Human Resource Management;  
Society of American Florists;  
SPI: The Plastics Industry Trade Association;  
Steel Manufacturers Association;  
Textile Care Allied Trades Association;  
Textile Rental Services Association;  
The Real Estate Roundtable;  
Truck Renting and Leasing Association;  
U.S. Chamber of Commerce;  
United Fresh Produce Association;  
United Motorcoach Association;  
Western Growers Association;  
STATE AND LOCAL ORGANIZATIONS (125)  
A & K Earthmovers, Inc.;  
American Society of Employers (Michigan);  
Arkansas State Chamber of Commerce/Associated Industries of Arkansas;  
Associated Builders and Contractors, Inc.  
California Chapter;  
Associated Builders and Contractors, Inc.  
Central Florida Chapter;  
Associated Builders and Contractors, Inc.  
Central Pennsylvania Chapter;  
Associated Builders and Contractors, Inc.  
Cheyenne Shores Chapter;  
Associated Builders and Contractors, Inc.  
Delaware Chapter;  
Associated Builders and Contractors, Inc.  
Eastern Pennsylvania Chapter;  
Associated Builders and Contractors, Inc.  
Florida East Coast Chapter;  
Associated Builders and Contractors, Inc.  
Florida Gulf Coast Chapter;  
Associated Builders and Contractors, Inc.  
Hawaii Chapter;  
Associated Builders and Contractors, Inc.  
Heart of America Chapter;  
Associated Builders and Contractors, Inc.  
Indiana Chapter;  
Associated Builders and Contractors, Inc.  
Inland Pacific Chapter;  
Associated Builders and Contractors, Inc.  
Iowa Chapter;  
Associated Builders and Contractors, Inc.  
Keystone Chapter;  
Associated Builders and Contractors, Inc.  
Massachusetts Chapter;  
Associated Builders and Contractors, Inc.  
Mississippi Chapter;  
Associated Builders and Contractors, Inc.  
Nebraska Chapter;  
Associated Builders and Contractors, Inc.  
New Mexico Chapter;  
Associated Builders and Contractors, Inc.  
New Orleans/Bayou Chapter;  
Associated Builders and Contractors, Inc.  
Ohio Valley Chapter;  
Associated Builders and Contractors, Inc.  
Oklahoma Chapter;  
Associated Builders and Contractors, Inc.  
Pacific Northwest Chapter;  
Associated Builders and Contractors, Inc.  
Rhode Island Chapter;  
Associated Builders and Contractors, Inc.  
Rocky Mountain Chapter;  
Associated Builders and Contractors, Inc.  
South East Texas Chapter;  
Associated Builders and Contractors, Inc.  
South Texas Chapter;  
Associated Builders and Contractors, Inc.  
Western Michigan Chapter;  
Associated Builders and Contractors, Inc.  
Western Washington Chapter;  
Associated Industries of Massachusetts;  
Builders Association of Northern Nevada;  
CA/NV/AZ Automotive Wholesalers Association (CAWAA);  
CAI-Capital Associated Industries Inc. (Raleigh, NC);  
California Delivery Association;  
Carson City Chamber of Commerce, Carson City, NV;  
ConTex Chapter IEC;  
Central Alabama Chapter IEC;  
Central Indiana IEC;  
Central Missouri IEC;  
Central Ohio AEC/IEC;  
Central Pennsylvania Chapter IEC;  
Central Washington IEC;  
Centre County IEC;  
Charleston Metro Chamber of Commerce;  
Eastern Washington IEC;  
El Paso Chapter IEC;  
Employers Coalition of North Carolina (Raleigh, NC);  
Fairfax County Chamber of Commerce;  
Greater Bakersfield Chamber of Commerce;  
Greater Columbia Chamber of Commerce;  
Greater Montana IEC;  
IEC Atlanta;  
IEC Chesapeake;  
IEC Dakotas, Inc.;  
IEC Dallas Chapter;  
IEC Florida West Coast;  
IEC Fort Worth/Tarrant County;  
IEC Georgia;  
IEC Greater St. Louis;  
IEC Hampton Roads Chapter;  
IEC NCAC;  
IEC New England;  
IEC of Arkansas;  
IEC of East Texas;  
IEC of Greater Cincinnati;  
IEC of Idaho;  
IEC of Illinois;  
IEC of Kansas City;  
IEC of Northwest Pennsylvania;  
IEC of Oregon;  
IEC of Southeast Missouri;  
IEC of Texoma;  
IEC of the Bluegrass;  
IEC of the Texas Panhandle;  
IEC of Utah;  
IEC Southern Colorado Chapter;  
IEC Southern Indiana Chapter-Evansville;  
IEC Texas Gulf Coast Chapter;  
IEC Western Reserve Chapter;  
IECA Kentucky & S. Indiana;  
IECA of Arizona;  
IECA of Nashville;  
IECA of Southern California, Inc.;  
IEC-OKC, Inc.;  
Iowa-Nebraska Equipment Dealers Association;  
Little Rock Regional Chamber of Commerce;  
Lubbock Chapter IEC, Inc.;  
Manufacturer and Business Association;  
MEC IEC of Dayton;  
Mid-Oregon Chapter IEC;  
Mid-South Chapter IEC;  
Midwest IEC;  
Minnesota Grocer Association;  
Montana IEC;  
NAJOP Colorado;  
Nebraska Chamber of Commerce & Industry;  
New Jersey Food Council;  
New Jersey IEC;  
New Jersey Motor Truck Association;  
North Carolina Chamber;  
Northern New Mexico IEC;  
Northern Ohio ECA;  
NW Washington IEC;  
Ohio Manufacturers’ Association;  
Plumbing-Heating-Cooling Contractors Association of California (CAPHCC);  
Portland Cement Association;  
Puget Sound Washington Chapter;  
Rio Grande Valley IEC, Inc.;  
Rocky Mountain Chapter IEC;  
Rogers-Lowell Chamber of Commerce (Arkansas);  
San Antonio Chapter IEC, Inc.;  
South Carolina Trucking Association;  
Southern New Mexico IEC;  
State Chamber of Oklahoma;  
Texas Hospital Association;  
Texas State IEC;  
Tri State IEC;  
Virginia Manufacturers Association;  
Virginia Trucking Association;  
Western Carolina Industries;  
Western Colorado IEC;  
Western Electrical Contractors Association;  
Wichita Chapter IEC.

I am now pleased to yield 2 minutes to another member of the committee, the distinguished gentleman from Indiana, Dr. Bucshon.
Mr. BUCHSHON. Mr. Chairman, I rise today in strong support of the Workforce Democracy and Fairness Act.

In the last few years, the National Labor Relations Board has had a clear bias toward Big Labor in decisions and rulemaking. Although this bill addresses several rules and decisions from the NLRB, I would like to focus on one in particular.

On August 26 of this year, the Board overturned decades—let me repeat—decades of precedent with its decision in the Specialty Healthcare case. By standing up today and voting for the bill before us, we can stop an out-of-control agency from causing irreparable harm to industries across the Nation. The Board has decided it will no longer determine if the interests of a bargaining unit are sufficiently different from other current units. This will encourage unions to create the smallest so-called “micro-unions” possible, and it could result in employers having to negotiate with multiple units within their own businesses. This undermines a worker’s ability to make an informed choice about whether to join a union, and it may potentially fractionate the workplace.

H.R. 3094 reestablishes the traditional standard for determining which employees make up an appropriate bargaining unit. This bill is about fairness for workers and employers. It returns the Board to the precedent that it has operated under for the last 20 to 30 years under both Republican and Democratic administrations. Returning to this precedent will provide certainty and clarity to workers and employers, and it will undo the biased behavior of the current Board.

I support this bill, and I urge my colleagues to do the same.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT) as the ranking member of the committee.

Mr. HOLT. I thank the gentleman for yielding.

Mr. Chairman, today the majority is showing the American public again that the majority doesn’t think we have a jobs crisis in America. Getting Americans back to work is not their top priority. Getting the American economy back on track and creating jobs is my first, second, and third priority. Until the majority gets to work, we’re not going to move this country forward.

Democrats remain committed to creating jobs immediately and to expanding educational opportunity for all Americans. Rather than bringing to the floor legislation to help create jobs, we’re wasting time with this attempt to undermine workers’ rights—the right to organize, to have safe working conditions, fair wages.

On Monday night, I had a town hall. Not a single person came to talk with me about the NLRB or its rulemaking; but many wanted to talk about job creation and wanted to make sure we were investing in our children’s education. I offered an amendment to this bill to help keep teachers in the children’s classrooms. I offered a real solution to a real problem, not a special interest giveaway to big business. Unfortunately, the majority blocked my amendment on procedural grounds.

Now, across the country, budget cuts and teacher layoffs have forced schools to reduce the days of the school year, to cut classes in literacy or arts or science, to increase class sizes, or to reduce library hours. My amendment would have invested in our workforce and our educational system. My amendment would have supported nearly 400,000 education jobs, enough for States to avoid the harmful layoffs and to rehire tens of thousands of teachers who lost their jobs over recent years.

Tom, a student from East Brunswick, wrote me recently. “Teacher layoffs at the eyes of this student is a bad thing,” he said. “This past year, I had many oversized classes.”

Our children don’t get a second chance to succeed in school. Our future economic growth depends on a well-educated and innovative workforce. That’s what we should be dealing with today. My amendment would have supported our children. This flawed bill ignores those pleas for help.

Mr. KLINE. Mr. Chairman, I am very pleased to yield 4 minutes to another distinguished member of the committee, the gentleman from South Carolina (Mr. Gowdy).

Mr. GOWDY. Mr. Chairman, I want to thank Chairman KLINE not only for yielding but also for his leadership on this and on so many other issues on the Education and the Workforce Committee.

Mr. Chairman, when so many of our fellow citizens want nothing more than to be able to meet their familial obligations and to provide for their obligations to the community, when so many of our fellow Americans are still mourning the most fundamental of all family values, which is a job, and when they look and they see that America is increasingly competing with other countries for work, it is no longer just competition among the States. We are competing with other countries for work.

The NLRB continues to pursue an activist, politically motivated agenda, thwarting economic recovery and continuing to undermine companies at a competitive disadvantage worldwide.

Mr. Chairman, virtually everyone is familiar with the most glaring example of NLRB overreach and union pandering, which is the complaint against Boeing that is an example of a job being lost in Washington State, despite not a single example of a worker losing a single benefit or right in Washington State, the NLRB sued Boeing, seeking to have Boeing close its North Carolina facility, mothballing a $1 billion facility, displacing 1,000 workers and returning the work to Washington State.

Then they had the unmitigated temerity, as we recently learned, to joke about it in emails, to joke about a competitor called Airbus, which is Boeing’s number one competitor. Wanting work and not getting it is not a laughing matter. Boeing is exhibit A, of course, for the extraordinary reason that the NLRB has overreached its statutory mission, but it is not the only piece of evidence, Mr. Chairman. Currently, union elections take place, on average, 31 days after the filing of the election petition. Additionally, unions are victorious more often than not when there is an election.

But that’s not good enough. The NLRB wants more.

In the next 3 weeks, we have jobs legislation to consider, middle class tax cuts and unemployment benefits to extend, a 2012 budget to pass. The Labor,
Health and Human Services, Education Appropriations Subcommittee has not even seen a bill yet; and yet just as they have all year long, the majority has chosen to waste precious time—time that we should be spending on the people's business—to continue their misguided and dangerous attacks on workers' rights.

Once again, the majority has put forward a bill that has no other purpose than to roll back hard-won gains by American workers and erode the right of collective bargaining in this country. This legislation, before us attempts to deny the right to form a union by imposing excessive delays on the process, stifling the flow of information to workers, and looking the other way while workers' rights are being violated.

How long is this majority going to persist in this wrong-headed crusade against hardworking American men and women, the same hardworking men and women who built the middle class of today? Last month the Bureau of Labor Statistics found that wages have stagnated in this country and median income has fallen in recent times, even as the income of the top 1 percent has tripled. It is no coincidence that this has happened as employment has decreased. But the majority persists in trying to squeeze middle class workers and accelerate this race to the bottom.

This is not the American way, and it is not what the American people want. In Ohio last month, they rejected yet another Republican attempt to eviscerate the right to collective bargaining. It is time to stop these attacks on basic American rights. It's time to roll up our sleeves and get to work on creating jobs, reducing the deficit, and restoring economic growth to this Nation.

Say “no” to this legislation.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to another member of the committee, the distinguished gentleman from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. I appreciate the gentleman yielding.

Mr. Chairman, I cosponsored and rise today in support of H.R. 3094 because it aims to restore key protections to the American workplace, protections for both workers and their employers from overreach by the National Labor Relations Board.

This important legislation intends to protect job growth by deterring harmful NLRB regulations. The NLRB's recent notice of proposed rulemaking would significantly alter NLRB union election procedures, thus undermining the right of employers and employees alike. The proposed rules will unacceptably shorten the time between the filing of a petition and the election date, which will limit the opportunity for a full hearing of contested issues, including the appropriate bargaining unit, voter eligibility and election misconduct.

I share the concerns of my constituents regarding the shortened time-frame for union elections and the potential it may have on an employer's ability to communicate with his or her own employees regarding unionization. H.R. 3094 aims to ensure that employers and employees are able to participate in the election process by providing 14 days for employers to prepare their case to present before the NLRB, providing employees with at least 35 days to deliberate over the pros and cons of unionizing prior to voting on this issue. By discouraging the so-called practice of "ambush elections," and guaranteeing the right of employers to discuss the pros and cons.

This legislation is not about whether employees should have the right to unionize. As a former Teamster member who worked his way through college, I certainly strongly support that right. This legislation is about giving employees a fair and deliberate opportunity to make that decision, one of the most important decisions they'll make in their life, because it deals with their livelihood.

Outside of family matters and health concerns, deciding where you work and in what type of environment you work is going to be probably more important than anything else you do related to your career. What this legislation says is we think employees should have a fair opportunity to make that decision. I support this legislation and urge a "yes" vote.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in strong opposition to the Workforce Democracy and Fairness Act.

This bill would severely undermine workers' rights to organize and, if implemented, will eventually silence and end unions as we know them.

Congressman GEORGE MILLER was correct in referring to this bill as the Election Prevention Act. H.R. 3094 would require the National Labor Relations Board to deny and dismiss all appeals from companies in order to stop elections. This is an outright assault on middle class workers and the families they support.

The middle class is in decline. A CBO report found that between 1979 and 2007, the top 1 percent of earners experienced income growth of 275 percent. That's the top 1 percent, while the middle-income earners saw only 40 percent in growth over the same period. Statistics like these are startling and paint a distinct picture of this country as one that is quickly evolving into a twotiered society with no room at the top for the middle class.

The Workforce Democracy and Fairness Act is nothing more than an outright assault on the middle class. If this misguided and dangerous legislation is passed, you will see an even more rapid decline of the middle class in our country. I urge all Members of the committee to vote no on this misguided legislation and instead focus on policies that will encourage and facilitate job growth.

Mr. KLINE. Mr. Chairman, may I ask how much time remains.

The CHAIR. The gentleman from California has 6 minutes remaining, and the gentleman from California has 9 1/2 minutes remaining.

Mr. KLINE. I reserve the balance of my yielding.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to this misnamed bill, which would promote neither democracy nor fairness in the workplace. Now, I have just been on this floor a few minutes, but it is ironic that I have heard speaker after speaker in favor of this bill but who vote consistently against working men and women's right to organize and bargain collectively.

Ironic, perhaps, the right of workers to organize and bargain collectively for better and fairer conditions has been protected by our laws since the era of the New Deal, which was opposed by so many.

This legislation is part of an agenda, frankly, that the Republican Party continues to pursue, which no economist believes creates jobs in the coming year. This bill before us won't do anything to help the economy or create jobs, period; and it places obstacles in front of workers seeking to exercise their right to organize.

I want to point out to my friends that interestingly enough, in terms of trying to protect elections, there's all about you can't have an election before, but there's nothing in this legislation you have to have an election by. That would perhaps be more credible, if it said not sooner than this, but not later than this.

That would show that you really wanted to pursue elections for working men and women so they could organize and bargain collectively for pay and benefits and working conditions.

But it doesn't say that. It says you simply can't have it before. It never says you have to have it. It never says you can't delay it by suit after suit after suit. It never says you've got to get to issue. It never says you've got to give the employees the right by a certain date.

The CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman an additional 1 minute.

Mr. HOYER. This bill before us won't do anything to help the economy or create jobs, as I said. I continue to have the strongest faith in the American worker, that they are the most talented and most productive in the world. We should not be rolling back their protections. Instead, we should focus on helping to get more Americans back to work.
And as for the NLRB, the real trauma is it is now a pro-employer and pro-employer NLRB, as opposed to simply a pro-employer NLRB. That’s the problem you have.

The courts ought to ensure equal treatment. The NLRB ought to ensure equal treatment. It has not been doing that for some period of time; and now, in my view, it is. God bless them. That’s what they should do.

Employers and employees ought to get a fair election, and I agree with that premise. Timing is obviously of concern to both parties. I would hope we would defeat this bill, and then if we want to talk about assuring elections, let us do so to protect democracy and protect workers.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentleman for yielding.

I come before you as an ironworker for 18 years before coming to Congress. I actually practiced before the National Labor Relations Board, and I’ve actually practiced before the National Labor Relations Board, and I wish I could point out every inaccuracy offered by my colleagues on the other side of the aisle, but I only have 1 minute.

Let me start off by saying that I’ve heard time and time again by my colleagues that the NLRB is an advocate for unionism; it’s an advocate for Big Labor; it’s nothing more than overreaching and trying to create unions. For those who believe that, I ask you to look at the American workforce. What percentage, since the NLRB is creating all of these unions and is overreaching, what percentage of the American workforce is working under a union agreement right now? The answer is 11 percent.

So if those guys are in the tank, the NLRB is in the tank for creating unions, they’re batting about 110. They’re doing a lousy job. I’ve heard a lot about 31 days for an average election. That’s where the union and the employer agree; it’s 31 days. If the union and the company don’t agree, it’s over 100 days.

I urge my colleagues to vote against this bill. This is an attack on the middle class in America. We need to put people to work instead.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. CARNahan).

Mr. CARNahan. Why aren’t we talking about jobs today? We are here on the floor to talk about this bill, this so-called Workforce Democracy and Fairness Act. Not surprisingly, it is neither democratic nor fair. It is, in fact, a blatant attack on workers’ rights, the latest in a long line of Republican assaults on workers. This time the right wing is attacking the very right to organize.

Labor unions helped create the middle class and build the American dream. They helped establish for all American workers much-needed protections and bargaining rights for wages and workforce conditions. This bill would undo that progress.

The anti-worker bill would also empower employers to engage in anti-union activity and to tip the scales further toward employers in the NLRB and their ability to protect people from unfair treatment at work.

Just as voters in Wisconsin and Ohio stood together to stop the Republican assault on workers, today I stand here on the floor against yet another assault on working families. When will we get beyond yet another Republican sideshow and get back to talking about jobs?

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

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in strong opposition to the so-called Workforce Democracy and Fairness Act. The bill said it would remove an obstacle standing in the way of a stronger and more competitive workforce. I find that statement puzzling. This bill, if passed, would actually make the organization elections less efficient, and more litigious. It would drag out union elections so that the deck is stacked even higher against American workers.

But the truth is unions have been at the forefront of workers’ rights for over a century in the United States. They’ve been instrumental in achieving the 40-hour work week, the right to collectively bargain, safer workplaces, and the guarantee of compensation for injuries sustained on the job. They have helped a generation of middle class Americans and helped build the most prosperous country in the world today. I think we’d all agree that unions have made the American workforce stronger.

So how can legislation that makes it harder to form unions strengthen the American workforce? If someone has an answer, I’d like to know. If not, then let’s get back to the job of creating jobs for the American people, strengthening the economy, and creating more opportunities for these people. I urge Members to vote “no” on this bill.

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

The CHAIR. The gentleman from Minnesota has 6 minutes remaining, and the gentleman from California has 3½ minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. This particular piece of legislation that undermines unions makes it more difficult to organize and generally frustrates American working men and women from organizing on the job takes place just a few weeks after the Republican majority was trying to take down the Clean Air Act and the EPA. When you look at the Republican job approach, their argument seems to be that workers and people who want to breathe are not part of the American economy. People who want to drink clean water and breathe clean air and people who want to have some rights to the job, they’re the reason why the American economy doesn’t work. Well, that would be about 99 percent of us, Mr. Chairman.

I hope that as people are watching this debate on this floor today, that they’re taking careful note of who is on the side of the American worker, who is on the side of Americans trying to breathe and to have clean air. And what in the world does getting rid of the Clean Air Act and gutting unions have to do with making American jobs?

The fact is the Republican majority is abandoning their responsibility to create jobs, and I hope the American worker is watching today.

TRANSPORTATION TRADES DEPARTMENT, AFL-CIO.

DEAR REPRESENTATIVE: On behalf of the Transportation Trades Department, AFL-CIO (TTD), I urge you to vote against the Workforce Democracy and Fairness Act (H.R. 3094) when it is considered by the House of Representatives this week. Despite its misleading title, this bill has nothing to do with “democracy” or more competitive workforce. It is instead intended to interfere with a worker’s basic right to freely decide whether or not to be represented by a union under the National Labor Relations Act (NLRA). Instead of wasting time on bills that would make it hard for workers to negotiate for fair wages and good jobs, Congress should focus on helping the 14 million Americans looking for work every day.

H.R. 3094 would complicate and delay the union election process. Specifically, the bill creates a mandatory waiting period of 35 days after the filing of an election petition, even if the employers and employees agree to an earlier date. This waiting period is designed to give unscrupulous employers time to mount aggressive campaigns to pressure workers into abandoning their organizing efforts. At the same time, the bill does nothing to limit how long an election can be delayed, leaving the door open for employer claims, challenges and litigation that could prevent fair elections from being held for months or years after a petition is filed. Moreover, this legislation encourages wasteful litigation by mandating a full pre-election hearing on any broadly defined “relevant and material” issues. The result would be more time-consuming, pre-election hearings, and increase taxpayer costs.

This legislation would also make it more difficult for workers to choose to form a union and tip the scales further toward employers in the election process. Additionally, the bill would allow employers to effectively gerrymander the bargaining unit to artificially create a workforce that is more likely to reject union representation.

H.R. 3094 is nothing more than an attack on the right of America’s workers to collectively bargain. At a time when unemployment remains high, and our economy continues to struggle, this unfortunate distraction from what the American people need: job-creating legislation...
that invests in our nation's aging transportation system while helping our economy recover. Please vote against H.R. 3094 and stand up for America’s workers.

Sincerely,

EDWARD WYKIND, President

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

WASHINGTON, DC, November 29, 2011

Hon. John P. Klain
Chairman, House Education and the Workforce, Rayburn House Office Building, Washington, DC.

Dear Chairman Klain and Ranking Minority Member Miller: On behalf of the AFL-CIO, I urge you to vote against H.R. 3094, the 'Workplace Democracy and Fairness Act.' When you consider the bill, it will be clear that it is a direct attack on the rights of workers to organize and bargain for a better deal at the workplace.

While Americans across the country are rejecting the special interest attacks on workers' rights and demanding action on jobs, Republicans in Washington are continuing to attack working families. Their latest effort to roll back workers' rights is H.R. 3094, which should be called the 'Election Prevention Act.' The bill's singular goal is to disqualify workers from voting in workplace elections.

The Republican agenda's obsession with workers' unions includes the at-home service industry. The new 737 work will go to Washington; the 787 will continue to go to South Carolina. The NLRB worked that agreement out between employer and employees over these issues about how the middle class will now become a permanent rule and get the legislation that was put on in behalf of their name. So that worked out.

And just a few minutes ago, the NLRB apparently voted on a compromise rule dealing with elections. And so that compromise rule hopefully will now become a permanent rule and that will go forward. That's what the NLRB does: It works out these arrangements between employers and employees over these issues about how the American workplace will be managed, but it does not strip away the basic rights of workers to choose to join a union. It does not allow you to retaliate against the union.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself the balance of my time.

THE ELECTION PREVENTION ACT

FACTS ON THE REPUBLICANS' H.R. 3094

(Prepared by the House Committee on Education and the Workforce Democrats, November 2011)

While Americans across the country are rejecting the special interest attacks on workers' rights and demanding action on jobs, Republicans in Washington are continuing to attack working families. Their latest effort to roll back workers' rights is H.R. 3094, which should be called the 'Election Prevention Act.' The bill's singular goal is to disqualify workers from voting in workplace elections.

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H.R. 3094 has one goal: to empower companies which want to delay elections so they can mount one-sided, anti-union campaigns, both legal and illegal, to discourage workers from freely choosing whether or not to form a union. At a time when more and more experts are recognizing that middle class income is falling in tandem with the declining rate of unionization, Congress should be finding ways to protect workers' freedom to form a union, not throwing up roadblocks to the exercise of this fundamental right.

Sincerely,

WILLIAM SAMUEL, Director, Government Affairs Department.

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need confidence in the future. They don't need to be jerked. The distinguished minority whip said the NLRB ought to be fair. He said employers and employees ought to get a fair election. I couldn't agree more. An informed election ought to be fair. They ought to have a fair shake. They ought to get a fair election. And that's what this bill does. So the choice today is pretty simple. If you support an employer's right to speak to his employees during an organizing campaign, then support the Workforce Democracy and Fairness Act. If you support a worker's right to make an informed decision in a union election, then support the Workforce Democracy and Fairness Act. If you support giving workers a say in the personal information, Mr. Chairman, available to union leaders, then support the Workforce Democracy and Fairness Act. And if you support reinstating in an activist NLRB and reaffirming the law, then support the Workforce Democracy and Fairness Act.

I urge my colleagues to stand by our workers and their employers by supporting this simple, commonsense legislation.

I yield back the balance of my time.

Ms. McCOLLUM. Mr. Chair, I rise today in strong opposition to the so-called "Workforce Democracy and Fairness Act" (H.R. 3094).

This legislation allows the problem of prolonged delays in union elections to continue unchecked. After workers charge that labor unions fought to obtain its charge to maintain fair and democratic relationships between unions and employers. This legislation would limit the ability of the National Labor Relations Board to interpret our nation's labor laws and to protect worker's right to unionize. For over 75 years, the National Labor Relations Act has guaranteed higher than workers' rights. Some- terestingly, the National Labor Relations Board, which would allow un- right to determine their own representative elections, promote delays for the sake of delays, and encourage unnecessary litigation. At a time when American workers are suffering from layoffs, unemployment, and stagnant wages it is quite simply irresponsible to roll-back basic labor protections. This bill does not help to put the country back on a track of sustained economic growth. Instead of pres- serving the ability of workers to unionize and demand fairer wages, this legislation will keep wages low and economic recovery stagnant.

This proposed legislation would limit the power of collective bargaining in this country. It attempts to strip away the rights of government employees, and we should likewise reject this at- tempting to limit access to these rights for those in the private workforce. This bill does nothing to protect and support working families, and I urge my colleagues to stand up for workers rights and oppose this bill.

Mr. TOWNS. Mr. Chair, H.R. 3094, is a bill more aptly named the Election Prevention Act—not the Workforce Democracy and Fair- ness Act. There is nothing particularly fair about a bill intended to diminish the right of private-sector workers to organize union elec- tions, promote delays for the sake of delays, and encourage unnecessary litigation. At a time when American workers are suffering from layoffs, unemployment, and stagnant wages it is quite simply irresponsible to roll-back basic labor protections. This bill does what makes economic sense to us is that workers weaker and more vulnerable to unemploy- ment or unfair compensation for their hard work. In the state of New York, which has the highest rate of union membership, the 7.9 per- cent rate of unemployment is well below the national average and the latest statistics show it is decreasing. Nation-wide, between 2004– 2007 unionized workers enjoyed wages 11.3 percent higher than workers with similar char- acteristics who did not belong to a union. The more money workers have, the more they spend, and the more consumer demand grows. And yet, here we are considering a measure designed to prevent union elections across the nation and depress wage growth, instead of contemplating legislation to create teacher jobs, construction jobs, and economic reforms to address the deep structural causes of persistent unemployment.

There is a good reason why people do not want to see their labor rights undermined. Our rights in the workplace are the basis for the middle class. These rights were essential to securing higher paychecks for everyday peo- ple, and obtaining health and retirement secu- rity for the average worker. At a time when we are facing the possibility of deep cuts in health, education, and social security it is all the more imperative that we keep in place whatever power people have to demand a fair compensation and a fairer share of the wealth we create through diligent work. Workers should be empowered to bargain for a bigger share. Let's not rob those who have earned it. But this is not what this legislation is interested in doing. It would rather protect employers at the expense of employees,

Mr. Chairman. I disagree. It needs cer- tainty. It needs predictability. Em-}

class in this country, it also built one of the largest economies. Why? Because we have the most productive workers in the history of the world industry after industry after industry, however you measure it. What's left with our steelworkers compet- ite with China? Because our plants are cost competitive on ton of steel, but when you manipulate the currency, our people can't win. But our workers continue to be there every day. And now, thank you to the work of the NLRB working out these ar- rangements, the NLRB will continue to be there every day for employers and employees to settle their differences.

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

Let's clear up a few things today we've heard in this debate. It's very interesting. We clearly have a different view, there's no question about it.

We've heard repeatedly that this bill strips workers' rights—union work- ers' rights, nonunion workers' rights. The proposed regulations—which ap- parently are under modification, as we speak, by the NLRB—were in fact an un- attack on workers' rights, a demand that more personal information be pro- vided union organizers whether or not the workers approved of that, and shrinking the amount of time that workers might have to make a decision on one of the most important aspects in their life to as little as 10 days. This bill protects workers' rights and makes sure they have time to make this im- portant decision.

We've heard today that bargaining units would be gerrymandered by em- ployers. In fact, this bill puts us back to the standards that have been in place for decades to make sure that workplaces aren't fractured and frag- mented, and workers have a right to an election. This bill protects workers' rights and makes sure employers have to make a decision on one of the most important aspects in their life to as little as 10 days. This bill protects workers' rights and makes sure they have time to make this im- portant decision.

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We've been told that we're wasting time today and that we ought to be having a jobs bill, which apparently means spending more borrowed money. We're already borrowing 42 cents on every dollar, Mr. Chairman, that we're spending now, and yet apparently you can't vote on a bill in this country unless government does it with borrowed money. Well, we disagree.

We think, we believe that we have been moving legislation in this House which will in fact help American job creation. We think it goes back to work. One of the obstacles is confusion. It's uncertainty. It's worry about the regulat- ory climate and what is coming down the path.

The President of the United States has said that this economy needs a jolt. Mr. Chairman. I disagree. It needs cer- tainty. It needs predictability. Em- ployers, employees, and consumers

From the 40 hour workweek to ending child labor, union representation has helped to guarantee rights that many of us take for granted today. Unions negotiate for safe work- conditions, living wages, and basic bene- fits that impact all workers. Efforts to decrease the power of collective bargaining in this coun- try in recent decades have been accompanied by an erosion of workers' benefits and greater income inequality. This year in Wisconsin and Ohio, we have seen voters reject recent at- tempts to strip away the rights of government workers and those who would likewise reject this at- tempt to limit access to these rights for those in the private workforce.

This bill does nothing to protect and support working families, and I urge my colleagues to stand up for workers rights and oppose this bill.
which history has shown will not distribute the wealth created by the workers.

The main purpose of H.R. 3094 has nothing to do with democracy and fairness in the workplace. Making elections difficult or almost impossible, whether it be in society or the workplace, is not the democratic or fair effort democracy is ever it is fair. The Election Prevention Act preemptively blocks the National Labor Relations Board’s proposed rules to streamline the election process and use modern administrative measures to improve communication between all parties involved—the workers, employers, unions, and the Board. It does this because the more it elongates the delays during an election process, the greater the chances workers will be given demanding a union and the power to bargain collectively.

A basic American value is that we should all be able to choose how and with whom to form into an association for the purpose of voicing our interests and views. This same idea that we ought to be able to choose how and with whom to form a community of interests is enshrined in the National Labor Relations Act. The bill seeks to deprive workers of this basic right so fundamental to our understanding of democracy by giving employers the power to determine who should be included in an “appropriate” bargaining unit instead of allowing people to decide for themselves who should be included.

Supporting this bill means contradicting our basic values about fair representation, ignoring the message that Americans have sent regarding their wish to retain their rights in the workplace, and putting ideology above the need to create employment. Voting for this bill will not only hurt our chances of an economic recovery—it is equivalent to cutting people’s rights and preventing them from securing a fair portion of the wealth they have created.

I urge my colleagues on both sides of the aisle to vote “no.”

Mr. DINGELL. Mr. Chair, I rise in strong opposition to H.R. 3094, the Workforce Democracy and Fairness Act. This bill should be defeated because it does nothing to help create jobs or put this country back on the path to sustainable economic recovery. Rather, H.R. 3094 is an unconscionable assault on the right of every American worker to organize, a right that I have defended for my entire congressional career.

The Workforce Democracy and Fairness Act is a partisan reaction to a recent rulemaking by the National Labor Relations Board (NLRB) concerning union elections. This one-sided bill carries on in the fine Republican tradition of stifling any attempt of working men and women to gain any leverage on management by unionizing. This frightens my Republican colleagues so much that, when they see a potential problem, they, and millions more citizens from every congressional district in America, are demanding that we, as their elected Representatives, proactively address our nation’s economic crisis, create jobs, and reduce unemployment. But these demands continue to fall on the deaf ears of the Republican majority.

Mr. PRICE of North Carolina. Mr. Chair, I rise in strong opposition to a bill unambiguously titled to deliberately mislead the American majority to undermine the ability of American workers to organize and bargain collectively. H.R. 3094 will create barriers to union elections through waiting periods and more stringent criteria, dilute voter pools, and disproportionately tip the scales of power in favor of employers. It is these same partisan tactics that are preventing this Congress from making any significant progress on the real important issues at hand.

Mr. Chair, it is shameful that my Republican colleagues insist on bringing such partisan bills such as H.R. 3094 to the House floor. At this critical time, it is absolutely vital that we spend our time constructively to work toward shoring up our economy and creating jobs here at home. Instead, they have demonstrated that radical ideology is a more important priority than compromise in the name of finding real solutions to our nation’s problems.

Mrs. MALONEY. Mr. Chair, I rise today to oppose yet another attempt at rolling back workers’ rights. H.R. 3094, the Election Prevention Act. This assault on union employees is an anti-labor and anti-working American middle class. Instead of legislation to create jobs and to grow the American workforce, the House Majority is attempting to undermine worker protections and put workers at risk.

It is a strength of our democracy that employees have the freedom and the federal statutory right to choose whether or not to be represented by a union. However, this legislation would effectively end collective bargaining rights by putting power exclusively in the hands of employers. It gives employers the ability to play union-busting selection, allowing for intimidation and harassment of employees. It does nothing to protect workers who are fired, threatened, or interrogated for exercising their right to form a union. It also prevents individuals to choose the coworkers with whom they wish to seek representation. For the sake of our economy, incentivizes wasteful litigation prior to union elections and would increase taxpayer costs by creating a backlog of required findings on superfluous issues.

Unions have helped to improve the wages and working conditions of all Americans and to grow the American middle class. This war on union employees is that is being waged in states by unionizing. This frightens my Republican colleagues so much that, when they see a potential problem, they, and millions more citizens from every congressional district in America, are demanding that we, as their elected Representatives, proactively address our nation’s economic crisis, create jobs, and reduce unemployment. But these demands continue to fall on the deaf ears of the Republican majority.

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Mr. PRICE of North Carolina. Mr. Chair, I rise in strong opposition to a bill unambiguously titled to deliberately mislead the American majority to undermine the ability of American workers as well as to helping those outside the workforce to find good jobs. I urge my colleagues to vote “no.”

Today is Wednesday, the middle of the work week—a day when millions of unemployed Americans would love nothing more than to pull on their work boots, tie their ties, or put on their suits and head to work. But today, on the floor of the House, the Republican majority is paying attention: in order to undercut the democratic rights of organized workers, this majority has instead focused on stripping those Americans fortunate enough to have a job of the rights they already possess.

What’s worse, in order to pay for the changes made in this bill, tomorrow we will be considering a bill to eliminate the Presidential Public Financing System and the Election Assistance Commission—key safeguards against the influence of special-interest money in politics and abuses of voting rights, respectively. The irony should not be lost on anybody who is paying attention: in order to undercut the democratic rights of organized workers, this majority is undermining the democratic rights of the entire American electorate.

Let’s be clear: this bill, like all of the other unambiguously partisan, anti-worker bills brought to a vote in the House by the Republican majority over the course of this year, has no chance of being signed into law. It’s simply an ode to special interests that does nothing to move our economy forward. After 11 months of control, the House majority has made clear that it has no interest in reigniting our economic recovery and helping put people back to work. I encourage my colleagues to defeat H.R. 3094 and to continue to push for the consideration of jobs legislation to help put Americans back to work.
Mr. WILSON of South Carolina. Mr. Chair, I would like to thank our Chairman and I am thankful for his leadership on this very important issue.

Once again, the President’s National Labor Relations Board is trampling on the rights of American workers. Employers believing them the opportunity to participate in a free election. Current policies have been in place for decades to ensure each worker is given a fair amount of time to make a decision about joining a union. With the proposal set forth in June, the NLRB will decrease the amount of time employers have to consider joining a union from an average of thirty days to as little as ten days. This radical policy of rush elections will limit the amount of knowledge and information available to each union worker.

Moreover, this new proposal will give unions the capability to branch out and form smaller collective bargaining groups, creating a bigger burden on employers as costs will rise to manage multiple unions. Our Nation does not need more government involvement that negatively impacts the way employers operate their businesses.

The job killing influence of the NLRB such as the attack on Boeing workers in South Carolina must be stopped before it tramples the rights of American workers. Congress has a responsibility to ensure every American is given a free election, an opportunity granted by the laws of our country.

I am proud to be an original cosponsor of this commonsense legislation and encourage my colleagues to vote in favor of The Workforce Democracy and Fairness Act which protects our employees and union workers from the Big Labor policies of the President’s National Labor Relations Board and promotes more freedom for job creation.

Mr. STARK. Mr. Chair, I rise in opposition to H.R. 3094, the Workforce Democracy and Fairness Act. This bill is just one more Republican attack on workers and middle class Americans under the guise of protecting the “job creators” we hear so much about from the other side of the aisle.

In case you missed the recent Republican Presidential debate when front runner and former House Speaker Newt Gingrich said we should do away with child labor laws, the Republican message is clear: laws that protect our workers are not needed. Instead, workers should just rely on the benevolence of “job creators” to pay them for the hours they worked or to hold a fair union election. Today’s legislation is another attempt to undermine workers’ rights.

For eighty years, the National Labor Relations Board, NLRB, has operated as an intermedial between laborers and employers. I applaud the NLRB’s decision to modernize union election rules with standardized election timelines and electronic petition filing, and a streamlined hearings process. House Republicans responded to these modest and overdue changes by bringing up legislation to make it harder to join a union. They want our economy fixed and they want jobs. Attacking working men and women, as this bill does, will not create a single job or help a single American worker. Instead, it will make it more difficult for them to assert their rights in the workplace and almost certainly encourage frivolous litigation.

The time we spend on legislation like this is time we fail to spend addressing the real needs of the American people. I urge my colleagues to vote no on this bill.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chair, I rise today in opposition to H.R. 3094, the Republican plan to crush workers’ rights and destroy any glimmer of hope our working families have at economic recovery. The Republicans designed this bill to destroy 75 years of National Labor Review Board case law in their attempt to dismantle the middle class.

Collective bargaining and the right to organize helped build a strong American middle class. It doesn’t cost the federal government one dime in real money. Instead of taking steps to create jobs and strengthen working families, Republicans are dismantling key worker protections. Employers should have the ability to negotiate with their employer about salary and benefits, whether they’re in a union or not. Organized labor is good for business. Thousands of companies across the country thrive with a unionized workforce.

Republicans responded to these modest and overblown assertions with legislation that would allow companies to obstruct any attempt by workers to unionize their workplace. Some companies will use litigation to help forces workers who want to intimidate and harass workers and bring in union-busters. It would also allow employers to gerrymander bargaining units to skew election results in their favor.

When I hold town meetings in my district, my constituents are not clamoring for Congress to make it harder to join a union. They want our economy fixed and they want jobs. Attacking working men and women, as this bill does, will not create a single job or help a single family pay their bills. I urge all of my colleagues to vote no.

Ms. HIRONO. Mr. Chair, it is sad for our country that today the U.S. House is voting on H.R. 3094, yet another bill to roll back workers’ rights.

Today’s bill does nothing for the number one issue on people’s minds in Hawaii and around the country: creating new, good-paying jobs.

We’re seeing unemployment on Hawaii Island at nearly 10 percent. On Kauai, it’s nearly 9 percent. In Maui County, it’s nearly 8 percent.

Instead of addressing this top issue of jobs, today’s bill is part of a continuing assault against organized labor around the country. This bill is just like the attacks we saw in Wisconsin and Ohio.

But Ohio’s families said no.

And so do Hawaii’s. Because Hawaii families believe working men and women should be able to have a voice at the table.

This bill would strip the middle class in Hawaii and across our country through legislation enabling workers to bargain collectively for better wages and working conditions. Congress should be focusing on creating jobs, not making it easier for a few companies to prevent workers from having a voice in the workplace.

While most employers in Hawaii want to support their workers, I have heard from workers in Hawaii that some companies exploit the current system to prevent workers from having a voice in the workplace.

For example, in February 2003, National Labor Relations Board Administrative Law Judge Gerald Wacknov ruled against a Hawaii business where a labor dispute had been going on for years.

In 2002, workers at this company, who had not been given a raise in six years, asked the International Longshore and Warehouse Union (ILWU) for help in organizing a union.

Judge Wacknov ruled that “the Employer’s conduct prior to the election . . . substantially interfered with the employees’ free choice.”

In the run-up to the union election, the workers were forced to attend one-on-one or group meetings on work time, where the management could convince workers to vote against the union.

Under current law, we know that a company can talk to their workers at any time and urge them to vote against joining a union.

The company can scare workers into thinking that voting for a union will cost them their jobs.

Meanwhile, unions are not allowed to visit the worksite to make their case for joining a union.

They do not have access to complete contact information that will enable them to effectively contact workers.
This company even hired a private security firm and posted large, threatening security guards outside the voting area during the vote. After Judge Wacknow’s ruling in February 2003, the company appealed the decision. A year and a half later, in summer 2004, the overburdened National Labor Relations Board upheld Judge Wacknow’s ruling and ordered a new election.

In August 2004, a second election was held for the company’s workers, and a majority voted to join the union. The company appealed yet again.

In February 2005, NLRB Administrative Law Judge James Rose found that the company had effectively stuffed the ballot box in its favor by unfairly adding ineligible voters. In July 2006, more than six months after a petition was first filed to hold an election—the NLRB Board finally certified the ILWU Local 142 as the union for the workers. Still, the company has continued to offer appeals after appeal of the election’s results. It’s a cycle that has been repeated.

The workers still do not have their first bargaining contract for better wages and conditions. Today’s bill on the House floor would make this union’s work even harder.

H.R. 3094 would make it nearly impossible, in contested situations, for workers to come to the table and have a voice in the workplace by voting to join a union. Nationwide, in contested cases, workers already have to wait an average of four months to vote whether to join a union. Various delays can already occur.

Today’s bill would make this problem even worse. It would add an extra minimum waiting period of two weeks before a hearing, and five weeks before an election. This is in addition to the already long wait time.

And each day of delay allows an employer to continue to scare their employees into voting against a union.

Today’s bill would add to the NLRB’s paperwork burden. H.R. 3094 would require the NLRB to hear frivolous appeals from a company to stop an election. This would completely overwhelm the NLRB with thousands of frivolous appeals and delay elections even longer.

Clearing the current system is already stacked against workers trying to have a voice at the table.

This bill should really be called the “Electoral Prevention Act.” I urge my colleagues to join me in voting against this bill.

Instead, let’s stand with working men and women of this country and focus on what people really want—getting back to work.

Mahalo.

Ms. RICHARDSON. Mr. Chair, I rise in strong opposition to H.R. 3094, the deceptively named “Workforce Democracy and Fairness Act,” and I appeal to my colleagues to join me in rejecting this dangerous legislation designed to undermine the collective bargaining rights of American workers.

I oppose this legislation for three principal reasons:

First, it flies in the face of 75 years of judicially-approved, National Labor Review Board (NLRB) case law governing the eligibility of bargaining units, transferring that power away from workers wishing to organize.

Second, it would open the door to indefinite delays within the union election process, inviting frivolous litigation designed to cripple the system and prevent fair elections.

Third, it would unfairly impose restrictions on the opportunity of workers to receive union information while allowing employers free reign to bombard their workers with anti-union propaganda.

In short, this legislation would reduce the power of workers to organize for fair treatment to a level not seen since the late 19th century. At first glance, the Workforce Democracy and Fairness Act sounds like a reasonable bill, but its glib appeal vanishes when one examines its intent closely.

Proponents argue that by inserting delays prior to a union election, so-called “ambush elections” would be avoided. It claims not to interfere with the NLRB’s supervision of elections.

Mr. Speaker, this claim is disingenuous. The argument that creating employer based delays for a union election will somehow give a union member more time to make a better and more informed decision is questionable at best.

Letting an employer delay union elections is unfair to the American worker who wants his or her voice heard. Big Business is not supporting this bill to help unionized workers exercise their rights. H.R. 3094 is a blatant attempt to silence and confuse.

Enacted in 1935, the National Labor Relations Act (NLRA) was designed explicitly to encourage collective bargaining. Since then, the NLRB and the courts have interpreted this act in the American workplace.

Creating a legal precedent for unfairly stalling or even halting union elections is the true aim of this act. This legislation takes away the ability of unions to function as a democratically elected entity, prevents it from communicating with its members, and saps its organizational strength.

Moreover, the resounding defeat of Ohio’s Senate Bill 5, which tried to restrict collective bargaining rights of more than 360,000 public employees in the state, clearly demonstrates the American people’s opposition to a legislature’s attempt to stifle the rights of workers.

Equally troubling is that under H.R. 3094 companies are free to force their workers to listen to anti-union information under the threat of discharge if they try to object. This provision is truly an act of coercion which has no place in the American workplace.

The result of this strategy is obvious. H.R. 3094 permits employers to intimidate their employees and discourage them from securing workplace democracy.

This is why the White House recently released a statement describing H.R. 3094 as an attempt to “undermine and delay workers’ ability to exercise their right to choose whether or not they will be represented by a union.”

Imagine if H.R. 3094 passed. Imagine a working environment where a union wants to cast a ballot, but its obstructed by the employer with a steady stream of delays, bureaucracy, and litigation. Imagine a working environment where one’s livelihood is threatened by unseemly tactics when attending an anti-union meeting. Imagine a working environment where dissent is not permitted. This would be the reality under H.R. 3094.

At one time, this was the reality in our country. It existed in the days of child labor, when the 12-hour workday was the standard, when there were no week-ends, no safety regulations, or any of the other workplace protections that we take for granted today.

No longer is the American worker a child living in the Gilded Age. American workers fought for over 100 years to achieve the right of collective bargaining for a better future. The democratic core of the right to unionize is under attack by this legislation.

H.R. 3094 would be a great leap backward for our country. I urge my colleagues to reject this deceptive legislation and secure the rights of American workers.

The CHAIR. All time for general debate has expired.

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

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

H.R. 3094
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.
This Act may be cited as the “Workforce Democracy and Fairness Act.”

SEC. 2. TIMING OF ELECTIONS.
Section 9 of the National Labor Relations Act (29 U.S.C. 159) is amended—
(1) in subsection (b), by striking “The Board shall decide” and all that follows through “in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.”

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

H.R. 3094
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
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(B) by inserting before the last sentence the following: “An appropriate hearing shall be one that is non-adversarial with the hearing officer charged, in collaboration with the parties, with the responsibility of identifying any relevant and material pre-election issues and thereafter making a full record thereon. Relevant and material pre-election issues shall include, in addition to any other issue the resolution of which may make an election unnecessary or which may reasonably be expected to impact the election outcome, Parties may raise independently any relevant and material pre-election issue or assert any relevant and material position at any time prior to the close of the hearing.”

(C) in the last sentence—
(i) by inserting “or consideration of a request for review of a regional director’s decision and direction of election,” after “record of such hearing”;
and
(ii) by inserting “to be conducted as soon as practicable, but not less than 35 calendar days following the filing of an election petition” after “election by secret ballot”;
and
(D) by adding at the end the following: “Not earlier than 7 and not more than 14 days after a final determination by the Board of the appropriate bargaining unit, the Board shall acquire from the employer a list of all eligible voters to be made available to all parties include the employee names, and one additional form of personal employee contact information (such as telephone number, email address or mailing address) chosen by the employer.”

The CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 112–291. Each such amendment may be offered only once and printed in the report. By a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be amended, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BISHOP OF NEW YORK

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–291.

Mr. BISHOP of New York. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, line 2, strike “and”.
Page 9, line 3, strike the second period and insert “: and” and after such line insert the following:

(3) by adding at the end the following: “(O) nothing that assertion, filing, pleading, statement of position, paper, or appeal (in this subsection referred to as ‘filing’) in any proceeding prior to an election under this section, an attorney or other party representative has a duty, to the best of his or her knowledge, information, and belief, and formed after an inquiry reasonable under the circumstances and required of an attorney by Rule 11 of the Federal Rules of Civil Procedure. Rule 11, which sanctions frivolous filings in Federal court, is a longstanding and tested standard that has been in practice for nearly 70 years, but it is currently inapplicable to representation proceedings at the Board. Therefore, I urge the majority to continue to allow the filing of frivolous litigation at the NLRB but defer it in the courts? The short answer: We shouldn’t. There is no good reason. This amendment simply harmonizes NLRB practice with the national standards used in our court system.
While I urge the adoption of this amendment, the underlying bill before us today is nothing more than another attempt by the majority to distract the public from the most important issue facing our country—job creation. Because my colleagues on the other side of the aisle apparently lack any plan to get unemployed Americans back to work, they now turn their backs on the false specter of powerful unions and burdensome regulations as the bogeymen in the American labor market.
However, a recent national poll by the Bureau of Labor Statistics shows that only 0.2 percent of employers cite “government regulations and interference” as their reason for laying off employees. That’s 0.2 percent. The main reason cited for layoffs is lack of demand. We need real solutions to create American jobs, not phony distractions that attempt to steer the conversation to problems that don’t exist.
While current law allows union elections to proceed while requests for full Board review are considered, H.R. 3094 provides that elections be delayed until the Board decides whether or not to grant a request for review by the full NLRB, no matter how frivolous the arguments. In doing so, this bill incentivizes parties opposed to unionization to file frivolous lawsuits to delay union elections. Not only is this unfair to hardworking Americans, but it adds tremendous cost to taxpayers. This built-in incentive for delaying tactics makes my amendment all the more important.
In the past, many of my Republican colleagues have argued passionately about the evils of frivolous lawsuits; therefore, I am confounded to hear opposition to my amendment that seeks to discourage frivolous litigation. Why is it that litigation that thwarts the ambitions of working families, no matter how frivolous or misguided, is now suddenly okay? Don’t construction workers matter?
Unfortunately, such frivolous litigation is often used by unscrupulous employers to oppose unionization. In my own district, 14 T-Mobile technicians attempted to organize a local chapter of the Communications Workers of America, only to discover that their employer had undertaken several subversive measures aimed at derailing the path to union organization.

One such legal challenge included a dispute over the definition of whether or not the CWA is a legitimate labor organization. Let me say that again: a dispute over whether or not the CWA is a legitimate labor organization. The CWA, we should all know, represents over half a million American workers.
Under H.R. 3094, T-Mobile’s frivolous challenge would have to be completely adjudicated by the NLRB before the union election could occur, giving T-Mobile the ability to legally hammer upon workers with sanctions for weeks, months, or even years. A constituent of mine wrote to me regarding the T-Mobile incident, and I

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quote: ‘It is abundantly clear to us that the company is only engaged in this effort in order to buy enough time to continue with an intimidation campaign as an effort to prevent us from exercising our right to organize and bargain collectively. We should not be exercised our legal right in a timely and efficient manner, to decide for ourselves through the established election process whether or not to join the CWA. This process of delay and intimidation being exercised by T-Mobile management is wrong and should not be allowed to happen in the future. After several months of this verbal and emotional assault, I will stand firm in my commitment to gaining a voice at work. What I am asking for is a fair chance to vote."

A fair chance to vote. What can be more American than that?

This is a fundamental matter of standing up for the American worker. This bill is an affront to one of our most cherished values. The ability of workers to collectively bargain has been one of the basic pathways for workers to gain the protections and pay necessary to access the American Dream. We should not undermine this shared principle, and yet this is precisely what the underlying bill does. My amendment would provide at least some protections for employees who seek to organize their workplace.

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

Mr. GOWDY. Mr. Chairman, I claim time in opposition to the amendment.

The CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

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

Let me first thank Mr. BISHOP for raising the important issue of frivolous, vexatious litigation. I am thrilled almost beyond words—not quite—almost beyond words that our colleagues on the other side of the aisle recognize the deleterious impact that frivolous, vexatious litigation has on our economy.

We very much support, Mr. Chairman, a more effective use of rule 2011. We have consistently supported tort reform that correctly sanctions frivolous and vexatious lawsuits. So, again, I thank our colleague from the other side of the aisle for bringing attention once again to the impact frivolous litigation has on our economy.

Nevertheless, Mr. Chairman, this amendment is not the right vehicle for a number of reasons.

The purpose of the underlying bill is to correct the misguided effort of the NLRB to have quick elections, which means the time is compressed for litigants, especially those caught off guard by the legal filing, to respond. What do litigants and their counsel do when given an inadequate time to prepare for litigation? They over-plead, they over-answer, they throw everything they can into the answer because to do otherwise is to risk missing an issue and being sued for illegal malpractice or, worse yet, failing to adequately represent your client. So in a very counterintuitive way, the NLRB’s rush to have elections is more likely to result in over-pleading than the status quo would be.

Mr. Chairman, this amendment also gives increased power to the very agency that we are trying to rein in. That, too, is counterintuitive. To reward an activist, agenda-driven executive branch entity with even more power to wield incorrectly is an invitation we are loathe to accept.

This amendment does not even provide all the safeguards of rule 11 in the Federal Rules of Civil Procedure. And I heard my colleague and friend on the other side of the aisle make reference to rule 11. If this were simply rule 11, we may very well be standing up to join in support. It’s not rule 11. It doesn’t provide notice and a reasonable chance to respond. It doesn’t provide an appeal procedure. It denies an opportunity to withdraw the frivolous matter before it is imposed. Even current NLRB provisions require due notice and an opportunity for a hearing in allegations of misconduct cases.

This amendment, I am sure—I am convinced—is well intended, to root out frivolous filings and pleadings; but it has to be done in an evenhanded, fair manner, not one calculated to skew the balance even more in favor of those seeking vexatious litigation and away from job creators.

Other than union membership being at a historic low, Mr. Chairman, why the rush to change the rules? Is 31 days too long? Is a 70 percent success rate in elections not good enough? I appreciate the motive behind the amendment, but I must oppose it because of the mechanism; and I would encourage my colleagues to do the same.

I reserve the balance of my time.

The Acting CHAIR (Mr. YODER). The gentleman from New York has 15 seconds remaining.

Mr. BISHOP of New York. I yield the balance of my time to the gentleman from Iowa.

The Acting CHAIR (Mr. YODER). The gentleman from New York is recognized for 15 seconds.

Mr. GOWDY. Mr. Chairman, I just find it instructive again—and we need to give pause and reflect on why we’re here. We’re not here because Chairman KLINE had an idea out of the blue. We’re here because an activist, agenda-driven NLRB is determined to make what may be one of the most important decisions of their lives.

And again I will say to my colleague, rule 11 has built-in procedural safeguards. And we had a very civil, constructive, thoughtful conversation about this amendment in committee, and I commend our friend for that. And I commend him for bringing up frivolous and vexatious lawsuits. And I’m happy to work with him on how to get a fair go at this. This vehicle, while well intended, is not the vehicle to get it done.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. Bishop).

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

Mr. BISHOP of New York. I demand a recorded vote.

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

AMENDMENT NO. 2 OFFERED BY MR. BOSWELL

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–291.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, line 2, strike ‘‘and’’ and insert ‘‘except those designated parties described in subparagraph (C)’’ after ‘‘parties’’.

Page 9, line 19, strike the second period and insert ‘‘; and’’ after such line.

(3) by adding at the end of subsection (c)(1) the following: ‘‘The designated parties referred to in subparagraph (B) are employers that paid any executive bonus compensation in excess of 10,000 percent of the total annual compensation of the employee who was the object of the sanctions during the 1-year period preceding the filing of a petition under this subsection. Such parties may not engage in the dilatory tactic of raising new issues or positions during a pre-election hearing that were not raised prior to the commencement of the hearing.’’.

The Acting CHAIR. Pursuant to House Resolution 470, the gentleman from Iowa (Mr. BOSWELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.
Mr. BOSWELL. Mr. Chairman, I yield myself such time as I may consume.

I rise to encourage my colleagues to support my amendment to the underlying legislation. I first want to thank my colleagues, Mr. MILLER and Mr. ANDREWS, for their work on this important legislation.

I’m concerned that this legislation creates an opportunity for parties to abuse the preelection hearing process to engage in open-ended litigation. The majority would allow parties in a hearing to raise any “relevant and material” issues at any time before the close of the hearing. Yet they define “relevant and material” as “any other issue” that may possibly impact the election. Practically, this means that any workplace issue, however frivolous, could be raised and litigated before the hearing closes.

As we’ve seen, there are always some—though not all—that seek to enrich their CEOs while denying their workers fair and safe workplaces. This amendment would only apply to companies that have given bonuses—now hear this—bonuses to their executives that amount to 10,000 percent more than the average yearly salary of their employees. Those employers would be required to state their issues and positions at the onset of a hearing and would be prohibited from engaging in open-ended litigation.

This is a simple principle: If your average employee makes $50,000 and you can afford to pay the CEO a bonus of $5 million, then you can also afford to be prepared for the hearing in 14 days and state your position up front.

I’m not sure why we’re considering H.R. 3094 right now. It won’t create one job, and it won’t reduce our deficit by $1. It won’t add one job for unemployed construction workers to fix Iowa bridges that need to be repaired. It won’t help one member of the Iowa National Guard that recently returned from Afghanistan and is still looking for a job.

All this bill does is help a small number of companies make it harder for their workers to organize. The very least we can do is make sure those companies aren’t abusing their process while handing out executive bonuses that are 10,000 percent more than what their workers earn.

Support this amendment for fairness. I reserve the balance of my time.

Mr. KLING. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Minnesota (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

My friend from Minnesota, the chairman of our committee, says that Congress shouldn’t be picking winners and losers. I think the Congress has already picked a lot of winners in the last number of months. They’ve picked the people who are the subject of Mr. BOSWELL’s amendment, those whose bonuses are 10,000 percent more than the average salaries of their workers. They’ve picked them for the largest tax cut in history.

They picked a winner by saying that if that person manipulates a hedge fund or financial institution, the regulators will look the other way as our 401(k)s become 201(k)s and our home values shrink.

Most decidedly, this Congress has picked a set of winners, and those winners are those at the very top of American society who have gotten 93 percent of the pay raises. Ninety-three percent of the pay raises given out in this country have gone to that top group.

So Mr. BOSWELL is trying to create a significant disincentive that says, you know what? If you pay yourself 10,000 percent more than your average worker, maybe there should be a separate set of circumstances you have to abide by and live by. It’s a novel idea around this Congress, very novel idea that the very top of American society should have to live by a set of rules that protects the rest of American society.

For that reason, I strongly support Mr. BOSWELL’s amendment and would urge a “yes” vote.

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

I, like my colleagues on the other side of the aisle, and Americans across the country, can get pretty angry when some officials, corporate officials receive extraordinarily high salaries. I’m not here to defend that.

What I’m talking about here is, why would you punish the workers because the employers are paying themselves too much money? I don’t think we should do that, and that’s what this amendment does. It denies workers the opportunity to make an informed decision. We shouldn’t be punishing those workers because executives have paid themselves too much money.

I reserve the balance of my time.

Mr. BOSWELL. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Iowa has 1½ minutes remaining.

Mr. BOSWELL. Thank you very much, and I appreciate the discussion.

Thank you, Mr. ANDREWS, for those very astute remarks that have applied to workers.

My friend from Minnesota, Congressman, I recall we both have led troops, and I’m proud of you for having done that. I’m proud that I had the opportunity.

I see these top CEOs as—who are their troops? Their troops are the workers. Thank heavens we have got those people that are willing to be entrepreneurs and get out there and invest and do those things, but they’ve got to have workers to get the job done just like you and I had to have troops to take the objective.

What’s the difference? Our troops had to be well-fed, trained, equipped, morale had to be good, and then we could take our objective. Any sergeant, any lieutenant, any lieutenant colonel, any general, they can’t take their objective without troops. And how do CEOs and people, entrepreneurs that we appreciate—we rely on them, but they’ve got to have those workers; they’ve got to treat them fairly and they’ve got to realize that they too want to have the American Dream.

And I was concerned where is that American Dream going to be as I was surrounded by my grandchildren just a few days ago at Thanksgiving. Is it going to be there for them? Then we’d better be thinking about it.

We don’t pull the ladder up, we leave it down. Let’s let everybody have a piece of the American pie.

And 10,000 percent, and you’re worried about that? Come on, give me a break.
I urge support of this amendment. I think it is fair and it’s the right thing to do. I yield back the balance of my time.

Mr. KLINE. May I inquire as to how much time I have remaining.

The Acting CHAIR. The gentleman from Minnesota has 2 minutes remaining.

Mr. KLINE. Thank you, Mr. Chairman.

I, too, want to thank my friend and colleague from Iowa for his service. He, like me, made an early mistake and chose to fly and, even worse, to fly helicopters. He just perhaps was better at it than some of us.

But this amendment is going in the wrong direction. It’s not the percentage. How many percent? 10,000, 100,000, 1,000 percent more money that an executive makes—I don’t want to defend that either. And I don’t want to defend the leader who eats before his troops. I don’t want to defend the leader who thinks he can get it done without the troops.

But this amendment takes away the rights and the protections of the employees and the workers. We shouldn’t punish the workers because we’re mad at the executives. We shouldn’t punish the troops because we’re mad at the colonels. I agree with the gentleman on that.

Let’s not punish the workers. Let’s defeat this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. Boswell).

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

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

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

AMENDMENT NO. 3 OFFERED BY MR. WALZ OF MINNESOTA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–291.

Mr. WALZ of Minnesota, Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 2, strike “and”;
Page 8, line 20, insert “(except those designated parties described in subparagraph (C))” after “parties”;
Page 1, line 19, strike the second period and insert “;” and after such line insert the following:

“(3) by adding at the end of subsection (c)(1) the following:

“(C) The designated parties referred to in subparagraph (B) are employers that have been found liable for any labor law violation against the employees of the Armed Forces during the 1-year period preceding the filing of a petition under this subsection. Such parties may not engage in the dilatory tactic of designating parties described in subparagraph (A) if they have already violated veterans’ employment rights at a time when we have high unemployment amongst veterans. This is one on which we can come together.

By the way, 2 million veterans are in labor unions of their choice now, so this isn’t a small number. This is a large number. Why would Congress hinder the ability for a veteran to choose whether or not they want representation? It’s what they fought for.

While my colleagues and I can debate the role of government in collective bargaining, I don’t believe there should be any difference in where we believe there should be protections. I don’t believe there should be protections for violators of veterans’ employment rights and allow them to make the choice.

I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

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

Of course I always hate to oppose something presented by my Minnesota delegation colleague, a veteran himself, but again I think we have a misguided amendment here.

In the last amendment, we were sort of taking an Occupy Wall Street moment to express our outrage at the salaries or bonuses or compensation for executives, and we were honoring workers because of our outrage. Unfortunately, we’re sort of doing the same thing here.

If you’re a veteran and your employer has harmed any number of your right under Federal labor law, they’ve broken the law and action ought to be taken against them. But now with this amendment, this would give this activist NLRB an excuse to undermine the rights of your coworkers in a union election. I don’t think we want to do that. We want to support the rights of all workers.

As the distinguished minority whip said, employers and employees ought to get a fair election. We want a fair election for employers and employees, for workers—whether they are veterans or not veterans. I, having spent some time in uniform myself, have a special place for veterans. I want to make sure they get everything, everything that’s coming to them. We owe them so much. But this amendment, unfortunately, would end up punishing them and their coworkers in, I think, a misguided effort to help them. We shouldn’t do that.

Let’s support the underlying legislation and oppose this amendment.

I reserve the balance of my time.

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

I respect the chairman and the gentleman’s opinion on this, but I want to be very clear. The only people this applies to is violators of veterans’ workplace employment. These are veterans returning home who choose to have union representation, who have fought for that right in uniform and are now being told this.

The NLRB said this is no problem being able to be put in. It’s at no cost to the taxpayer to be able to do this. And the thing that I hear coming up in the discussion today was we need to have more time to explain to them.

I have tremendous faith in the ability of our folks who served in split-second, life-and-death decisions overseas
serving in combat to be able to, after a few days, make a decision with the information they’re given whether they want representation or not, not being drug out in litigation for 2 years so they can protect their rights against employers previously cited in the 1 year. These are the good actors, these are the bad actors.

I don’t like the underlying bill. I’m trying to make it better. Why are we protecting the 1 percent of bad actors in this at the expense of a veteran who has fought for the nation?

With that, I reserve the balance of my time.

Mr. KLINE. Again may I inquire as to how much time remains on either side.

The Acting CHAIR. The gentleman from Minnesota (Mr. KLINE) has 3 minutes remaining, and the gentleman from Minnesota (Mr. WALZ) has 1½ minutes remaining.

Mr. KLINE. Thank you, Mr. Chairman. I yield myself the balance of my time.

I think there is some confusion here. The other gentleman from Minnesota says that these are talking about veterans who have chosen to have a union. The member from Minnesota doesn’t know if they’ve been found liable or not, and he doesn’t know that. That’s what the election is for. And they deserve the time and the opportunity to ask questions, get answers, hear from all sides and make an informed decision.

What the underlying bill does, it says you get at least 35 days. And I would remind my colleagues that the current mean time, average time, is 31 days and the median time is 38 days. It’s not out of line. But we think a month, 5 weeks, ought to be time for workers to be able to receive the information, ask the questions, challenge information from the employer and from the union organizer, and then make an informed decision.

While it’s true, certainly, sometimes in combat that you have to make split-second decisions to save your life or the lives of colleagues or to achieve the mission, you shouldn’t be required to do that here in making this decision for you and your families. You ought to have time to do it.

Because an employer has misbehaved, in the example of this amendment, the employer should be punished for that if he’s a broken law, but the employee should not be deprived of the opportunity to make an informed decision, and that’s what this amendment would do. So, again, reluctantly, I oppose this amendment and support the underlying legislation.

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I yield back the balance of my time. The Acting CHAIR. The gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Thank you, Mr. Chairman, and thank you for keeping track of the Minnesotans here as well.

I’m sorry, but again we just have a fundamental difference here. If an employer is like the one in this amendment, that has broken the law, they should be punished under the law, whichever law they have violated, in violation of the rights of employees, veterans or not.

But this amendment is an attempt to dismantle a successful union election process that is fair to veterans and nonveterans, to employees and to employers. This amendment, in an attempt to punish employers who have misbehaved, who ought to be punished under the law, whichever law, is simply going to deny the rights of workers to have the opportunity to make an informed decision. I oppose this amendment and support the underlying legislation.

I yield back the balance of my time. The Acting CHAIR. The gentleman from Minnesota (Mr. WALZ).

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

Mr. WALZ. Of Minnesota. I demand a recorded vote.

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

1620 AMENDMENT NO. 4 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-291. Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, beginning on line 4, strike “subparagraph (B)—” and all that follows through “(B) by inserting” on line 8, and insert “subparagraph (B)—” on line 9, and insert “last sentence—” by inserting “or” before “in subparagraph (A) or subparagraph (B) of section 207 of the Federal Election Campaign Act of 1971” on line 10.

Page 8, line 34, strike “last sentence—” and all that follows through page 9, line 9, and insert “last sentence by inserting “or” before “in subparagraph (A) or subparagraph (B) of section 207 of the Federal Election Campaign Act of 1971.”

The Acting CHAIR. Pursuant to House Resolution 470, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas, Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

The question to my colleagues is amendment attempts to make an even playing field. It takes away the power of the underlying legislation, which is to limit how long the election may go on—in fact, delay the election, if you will. This amendment strikes the provision that deals with the time frame in which the election can go on and in which the employer can interfere with that election. Delay gives unscrupulous employers more time to use the time-frame to delay the election.

It’s a simple premise that you win or lose elections; but if you allow employers to use the hand of intimidation and to stop the election, you take away some of the privileges of being an American.

I, frankly, believe that in this time that we’re on the floor we really should be debating the extension of the unemploy benefit, and I believe that we should be discussing the passage of the American Jobs Act. We’re not doing that. We’re here to limit the rights of Americans. So I’d ask my colleagues to support the amendment that stops employers from delaying the rights of Americans by participating in delaying litigation, raising their power while limiting the power of the worker.

I hope my colleagues will join me in supporting my amendment.
Mr. Chair, I rise today in support of my amendments to H.R. 3094, “The Workforce Democracy and Fairness Act.” My amendment eliminates the provisions in this bill that would allow employers to unnecessarily delay an election. The bill in its current form rolls back decades of earned collective rights for workers and gives employers from simply voting in workplace elections. This legislation is an assault on working Americans. H.R. 3094 is designed to delay and ultimately prevent union representation elections, rendering the National Labor Relations Board (NLRB) powerless and undoes decades’ worth of improvements for worker’s rights.

In order to prevent needless delays in conducting elections I propose my amendment which simply strikes the text which requires that an election must be delayed for at least 35 days from the date the petition was filed. This amendment would restore current law.

While my colleagues on the other side of the aisle seemed focused on the NLRB decision and their claim to minimum delays, there is no reason for H.R. 3094 to limit the right that an election can be delayed. This would ensure that an election would be conducted as soon as practicable following the pre-election hearing, consistent with the facts determined by the Regional Director.

By setting a floor that an election will always be held at least 35 days from the filing of a petition, H.R. 3094 imposes delay for delays sake, even if an election could practically be scheduled before 35 days from the filing of a petition. A witness testified before the Education and the Workforce Committee’s that: “This [35 day delay] would apply even where the union and employer are willing to stipulate to an earlier date. Other than facilitating an employer in ramping up an antiunion campaign, it does not appear to have any meaningful purpose.”

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.

H.R. 3094 would amend the National Labor Relations Act to define how the National Labor Relations Board (NLRB) will handle elections. This legislation undermines American workers by eliminating laws that prevent employers from gerrymandering elections when employees consider whether or not to form a union. Employees have a right to unionize. They have the right to exercise their rights collectively bargaining for benefits, and safe working environments. I am extremely disappointed that my Republican friends are willing to create an atmosphere that forces the voice of hard working Americans to be diluted by their employers. In many cases employees have been stripped of the 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 is wrong 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. I will fight, as I have throughout my tenure in Congress, to protect the middle class by protecting their right to vote in any capacity.

My Republican friends have not passed a single bill to create jobs, and this bill is no exception. In fact, this reckless legislation threatens American jobs and undermines worker’s rights while safeguarding special interest. I urge my colleagues to oppose this harmful legislation that will inflict harm on the workers as the bill is designed to undermine American ingenuity and prosperity.

I reserve the balance of my time.

Mr. GOWDY. Mr. Chairman, I claim time in opposition to the amendment.

Mr. Chair, the gentleman from South Carolina is recognized for 5 minutes.

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

This amendment would strike provisions of the Workforce Democracy and Fairness Act that ensure employers have at least 14 days to find legal counsel and prepare their cases for the preelection hearings. Additionally, it would strike the provisions that ensure employers have 35 days to educate their workers and that employees have 35 days to determine whether they wish to join a union.

Legislation is power, and I, frankly, don’t understand the antagonism towards information. I don’t understand the antagonism towards employers. We give garden-variety, common-criminal shoplifters 180 days to find lawyers—180 days for a shoplifter or a speeder or a drunk driver 180 days to hire a lawyer, surely to goodness we can give a small business job creator a couple of weeks.

With that, I reserve the balance of my time.

Ms. JACKSON LEE of Texas. I yield myself such time as I may consume.

Very briefly, in listening to my good friend from South Carolina, it’s time to talk about the white collar intellect that we’ve got to cry for the employers against these deafening and deadly workers, some of them veterans and single parents.

Hear me very clearly: there are 35 days for the filing of a petition, but there is no limit to the amount of time the employer can delay the election through litigation. If that isn’t an imbalance against the vulnerable worker—the worker who is behind a cashier, the worker who is manufacturing a made-in-America trinket of some kind, the textile worker, the returning soldier on the battlefield—then what is?

God bless the employers with their constitutional rights. I applaud them. But what this bill is doing and what the election is doing is taking a spear and going on and on and on with dilatory litigation tactics to disallow the organizing that is protected under the Constitution and the due process under the Fifth Amendment.

Go ahead, employers, get your lawyers. Move on.

But the question is, how long is too long?
I reserve the balance of my time.

Mr. Chairman, I will say it again: We give 180 days to the small business owner who wants to defend against a suit—to negotiate the legal labyrinth that many of the lawyers in this body don’t understand, present company included. There are experts in labor law; but unless you have corporate counsel hired, you’re going to have to go find a lawyer and educate him on your issues.

Mr. GOWDY. Thank you, Mr. Chairman. I yield myself such time as I may consume.

Mr. Chairman, I will say it again: We can’t give 14 days to the small business owner back in South Carolina, which is fix the regulatory apparatus, fix the tax structure, fix the litigation structure, quit spending money you don’t have.

Mr. Chairman, the President, who was standing not 3 feet in front of you, said we should have no more regulation than is necessary for the health, safety, and security of the American people. That’s not a Republican that said that: it’s the President of the United States.

So I would ask the NLRB, what part of health, safety, and security are you trying to fix with quick elections, the placing of posters in the workplace, and other regulations that do nothing except punish job creators?

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

Ms. JACKSON LEE of Texas. In my hand is H.R. 3064 and every small business owner back in South Carolina, which is fix the regulatory apparatus, fix the tax structure, fix the litigation structure, quit spending money you don’t have.

Ms. JACKSON LEE of Texas, in my hand. I have the Constitution. I don’t know who you would stand with. Support my amendment, support the Constitution, provide workers the opportunity for freedom and the right to organize. I ask my colleagues to join me in supporting the Jackson Lee amendment.

I yield back the balance of my time.

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

What I say to my good friend from South Carolina is that I have the greatest respect for employers. I’d like the gentleman to join me in passing the American Jobs Act to give them payroll tax relief and to give them tax credits for hiring new employees. But you have to ask the question: After this and its implementation, will workers view their workplaces more favorably? Will their wages match the growth rates of the companies and economy? Will workers feel like American employers, supported by government, provide meaningful safety for community survival?

This legislation, frankly, undermines the American workers. Can we all get along? Can we find a way to address the concerns of making sure that we are fair to the employer but not have delay after delay after delay to deny someone his constitutional right of organizing freedom of expression? I think we can.

The elimination of the provisions that I have spoken of is a dilatory upper hand of employers to get the better hand of our employees.

I reserve the balance of my time.

The Acting CHAIR. The gentleman from Texas has 15 seconds remaining, and the gentleman from South Carolina has 45 seconds remaining.

Ms. JACKSON LEE of Texas. I yield myself such time as I may consume.

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I reserve the balance of my time.

The Acting CHAIR. The gentlewoman from Texas has 15 seconds remaining, and the gentleman from South Carolina has 45 seconds remaining.

Mr. GOWDY. Thank you, Mr. Chairman.

I would invite my friends on the other side of the aisle to join us in addressing the rights of the American worker back in South Carolina, which is fix the regulatory apparatus, fix the tax structure, fix the litigation structure, quit spending money you don’t have.

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The elimination of the provisions that I have spoken of is a dilatory upper hand of employers to get the better hand of our employees.

I reserve the balance of my time.

The Acting CHAIR. The gentleman from South Carolina has 2 1⁄2 minutes remaining.
getting America back to work? Why, Mr. Chair, are we here yet again debating an anti-worker bill when we should be working together to help foster jobs? Instead of trying to disempower workers and further weaken the middle class, why aren’t we trying to create opportunities for them and their families? Every day that the focus is on attacking workers instead of generating job opportunities is one day longer we’re mired at unacceptable rates of unemployment, and it’s one more day that truly unemployed Americans will struggle.

And yet here we are debating this extreme and lopsided bill to give big corporations the upper hand over working families, a bill that does nothing to bolster our recovery but does a lot to stack the deck against American workers. We have seen this fight before, as the gentlewoman has pointed out, in other places, and the American people are voicing their opposition to these types of fundamentally unfair attacks that stack the deck against workers.

In my State of Ohio, we saw a Governor try to silence our firefighters, our nurses, and other people who serve Ohio’s working families, the Governor and his allies pushed the bill through and unilevel the playing field for working families. It wasn’t right there and it’s not right here, and the American people urge the defeat of this bill.

The Acting CHAIR. The time of the gentlewoman from Wisconsin has expired.

Mr. KLINE. Mr. Chairman, I claim time in opposition to the motion.

The Acting CHAIR. Mr. KLINE, Mr. Chairman, this clearly, in fact, in the language of the motion, is designed to kill the bill, I understand the gentlelady does not like the bill, but the characterization of it is incorrect. We heard today on this floor some distinguished Members of the other party say that the NLRB ought to be fair, that employers and employees a fair election; that’s advancing the special interest of big union bosses. It’s not protecting the rights of workers, whether they’re in a union or not.

Employees and employers ought to get a fair election. The NLRB should not be slanting it, handing it to Big Labor bosses.

So this is an effort to kill the bill. I believe it’s a good bill that restores practices that have been in place providing fair elections for decades. I would encourage my colleagues to support the underlying legislation and vote against this motion to kill the bill.

I yield back the balance of my time. The Acting CHAIR. The question is on the preferential motion. The question was taken; and the Acting Chair announced that the noes appeared.

Ms. MOORE. Mr. Chair, I would note that there is no quorum, and I request a rollcall.

The CHAIR. The Chair will count for a quorum.

Ms. MOORE. I am not asking for a quorum call. I am just asking for a rollcall.

The Acting CHAIR. Does the gentlewoman withdraw her point of order of no quorum?

Ms. MOORE. Yes.

The Acting CHAIR. The Chair will count for a recorded vote. Those in favor of a recorded vote will rise and be counted.

A sufficient number having risen, a recorded vote is ordered. Members will record their vote by electronic device. Pursuant to clause 6(g) of rule XVIII, this 15-minute vote on the preferential motion to rise will be followed by 2-minute votes on the following amendments:

Amendment No. 1 by Mr. Bishop of New York.

Amendment No. 2 by Mr. Boswell of Iowa.

Amendment No. 3 by Mr. Walz of Minnesota.

Amendment No. 4 by Ms. Jackson Lee of Texas.

The vote was taken by electronic device, and there were—ayes 176, noes 241, not voting 16, as follows:
The vote was taken by electronic de-
vice, and there were—ayes 187, noes 228,
and there were—ayes 181, noes 239,
not voting 18, as follows: [Roll No. 864]

NOT VOTING—16
[Roll No. 864]

Mr. BARTLETT and Mrs. MCCONNELL
RODGERS changed their vote from
"aye" to "no."
Mr. DAVIS of Illinois changed his
vote from "no" to "aye."
So the motion was rejected.
The result of the vote was announced
as above recorded.

Stated against:
Ms. ROS-LEHTINEN. Mr. Chair, on rol
call No. 863 I was unavoidably detained in a
national security briefing. Had I been present, I
would have voted "no."

AMENDMENT NO. 1 OFFERED BY MR. BISHOP OF
NEW YORK

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from New York (Mr. BISHOP)
on which further proceedings were
postponed and on which the noes pre-
voiced by voice vote.
The Clerk will redesignate the amend-
ment.

RECORDED VOTE

The Voting CHAIR. A recorded vote
was ordered.
A recorded vote was ordered.
The Voting CHAIR. This will be a 2-
minute vote.

Adams
Aderholt
Aiken
Alexander
Amash
Amodei
Austria
Austin
Bachmann
Barbich
Barlett
Barrow
Bass (NH)
Beshieske
Biggers
Bilirakis
Bilott
Bilott (IN)
Black
Bomgren
Borror
Bosco
Bowser
Bradley
Brooks
Brown (GA)

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

AMENDMENT NO. 2 OFFERED BY MR. BOSWELL
The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Iowa (Mr. BOSWELL) on
which further proceedings were
postponed and on which the noes previ-
ously prevailed by voice vote.
The Clerk will redesignate the amend-
ment.

RECORDED VOTE

The Voting CHAIR. A recorded vote
has been demanded.
A recorded vote was ordered.
The Voting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 181, noes 239,
not voting 13, as follows:

Ayer—Rogers (MI)
Bartlett—Rogers (KY)
Barton—Rogers (TX)
Bass (NY)—Rogers (NY)
Beshieske—Rogers (AZ)
Biggers—Rogers (GA)
Bilirakis—Rogers (FL)
Bilott—Rogers (IN)
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ANNOUNCEMENT BY THE ACTING CHAIR

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

☐ 1722

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. WALK OF MINNESOTA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. Waltz) on which further proceedings were postponed and on which the noes prevailed by a vote of 1722.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This vote can be electronic, no vote was taken, as vote 12, as follows.

The vote was taken by electronic device, and there were—aye 200, noes 221, not voting 12, as follows.

AYES—191

Burgess (TX)  Bratton (RN)  Buck (MA)  Fentress  Murphy (CT)  "McIsaac"  "Norton"  "Weinberg"  "Kosinski"  "Weber"  "Stone"  "Haynes"  "Buchanan"  "McMorris"  "McGovern"  

AYES—200

Burgess (TX)  Bratton (RN)  Buck (MA)  Fentress  Murphy (CT)  "McIsaac"  "Norton"  "Weinberg"  "Kosinski"  "Weber"  "Stone"  "Haynes"  "Buchanan"  "McMorris"  "McGovern"  

[Roll No. 866]
November 30, 2011

CONGRESSIONAL RECORD — HOUSE

H7983

Mr. DUNCAN of Tennessee changed his vote from "no" to "aye." So the amendment was rejected.

Mr. PEARCE, Mr. Chair, on rollcall Nos. 864, 865, and 866 I was undoubtedly defeated and I would have voted "no."

Mr. PEARCE. Mr. Chair, on rollcall Nos. 864, 865, and 866 I was undoubtedly defeated. Had I been present, I would have voted "no."

AMENDMENT NO. 4 OFFERED BY MS. JACKSON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Ms. JACKSON of Texas) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.
The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT

Ms. SUTTON. Mr. Speaker, I have a motion to recommit the bill.

The SPEAKER pro tempore. The motion to recommit the bill, H.R. 3094, to the Committee on Education and the Workforce with instructions to report the same to the House forthwith with the following amendment:

At the end of the bill, insert the following:

SEC. 3. ADDITIONAL PROVISIONS TO ENSURE A LEVEL PLAYING FIELD FOR EMPLOYEES AND EQUAL ACCESS TO VOTERS AND TO DISCOURAGE OUTSOURCING.

Section 9 of the National Labor Relations Act (29 U.S.C. 159) is further amended by inserting at the end of subsection (c)(1) the following new subparagraph:

(“C) LEVEL PLAYING FIELD FOR EMPLOYEES AND CORPORATE DIRECTORS.—Once an election by employees is directed by the Board, nothing in this subsection shall require a longer delay for employees to vote for a bargaining representative than is required for the board of directors to vote for a chief executive officer under the incorporation laws of the State where the employer is located.

(“D) FREE AND FAIR ELECTIONS AND EQUAL ACCESS TO VOTERS.—Upon the filing of a petition for an election, the Board shall ensure an equal opportunity for every party to access and inform voters prior to the election, including by prohibiting campaign meetings for which employee attendance is mandatory or employee time is paid unless both parties mutually agree to waive such prohibition.

(“E) PROHIBITION ON CORPORATIONS THAT OUTSOURCE JOBS.—Notwithstanding subparagraph (B), an employer that outsourced jobs to a foreign country or announced plans to outsource jobs to a foreign country during the 1-year period preceding the filing of a petition under this subsection may not engage in the dilatory tactic of raising new issues or positions during a pre-election hearing that were not raised prior to the commencement of the hearing.”.

Mr. KLINE. Mr. Speaker, I reserve all points of order against the motion.

The SPEAKER pro tempore. The motion to recommit is similar to amendments we have seen earlier today. We had an amendment sort of trying to capitalize on the Occupy Wall Street movement and limit workers’ rights because of behavior of executives.

This motion attempts to rewrite existing rules regarding union access to employer property. Mr. Speaker, the point is the current system has been providing fair elections, as the distinguished minority whip said, for employers and employees. The NLRB’s job is to see that employers and employees have fair union-organizing elections.

At a time when millions of Americans are searching for work, the Democrats have introduced yet another proposal that will make it more difficult for job creators, employers, to put Americans back to work. Rather than allowing a balanced election process, this motion to recommit will further tilt the playing field in favor of Big Labor bosses.
It’s time for the Democrats here to stop standing in the way of the Nation’s job creators and work on commonsense solutions that will allow job creators to put Americans back to work. Mr. Speaker, the underlying bill protects employers’ free speech and employees’ opportunity to make an informed decision.

This motion to recommit undoes that. We need to defeat this motion to recommit for what it is and support commonsense solutions that will allow job creation.

Ms. BERKLEY changed her vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded. The SPEAKER pro tempore. This motion to recommit undoes that. We need to defeat this motion to recommit for what it is and support commonsense solutions that will allow job creation.

Ms. SUTTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 239, not voting 9, as follows:

Ms. SUTTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 239, not voting 9, as follows:

Ms. SUTTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 239, not voting 9, as follows:
Ms. JACKSON LEE of Texas and Mr. CARSON of Indiana changed their vote from “aye” to “no.”

Mr. SULLIVAN changed his vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3463, TERMINATING PRESIDENTIAL ELECTION CAMPAIGN FUND AND ELECTION ASSISTANCE COMMISSION; PROVIDING FOR CONSIDERATION OF H.R. 527, REGULATORY FLEXIBILITY IMPROVEMENT ACTS OF 2011; AND PROVIDING FOR CONSIDERATION OF H.R. 3010, REGULATORY ACCOUNTABILITY ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 477) providing for consideration of the bill (H.R. 3463) to reduce federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission; providing for consideration of the bill (H.R. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; and providing for consideration of the bill (H.R. 3010) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 10, not voting 10, as follows:

[Roll No. 870]
The Speaker pro tempore (during the vote). There are 2 minutes remaining.

□ 1815

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

The vote was taken by electronic device, and there were—AYES 239, NOES 178, not voting 16, as follows: (Roll No. 871)

AYES—239

NOES—178

CONGRATULATING THE BENET ACADEMY GIRLS VOLLEYBALL CHAMPIONSHIP TEAM

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

Mrs. BIGGERT. Mr. Speaker, I rise today to congratulate the Benet Academy Girls Volleyball Team from Lisle, Illinois, on winning the Class 4A State Championship on November 12.

The terrific team, led by Coach Brad Baker, finished the season with a phenomenal record of 39 wins to 3 losses. This accomplishment by the Redwings marks the first state championship for an all-girls team at Benet Academy.

Each of these talented students should be commended for her hard work and discipline, especially Senior Megan Haggerty, who led the team with 18 kills during the three-game match and 13 straight service points in the final game.

Her sister, Sophomore Maddie Haggerty, followed her lead with 16 kills. And Senior Jenna Jedryk, who previously was named MVP in the Benet Invitational and Wheaton Classic, rounded out the team with 10.

Mr. Speaker, our community is very proud of these accomplished young women, at least seven of whom already have made plans to play volleyball at Division I universities.

Once again, I'd like to congratulate the Benet Academy Girls on their win and wish them continued success in all of their future endeavors.
COMMEMORATING WORLD AIDS DAY
(Ms. BASS of California asked and was given permission to address the House for 1 minute.)

Ms. BASS of California, Mr. Speaker, every 9 minutes and 30 seconds someone is infected with HIV in the United States Today, 8 million people worldwide live with HIV, and of those infected, 60 percent do not know they are positive. These staggering facts demand that we strengthen our efforts to prevent the spread of this life-threatening disease.

Tomorrow, December 1, we will recognize World AIDS Day. World AIDS Day is an opportunity to take action and invigorate the global movement to ultimately halt the spread of HIV. Emphasizing the importance of ending this three-decade fight, this year's World AIDS Day theme is "Getting to Zero." Zero new infections, zero discrimination, zero AIDS-related deaths.

In observance, starting at midnight, I will hold a 24-hour "tweet-blast" where every hour I will tweet facts about HIV/AIDS and ways everyone can get involved to help end this disease. I invite all of you to join me in this conversation on Twitter at Rep KAREN Bass.

THE HIGH COST OF THE AMERICAN ENERGY POLICY
(Mr. FLEMINING asked and was given permission to address the House for 1 minute.)

Mr. FLEMINING. Mr. Speaker, as the price of crude oil again moves past $100 a barrel, it is another reminder of the high cost of our energy policy that increases our dependence on foreign countries, kills jobs, and raises energy costs. Every time the Federal Government imposes a moratorium or new regulations, as it did on drilling in the gulf and now the Keystone pipeline, it hurts the American people.

Despite 60 years of a spotless safety record, excellent State regulation and monitoring, approval for safety by the EPA and creation of inexpensive energy sources, hydrofracking for oil and natural gas is under attack by the Department of the Interior. What is the expected outcome? Look at what the administration has done to coal, offshore drilling and the Keystone pipeline, not to mention the fact that we have not built a nuclear energy plant or a new refinery for decades due to over-regulation.

Hydrofracking of oil and natural gas will produce is treated into red tape, higher cost of production and lower yield, again, hurting America through high energy costs and fewer jobs.

PENN STATE PRIDE
(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, the hardship of all those involved in the recent tragic developments at Penn State University is heavy on our hearts as this community moves forward and these individuals and their families continue to cope with the loss and pain.

Despite these tragic events, I rise today for a different reason, something my community, the Penn State community, can be most proud of. The Chronicle of Higher Education recently reported that Penn State leads the Nation in outgoing faculty Fulbright grants for the 2011–2012 academic year. Penn State has received a total of 16 grants, 14 of which were awarded at the University Park Campus in State College.

The Fulbright Program, a program of competitive, merit-based grants for students, teachers and other professionals, is the U.S. government's premier international educational exchange program. Individuals will go on to expand our Nation's educational endeavors by strengthening partnerships with other leading institutions around the world.

These success stories also serve as an encouraging example that every individual can achieve their potential through hard work and dedication. These talented individuals have much to be proud of. Congratulations to each recipient on this esteemed award.

THIRD ANNUAL NATIONWIDE DRUG TAKE-BACK DAY
(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FITZPATRICK. Mr. Speaker, I rise today to commend the combined efforts of government at all levels, law enforcement personnel, nonprofit groups, local businesses and community volunteers as part of the third nationwide Drug Take-Back Day on October 29.

My home of Bucks County has emerged as a regional leader in the prior Take-Back events, so it came as no surprise that despite the unusual fall storm, we led the Commonwealth of Pennsylvania in collecting nearly 2 tons of unwanted prescription drugs. Due to the efforts of all involved, these drugs have been removed from our community and no longer pose a threat to public safety or to the environment.

I applaud the successful cooperation of government and members of the community in keeping these drugs off our streets and out of the hands of those who may seek to abuse them, and encourage continued efforts.

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

Ms. JACKSON LEE of Texas. Mr. Speaker, I'm delighted to join my colleagues, Congressman CLAY. And before I do that, let me rise as well to express my support for the Gabe Zimmerman legislation that we will address today and pay tribute to his bravery and certainly his loss.

We come to the floor today as partners with many in this Congress against voter intimidation and to speak on behalf of the Congressional Black Caucus, to collaborate with our many friends across the caucuses and the Interparliamentary Caucus, and certainly we hope to include our friends on the other side of the aisle.

Since the 2010 election, over 40 States have implemented voter ID, voter suppression laws. Madam Speaker, we are not against knowing who is voting, but are against the facts that have absolutely no place in our democracy. We call on African-Americans, Hispanic and Latin Americans, and Asian-American voters to stand strong and learn their voting rights granted by law and the Constitution. We call on these citizens to stand strong against harassment and intimidation, to vote in the face of such adversity. The most effective way to curb tactics of intimidation and harassment is to vote. Is to stand together to fight against any measures that would have the effect of preventing every eligible citizen from being able to vote. Voting ensures active participation in democracy.

Instances of voter intimidation are not long ago and far away. Just last year I sent a letter to U.S. Attorney General Eric Holder to draw his attention to several disturbing instances of voter intimidation that had taken place in Houston. In a single week there were at least 15 reports of abuse of voter rights throughout the city of Houston.

As a Senior Member of the House Judiciary Committee, I called for an immediate investigation of these instances. Many of these incidents of voter intimidation were occurring in predominately minority neighborhoods and have been directed at African-Americans and Latinos. It is unconscionable to think that anyone would deliberately employ the use of such forceful and intimidating tactics to undermine the fundamental, Constitutional right to vote.

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However, such conduct has regrettably occurred in Houston, and I urge you to take appropriate action to ensure that it does not recur.

I am here today in the name of freedom, patriotism, and democracy. I am here to demand that the right to vote be protected.

A long, bitter, and bloody struggle was fought for the Voting Rights Act of 1965 so that all Americans could enjoy the right to vote, regardless of race, ethnicity, or national origin. Americans died in that fight so that others could achieve what they had been forcefully deprived of for centuries—the ability to walk freely and without fear into the polling place and cast a voting ballot.

Efforts to keep minorities from fully exercising that franchise, however, continue. Indeed, in the past thirty years, we have witnessed a pattern of efforts to intimidate and harass minority voters including efforts that were deemed “Ballot Security” programs that included the mailing of multiple voting notices to African-American voters, the carrying of video cameras to monitor polls, the systematic challenging of minority voters at the polls on unlawful grounds, and the hiring of guards and off-duty police officers to intimidate and frighten voters at the polling place.

My colleagues on the other side of the aisle have a particularly poor track record when it comes to documented acts of voter intimidation. In 1982, a Federal Court in New Jersey provided a consent order that forbids the Republican National Committee from undertaking any ballot security activities in a polling place or election district where race or ethnic composition is a factor in the decision to conduct such activities and where a purpose or significant effect is to intimidate voters and keep them from voting.

The right to vote is a critical and sacred constitutional right. To challenge this is to erode our democracy, challenge justice, and mock our moral standing. I urge my colleagues to reject this sweeping legislation, and pursue effective solutions to the real problems of election fraud and error. We cannot let the rhetoric of an election year destroy a fundamental right upon which we have established liberty and freedom.
And that's what this Congress is going to be doing this week as we consider the Regulatory Flexibility Act, H.R. 527. It's a bill that simplifies existing law. It simply says a Federal rule is killing jobs if a Federal agency is required to find a rule that's less burdensome. It's pretty cut and dried. It's something we should be doing already, but we actually have to pass a bill to require it.

When the Federal agencies here in Washington issue one rule after another, small businesses pay the price and our economy loses jobs.

For instance, take Somarakis Vacuum Pumps in my neck of the woods in southwest Washington, a business manufacturer. When I visit this business, I see a thriving facility with people at work. They're assembling products that help our economy grow. But Somarakis Vacuum Pumps doesn't have a huge team of lawyers and business that can handle the regulatory details. They actually need regulatory specialists to navigate the maze of Federal rules. They don't have the money; but, you know, they just might need it.

I actually brought the reason why I think they might need that. Mr. Speaker, this is pretty heavy. This is actually the list of Federal rules and regulations just for half of November. This doesn't even represent the entire month. These books I have right here represent about 2 weeks' worth of Federal regulations and rules that Somarakis Vacuum Pumps has to navigate.

Let me show you, if I may, just the rules from the last 3 days—Monday, Tuesday, and Wednesday—right here.

You know, part of the reason we're here today is to illustrate the need to make it simpler and easier for small businesses to navigate this Federal maze. I mean, this is ridiculous. This is Monday, this is Tuesday, and this is Wednesday. Three days' worth of rules that Somarakis Vacuum Pumps in southwest Washington is going to need help navigating.

It shouldn't be this way. Mr. Speaker, which is why this week we're working very hard, and we're going to pass a bill that says if these rules and burdens—it puts the proof and the burden back on the government. If these rules are too burdensome, the Federal Government needs to find a better way to put forward its regulations.

And what's really important is working its way through the Environmental Protection Agency and the courts. It's called the Forest Roads Rule. It's also very impactful to southwest Washington. It's crippling in that it overburdens the environmental rule and would require a Federal permit on every single forest road. In essence, you have to get the same Federal permit for a road through your privately owned forestland that you would have to get for factories and industrial sites. That's not necessary.

Let's consider the impacts on public land. According to the U.S. Forest Service, it would require that agency alone 10 years to obtain the 400,000 permits necessary for the roads on public lands. What would that do to Rick Dunning, who owns a small tree farm in Clark County, Washington? He's not the U.S. Forest Service. He doesn't have unlimited time and resources. He has to do this on his own.

That's what we're here tonight to do is to make it easier on these small business owners to operate in our regions and grow our economy.

With that, I thank the gentlelady for the time to talk about my support for the Regulatory Flexibility Act and for what we're doing to help grow jobs in small businesses.

Mrs. ELLMERS, I will just echo my colleague's remarks by saying that, according to the NFIB, compliance with environmental regulations costs small businesses four times more than larger firms. Larger firms do have the ability to find a way to get through these immense computer programs, and small businesses simply cannot afford to do business that way.

With that, I yield to my colleague from California.

Mr. DENHAM. Thank you for your leadership on this area.

I rise in support of H.R. 527. We can't afford any more of the overregulation. Regulatory burdens from new rules just this year alone have cost American taxpayers $92.2 billion. One study found that each $1 million increase in the Federal regulatory budget costs 420 jobs. Overregulation costs us jobs around the Nation.

Let me just speak from my own perspective.

Twelve years ago, I started Denham Plastics, something that my wife and I borrowed an incredible amount of money to start a vision that we had supporting the agriculture industry with a plastics company. It has been a tough road to hoe as a small business owner. It certainly comes at great risk to our family, but it was a vision that we had, that we believed, that without any government intervention we can succeed in not only creating new customers but new jobs.

But one regulation would have put us out of business—the government-run health care. Just the 1099 provision alone, by having to report all of our customers, by having to report all of our suppliers, would have put our small businesses under.

From an agricultural perspective—I'm a farmer in the central valley. The EPA came down with new dust control regulations.

Now, we farm. We drive tractors. We till our land, and we're going to have dust. I mean, just by the sheer motion of a tractor driving through a field or plowing through the dirt—it's something that we've done through the history of our Nation—creates dust. But are we going to put us out of business because of it?

We grow almonds. You can't spray the trees full of water before you shake the trees and harvest the almonds. You're going to have dust.

So I've been a coauthor of a bill that gets rid of this burdensome regulation, something that would shut down our agriculture industry, not only in the central valley of California but across the United States. We're farmers. We are going to have dust.

Some of my fellow farmers and ranchers are also aware that EPA also wanted to expand its regulation of manure as a threat of greenhouse gas. I thank the gentlelady for the real ridiculous that they just cost us millions of jobs, and the threat alone causes farmers to say, Do we really want to be in this business? Do our kids really want to take over the family farm?

We've got to stop this overregulation because it does cost us jobs. We've got to stop eliminating jobs before we can actually go out and create more jobs. We have to have certainty in the marketplace. And whether you're a farmer or a small business owner, the regulations simply cannot afford to do business that way.

With that, I yield to my colleague from California.
with. In fact, Mr. Speaker, I’m going to just talk a little bit about some statistics and poll data.

According to a recent Gallup Poll, small business owners in the United States say complying with government regulations is the most important problem they face today, particularly when dealing with energy costs, high taxes, and economic uncertainty. The poll shows that these factors are holding back small businesses from reaching their full potential.

Small business firms bear a regulatory cost of $10.585 per employee just to deal with the regulations, which is 36 percent higher than larger businesses. Small business is what drives our economy, yet it is what is continuously targeted, and we must act on it. The bill that we will pass tomorrow, H.R. 527.

I spoke a little bit about the excessive costs of dealing with environmental regulations. According to the Small Business Administration, regulations cost the American economy $1.7 trillion annually, which is an enormous cost. We certainly need to look at our unemployment rate why we continue in this. Until we are able to cut the excessive, overbearing regulations that are facing our businesses, we will not turn this economy around. That is why we must act now.

One last bit of information before I introduce my next colleague. Of the administration’s new regulations—“new” regulations—200 are expected to cost over $100 million each. Seven of those new regulations will cost the economy more than $1 billion each. We cannot continue on this path.

With that, I yield to my colleague from Illinois.

Mr. SCHILLING. I thank the gentlewoman from North Carolina for inviting me to participate today.

The recent focus on small businesses and the opportunity to represent the residents of Illinois’ 17th District is the ability to just listen to their concerns and then taking those concerns back here to Washington, D.C.

As I travel throughout the area, I listen, and I am also asked what worries me. I worry about unemployment and about the uncertainty facing our families in our district. I am worried that more is not being done to create an environment of certainty that promotes long-term growth in our jobs sector.

Government does not create jobs. We need to be clear about that. Government creates an environment for job creation by the private sector. Folks simply will not be back to work if government continues villainizing our job creators and enacting policies that keep workers on the unemployment lines and drive us deeper into debt. As a small business owner myself, I understand how this hinders the ability to create jobs.

Back in August, I invited local business owners throughout our area to participate in a business roundtable where we discussed what government can do to empower the private sector, spur job creation, and grow our economy. These business owners are the people we are asking to lead us into economic recovery and to put Americans back to work. I was glad to see folks from all sorts of industries present eager and great ideas and thoughts on issues that basically are causing them to struggle in this economy. They shared with me that the high energy costs, rising taxes, and the uncertainty from Washington, D.C., and the uncertainty from the Illinois State government are stifling the creation of an environment of economic success.

Now, there are more than 27 million small businesses throughout the United States of America. They are the lifeblood of our Nation’s economy. America’s small businesses create 7 out of every 10 new jobs, and they employ over half of the country’s private-sector workforce. We ought to be making it easier for these folks to grow and hire new workers, not villanizing them or burdening them with a broken Tax Code, unnecessary mandates, high energy costs, and uncertainty. We need to tear down government barriers out of our economy. We have passed over to the Senate, we need to get started. We could do this tomorrow if these bills were voted on.

This week, we will be voting on H.R. 527, the Regulatory Flexibility Improvement Act. This bill allows business owners in my district to Kivett’s Incorporated in Washington, D.C., and the uncertainty from the Illinois State government are stifling the creation of an environment of economic success.

Phil Nelson, president of the Illinois Farm Bureau, recently testified before the Small Business Committee.

He said, “What really keeps me lying awake at night is the potential for more regulatory creep. It’s as if we go to bed one night with one set of regulations and wake up the next morning facing a new set. Everyday moment that we spend fighting and then working to comply with needless, duplicative regulations takes us away from what we do best—producing food.”

My colleagues and I in the House have been focused on jobs since day one—passing more than 20 jobs bills to give small businesses the certainty they need to grow, increasing the domestic production of oil and getting Americans back to work. Unfortunately, these bills remain stuck in the Senate, but we cannot do it alone. The President and the Senate Democrats must join us.

This week, we will be voting on H.R. 527, the Regulatory Flexibility Improvement Act. This bill allows businesses facing the problem of burdensome, recklessness regulations that burden businesses and stunt job growth. The Regulatory Flexibility Improvements Act provides urgently needed help to small businesses enduring an onslaught of Federal regulations. When considering regulations, agencies frequently fail to consider alternative ways to achieve the regulatory goals without imposing unnecessary burdens on America’s job creators. The bill introduces the ability of small businesses to provide input to Federal agencies as they consider government regulations, and it gives the Small Business Administration new authority to ensure agencies comply with a law that requires flexibility in taking regulatory action against small business.

It takes President Obama’s regulatory review Executive Order one step further, giving the Small Business Administration the ability to ensure new regulations are in compliance with the law while verifying that small businesses will be able to comply without hurting their ability to create jobs.

If small business owners need the certainty that government will get out of the way so that they can do what they do best, which is to grow their businesses and create jobs, and the American people need real bipartisan solutions to our jobs crisis.

Let’s put politics and partisanship aside and help the private sector create the jobs that Americans throughout the country so desperately need. The time has come to empower small businesses and to reduce government barriers by helping our small businesses, by fixing the Tax Code to help our job creators, by boosting competitiveness for American manufacturers, by encouraging entrepreneurship and growth, by maximizing American energy production, by paying down America’s unsustainable debt burden, and by starting to live within our means.

Mrs. ELMERS. I thank my colleague from Illinois for that very important information.

As a small business owner, this information is vital to the solutions that we’re coming up with here in Washington. We’re not just Members of Congress who don’t have the experience out there, and we aren’t just listening to the usual Washington bureaucrats.
office. Why? Because I needed to go in. They called for a meeting with me because they were so concerned with where our country was going and what was happening to their business.

They were not people who had been politically active; they were not people who had ever shown up with a Member of Congress or a want-to-be Member of Congress, but they felt trapped and continue to feel trapped by the government regulations and all of the uncertainty, including the President’s health care bill, about which they know will harm them greatly.

Kivett’s Incorporated, is the largest family-owned and operated church pew manufacturer and pew refinisher in the United States. In addition, they build and refurbish other church furniture and fixtures, such as steeples and stained glass windows and provide a full range of services from delivery to installation.

This is a jewel in my district. So many people sending these jobs over to China, and yet the Kivetts have maintained their business. Their business was started by Jerol’s father, I believe, back in the fifties. They have spent their lives and dedicated their lives to their business, and they are feeling that it is being pulled out from underneath them.

Mr. Kivett’s company had 160 employees in 2005, and they are now down to 52—from 160 to 52. Their volume of business is down 40 percent. Their business has not made a profit in the last 3 years. That is significant. They have not increased the prices on their products either since 2005.

This has been due to the fear of losing more business, even though their costs, their costs for products, have escalated; but they have tried to maintain their business by keeping their prices at the same level. At one point they were averaging one church, church after church, one church every day, and are now down to approximately two per week.

Mr. Speaker, how are they going to be able to keep their doors open and keep those 52 remaining employees working? Churches depend on charitable giving, and they are having a hard time finding a way to meet their operating budget, which leaves any kind of future planning completely out of the realm of possibility.

I want to say something about the health care law, the uncertainty it’s creating for small businesses. Owners make it harder for us to determine—and this is coming straight from Mr. Kivett—it is making it harder for us to determine what our costs are at a time when we are struggling to meet the most basic cost of running our business.

As Mr. Kivett puts it, we are just trying to maintain and praying for the government to stop attempting to regulate small businesses and “get out of the way.” That is another quote I heard over and over and over again: “Get out of the way.”

That’s some of the gloom and doom that my business owners in my district are faced with. As you heard tonight from some of my colleagues, there is a light at the end of the tunnel. Mr. SCHILLING from Illinois showed you the card, the number of bills, again, that we have been fighting with bipartisan support to create jobs.

We keep hearing how America wants jobs. We keep hearing about the 99. The 99 percent is sitting on the floor of the majority leader in the Senate, because if that is what it takes to get the President to be signed into law, we could have jobs created in this country.

We need to decrease the unemployment rate.

We can talk about cutting spending all day long, and we are all about that, but until we get people back to work, we’re not going to turn this economy around. Again, there is a light at the end of the tunnel, and you have heard us speak tonight about H.R. 527, which we will be voting on.

We simply cannot continue the one-size-fits-all regulations produced by this administration which hinder our small businesses. This bill will help alleviate needless burdens. Economic regulations are hindering our small businesses, but this will not happen unless we rein in the mass of regulations coming from right here in Washington.

The Regulatory Flexibility Act of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act, requires Federal agencies to assess the economic impact of their regulations on small business. Imagine that, imagine having to run an economic impact study to find out how much damage they will be doing to small businesses if these regulations are put in place.

If the impact is significant, they must consider alternatives that are less burdensome. However, the agencies have used loopholes to get around this statute, and that is why it is important that we pass H.R. 527, the Regulatory Flexibility Improvements Act of 2011, which would remove the loopholes and strengthen the flexibility act by increasing the power of the office of the chief counsel for advocacy to enforce the RFA, ensuring complete analysis of potential impacts on small business and forcing agencies to perform better periodic review of rules.

Regulations often impose unnecessary burdens on small businesses. You’ve heard that over and over and over again tonight, that impedes their ability to create jobs. Agencies frequently fail to consider appropriate alternatives that allow agencies to achieve their regulatory objectives without imposing burdens on America’s job creators, our small business owners.

The Regulatory Flexibility Improvements Act, H.R. 527, provides urgently needed help to small businesses facing an onslaught of Federal regulations. It has been 15 years since Congress last updated the Regulatory Flexibility Act of 1980. During that time, we have seen that there are weaknesses in the regulatory process that Federal agencies have exploited to the detriment of small businesses and job creators.

This bill ensures Federal agencies can no longer ignore the RFA. Job creators are the key to economic recovery and the small businesses are America’s job creators. Oversight and requires the diversion of scarce capital from job creation to regulatory compliance.

I said earlier, Mr. Speaker, North Carolina’s unemployment rate is now 10.4 percent. This is not a statistic; this is my constituents who I know personally.

Mr. Speaker, thank you so much for this opportunity tonight.

Mr. KING of Iowa. Will the gentle lady yield?

Mrs. ELLMERS. I yield to my colleague from Iowa.

MR. KING of Iowa. I thank the gentle lady from North Carolina for yielding, and I especially thank her for leading in this Special Order hour here tonight to discuss the burden of regulation on business in this country, primarily the burden on small businesses in America.

From my standpoint and my background, I started a business in 1975. I remember the fears I had at the time. I knew I could do the work and I knew I could line up the customers. I believed I could turn a cash flow, but I didn’t know that I could comply with all government regulations. And little did I know how much I was actually stepping into.

When you begin to enter into a business, you are stepping into the unknown. That unknown turned out to be that I would find out about a government agent after a government agent, one after another. They would show up. They’d send me a little mailer. They would talk to someone else in my business. They would say, “Why aren’t you doing this one?” Did you meet that regulation? Do you have your MSD requirements there? What about the EPA side of this? Do you know you have to post a sign that says that you’re an equal opportunity employer. And by the way, that has to be in multiple languages. And in case someone shows up that doesn’t speak that language, you may have another regulation to provide that interpreter that’s there.

On and on and on it went. More and more every time went away from producing goods and services that had a marketable value, and instead it was invested in complying with primarily Federal but also State regulations.

So as the years went by, I got better at it; I found out more and more to comply with, and I got greater and greater frustration within me because of this burden of filing reports, meeting deadlines, and making sure that the government bureaucrats had all of their regulations and all of the paperwork, all the while.

“To what purpose?” was my question, because much of that paperwork that I was filling out was going off in some
storage dungeon somewhere never to be seen again unless there was some type of litigation or regulation enforcement against me, in which case then I was confident that they would go dig it up out of the dungeon and pull up that paperwork that I had dotted and crossed the t’s. But what good did it do? What good did most of that regulation do if it simply was going to go off somewhere to go into storage so if, God forbid we had an accident on the job site OSHA would come in, they would want to make sure that I had taken care of my regulations in place? But that wouldn’t make us more safe, the paperwork would not.

I made a comment here in the Judiciary Committee a month or so ago that all of these regulations that we have to comply with, if you look across America, there are some really good companies in this country. Of all of them, thousands and thousands of companies in America, hundreds of thousands of corporations in America altogether. They advertise everything under the sun that you can imagine. They have banners on their Web site. They will tell you that they are the best or first at—you name anything. Put it in the Google search. You’ll find an American company that will provide it for you, and they’ll advertise their quality. They’ll advertise their personnel. They’ll advertise the efficiency and the cost. They’ll advertise the convenience. And there isn’t a single company in America, not one. Mr. Speaker, that has a little banner on their Web site that says, “We are in compliance with all Federal regulations.” Not one single company takes that position, and I’ll tell you why: because if they ever advertise that they are in compliance, there would be a Federal bureaucrat that represented an agency, or two or more, or up to 682, according to the Constitution Daily Web site, Federal departments and divisions, regulatory entities, 682 of them, and this count is about 5 years old, by the way—that can levy sanction actions against American businesses.

And so the number one fear I had was: Can I comply with all of these regulations? Can I identify them? Can I comply with them? And what do I do about the conflicting regulations where, if you meet one regulation, the other regulation contradicts it? You’re bound to be in violation.

So today there isn’t a single company in America that advertises that they are in compliance with all Federal regulations. And if they did, I think we should give them the Do Better of the Year Award for that because they would be surrounded by bureaucrats, Federal regulators that are in there to inspect, to make sure that they are completely in compliance.

And they have to justify their job. So I would predict that any company that would announce that they are in compliance with all Federal regulations probably wouldn’t survive beyond about 18 months before they went into bankruptcy because they would be tied up in knots and tied down and they couldn’t produce those goods and services that have a marketable value.

Now, there is a tradeoff on this always, and it doesn’t mean that we should not have wise regulations. Yes, we should. But they need to keep in mind the regulatory burden of those rules and what it does to slow down production.

Now, I’ve said goods and services that have a marketable valuable both domestically and abroad. That means, if you run a company, you want to go to work every day, and you look around, what do we do? We produce a product. We manufacture and market a widget. And you want to do that as efficiently as possible. So if you put 100 people out there on the factory floor to manufacture widgets, and it doesn’t take too long and then you answer mail, you’re in pretty good shape. You’ve got one of those 100 people that’s tied up doing administrative duties, that’s pretty good efficiency. That’s 99 percent producing that product, it’s that 1 percent that’s the widget that you’re manufacturing and perhaps invented.

But as soon as a bureaucrat comes along and says, Wait a minute. You have to have somebody here that’s doing this, and that’s coming in, the electricity that’s coming in, the sewage that’s going out. You have to have safety inspectors and you have to have safety meetings, so that once a week you line everybody up and spend 15 to 30 minutes telling them what they need to do, which is safe. Not a bad idea, but when the government calls for that, they put more on your overhead and they’ve shut down the production of that entire plant for that period of time that they prescribe.

And the other regulations that come along in our construction businesses, the Federal Government saying, let’s see, you have to pay the Federal Government scale for your equipment operators on construction projects. The Davis-Bacon wage scale. That really means union-imposed scale on those projects. And it might change the wages. In the past, you go into a different division and it’s a whole different wage scale. The guy running the shovel gets a different wage than the guy that’s running the grease gun, different from the guy that’s running the machine that’s being greased or having the track scooped out on it. And I have to keep track of all of that and do what the government tells me, which means not just is it costly to keep track of it all, but it consumes the efficiency on the production project it makes it difficult, if not impossible.

Mrs. ELLMERS. I thank the gentleman from Iowa.

Mr. Speaker, I just want to take the opportunity to say in closing that, as a small business owner with my husband back in Dunn, North Carolina, with our surgical practice, that we have faced exactly what my colleague is talking about, these excessive regulations that have continued on.

We are at a point now where we are seeing our fellow colleagues back home with medical practices closing their doors, being bought out by hospitals because they just cannot and know there’s no regulation that the mandates coming forward with the health care bill and all of the uncertainty with the doc fix, SGR, all of those wonderful things.

Mr. Speaker, we must act now. We can turn this economy around by acting on these regulations, by passing these regulatory decreases for our businesses so that there, again, our job creators can do what they do best, reinvesting in this country and being the job creators that they are.

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

AMERICAN EXCEPTIONALISM

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 30 minutes. Mr. KING of Iowa. Thank you, Mr. Speaker. I appreciate that recognition, and I appreciate the input that has come from the gentlelady from North Carolina. I came down here to change the subject, but I wanted to speak about regulation, and I’ll just wrap up those thoughts that I had before the clock ticked down and take it over to this.

As I emerged into the construction business that I identified, I found myself doing seminars with other people of the same profession around the five-State area in the upper Midwest with our trade association, the Land Improvement Contractors of America. In that five-State area as I traveled around and held those seminars, I began to ask the questions of self-employed people. Most of them had started the business themselves, and they were employers doing this in the kind of way that we need to encourage more Americans to do rather than discourage them with regulation.

I began to ask them, How many agencies regulate your trade? As I asked that question, there might be 60 to 70 contractors in a room, and we would begin to write down the names of those agencies. And, yes, some of them were divisions within the agencies. You can start with the IRS and the EPA and you go on and on and on. OSHA, the mine regulators. It continues on. But we came to this number of our little narrow trade group, 43 different agencies that regulate us. And we needed to know those regulations that recognition that different agencies. We needed to be able to anticipate how they would interpret those regulations and how they would
enforce them, and then you also had to calculate, when they contradicted one another, what the likelihood would be of one entity showing up, one agency to regulate you versus another.

If they had conflicting regulations, then you ran your operation to try to comply with the one that’s most likely to show up to regulate in contradiction with the other. That goes on in America every single day. There are floors of lawyers and administrative experts whose job it is to try to keep those companies from avoiding the conflict that comes from Federal regulations and, of course, our State regulations that are part of that as well.

It is a great frustration to enter into a business wanting just to provide that good or that service and do it with in a marketable, competitive way; to have a margin of profit and control your destiny and raise your family and do those things that are acting out the American Dream, and find out that a lot of your life is really just tied up in meeting with government regulations and ordinances. It is also going with so many people that can control the destiny of some 300 million Americans, who have never signed the front of a paycheck, who have no idea what it’s like to not maybe have any capital and go out and build a little bit with some sweat equity and take that little bit of capital and roll it and invest it, and after a while find enough margin out there and enough customers that you’re compelled to hire a person to help you.

Now there’s two people working there instead of one. And then you multiply that again and you take some more sweat and your little bit of equity and now you get to double up the equity and now you get to have another employee and another. While that’s going on, you’re building a capital base that bridges you through the hard times.

And the attitude, especially over on this side of the aisle, is an attitude that employers somehow are victimizers of the proletariat. Ladies and gentlemen, Mr. Speaker, I would say to you that those folks here in this Congress—and most of them are over on the liberal side of this aisle—believe that employers have a certain virtue to them. I’ll just say that we have good and evil in all of us. But the people who risk their capital and many times put all everything they have on the line and help stand to lose it all if it doesn’t work, they’re not taking advantage of the employees. They’re giving the employees a job.

Republicans over on this side, we say: jobs, jobs, jobs. Well, yes, we want those jobs. I don’t believe that government creates the jobs. I think we should stop saying we need to create jobs. We don’t. We need to get government out of the way so that investors can see an opportunity for profit. And if they see that opportunity for profit, they won’t just invest their capital or their sweat; they will produce the kind of jobs out there that will sustain people in a market economy.

That’s what’s going to happen because, first, there have to come profits. You can’t pay payroll very long if you don’t have profits, which means that you’re not going to have jobs unless people make money. So what do we do in this Congress? You people over here, you have to put the people that are making money. On this side of the aisle, we don’t want to call those people that are punishing the people that are seeking a profit because we’re saying we want jobs.

We should all say we want to see profit in these companies so that that profit gets reinvested and more people have an opportunity to go to work and receive a paycheck and perhaps a raise and a better benefits package. And the more people in those great in those companies, they’ll spin off of there and the people that learn the business going to work for the boss end up in competition against the boss. That’s another thing that is the American way.

These kinds of things need to happen organically over and over again in America billions of times. And if they don’t happen, then this country devolves itself down into a European-style social democracy. It’s hard for me to even say those words and think of America in that fashion. We’ve moved in that fashion dramatically.

Mr. Speaker, the President of the United States doesn’t believe in these things that I have described that I think are good. He’s advocated this Keynesian economy on steroids. He’s advocated for spending trillions of dollars, borrowing it. About half of that money, by the way, is borrowed from the Chinese. And I believe that U.S. Treasury bills are the safest place to put their money.

And actually it may be if you’re going to talk about global currency, the other currency has gotten unstable, too. The euro is in a very unstable, unbalanced condition right now. They have spent money in the European Union—money that they didn’t have. They have built a government bureaucracy much heavier than needed to be. They have 4 years, and they have their head in the sand, in my opinion. They believe that they are the first of a multiple dominos in the EU and that they’re only 2 percent of the GDP of the European Union, and if they’re not bailed out by the EU—and that means, yes, loan guarantees, but it gets down to debt forgiveness at a certain point—if they’re not bailed out at a certain point, if they default, then they will move away from the euro, the currency, and pick up the drachma. They have bailed the money back in Greece a second time, or again.

If that happens, they think the euro becomes less stable if the Greeks aren’t involved in it. They argue that they’re a domino. So if they’re not held up, propped up by the rest of Europe, then they’ll fall as a domino. And if that happens, the euro will start to tumble. By the way, their domino will clip Italy, Portugal, Spain, Ireland, Belgium, and name your countries after that.

Well, it may or may not be true. It’s hard to look at Greece and argue that they are a domino, and if they fall, that they’ll necessarily hit one of those other unstable countries. They will also fall into one and the other and the other. And it will start this cascading effect through the dominos of those unstable countries in Europe might not be true. It might be true that Greece could have a firewall built around it; and if they default, they default. And they have to rebuild their country from bottom up, inside out, back to production again.

I hope that this doesn’t happen in Greece. I hope that there’s a stable economy in Greece. I hope that it’s going to work in their country, not in the unbalanced condition right now. They’re tied to them financially with hundreds of billions of dollars invested over into the European banks. If they should fail, then it hurts us badly. We’re highly leveraged in this country. The concerns of us to Greece is one that is considerably disturbing. There is a good side to a potential Greek default, and that would be that it would give this Congress a lesson for what America needs to do to avoid a similar calamity. I would like to see us steer our way out of this, but we’re here having a debate in this Congress about minutiae in proportion to the scope of the problem that we are in.

We came into this new Congress with a new Speaker, JOHN BOEHNER. We have an opportunity with 87 new freshman Republicans that came here. Most of them pledged not to raise the debt ceiling. Most of them pledged to bring us back to fiscal responsibility and fiscal accountability. They all believe that to this day. I don’t think they’ve lost their beliefs. But along the way there were a lot of big decisions that needed to be made without time to analyze. And so what happened?

I said the first thing we needed to do was repeal ObamaCare, repeal ObamaCare, repeal ObamaCare. I can’t say it enough. We need to repeal ObamaCare if we’re going to have a great system that will work, i.e., operate economically again. It drives us so deeply into debt that just removing a couple of those components of ObamaCare, according to DENNY REHBERG, the chairman of the HHF Appropriations Committee—Health, and Human Services Appropriations Committee—it would cut our spending over the next decade by $1.379 trillion. It would solve the whole problem of the supercommittee, that $1.379 trillion cut that comes just from ending the expansion of Medicaid in the CLASS Act was going to go anyway. The administration admitted that they couldn’t sustain that component.
One other component in ObamaCare was the individual premium subsidy for those who were compelled to buy insurance under ObamaCare. Those components totaled $1.379 trillion. So we strike those out, shut off any funding to that, and we save $1.379 trillion. That would more than handle the $1.2 trillion that we’re directed in the debt ceiling deal.

But, Mr. Speaker, this went this way. We had a chance coming into this new Congress, this 112th Congress, to draw bright lines and make sure fiscal responsibility and actually fix the real scope of this problem. Step number one was repeal ObamaCare.

We passed that out of this House, H.R. 2, sent it over to HARRY REID in the Senate, Mr. Speaker, where he set it up for failure and they shot it down. So every Republican in the House and every Republican in the Senate has voted to repeal ObamaCare. Congratulations, thank you all for doing that. We didn’t get it done, but we got it voted on. And it’s on the conscience of the people that voted “no” that that monstrosity left the floor of this House in automatic appropriations that were written deceptively into ObamaCare in an unprecedented fashion. Oh, yes, the tactic had been used before, but the scope had never been used like that before.

And so that $105.5 billion is in there. And it’s around $26 billion in the first 2 years of ObamaCare, this year, next year, $26 billion being chucked away. And if we had reached an impasse on our negotiations with the continuing resolution, the CR that hit at midnight on March 4, if that had resulted in a showdown that would have been the President causing a shutdown, that might have been a light for the lights passing in Federal offices all across the land, Mr. Speaker. But you could have driven around the Federal buildings here in this city and around the Federal buildings across America, and where the lights were on in that eventuality, they would be on because the money that funds ObamaCare goes on anyway: it’s automatic, they call it mandatory spending. And we tried to shut that off as well. And we did send the amendment language out of this House of Representatives but shut off all of the funding to ObamaCare. And it went over to the Senate, but it was attached to the bill that went with the CR as an appendage so that they could separate it out and vote it down in the Senate—and that’s what HARRY REID did in the Senate also, Mr. Speaker.

And so here we are with a Congress that began kind of on the right foot with an opportunity to force a showdown with the President of the United States, and we’re supposed to defend ObamaCare, or we would have legitimately funded all of the functions of government—or we could have responsibly funded all of the legitimate functions of government would be a better way to phrase that. Mr. Speaker—and shut off all funding to ObamaCare. The President of the United States then was predicted to veto a bill like that. Had he done that, he would have had to explain to the American people that his signature legislation, ObamaCare, means more to him than all of the legitimate functions of government combined. That would have been the showdown. It should have been the showdown. I believe that we would have prevailed on that showdown. And I think the President would have had to accept the funds that we put on his desk in a CR appropriations bill, minus any funding that goes into ObamaCare, cutting off all the automatic funding that goes to ObamaCare—could have, should have, should have done that, Mr. Speaker.

We moved past that point. The CR was going to be $100 billion in cuts; it didn’t happen. That number went down low enough that I’ll not utter it into this CONGRESSIONAL RECORD. It’s just not something that people go back and revisit that even voted for it. And then we were going to do yeoman’s work any billions of dollars of spending with the budget bill. It’s the budget bill. It was the floor of the House, known as the Republican budget resolution, that was championed by PAUL RYAN of Wisconsin, who has done great work here on fiscal responsibility. That budget didn’t balance. Mr. Speaker. That was all we could get out of this Congress. It’s hard to craft a budget that comes that close. He did a lot of hard work on it and laid out some good parameters that we need to pick up and deal with.

But the budget resolution here on the floor of the House was a promise from ourselves to ourselves that we were going to hold this spending down. And this spending allocation was agreed to by this Congress by the supercommittee, and the Republicans in the House of Representatives, excuse me. The Senate hasn’t passed a budget in so long I don’t remember when. And so Mr. Speaker, that budget was passed, balancing in 28 years, spending too much money, leaving us with $23 trillion in national debt 10 years down the road. And it was a great step in the right direction—not as strong as I wanted it to be, not as strong as the RSC budget, which I voted for, but the taxes that would cut con- strain our spending. I voted for them both. The RSC budget that balanced in about 9 years and the Ryan budget that balanced in 26 years left us with $23 trillion in national debt 10 years down the road. That doesn’t sound very appealing to the American people. Those facts, Mr. Speaker, but those facts didn’t hold.

The promise from ourselves to ourselves went kind of out the window when the debt ceiling agreement was presented to the floor of this Congress and ultimately passed. And in that was a supercommittee, in that was a promise to vote on a balanced budget amendment, and in that was the threat that if the supercommittee didn’t produce a product that could pass the Congress and be signed by the President, then there would be the sequestration—which I don’t know where the language of that came from, but the sequestration is the automatic cuts that we’re looking at now.

I knew when the debt ceiling deal was finally put on paper that we had to go through a number of things. One of them is that we had to have a debate about how we were going to define a balanced budget amendment. Well, we had that debate. And I think I won the debate and lost the decision, but none- theless, the clean version of the balanced budget amendment was brought to the floor. I didn’t call it a clean version. I think we needed to have the balanced budget amendment that passed the Judiciary Committee. We should have let the committee work its will. The Judiciary Committee marked up a balanced budget amendment that had a cap at 18 percent of GDP on spending and it had a supermajority in order to raise taxes. It was the right thing to do. It had exemptions there for a declared war or a case of a serious national emergency, et cetera.

It was a good constitutional amendment that we could live with that would strengthen this country over the long term. We didn’t have a vote on that. We had the one that said that in five years we would have to have a balanced budget and allows for a tax increase to balance that budget. And of course you get to a certain point with tax increases and then you see a decline economically. And I think we are past that tipping point today, Mr. Speaker. That was another one of our struggles.

So now we’re faced with a sequestration. I’m thankful that the supercommittee didn’t send us a package that couldn’t pass the Congress, the House and the Senate. I never believed that the supercommittee didn’t send us a package that we could pass. They could. They concluded they couldn’t reach an agreement. There was completely an impasse. Republicans said we’re not going to raise taxes and Democrats said we aren’t going to do it if you don’t raise taxes. They want to punish the people that are producing. They would increase the taxes—you guys over there, you would increase the taxes on the people that are paying the most taxes. You would increase the taxes that are paying the highest percentage. You would argue that it’s progressive.

And, you know, you’re never going to be satisfied. I know you won’t be satisfied. If I can tell you today—and tomorrow is the first day of December—that I have a magic wand, and I promise you all that we’re going to give you what you want, and you’ve got all of the month of December to put your wish list together. And when the ball drops in Times Square in New York on December 31, the new year, 2012, begins, here would be the deal—here’s the magic wand: Give me a list of all the things that you...
want to do to take away the liberty and freedom of the American people, take away the wealth and the capital that has been so justly earned by people in this country and redistribute the wealth in the ideal of Karl Marx or any of the other leftists that you worship, grant away of the blessings that you, the reorder society according to all your dreams, and let you have 30 days to put the list together. And at midnight, when the ball drops at Times Square, stroke the magic wand, give you all your entire wish list were acquired things. They said, I’ll tell you

labor.

tan a hide better than the person that

ever it might be. Someone else could

vegetables for some arrowheads, what-

raise a little garden and trade some

foragers, they still made tools. And

there. When they were scavengers and

American people, why do we have all

numbers of the pillars of American

you’re anti-free enterprise. There are a

cause, first of all, you don’t want to

forgot to leave this in, we need to

for that, if government doesn’t go hand

1930

There was a little bit of wealth that

was created out of the labor that’s

There when they were scavengers and

foragers, they still made tools. And

way, somebody else could

make a tool a little better, a little more efficient, and someone else could raise a little garden and trade some vegetables for some arrowheads, whatever it might be. Someone else could tan a hide better than the person that hunted for the pelt, and so they traded labor.

And in the middle of all of that, they acquired things. They said, I’ll tell you what. Let’s do two pelts. You keep one, I’ll keep the other. Fine. Now there’s two blankets where there had only been one before. And on and on they went, building and building and building capital because we had free enterprise capitalism. We let people invest

their sweat, and they turned it into eq-

And eventually they invented the

wheel, and along came the industrial

revolution, where we built things and we put them on ships, and we traded around the world. And we found that there were some things we developed in other countries more efficiently than we could here.

Adam Smith wrote in “Wealth of Na-

tions” about how they had the wool ind-

ustry going ou up in England and

Scotland and in Ireland, and so they

should be the ones there that were shearing sheep and turning that into clothing, and put the wool products that they did so well on ships and sail

them down to Portugal, where they fetched a very good price, and then

turning that into wine. And bring back

a load of wine and a ship full of wool,

and that was the division of labor that he described. And both countries were better off.

Mr. Speaker, whenever there are two people that trade a dollar, and it’s a business transaction, or it’s two or more, maybe it’s three, four, five or six people in this exchange, these business deals are set up because each party benefits. There doesn’t need to be a loser in an economic transaction.

And when I hire somebody to go to work for me and I pay them a wage, they get something. They want the money; they want the

benefits. They might want the challenge. I

hope they do. And they want to con-

tribute, and we reach this agreement.

It is a contractual agreement between
two consenting adults. And so capital is

built; wealth is built. It’s not a zero sum game.

Gold got mined out by the Incas and

the Aztecs, and Adam Smith wrote

about that. And he said the Spanish

challengers lost the war by losing

with having cut out the cost of labor—

he didn’t say by stealing the gold from

the Incas and the Aztecs. He said they

cut out the cost of labor. And once

they removed a significant cost of the

labor of producing the goods from them,

dumped it into the markets in Eu-

rope, and the price of gold went down.

Well, supply and demand, the cost of

the capital and cost of the labor goes
together to the cost that we have there. And over the centuries we built ships and we built buildings and we built highways, we built bridges, and we created cash and cur-

rency to trade our labor back and forth

with a little money that would be will-

ing to exchange. That’s money.

And then the capital that’s built in

this world now is trillions and trillions.

And, yes, class envy sets in and people

think they get a case of the “poor me’s” if government doesn’t go hand

them a job.

And I hear some of you say that, yes, well, the people that want to work

should work. People who want to work

have a job. I would argue that the

people that are able to, that people

that are able to work need to sustain

themselves, and they need to con-

tribute to the gross domestic prod-

uct in this country. It is the patriotic

thing to do.

America has created now this culture

within us that somehow the Federal

Government is going to guarantee a

middle class standard of living to ev-

erybody that lives in this country, legal and illegal.

Mr. Speaker, I know you’re going to

be astonished at this, but there are 72
different means-tested Federal welfare

programs functioning in the United

States today; 72 of them. There isn’t a

single American that can name them

from memory. If they can’t name them

from memory, neither can they de-

scribe them.

And if they can’t describe them, nei-
	her can they understand how they

work. I don’t individually let you under-

stand how 72 different welfare pro-

grams can interact with each other and

function to provide an incentive for

people to do the right thing, which is

produce for themselves, maybe get an education, develop some job skills, go

get a job.

William Bennett told us, when I came
to this Congress, that he said he could

solve 75 percent of the Nation’s patholo-
gies. Get married, stay married, go
dot, keep a job. That’s 75 percent.

You know, if he’s right on that, I’d say

the other percent is substance abuse.

I’ll bet we could get to about 99 per-

cent if people would get married, stay

married, get a job, keep a job and not

abuse alcohol and reject illegal drugs.

You’d solve a lot of the domestic

squabbles that go on and this society

would go on. We need to be a moral so-

ciety.

But we are a Nation of doers and ac-

tivists, and our culture is being eroded by those who want to expand the dependency class in America.

And that’s you folks over on that

side of the aisle. You’re in the business

of expanding the dependency class in

America. It goes on over and over and

over again. And you do that because

some of you believe, maybe even all of

you believe, that it is somehow a hu-

man thing to do to take from the

sweat of one person’s brow and hand it

to someone who won’t sweat for

his or her own. But you do it because it ex-

pands your political base, and then you

pander to and cater to the people that

you’re promising somebody else’s labor to.

And do you think that America’s going
to be stronger? No, we’re getting weak-

er. We’ve reached the point now where

these 300 million Americans that we

have, when you add up—we talk about

how many on unemployment do we

have. Oh, it was 15 million; now it’s 14

million.

You look at the weekly numbers of

the new sign-ups and that number ranges down there under 400,000 or so.
And we think, oh, it was a good week. We had less than 400,000 new sign-ups to unemployment. And people run off the other end and they expire and they’re no longer eligible, and so that number went from around 15 million unemployed down to around 14 million unemployed, or a little more.

That’s not the number that we should be most concerned about. It is a number. We should add the 14 million that meet the definition for unemployment to the number of Americans that are doing something productive rather than sitting around.

One way on up.

Now, if they all woke up tomorrow in this country work. That’s marginally a lot smoother, we’ll be a lot stronger a lot stronger.

And while that’s going on, now we have, what is our number, 11, 12 or more million illegals in America? I actually think it’s 20 million or more, but they keep tamping that number down. They keep coming across the border, and the number got lower instead of greater by some analysis.

But you know this: about seven out of every 12 illegals here in this country work. That’s marginally a little greater than the number of Americans that are working. And that seven out of 12 that are there are part of around 8 million, 7 million to 8 million documented. I’ll say study-analyzed consensus numbers, 7 to 8 million illegals in America that were working. Now, if they all woke up tomorrow in their home country, that conceivably creates 8 million new jobs.

We know they weren’t coming into this country illegally, you wouldn’t need so many people to guard the border either, and they could do something productive rather than something that’s not contributing economically to this country in the fashion that produces goods and services.

So there’s 8 million jobs there. But there are many other jobs out there for the people that will go out there and start a business, go ask for a job, compete in this marketplace. And every one of the 100 million Americans who are not working that puts in 1 hour’s work even a week contributes to the gross domestic product of the United States of America.

People who are not working, not producing, are not contributing, unless of course they’ve got investments that are returning, and then I’ll give them some credit for what they’re doing.

But 100 million. Think if you were on a boat or a ship, and let’s say you had 300 people on that boat or ship, and you had to have some trimming the sails, some pulling the oars, some swabbing the decks, the galley, some cooking, cleaning, housekeeping and somebody up there taking care of the captain.

And what if you had 100 out of those 300 people that said, I’m going to sit here in steerage. Bring me my food, clean up my mess. That’s the scope of what America is faced with today.

I’d put the people on the oars. I’d put them up there trimming the sails and swabbing the decks, and we will sail a lot smoother, we’ll be a lot stronger.

And if I challenge all: let’s step up, take the freedom we have left. Let’s grasp more of that liberty. Let’s grasp more of that freedom, and let’s put some of these 100 million people to work so they can contribute to their gross domestic product.

The rest of the world will respect us more. We’ll be stronger economically. We’ll have more prudent people that are contributing to the ideas in this Congress, and we will get to a balanced budget, and we will start to pay down this national debt, and we will enforce and respect the rule of law.

Mr. Speaker, I would go on for another half hour articulating some of the other pillars of American exceptionalism, but I recognize there is a limit to your patience, but my time.

I appreciate your attention, and I would yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DIXON (at the request of Mr. CANTOR) for November 29 and November 30 on account of official travel.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn. The motion was agreed to; according to the request of Mr. DIXON, the House adjourned until tomorrow, Thursday, December 1, 2011, at 11 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker’s table and referred as follows:

4036. A letter from the Under Secretary, Department of Defense, transmitting the Department’s quarterly report entitled, “Acceptance of contributions for defense projects, and Promise Neighborhoods Fund Cooperation Account,” for the period ending September 30, 2011; to the Committee on Armed Services.

4037. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General David P. Fridovich, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4038. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4039. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4040. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department’s final rule—Approval and Promulgation of Air Quality Implementation Plans; North Dakota; Revisions to the Air Pollution Control Rules [FRL-9486-2] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4041. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department’s final rule—Promise Neighborhoods Fund [Docket ID: ED-2011-OII-0001] received November 4, 2011; to the Committee on Education and the Workforce.

4042. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to Nitrogen Oxides Budget Trading Program [FRL-9486-2] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4043. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to Nitrogen Oxides Budget Trading Program [FRL-9486-2] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4044. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule—Approval of Air Quality Implementation Plans; North Dakota; Revisions to the Air Pollution Control Rules [FRL-9487-6] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4045. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule—Approval of Air Quality Implementation Plans; Texas; Regulations for Control of Air Pollution by Permits for New Construction or Modification [FRL-9487-3] received November 4, 2011; to the Committee on Energy and Commerce.

4046. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule—Revisions to the California State Implementation Plan, Joaquin Valley Unified Air Pollution Control District and Imperial County Air Pollution Control District [FRL-9487-3] received November 4, 2011; to the Committee on Energy and Commerce.
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. RYAN of Wisconsin (for himself, Mr. WITTMAN, Mr. WELCH, Mr. STEFFENEN, and Mr. ROGERS of Wisconsin): H.R. 3522. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for the costs of certain infertility treatments, and for other purposes; to the Committee on Ways and Means.

By Mr. ROGERS of Michigan (for himself, Mr. RUPPERSBERGER, Mr. KING of New York, Mr. UPTON, Mrs. MYRICK, Mr. LAXALT, Mr. MILLER of Florida, Mr. BOREN, Mr. LOBIONDO, Mr. CHANDLER, Mr. NUNES, Mr. GUTIERREZ, Mr. WESTMORELAND, Mrs. BACHMANN, Mr. ROONEY, Mr. HECK, Mr. DICKS, Mr. McCaul, Mr. WALDEN, Mr. CALVERT, Mr. SHIMkus, Mr. TERRY, Mr. BURGESS, Mr. GINGRICH, and Ms. LOWEY): H.R. 3525. A bill to provide for the sharing of certain cyber threat intelligence and cyber threat information between the intelligence community and cybersecurity entities; for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. BRAINTREE of Massachusetts: H.R. 3526. A bill to amend title 38, United States Code, to provide for certain benefits for persons who receive treatment for illnesses, injuries, and disabilities incurred in or aggravated by service in the uniformed services, and for other purposes; to the Committee on Veterans’ Affairs.

By Ms. SCHWARTZ (for herself, Mr. BURGESS, and Mr. BLUMENAUER): H.R. 3527. A bill to amend the United States Reorganization Act of 1994 to establish in the Department of Agriculture a Healthy Food Financing Initiative; to the Committee on Agriculture.

By Mrs. CAPP: H.R. 3528. A bill to amend the Public Health Service Act to improve women’s health by preventing and treating heart, stroke, and other cardiovascular diseases in women, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HULTGREN (for himself, Mr. BOREN, Mrs. BIGGERT, Mr. DOLD, Mr. JOHNSON of Illinois, Mr. LANCE, Mr. KINZINGER of Illinois, Mr. MANZULLO, and Mr. SCHOCK): H.R. 3529. A bill to amend the Commodity Exchange Act to require the designation of a swap dealer; to the Committee on Agriculture.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. WATANABE, Mr. SCHULTZ, Mr. DAVIS of Illinois, Mrs. NAPOLITANO, Mr. COHEN, and Ms. MOORE): H.R. 3530. A bill to amend the Hate Crime Statistics Act to include crimes against the homeless; to the Committee on the Judiciary.

By Mr. OWENS: H.R. 3531. A bill to provide for the reinstatement of certain NAFTA Customs fees exemption, and for other purposes; to the Committee on Ways and Means.

By Mr. PERLMUTTER (for himself and Mr. SCHWEINKRITZ): H.R. 3532. A bill to require the exercise of clean-up call options under securities issued by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation and to prohibit new mortgage-backed securities issued by such enterprises to contain provisions for a clean-up call option; to the Committee on Financial Services.

By Mr. PERLMUTTER: H.R. 3531. A bill to authorize certain private rights of action under the Foreign Corrupt Practices Act of 1977; to provide for civil actions by foreign concerns that damage domestic businesses; to the Committee on Energy and Commerce.
By Mr. MICA:
H.J. Res. 91. A joint resolution to provide for the resolution of the outstanding issues concerning the specific powers vested in this Constitution in the Department or Officer thereof.‘‘

Pursuant to clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1193: Mr. POSEY.
H.R. 1048: Mr. B ISHOP of New York, Ms. SCHAKOWSKY.
H.R. 831: Mr. DEFAZIO.
H.R. 132: Ms. SCHAKOWSKY.
H.R. 265: Mr. COHEN and Mr. CLAY.
H.R. 266: Mr. COHEN and Mr. CLAY.
H.R. 267: Mr. COHEN and Mr. CLAY.
H.R. 374: Mr. CARNEY.
H.R. 427: Mr. AMODEI.
H.R. 459: Ms. SPERRY.
H.R. 668: Mr. KOCHER.
H.R. 721: Ms. SLAUGHTER.
H.R. 733: Mr. MATSUI.
H.R. 735: Mr. Latta and Mr. QUAYLE.
H.R. 831: Mr. DeFazio.
H.R. 835: Mr. Grijalva.
H.R. 987: Mr. ROTHMAN of New Jersey and Mr. McGovern.
H.R. 1012: Ms. Jenkins.
H.R. 1046: Mr. Bishop of New York, Ms. HARRIS, and Ms. LEELA of California.
H.R. 1148: Mr. Latta, Mr. Amodei, Mr. Rooney, Mr. Florez, Mr. Deutch, Mr. Critz, Ms. Sutton, Mr. Yarmuth, Mr. Biliray, Mr. Miller of Florida, Mrs. McCarthy of New York, Mr. Levin, and Mr. Connolly of Virginia.
H.R. 1164: Mr. Wittman.
H.R. 1193: Mr. Posey.
H.R. 1294: Mr. COHEN.
H.R. 1300: Mr. FARR.
H.R. 1307: Mr. STEARNS.
H.R. 1370: Mr. Tipton, Mr. Sam Johnson of Texas, and Mr. Wittman.
H.R. 1385: Mr. Shuster.
H.R. 1409: Mr. SOUTHUERLAND.
H.R. 1426: Mr. Gary G. Miller of California and Mr. COHEN.
H.R. 1435: Mr. Payz of Texas.
H.R. 1474: Mr. Kinzie of Illinois.
H.R. 1535: Mr. SCHOCK.
H.R. 1629: Mr. SARRANES.
H.R. 1632: Mr. Austria, Mr. Southurer, and Mr. Harrier.
H.R. 1639: Mr. Whittingfield.
H.R. 1672: Mr. Cummings and Mr. Towns.
H.R. 1811: Ms. Velázquez.
H.R. 1967: Ms. Chu, Mr. Hultgren, Mr. Tipton, Mr. Kline, and Mr. Boswell.
H.R. 1700: Mr. Gibson.
H.R. 1915: Mr. REHBERG.
H.R. 1940: Mr. Gibson.
H.R. 1948: Mr. Walberg.
H.R. 1949: Mr. Posey.
H.R. 1956: Mr. Harris.
H.R. 1966: Mr. Carnahan.
H.R. 1968: Mr. McKinley.
H.R. 1981: Mr. Ross of Florida and Mr. Pence.
H.R. 1988: Mr. Neal.
H.R. 2016: Ms. Moore, Mr. Johnson of Georgia, Ms. Kapurt, Ms. Sewell, Mr. Clarke of Michigan, Ms. Norton, Mr. Kissell, Mr. Holz, Mr. Hinomen, Mr. Yarmuth, Mr. Reyes, Mr. Baca, Ms. Chu, Mr. Engel, Mr. Serrano, Mr. Honda, Mr. Langevin, Mr. Davis of Illinois, Mr. Hastings of Florida, Mr. Ryan of Ohio, Mr. Rangel, Mr. Smith of Washington, Mr. Brady of Pennsylvania, Mr. Quigley Mr. Cohen, Mr. Farr, and Mr. Lummus.
H.R. 2040: Mr. Smith of Nebraska.
H.R. 2051: Mr. Southurer and Mr. McCotter.
H.R. 2056: Mr. Yoder.
H.R. 2070: Mr. Strakos.
H.R. 2104: Mr. Lynch, Mr. Thornberry, and Mr. DeFazio.
H.R. 2137: Mr. Dent.
H.R. 2182: Mr. Brooks.
H.R. 2256: Mr. Holt.
H.R. 2266: Mr. Upton.
H.R. 2293: Ms. Pingree of Maine.
H.R. 2333: Mr. Marino.
H.R. 2335: Mr. Clarke of Michigan.
H.R. 2384: Ms. Hain.
H.R. 2385: Mr. Garabemi.
H.R. 2389: Ms. Lee of California.
H.R. 2397: Mr. Matzker and Mr. Wittman.
H.R. 2464: Mr. Davis of Illinois.
H.R. 2492: Mr. Costello, Mr. Sherman, Mrs. Davis of California, Mr. Keating, Mr. Grijalva, Mr. Walberg, and Ms. Eddie Bernice Johnson of Texas.
H.R. 2499: Mr. Walz of Minnesota.
H.R. 2500: Mr. Altimire.
H.R. 2505: Mr. Reyes.
H.R. 2528: Mr. Ross of Florida.
H.R. 2586: Mr. Dold.
H.R. 2589: Mr. Higuns.
H.R. 2592: Mr. Wise.
H.R. 2624: Ms. Lee of California.
H.R. 2629: Mr. Murphy of Connecticut.
H.R. 2655: Mr. SCHOCK.
H.R. 2682: Mr. Dold.
H.R. 2697: Mr. Walberg and Mr. Miller of Florida.
H.R. 2728: Mr. Cohen.
H.R. 2779: Mr. Dold.
H.R. 2780: Mr. SCHOCK.
H.R. 2834: Mr. NUNN.
H.R. 2837: Mr. Filnes, Ms. Waters, and Ms. Clarke of New York.
H.R. 2870: Mr. Stivers.
H.R. 2874: Mr. McCotter, Mr. Luftkemyer, and Mr. Fortenberry.
H.R. 2885: Mr. Altimire.
H.R. 2962: Mr. Westmoreland and Mr. Wittman.
H.R. 2966: Ms. Hayworth and Mr. Roskam.
H.R. 2977: Mr. Loebach and Mr. Boswell.
H.R. 2981: Ms. Moore, Mr. Capuano, Mr. Payne, Mr. Nadler, and Mr. Sgro.
H.R. 2982: Mr. Luftkemyer, Mr. Marchant, Mr. Grijalva, and Mr. COHN.
H.R. 3039: Mr. Luetkemeyer.
H.R. 3040: Mr. Hastings of Florida.
H.R. 3042: Mr. Owens, Mr. Shuster, and Mr. Bartlett.
H.R. 3043: Mr. Cole.
H.R. 3100: Mr. Doggett.
H.R. 3118: Mr. Posey.
H.R. 3122: Mr. Johnson of Illinois, Ms. Norton, and Mrs. Napole- tano.
H.R. 3123: Mr. Carson of Indiana and Ms. Slaughter.
H.R. 3162: Mr. Southerland and Ms. Foxx.
H.R. 3192: Mr. Langevin.
H.R. 3193: Mr. Flores, Mr. Rokita, and Mr. Harris.
H.R. 3199: Mr. McIntyre.
H.R. 3206: Mr. Culberson and Mr. Walden.
H.R. 3209: Mr. Culberson and Mr. Walden.
H.R. 3236: Mr. Heinrich.
H.R. 3243: Mr. Alexander.
H.R. 3261: Ms. Chu, Mr. Holden, and Mr. Larson of Connecticut.
H.R. 3262: Mr. Posey.
H.R. 3271: Mr. Stark and Ms. DeLauro.
H.R. 3300: Mr. Clay.
H.R. 3308: Mr. Gowdy.
H.R. 3310: Mr. Stearns.
H.R. 3319: Mr. Stark and Mr. Holt.
H.R. 3317: Mr. Stark and Mr. Holt.
H.R. 3323: Mr. Campbel.
H.R. 3331: Mr. Kline.
H.R. 3340: Mr. Jones.
H.R. 3366: Mr. Paulsen.
H.R. 3379: Mr. Smith of Nebraska, Mr. Pearce, and Mr. McClintock.
H.R. 3410: Mr. Gibson, Mr. Kline, and Mr. Burton of Indiana.
H.R. 3415: Mr. Ryan of Ohio.
H.R. 3418: Mrs. Maloney.
H.R. 3425: Mr. Cohen.
H.R. 3453: Mr. Duffy.
H.R. 3455: Mr. Jones.
H.R. 3496: Mr. Carney and Mr. Pascrell.
H.R. 3516: Mr. Critz, Ms. Hayworth, Mr. Austin Scott of Georgia, Mr. Gerlach, and Mr. Michaud.
H.J. Res. 83: Mr. Cole, Mr. Fleming, Mr. Bishop of Utah, Mr. Pence, Mr. Chabot, Mr. Gohmert, Ms. Granger, Mrs. Schmidt, Mr. Neugebauer, Mr. Wilson of South Carolina, Mr. Forbes, Mrs. Blackburn, Mr. Pitts, Mr. Lankford, Mrs. Schmidt, Mr. Huelskamp, Mr. Garret, Mr. Cole, Mr. Hultgren, Mr. Neugebauer, Mr. Mulvaney, Mr. Franks of Arizona, Mr. DesJarlais, Mr. Fleischmann, and Mr. Fincher.
The Senate met at 10 a.m. and was called to order by the Honorable Kirsten E. Gillibrand, a Senator from the State of New York.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Holy, holy, holy, Lord God of Hosts, Heaven and Earth are filled with Your glory, Lord. You have given us the hope that Your kingdom shall come on Earth. Help us to see the signs of its dawning as we labor for liberty.

May the work and deliberations of our lawmakers so reflect the nature of Your coming kingdom that people will be filled with faith.

Increase our hunger and thirst for righteousness, and feed us with the bread of Heaven. Lord, empower us all to work for that perfect day when Your will shall be done on Earth as it is in Heaven.

We pray in Your sacred Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable Kirsten E. Gillibrand led the Pledge of Allegiance, as follows:

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

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The Presiding Officer. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Inouye).

The assistant legislative clerk read the following letter:

U.S. SENATE,

President pro tempore,

Washington, DC, November 30, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Kirsten E. Gillibrand, a Senator from the State of New York, to perform the duties of the Chair.

Daniel K. Inouye,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The Acting President pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Madam President, following leader remarks, the Senate will be in morning business until 10:30 a.m. Following morning business, the Senate will resume consideration of S. 1867. The filing deadline for second-degree amendments to the Defense bill is 10:30 a.m. today. At about 11 o’clock, there will be a cloture vote on S. 1867. It is my understanding the vote will be at 11 o’clock. Is that right, Madam President? It is not about 11, it will be at 11.

The Acting President pro tempore. The Senator is correct.

Mr. REID. We will continue working through the pending amendments. Senators Levin and McCain are managers of this bill, and Senators will be notified when votes are scheduled. There was a little void here from 10:30 until the vote. That will be debate time on the motion to invoke cloture on the Defense bill.

**PAYROLL TAX CUTS**

Mr. REID. Madam President, Republicans love to talk about taxes. They like them low, we like them high—or so they would have you believe. By that logic, Republicans ought to be lining up to support our payroll tax legislation. Democrats propose we cut taxes for 160 million Americans and every single business in our country. The average American family would save about $1,500. Yet Republicans appeared out of the woodwork to oppose our plan. They do not like these particular tax cuts because they are paid for with a small, 3.25-percent surtax on people making more than $1 million a year. But we have learned that Republicans only care about keeping taxes low for a very small group of people. This small group is the richest of the rich.

Here is the contrast. One side has Democrats fighting to cut taxes for 160 million Americans who make an average of less than $30,000 a year. On the other side, we have Republicans fighting to keep taxes low for fewer than 350,000 people who take home more than $3 million every year. The contrast: 160 million Americans who make an average of less than $30,000 a year; on the other side, Republicans are fighting to keep taxes low for the richest of the rich—350,000 people who make more than $3 million a year.

What is worse, if Republicans get their way, if they are able to give the richest of the rich a pay increase, in effect, taxes will actually increase by about $1,000 a year for 120 million American families. Every American family will have $1,000 less to spend on food, clothing, and diapers next year—except those 350,000 people.

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Republicans can continue to try to protect people who earn an average of $3 million a piece. We are not going to do that, not in today’s economy. In other words, Republicans are increasing taxes on nearly every American family to protect people who make an average of $37,500 a week—far more than most Americans make in a year. You can take Nevada, you can take Kentucky—take Kentucky, the home of my friend the Republican leader. There, 2.1 million middle-class workers will be hit with a tax increase if the Republicans block our proposal. In Nevada, we have fewer people than Kentucky, but the same basically applies.
PAYROLL TAX CUTS

Mr. McCONNELL, Madam President, I know my good friend the majority leader may have been a little busy during the last 24 hours. Maybe he missed the news. Reuters said:

U.S. Senate Republicans Back Payroll Tax Cut Extension.

The Wall Street Journal says:

GOP Set to Back Payroll Tax Cut.

IBD says:

GOP Open to Payroll Tax Cut.

U.S. News:

Mitch McConnell Says Congress Will Likely Extend Tax Cut One More Year.

CBS says:

GOP working on alternative proposal for payroll tax cut extension.

Washington Post:

‘Majority’ of Republicans likely to back payroll tax cut extension.

And Fox News:

Republicans Back Payroll Tax Cut Extension.

Madam President, this is not an argument about whether we ought to extend the payroll tax cut that was enacted last year for 1 year. The issue is how do you pay for that, and we have differences of opinion about that.

This week, as we all know, the Senate is debating the extension of a temporary payroll tax cut that the two parties agreed to last year to help those struggling in an economy. But before getting into any detail about the various proposals that are being considered for extending this temporary tax cut, I think it is important to establish a couple of things right here at the outset.

First, the debate we are having this week is not about whether to extend this temporary relief for millions of working Americans out there who are struggling as a result of the ongoing jobs crisis; it is about whether we should help those who are struggling in a bad economy by punishing the private sector businesses the American people are counting on to help turn this economy around.

The President and Democrats here in Congress are saying we ought to recoup the revenue we will not get from one group of taxpayers by socking it to another group, a significant number of whom happen to be employers. What this really means is that one way or another they want the money coming back to Washington so that the President and his allies in Congress can divvy it up how they want, protecting and aiding the politically favored few. This really sums up the whole story of this President and the economic policies he has promoted over the past few years—send your money to Washington so the President and his allies in Congress can spend it their way, on things such as turtle tunnels or bailing out politically connected investors of failing solar companies.

The Democrats can say they just want some people to pay a little bit more to cover this or that dubious proposal, but what they do not tell you is that 80 percent of the people they want to tax are not profitable, in other words, the very people we are counting on to create the jobs we need in this country. Think about that. The Democrats’ response to the jobs crisis we are in right now is to raise taxes on those who create the jobs. This is not just counterproductive, it is absolutely absurd.

That brings me to my second point, which is this: The only reason we are talking about extending a temporary cut in the payroll tax right now, the only reason we are even talking about extending unemployment insurance right now is because President Obama’s economic policies have failed working Americans.

Democrats and liberal pundits are fond of saying that Republicans are rooting against the economy, but it is easy to refute that one. If Republicans wanted the economy to stall, we would just stand on the side lines and wave through everything the President and his Democratic allies in Congress proposed. Democrats did for the first 2 years of the President’s term, and now we are living with the results. Unemployment is still stuck at around 9 percent, 14 million Americans are looking for work and can’t find it, more and more are giving up on finding a job altogether, and here we are, 3 years into this Presidency, still talking about temporary stimulus measures.

Republicans will put aside their misgivings and support this extension not because we believe, as the President does, that another short-term stimulus will turn this economy around but because we know it will give some relief to struggling workers and who continue to need it nearly 3 years into this Presidency. Americans should not have to suffer any more than they already are for the Democrats’ failed economic policies.

Republicans reject the idea that the way to help people is for the government to write them a check every once in a while or adjust their pay stub at a time of our choosing. We think it is time to get past the idea that government should be the people’s futures and livelihoods. We need to get government out of the business of picking winners and losers, and that is why Republicans think the real answer is broad-based tax reform that clears out the deductions and the loopholes and the special carve-outs for those who are rich enough or politically connected enough to benefit from it.

If one is a small business owner, we don’t think they should have to have an army of tax lawyers on staff to figure out how to keep their business profitable and their employees on the payroll. If one is an individual, they should not have to hire an accountant to keep from getting ripped off by the IRS. We think Americans are ready for tax reform that makes the system fair for everybody, that levels the playing field so people in small businesses can compete without having to beg for favors, and that means working with the IRS to keep pressing for it, and part of that is looking beyond these temporary stimulus measures.
Let's be very clear about this. The Democrats' quick-fix approach has failed. Nearly 3 years have passed since Democrats passed the mother of all stimulus bills, and we have 1.3 million fewer jobs in this country than when we had a recovery signed into law. Yet they are still at it. Republicans in the House have passed an avalanche of legislation aimed at liberating the private sector and getting the economy growing again. It all dies at the Senate door. Democrats are not interested. With Democrats in control of twотор-thirds of the government in Washington, all we get is more temporary stimulus and calls to raise taxes on the very people we are counting on to jolt this economy back to life. That is why we are standing here 3 years into this administration still talking about temporary stimulus measures paid for by permanent tax hikes—temporary stimulus measures paid for by permanent tax hikes.

Democrats don't seem interested in doing anything that will lead to economic growth. They are stuck on stimulus. They are stuck on government. They are stuck on economic policies that have already failed. So we are not arguing against extending the payroll tax cut. We just think it should not be punishing job creators to pay for it. We think that if this kind of temporary relief engineered at some lawmakers' whim is the sum and substance of Democrats' plan for getting this economy going again, we are in trouble. The American people don't want a temporary allowance from Democrats in Washington. They want us to get out of the way, to lift the burdens to growth so they can get this economy going. That is why Republicans are proposing a very different approach to paying for this extension. We can maintain this tax relief without raising taxes on job creators. If past experience shows us anything, it is that Washington will only spend every dime it gets—anyway, they need to find a solution that doesn't give more power to Washington. We will never get this economy going or help people create the wealth and jobs America needs if we continue to allow Washington to dictate all the rules of the game when it comes to our economy. At the end of the day, the real question in this debate isn't whether lawmakers in Washington should or should not extend some temporary stimulus but whether the American people should continue to allow Washington to have so much power over their lives. That is what this debate is about.

Mr. REID. Will the Chair announce the business for 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 now be in a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees.

CREATING JOBS BY PROVIDING PAYROLL TAX RELIEF FOR MIDDLE CLASS FAMILIES AND BUSINESSES—MOTION TO PROCEED

Mr. REID. Madam President, I now move to proceed to Calendar No. 238, S. 1917.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to S. 1917, a bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 238, S. 1917, a bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes:

Harry Reid, Robert P. Casey, Jr., Jack Reed, Richard J. Durbin, Dianne Feinstein, Carl Levin, Jeff Bingaman, Patty Murray, Patrick J. Leahy, Kent Conrad, Sheldon Whitehouse, Benjamin L. Cardin, Barbara Boxer, Al Franken, Max Baucus, Robert Menendez, Joseph I. Lieberman.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I now withdraw my motion to proceed.

The ACTING PRESIDENT pro tempore. The motion is withdrawn.

Mr. REID. Madam President, on one of the Senate's top leadership, the Republican whip, my friend, the junior Senator from Arizona, indicated that Republicans would not support the withholding tax proposal we had made. On Monday, that was what the Senate said. So I am very happy there has been a conversion and now agree to support it but be careful. Remember, they are very clever and unclear on how they want this paid for. One Republican Senator said he didn’t want it paid for, and that, in fact, has been the standare amendment of the Republicans: Tax cuts should not have to be paid for. The Bush tax cuts, amounting to trillions of dollars, were not paid for. That is, of course, one reason we have this huge problem with the deficit.

I think we also have to recognize that one thing our country lacks is confidence. There are a lot of reasons, but the reason the confidence is people out here are talking about how bad the economy is doing. It is doing very poorly, and I recognize that. But we have had growth over the last many months. When he came into office there was a surplus of trillions of dollars. That was taken away with not paying for all these tax cuts, the unpaid war in Iraq, the unpaid war in Afghanistan, and at least 8 million jobs were lost. We are trying to work our way out of that, and we have worked very hard. My friend talks about the stimulus bill, the Economic Recovery Act. Let’s just talk about something I know a lot about, the State of Nevada. Look for that bill, in the State of Nevada, which is very hard hit with the economic recovery, a State that for two decades had been the No. 1 place in America to come to start a business, to buy property, that is no longer the case. That is no longer the case. But the stimulus bill has kept the schools open, has allowed people on Medicaid to continue getting some help, and we have had—because of that bill—thousands and thousands of jobs created with solar projects, geothermal projects all over the State of Nevada. Is it enough? Of course not. But let’s start building some confidence and allowing people with these companies that have trillions of dollars, let’s have them start spending some of it and creating jobs.

We are for tax reform. I agree with my friend the Republican leader, we should have tax reform. It is important because the Tax Code is not working. It is helping the wrong people, and we look forward to doing what we can to work that out. I was hoping in the supercommittee that one of the things they would have given was instructions to the Ways and Means Committee and the Finance Committee to come up with some tax reform that would be meaningful and build the economy even more than we could have ever dreamed, and a lot of that can be done with tax reform. So I acknowledge that.

We look forward to working with my friends on the other side of the aisle. They say they are in favor of now extending the withholding tax that has created lots of jobs and we are glad they are going to do that. But, I repeat, let’s be very careful of how it is paid for. The American people believe we should pay for it the way we have suggested. The only people I know who don’t think it should be paid for in the way we suggested are the Republicans in the Senate. All the polls show
the vast majority of Americans believe the richest of the rich should contribute a little bit to bringing this country out of the economic problems we have. So I would hope we can move forward. I want to have a cloture vote on this matter soon. We have to get through this very important Defense bill, which is to take care of our troops. One of the managers of that, of course, is someone we look to for guidance with military matters. That is JOHN MCCAIN, who, as we know, is a certified war hero. When that is finished, we will work this out on the payroll tax.

I hope that prior to the cloture vote having taken place and being necessary, we will have some agreement on how to move forward because there are a lot of other things to do before the end of this year. There are other tax issues that are extremely important that traditionally have been completed before the end of a year such as we are in right now.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. The last time my good friend the majority leader and I had a conversation on the floor reminded everyone he would get the last word. Of course, since he has prior recognition to me, he can get the last word if he chooses. So I will just remind him of that at the outset. He will get the last word if he chooses to. I will not fight for the last word, but I will make this point with regard to the observation from my good friend.

We have just heard essentially the argument going into next year’s election. Argument No. 1 is it could have been worse. That is an inspiring message to take to the American people. It could have been worse.

We also heard argument No. 2. The second argument goes essentially like this: After being in the administration in power for 3 years, No. 1, it is George Bush’s fault. Among other causes of our current dilemma that have been cited by the President and others, in addition to the previous administration, it was a tsunami in Japan, it is the European debt crisis, of course it is the Republicans in Congress, it is those millionaires, it is those people in Wall Street. In short, it is everybody’s fault but ours. That is the argument they are left with when they are going into an election year facing the American people and they have nothing else to say.

People don’t think the stimulus worked. People don’t like ObamaCare. They don’t like Dodd-Frank. There is absolutely no claim for the performance of high achievement, our good friends can cite; thus the argument: It is anybody’s fault but mine.

It will be an interesting discussion going into next year, but it strikes me that our job in the Senate is not to frame campaign arguments on a weekly basis but actually try to get something done. As my friend indicated, there are things that need to be done before the end of this year: The Defense authorization bill that we will finish this week, the appropriations bills in one way or another—either a combination of them or a continuing resolution, each of them, through the end of the next fiscal year.

We have tax extenders. We have the doc fix. We have the completion, in spite of the exercise we will engage in tomorrow, with two approaches to continuing the payroll tax extension. I have heard repeatedly from the overwhelming majority of Republicans think it should be extended, and so we will have to figure out how to package that and actually accomplish something, not just come out on the floor and score political points but actually accomplish something for the American people on things such as unemployment insurance, extension of the payroll tax reduction enacted a year ago, and the doc fix. These are the kinds of things that actually have to be done. We cannot depend on the floor with these political messaging votes, the less time we actually have to do what the American people sent us to do.

So I look forward to working with my friend, the majority leader. I mean, we work together every day. When we get past the political speeches and the show votes, there are things that need to be done, and we will be working together to get those things accomplished before Christmas.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. I agree with virtually everything the Republican leader said. I do think the Presidential election will be based on what took place in the Bush administration and how we have tried to recover from that, and how things have been exacerbated because of the tsunami and because of the European debt crisis.

I also agree heartedly with my friend that we need to work together the rest of this Congress. It is difficult to do, but we need to set aside Presidential politics and work in our sphere as legislative leaders to try to move this country along. So I look forward to that, and I appreciate the constructive remarks of my friend.

Madam President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.
programs within the Department of Defense that address psychological health and traumatic brain injury.

Inhofe amendment No. 1096, to require a report on the feasibility of using unmanned aerial systems to perform airborne inspections of navigational aids in foreign airspace.

Inhofe amendment No. 1097, to express the sense of Congress that the Secretary of Defense should implement the recommendations of the Comptroller General of the United States regarding prevention, abatement, and data collection to address hearing injuries and hearing loss among members of the Armed Forces.

Inhofe amendment No. 1100, to extend to products and services from countries along a major route of supply to Afghanistan the temporary authority to procure certain products and services from countries along a major route of supply to Afghanistan.

Inhofe amendment No. 1101, to strike section 156, relating to a transfer of Air Force C-12 aircraft to the Army.

Inhofe amendment No. 1102, to require a report on the feasibility of using unmanned aerial systems to perform airborne inspections of navigational aids in foreign airspace.

Inhofe amendment No. 1098, to require the Secretary of Defense to modify the Financial Improvement and Audit Readiness Plan to provide that a complete and validated full statement of budget resources is ready by not later than September 30, 2014.

McCain (for Ayotte) amendment No. 1067, to modify the Financial Improvement and Audit Readiness Plan to provide that a complete and validated full statement of budget resources is ready by not later than September 30, 2014.

McCain (for Ayotte) amendment No. 1068, to authorize lawful interrogation methods in addition to those authorized by the Army Field Manual for the collection of foreign intelligence information through interrogations.

McCain (for Brown (MA)/Boozman) amendment No. 1119, to protect the child custody rights of members of the Armed Forces deployed in support of a contingency operation.

McCain (for Brown (MA)) amendment No. 1090, to provide that the basic allowance for housing in effect for a member of the National Guard is not reduced when the member is deployed on active duty in a combat zone.

McCain (for Brown (MA)) amendment No. 1091, to provide for the participation of military chaplains with respect to the performance of religious ceremonies for members of the Armed Forces.

McCain (for Wicker) amendment No. 1056, to provide for the freedom of conscience of military chaplains with respect to the performance of religious ceremonies for members of the Armed Forces.

McCain (for Wicker) amendment No. 1116, to improve the transition of members of the Armed Forces with experience in the operation of heavy vehicles to operating commercial motor vehicles in the private sector.
Levin (for Reed) amendment No. 1294, to authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through partnerships with private sector entities.

Levin (for Reed) amendment No. 1294, to enhance consumer credit protections for members of the Armed Forces and their dependents.

Levin amendment No. 1298, to authorize the transfer of certain high-speed ferries to the Navy.

Levy (for Boxer) amendment No. 1296, to implement commonseose controls on the taxpayer-funded salaries of defense contractors.

Chambliss amendment No. 1304, to require a report on the reorganization of the Air Force Materiel Command.

Levin (for Brown (OH)) amendment No. 1299, to link domestic manufacturers to defense supply chain opportunities.

Levin (for Brown (OH)) amendment No. 1291, to extend treatment of base closure areas as HUBZoneS for purposes of the Small Business Act.

Levin (for Brown (OH)) amendment No. 1293, to conveyance of the outer Kunkel Army Reserve Center, Warren, OH.

Levin (for Leahy) amendment No. 1088, to clarify the applicability of requirements for military customs with respect to details.

Levin (for Wyden) amendment No. 1296, to require reports on the use of indemnification agreements in Department of Defense contracts.

Levin (for Pryor) amendment No. 1151, to authorize a death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive duty training.

Levin (for Pryor) amendment No. 1152, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law.

Levin (for Nelson (FL)) amendment No. 1299, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans’ dependency and indemnity compensation.

Levin (for Nelson (FL)) amendment No. 1210, to require an assessment of the advisability and potential cost of additional DDG-51 class destroyers at Naval Station Mayport, FL.

Levin (for Nelson (FL)) amendment No. 1236, to require a report on the effects of changing off-the-shelf positions within the Air Force Material Command.

Levin (for Nelson (FL)) amendment No. 1255, to require an epidemiological study on the health of military personnel exposed to burn pit emissions at Joint Base Balad.

Ayotte (forMcCain) modified amendment No. 1281, to require a plan for normalizing the use of C-23 aircraft.

Ayotte (for Rubio) amendment No. 1290, to strike the national security waiver authority in section 1033, relating to requirements for certifications relating to transfer of defense programs to the United States Navy Station, Guantanamo Bay, Cuba, to foreign countries and entities.

Ayotte (for Menendez/Kirk) amendment No. 1454, to require certification that any arms sales are in accordance with the policy of the United States to enhance consumer credit protections for members of the Armed Forces and their dependents.

Ayotte (for Rubio) amendment No. 1291, to strike the national security waiver authority in section 1033, relating to requirements for certifications relating to transfer of defense programs to the United States Navy Station, Guantanamo Bay, Cuba, to foreign countries and entities.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11 a.m. will be divided and controlled between the Senator from Michigan, Mr. LEVIN, and the Senator from Arizona, Mr. MCCAIN, or their designees.

Mr. MCCAIN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, I would like to say to my colleagues, we have been waiting approval of a managers’ package of amendments that have been cleared by both sides. It is not a managers’ package. It is simply a group of amendments that have been proposed by Members on both sides of the aisle that have already been objected—yet there are objections to moving forward with these amendments in a package. There are important amendments by Members on both sides.

I would urge my colleagues who would object to moving forward with this package of amendments which have been agreed to by both sides—and there has been no objection voiced to them individually—that I would like to propose that we move to the vote on cloture at 11 o’clock. If someone objects to that, then I would insist that they come over to the floor and object. That is the procedure we will follow that I would like to inform my colleagues.

In other words, we have a group of amendments. They have been cleared by both sides; no one objects. And yet there seems to be an objection to moving forward with a group of amendments. There is no objection to them individually. So according to parliamentary rules, I will insist that the Member be here present to object when I move forward with the package shortly before the hour of 11. Anyone watching in the offices, please inform your Senator of that decision.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, just to reinforce something the Senator from Arizona said, these are amendments that have passed both the Senate and the House. We have worked very hard, working with all the Senators, to clear amendments. That process will continue after the cloture vote as well. But we now have this group we have worked very hard on. We know of no objection. If there were an objection, they would not be in a cleared package. So we know of no objection. None have been forthcoming. They have been here for two years, and the Senate needs to work its will.

This is the way we should be operating, if there is no objection to an amendment, if people have had a chance to look at it. They have been cleared on both sides. Any committee on jurisdiction that has an interest has been talked to, and that has been taken care of. This is, it seems to me, the right way to proceed.

I commend Senator MCCAIN for what he just said and join him in that sentiment.

The bill we have before us that we will be voting cloture on at about 11 o’clock would authorize $662 billion for defense programs. That is $27 billion less than the President’s budget request. It is $43 billion less than the amount appropriated for fiscal year 2011. We have been able to find savings without reducing our strong commitment to the men and women of our Armed Forces and our allies. Without undermining their ability to accomplish the mission we have assigned to them that they handle so remarkably bravely and consistently. So we have identified and scrubbed this budget. We have made our savings. And that is why we will be voting cloture on—and, hopefully, adopting cloture—reflects those savings.

Because of our action last night on the counterfeit parts amendment, the bill now contains important new provisions to help fight the tide of counterfeit electronic parts, primarily from China, that is flooding the defense supply chain. I went through the provisions last night, and I will not repeat them here. There are other options that we are taking strong action to make sure the parts that are provided to our weapons systems are new parts as required and are counterfeit parts.

There are a number of steps in this bill. They are effective and strong steps. We require, for instance, that parts that are being supplied come from the original manufacturer of those parts or an authorized distributor of those parts or, if that is not possible, the seal of the original manufacturer. This is an ongoing effort to be of what is being manufactured or there is no authorized distributor, that whoever is supplying those parts be certified by the Department of Defense, the way they currently are, by one part of the Department of Defense, the Missile Defense Agency, as being a reliable supplier.

We have had too many cases of missiles and airplanes that have defective parts, and the lives of our people in uniform depend upon these as being quality parts. We are not going to accept the status quo anymore in terms of counterfeiting, mainly from China, and we are taking this strong action in
this bill now, following last night's action, to make sure this status quo is reversed.

We have over 96,000 U.S. soldiers, sailors, airmen, and marines on the ground in Afghanistan. We have 13,000, as we speak, remaining in Iraq. There are other forces who will remain as well. They agree. But every one of us knows we must provide our troops with the support they need and deserve as long as they are in harm's way. Senate action on the Defense bill will improve the quality of life for our men and women in uniform. It will give them the tools they need to remain the most effective fighting force in the world, and it will also send a critically important message that we as a nation stand behind our troops and their families and we appreciate their service.

So I hope we can adopt the cloture motion which is before us so we can proceed to the postcloture period, where we can then resolve the remaining issues that can be resolved, and then pass this bill, hopefully, tomorrow. But we have a lot of work to do today and tomorrow. We have many dozens of amendments yet to be voted on, disposed of, and hopefully cleared in many more hours.

With that, I yield the floor.

I suggest the absence of a quorum.

The Acting President pro tempore, The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The Acting President pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Madam President, the following amendments have been cleared by myself and the ranking member. We have cleared a number of amendments on both sides. We are working hard by Members. There will be an additional package after this one. We are going to continue to try to clear amendments. We expect that we will. We know of no objection to any of the following amendments despite their being available for review.

They are amendments numbered: 1056 on behalf of Senator Wicker, 1066 on behalf of Senator Ayotte, 1102 on behalf of Senator Inhofe, 1116 on behalf of Senator Wicker, 1122 on behalf of Senator McCain, 1129 on behalf of Senator Reid, 1130 on behalf of Senator Reid, 1132 on behalf of Senator McCain, 1134 on behalf of Senator Blunt, 1143 on behalf of Senators Hagan and Portman, 1149, as modified by changes at the desk, on behalf of Senator Sessions, 1166 on behalf of Senator Sessions, 1178 as modified by changes at the desk, on behalf of Senator Sessions, 1190, as modified by changes at the desk, on behalf of Senator Sessions, 1207 on behalf of Senator Sessions, 1210 on behalf of Senator Nelson (FL), 1227 on behalf of Senators McCain and Portman, 1215, as modified by changes at the desk, on behalf of Senator Casey, 1228 on behalf of Senators McCain and Portman, 1227 on behalf of Senator Shaheen, 1230 on behalf of Senator Warner, 1245 on behalf of Senator McCain, 1250 on behalf of Senator McCain, 1255 on behalf of Senator Warner, 1276 on behalf of Senator Baucus, 1278 on behalf of Senator McCain, 1281, as modified, on behalf of Senator McCaIN, 1298 on behalf of Senators Webb and Graham, 1301 on behalf of Senator Levin, 1303 on behalf of Senators LeVinch and McCain, 1315 on behalf of Senator Hatch, 1317 on behalf of Senator Portman, 1324 on behalf of Senator Cochran, 1326 on behalf of Senator Risch, and 1332 on behalf of Senators Lieberman and Cornyn.

The Acting President pro tempore. The motion to consider these amendments en bloc, and the motion to reconsider be laid upon the table.

The Presiding Officer. Without objection, it is so ordered.

The amendments (Nos. 1056, 1066, 1102, 1116, 1132, 1134, 1210, and 1250) were agreed to.

The amendments (Nos. 1180, 1193, 1215, and 1281), as modified, were agreed to, as follows:

AMENDMENT NO. 1180, AS MODIFIED
At the end of subtitle C of title XII, add the following:

SEC. 1243. MAN-PORTABLE AIR-DEFENSE SYSTEMS (MANPADS) ORIGINATING FROM LIBYA.

(a) STATEMENT OF POLICY.—Pursuant to section 11 of the Department of State Authorization Act of 2006 (22 U.S.C. 2349bb-6), the following is the policy of the United States:

(1) To reduce and mitigate, to the greatest extent feasible, the threat posed to United States citizens and citizens of allies of the United States by man-portable air-defense systems (MANPADS) that were in Libya as of March 19, 2011.

(2) To seek the cooperation of, and to assess, the government of the United States of Libya (as defined in section 11 of the Department of State Authorization Act of 2006) originating from Libya.

(b) INTELLIGENCE COMMUNITY ASSESSMENT ON MANPADS IN LIBYA.—

(1) IN GENERAL.—The Director of National Intelligence (as determined by the President) to form a task force to develop a comprehensive strategy on threat posed by United States citizens and citizens of allies of the United States from man-portable air-defense systems (as defined in section 11 of the Department of State Authorization Act of 2006) originating from Libya.

(2) REPORT REQUIRED.—The Director of National Intelligence shall submit to Congress not later than 45 days after the enactment of this Act, a comprehensive strategy on threat posed by United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(3) NOTICE REGARDING DELAY IN SUBMITTAL.—If, before the end of the 45-day period specified in paragraph (1), the Director determines that the assessment required by that paragraph cannot be submitted by the end of that period as required by that paragraph, the Director shall (before the end of that period) submit to the appropriate committees of Congress a report setting forth—

(A) the reasons why the assessment cannot be submitted by the end of that period; and

(B) an estimated date for the submittal of the assessment.

(c) COMPREHENSIVE STRATEGY ON THREAT OF MANPADS ORIGINATING FROM LIBYA.—

(1) STRATEGY REQUIRED.—The President shall develop and implement, and from time to time update, a comprehensive strategy, pursuant to section 11 of the Department of State Authorization Act of 2006, to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 45 days after the assessment required by subsection
(b) is submitted to the appropriate committees of Congress, the President shall submit to the appropriate committees of Congress a report setting forth the strategy required by paragraph (a).

(2) ELEMENTS.—(A) The report required by this paragraph shall include the following:

(i) An assessment of the effectiveness of efforts to disrupt the threat posed by the United States to citizens and allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(ii) A timeline for future efforts by the United States, Libya, and neighboring countries to—

(I) secure, remove, or disable any man-portable air-defense systems that remain in Libya;

(II) counter proliferation of man-portable air-defense systems originating from Libya that are in the region; and

(III) disrupt the ability of terrorists, non-state actors, state actors, and state sponsors of terrorism to acquire such man-portable air-defense systems.

(ii) A description of any additional funding required to address the threat of man-portable air-defense systems originating from Libya.

(iv) A description of technologies currently available to reduce the susceptibility and vulnerability of civilian aircraft to man-portable air-defense systems, including an assessment of the feasibility of using aircraft-based anti-missile systems to protect United States passenger jets.

(v) Recommendations for the most effective policy measures that can be taken to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(vi) Such recommendations for legislative or administrative action as the President considers appropriate to implement the strategy required by paragraph (1).

(C) FORM.—The report required by this paragraph shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropria
tive committees of Congress" means—

(I) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(II) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

AMENDMENT NO. 121, AS MODIFIED

At the end of subtitle B of title XII, add the following:

SEC. 1230. CERTIFICATION REQUIREMENT REGARDING EFFORTS BY GOVERNMENT OF PAKISTAN TO IMPLEMENT A STRATEGY TO COUNTER IMPROVISED EXPLOSIVE DEVICES.

(a) CERTIFICATION REQUIREMENT.—(1) In general.—None of the amounts authorized to be appropriated under this Act for the Pakistan Counterinsurgency Fund or transferred to the Pakistan Counterinsurgency Capability Fund from the Pakistan Counterinsurgency Capability Fund should be made available for the Government of Pakistan until the Secretary of Defense, in consultation with the Secretary of State and in accordance with recommendations of the House of Representatives that the Government of Pakistan is demonstrating a continuing commitment to and is making significant efforts towards the implementation of a strategy to counter improvised explosive devices (IEDs).

(2) SIGNIFICANT IMPLEMENTATION EFFORTS.—For purposes of paragraph (1), significant implementation efforts include attacking IED networks, monitoring of known precursors used in IEDs, and the development of a strict process for the storage of explosive and other materials, including calcium ammonium nitrate, and accessories and their supply to legitimate end users.

(b) WAIVER.—The Secretary of Defense, in consultation with the Secretary of State, may waive the requirements of subsection (a) if the Secretary determines it is in the national security interest of the United States to do so.

AMENDMENT NO. 1281

(Purpose: To require a plan for normalizing defense cooperation with the Republic of Georgia)

At the end of subtitle C of title XII, add the following:

SEC. 1243. DEFENSE COOPERATION WITH REPUBLIC OF GEORGIA

(a) PLAN FOR NORMALIZATION.—Not later than 90 days after the date of the enactment of this Act, the President shall develop and submit to the defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives the following:

(I) A description of the action taken on any defense articles and services in support of the Georgia-United States defense relationship and cooperation with the Republic of Georgia in the two-year period ending on the date of the report.

(ii) A summary of the defense needs asserted by the Government of the Republic of Georgia for purchase of defense articles and services during the two-year period ending on the date of the report.

(b) DESCRIPTION OF THE ACTION TAKEN ON ANY DEFENSE ARTICLES AND SERVICES.—The report shall include a description, in sufficient detail, of any actions taken on any defense articles and services in support of the Georgia-United States defense relationship and cooperation with the Republic of Georgia in the two-year period ending on the date of the report.

AMENDMENT NO. 1122

(Purpose: To authorize the acquisition of real property and associated real property interests in the vicinity of Hanover, New Hampshire, as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory)

At the end of subtitle E of title II, add the following:

SEC. 2. LABORATORY FACILITIES, HANOVER, NEW HAMPSHIRE.

(a) ACQUISITION.—(1) Subject to paragraph (3), the Secretary of the Army (referred to in this section as the "Secretary") may acquire any real property and associated real property interests in the vicinity of Hanover, New Hampshire, described in paragraph (2) as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory.

(b) DESCRIPTION OF THE REAL PROPERTY.—The real property described in this paragraph is real property to be acquired under paragraph (1)—

(I) consisting of approximately 18.5 acres, identified as Tracts 101-1 and 101-2, together with any facilities and improvements located entirely within the Town of Hanover, New Hampshire; and
SEC. 2833. REDESIGNATION OF MIKE O'CALLAGHAN FEDERAL MEDICAL CENTER.

(a) Purpose: To clarify certain provisions of the Clean Air Act relating to fire suppression agents.

(b) Right of First Refusal.—The Secretary of the Department of the Defense, including the Secretary of the Army, may exercise a right of first refusal provided to a seller under this section.

(c) Consideration Acceptable to the Secretary; and

(d) Disposal.—The Secretary may dispose of any real property or associated real property interests acquired by condemnation in Civil Action No. 81-360-L, in the event the property, or any portion of the property, is no longer needed by the Secretary of the Army; and

(e) Effect of Compliance with Environmental Laws.—Nothing in this section affects or limits the application of or obligation to comply with any environmental law, including section 12(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

AMENDMENT NO. 1130

SEC. 1080. COMPTROLLER GENERAL REVIEW OF MEDICAL RESEARCH AND DEVELOPMENT RELATING TO IMPROVED COMBAT CASUALTY CARE MEDICAL RESEARCH.

(a) Study Required.—The Comptroller General of the United States shall conduct a review of Department of Defense programs and organizations related to, and resourcing of, medical research and development in support of improved combat casualty care designed to save lives on the battlefield.

(b) Report.—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the review conducted under subsection (a), including the following elements:

(1) A description of current medical combat casualty care research and development programs throughout the Department of Defense, including basic and applied medical research, technology development, and clinical research.

(2) An identification of organizational elements within the Department that have responsibility for planning and oversight of combat casualty care research and development.

(3) A description of the means by which the Department applies combat casualty care research findings, including development of new medical devices, to improve battlefield care.

(4) An assessment of the adequacy of the coordination by the Department of planning for combat casualty care medical research and development and whether or not the Department has a coordinated combat casualty care research and development strategy.

(5) An assessment of the adequacy of resources provided for combat casualty care research and development across the Department.

(6) An assessment of the programmatic, organizational, and resource challenges and gaps faced by the Department in optimizing investments in combat casualty care medical research and development in order to save lives on the battlefield.

(7) The extent to which the Department utilizes expertise from experts and entities outside the Department with expertise in combat casualty care medical research and development.

(8) An assessment of the challenges faced in timely applying research and technology developments to improved battlefield care.

(9) Recommendations regarding—

(A) the need for a coordinated combat casualty care medical research and development strategy; and

(B) organizational obstacles or realignment required to improve combat casualty care medical research and development; and

(c) Adequacy of resource support.

AMENDMENT NO. 1132, AS MODIFIED

SEC. 2832. LAND CONVEYANCE AND EXCHANGE, JOINT BASE ELMENDORF RICHARDSON, ALASKA.

(a) Conveyance Authorized.—

(1) Municipality of Anchorage.—The Secretary of the Air Force may, in consultation with the Secretary of the Interior, convey to the Municipality of Anchorage (in this section referred to as the "Municipality") all right, title, and interest of the United States in all or any part of real property, including any improvements thereon, consisting of approximately 220 acres at JBER situated to the west of and adjacent to the Anchorage Regional Landfill, Alaska, for solid waste management purposes, including reclamation thereof, and for alternative energy production, and other related activities. This authority may not be exercised unless and until on or before the March 15, 1982, North Anchorage Land Agreement is amended by the parties thereto to specifically permit the conveyance under this subparagraph.

(2) Eklutna, Inc.—The Secretary of the Air Force may, in consultation with the Secretary of the Interior, upon terms mutually agreeable to the Secretary of the Air Force and Eklutna, Inc., an Alaska Native village corporation organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) (in this section referred to as "Eklutna"), convey to Eklutna all right, title, and interest of the United States in all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 130 acres situated on the northeast corner of the Glenn Highway and Boniface Parkway Highbor- age, Alaska, or such other property as may be identified in consultation with the Secretary of the Interior, for any use compatible with JBER's current and reasonably foreseeable mission as determined by the Secretary of the Air Force.

(3) Right to Withhold Transfer.—The Secretary may withhold transfer of any portion of the real property described in paragraphs (1) and (2) based on public interest or military mission requirements.

(b) Consideration.—

(1) Municipality Property.—As consideration for the conveyance under subsection (a)(1), the Secretary of the Air Force shall receive in-kind solid waste management services at the Anchorage Regional Landfill or such other consideration as determined satisfactory by the Secretary equal to at least the fair market value of the property conveyed.

(2) Eklutna Property.—As consideration for the conveyance under subsection (a)(2), the Secretary of the Air Force is authorized to receive, upon terms mutually agreeable to the Secretary and Eklutna, such interests in the surface estate of real property owned by Eklutna and situated at the northeast boundary of JBER and other consideration as considered satisfactory by the Secretary.
equal to at least fair market value of the property conveyed.

(c) Payment of Costs of Conveyance.—

(1) Payment required.—The Secretary of the Air Force shall, in a report submitted to the Senate, reclassify and identify the United States government property located at Kekotna, Alaska, and Eklutna to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) Treatment of amounts received.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) Treatment of cash consideration received.—Any cash payment received by the United States government property to be conveyed under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(e) Description of property.—The exact acreage and description of the property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary.

(f) Other or additional terms and conditions.—(The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary determines appropriate to protect the interests of the United States.)

AMENDMENT NO. 1162

(Purpose: To provide for the consideration of energy security and reliability in the development and implementation of energy performance goals)

At the end of subtitle B of title III, add the following:

SEC. 316. CONSIDERATION OF ENERGY SECURITY AND RELIABILITY IN DEVELOPMENT AND IMPLEMENTATION OF ENERGY PERFORMANCE GOALS.

Section 201 of title X of the United States Code, is amended by adding at the end the following new paragraph: "(12) Opportunities to enhance energy security and reliability in the development and implementation of energy performance goals.

AMENDMENT NO. 1164

(Purpose: To promote increased acquisition and procurement exchanges between officials in the Department of Defense and defense officials in India)

At the end of subtitle H of title X, add the following:

SEC. 1080. ACQUISITION AND PROCUREMENT EXCHANGES BETWEEN THE UNITED STATES AND INDIA.

The Secretary of Defense should seek to establish exchanges between acquisition and procurement officials of the Department of Defense and defense officials of the Government of India. The exchanges should promote mutual understanding regarding best practices in defense acquisition.

AMENDMENT NO. 1165

(Purpose: To express the sense of Congress on the need of modeling and simulation in Department of Defense activities)

At the end of subtitle A of title IX, add the following:

SEC. 907. SENSE OF CONGRESS ON USE OF MODELING AND SIMULATION IN DEPARTMENT OF DEFENSE ACTIVITIES.

It is the sense of Congress to encourage the Department of Defense to continue the use of modeling and simulation (M&ses) across the spectrum of defense activities, including acquisition, analysis, experimentation, intelligence, planning, medical, test and evaluation, and training.

AMENDMENT NO. 1166

(Purpose: To provide for the consideration of the use of modeling and simulation in Department of Defense activities)

At the end of subtitle A of title IX, add the following:

SEC. 907. SENSE OF CONGRESS ON USE OF MODELING AND SIMULATION IN DEPARTMENT OF DEFENSE ACTIVITIES.

It is the sense of Congress to encourage the Department of Defense to continue the use and enhancement of modeling and simulation (m&ses) across the spectrum of defense activities, including acquisition, intelligence, planning, medical, test and evaluation, and training.

AMENDMENT NO. 1167

(Purpose: To express the sense of Congress on the need of modeling and simulation in Department of Defense activities)

At the end of subtitle B of title XI, add the following:

SEC. 907. SENSE OF CONGRESS ON USE OF MODELING AND SIMULATION IN DEPARTMENT OF DEFENSE ACTIVITIES.

It is the sense of Congress that the Department of Defense should seek to enhance the use of modeling and simulation across the spectrum of defense activities, including acquisition, analysis, experimentation, intelligence, planning, medical, test and evaluation, and training.

AMENDMENT NO. 1168

(Purpose: To express the sense of Congress on the need of modeling and simulation in Department of Defense activities)

At the end of subtitle C of title IX, add the following:

SEC. 907. SENSE OF CONGRESS ON USE OF MODELING AND SIMULATION IN DEPARTMENT OF DEFENSE ACTIVITIES.

It is the sense of Congress that the Department of Defense should seek to enhance the use of modeling and simulation across the spectrum of defense activities, including acquisition, intelligence, planning, medical, test and evaluation, and training.

AMENDMENT NO. 1169

(Purpose: To express the sense of Congress on the need of modeling and simulation in Department of Defense activities)

At the end of subtitle B of title VIII, add the following:

SEC. 848. REPORT ON AUTHORITIES AVAILABLE TO THE DEPARTMENT OF DEFENSE FOR MULTICYCLE CONTRACTS FOR THE PURCHASE OF ADVANCED BIODEFENSE BIOTERRORISM RESPONSE BIOPROTECTIVE SYSTEMS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description and assessment of the effects of planned reductions of personnel at the Joint Warfare Analysis Center (JWAC) on the personnel authorized by the Secretary of Defense to carry out the reductions. The report shall be in unclassified form, but may contain a classified annex.

AMENDMENT NO. 1170

(Purpose: To express the sense of Congress on the need of modeling and simulation in Department of Defense activities)

At the end of subtitle C of title VIII, add the following:

SEC. 848. REPORT ON AUTHORITIES AVAILABLE TO THE DEPARTMENT OF DEFENSE FOR MULTICYCLE CONTRACTS FOR THE PURCHASE OF ADVANCED BIODEFENSE BIOTERRORISM RESPONSE BIOPROTECTIVE SYSTEMS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description and assessment of the effects of planned reductions of personnel at the Joint Warfare Analysis Center (JWAC) on the personnel authorized by the Secretary of Defense to carry out the reductions. The report shall be in unclassified form, but may contain a classified annex.

AMENDMENT NO. 1171

(Purpose: To express the sense of Congress on the need of modeling and simulation in Department of Defense activities)

At the end of subtitle C of title VIII, add the following:

SEC. 848. REPORT ON AUTHORITIES AVAILABLE TO THE DEPARTMENT OF DEFENSE FOR MULTICYCLE CONTRACTS FOR THE PURCHASE OF ADVANCED BIODEFENSE BIOTERRORISM RESPONSE BIOPROTECTIVE SYSTEMS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description and assessment of the effects of planned reductions of personnel at the Joint Warfare Analysis Center (JWAC) on the personnel authorized by the Secretary of Defense to carry out the reductions. The report shall be in unclassified form, but may contain a classified annex.

AMENDMENT NO. 1172

(Purpose: To require Comptroller General of the United States to conduct a study on the development and implementation of energy security and reliability)

At the end of subtitle G of title X, add the following:

SEC. 1080. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON THE DEVELOPMENT AND IMPLEMENTATION OF ENERGY SECURITY AND RELIABILITY.

The Comptroller General of the United States shall conduct a study to determine whether there are gaps in DOD 6.1–6.3 Science and Technology (S&T) programs. The study shall—

(1) focus on S&T programs within the Army, Navy, and Air Force, as well as programs run by the Office of the Secretary of Defense;

(2) describe options for consolidation and cost-savings, if any;

(3) assess how the military departments and the Office of the Secretary of Defense are aligning their funding with the seven S&T strategic investment priorities identified by the Assistant Secretary of Defense.
for Research and Engineering: Data to Decisions, Engineered Resilient Systems, Cyber Science and Technology, Electronic Warfare/ Electronic Protection, Counter Weapons of Mass Destruction, Autonomy, and Human Systems; and
(4) assess how the military departments and the Office of the Secretary of Defense are coordinating efforts with respect to duplicative programs, if any.  
(b) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the findings of the study conducted under subsection (a).

AMENDMENT NO. 1238

(Purpose: To require a Comptroller General report on energy, technology, engineering, and Math (STEM) initiatives)

At the end of title G of title X, add the following:

SEC. 1080. COMPTROLLER GENERAL REPORT ON ENERGY, TECHNOLOGY, ENGINEERING, AND MATH (STEM) INITIATIVES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study assessing the energy, technology, engineering, and Math (STEM) initiatives of the Department of Defense. The study shall—
(1) determine which programs are ineffective, unnecessary, and redundant within the Department of Defense;
(2) describe options for consolidation and elimination of programs identified under paragraph (1);
(3) describe options for how the Department and other Federal departments and agencies can work together on similar initiatives without unnecessary duplication of funding;
(b) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the findings of the study conducted under subsection (a).

AMENDMENT NO. 1237

(Purpose: To require a Department of Defense assessment of the industrial base for night vision image intensification sensors)

At the end of subtitle B of title VIII, add the following:

SEC. 889. DEPARTMENT OF DEFENSE ASSESSMENT OF INDUSTRIAL BASE FOR NIGHT VISION IMAGE INTENSIFICATION SENSORS.

(a) ASSESSMENT REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall undertake an assessment of the current and long-term availability within the United States and international industrial base of critical equipment, components, subcomponents, and materials (including, but not limited to, lenses, tubes, and electronics) needed to support current and future United States military requirements for night vision image intensification sensors. In carrying out the assessment—
(1) identify items in connection with night vision image intensification sensors that the Secretary determines are critical to military readiness, including key components, subcomponents, and materials;
(2) describe and perform a risk assessment of the supply chain for items identified under paragraph (1) and evaluate the extent to which—
(A) the supply chain for such items could be disrupted by a loss of industrial capability in the United States; and
(B) the industrial base obtains such items from foreign sources; and
(3) describe and assess current and future investments, gaps, and vulnerabilities in the ability of the Department to respond to the potential loss of domestic or international sources that provide items identified under paragraph (1); and
(4) identify and assess current strategies to leverage innovative night vision image intensification technologies being pursued in both Department of Defense laboratories and the private sector for the next generation of night vision capabilities, including an assessment of the competitive and technological advantages of the United States night vision image intensification industrial base.
(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the assessment required under paragraph (a).

AMENDMENT NO. 1239

(Purpose: To provide for installation energy metering requirements)

At the end of subtitle B of title III, add the following:

SEC. 316. INSTALLATION ENERGY METERING REQUIREMENTS.

The Secretary of Defense shall—

(A) in general, require that all data centers and data centers owned and operated by the Department in excess of 100 kilowatts of installed electrical power be equipped with energy meters by not later than January 1, 2013, the findings of the study conducted by the Secretary of Defense in accordance with subsection (a).

AMENDMENT NO. 1245

(Purpose: To provide for increased efficiency and a reduction of Federal spending required for data servers and centers)

Beginning on page 46, strike line 10 and all that follows through page 575, line 16, and insert the following:

(iv) A reduction in the number of commercial and government applications running on data servers and within data centers;
(v) A reduction in the number of government and vendor provided full-time equivalent personnel, and in the cost of labor, associated with the operation of data servers and data centers.

(b) SPECIFICATION OF REQUIRED ELEMENTS.—The Chief Information Officer of the Department shall specify the particular performance standards and measures and implementation elements in the plans submitted under this paragraph, including specific goals and schedules for achieving the matters specified in subparagraph (A).

(2) DEFENSE-WIDE PLAN.—

(A) IN GENERAL.—Not later than April 1, 2012, the Chief Information Officer of the Department shall submit to the congressional defense committees a performance plan for a reduction in the resources required for data centers and information systems technologies Department-wide. The plan shall be based upon and most developed elements of the plans submitted under paragraph (1).

(B) ELEMENTS.—The performance plan required under this paragraph shall include the following:

(i) A Department-wide performance plan for achieving the matters specified in paragraph (1), including specific goals and measures for data centers and information systems technologies, goals and schedules for achieving such matters, and an estimate of cost savings anticipated through implementation of the plan.

(ii) A Department-wide strategy for each of the following:

(I) Desktop, laptop, and mobile device virtualization.

(II) Transitioning to cloud computing.

(III) Migration of Defense data and government-provided services from Department-owned and operated data centers to cloud computing services generally available with lower cost, capacity, energy efficiency and utilization, accompanied with the aggregate data for each data center site in use by the Department in excess of 100 kilowatts of information technology power demand.

(IV) Utilization of private-sector managed security services for data centers and cloud computing services.

(V) A finite set of metrics to accurately and transparently report on data center infrastructure (space, power and cooling) through use of modular data center technology and integrated data center infrastructure management software.

AMENDMENT NO. 1266

(Purpose: To establish a training policy for Department of Defense energy managers)

At the end of subtitle B of title III, add the following:

SEC. 316. TRAINING POLICY FOR DEPARTMENT OF DEFENSE ENERGY MANAGERS.

(a) ESTABLISHMENT OF TRAINING POLICY.—The Secretary of Defense shall establish a training policy for Department of Defense energy managers designated for military installations in order to—

(1) improve the knowledge, skills, and abilities of energy managers by ensuring understanding of existing energy laws, regulations, mandates, contracting options, local renewable portfolio standards, current renewable energy technology options, energy cost, capacity, and options to reduce energy consumption;

(2) improve consistency among energy managers throughout the Department in the performance of their responsibilities; and

(3) create opportunities and forums for energy managers to exchange ideas and lessons learned within each military department, as well as across the Department of Defense; and

(4) collaborate with the Department of Energy regarding energy manager training.

(b) ISSUANCE OF POLICY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue the training policy for Department of Defense energy managers.

(c) BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, or designated representatives of the Secretary, shall brief the Committees on Armed Services of the Senate and House of Representatives regarding the details of the energy manager policy.

AMENDMENT NO. 1278

(Purpose: To require a pilot program on the receipt by members of the Armed Forces of civilian credentialing for skills required of military occupational specialties)

At the end of subtitle D of title V, add the following:

SEC. 547. PILOT PROGRAM ON RECEIPT OF CIVILIAN CREDENTIALING FOR SKILLS REQUIRED FOR MILITARY OCCUPATIONAL SPECIALTIES.

(a) PILOT PROGRAM REQUIRED.—Complementing not later than the nor later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of permitting enlisted members of the Armed Forces to obtain civilian credentialing or licensing for skills required
for military occupational specialties (MOS) or qualification for duty specialty codes.

(b) ELEMENTS.—In carrying out the pilot program, the Secretary shall:

(1) conduct tests of not less than three or more than five military occupational specialties or duty specialty codes for coverage under the pilot program; and

(2) permit enlisted members of the Armed Forces to obtain the credentials or licenses required for the specialties or codes so designated through civilian credentialing or licensing by recently-discharged veterans of the military occupational specialties or duty speciality codes for coverage under the pilot program, whether concurrently with military training, at the completion of military training, or both.

(c) REPORT.—Not later than one year after commencement of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall set forth the following:

(1) The number of enlisted members who participate in the program.

(2) A description of the costs incurred by the Department of Defense in connection with the receipt by members of credentialing or licensing under the pilot program.

(3) A comparison the costs associated with receipt by members of credentialing or licensing under the pilot program with the cost of acquiring credentials or licensing by recently-discharged veterans of the Armed Forces under programs currently operated by the Department of Veterans Affairs and the Department of Labor.

(4) The recommendation of the Secretary as to the feasibility and advisability of expanding the pilot program to additional military occupational specialties or duty specialty codes, and, if such expansion is considered feasible and advisable, a list of the military occupational specialties and duty specialty codes recommended for inclusion in the expansion.

AMENDMENT NO. 1297

(Purpose: To require the Secretary of Defense to submit, with the budget justification materials, a long-term plan for maintaining a minimal capacity to produce intercontinental ballistic missile solid rocket motors)

SEC. 158. AUTHORITY FOR EXCHANGE WITH UNITED KINGDOM OF SPECIFIED F-35 LIGHTNING II JOINT STRIKE FIGHTER AIRCRAFT.

(a) AUTHORITY.—(1) Except as provided in paragraph (2), funds for production of the aircraft to be transferred to the United States under this subsection (1) E XCHANGE AUTHORITY. —In accordance with section 2767, and as supplemented as necessary to bring that aircraft to the Low-Rate Initial Production 6 configuration under the contract referred to in subsection (a), funds may not be borne by the United States.

(2) E XCEPTION.—Costs for flight test instrumentation of the aircraft to be transferred to the United States that are necessary to bring that aircraft to the Low-Rate Initial Production 6 configuration under the contract referred to in subsection (a) may not be borne by the United States.

(3) Implementation.—The exchange under this section shall be implemented pursuant to the memorandum of understanding titled ‘‘Joint Strike Fighter Production, Sustainment, and Follow-on Development Memorandum of Understanding’’, which entered into effect among nine nations including the United States and the United Kingdom on December 31, 2006, consistent with section 27 of the Arms Export Control Act (22 U.S.C. 2767), and as supplemented as necessary by the United States and the United Kingdom.

AMENDMENT NO. 1317

(Purpose: To require a report on the analytic capabilities of the Department of Defense regarding foreign ballistic missile threats)

At the end of title G of title X, add the following:

SEC. 1088. LONG-TERM PLAN FOR MAINTENANCE OF INTERCONTINENTAL BALLISTIC MISSILE SOLID ROCKET MOTOR PRODUCTION CAPACITY.

The Secretary of Defense shall submit, with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2013 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the following information:


(2) With respect to any such recommendation that the Department does not implement, an explanation of how the Department is otherwise addressing the deficiencies identified in that report.

(b) ASSESSMENT BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 60 days after the end of the information required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees an assessment of that information and any additional findings or recommendations the Comptroller General considers appropriate.

AMENDMENT NO. 1295

(Purpose: To authorize the award of the Distinguished Service Cross for Captain Frederick L. Spaulding for acts of valor during the Vietnam War)

At the end of title I of title V, add the following:

SEC. 586. AUTHORIZATION FOR AWARD OF THE DISTINGUISHED SERVICE CROSS FOR CAPTAIN FREDRICK L. SPAULDING FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3742 of title 10, United States Code, or any other time limitations specified in section 3742 of such title, the Secretary of the Army is authorized to award the Distinguished Service Cross for Captain Frederick L. Spaulding for acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the acts of Frederick L. Spaulding, on July 23, 1970, as a member of the United States Army serving in connection with the Republic of Vietnam while assigned to Headquarter and Headquarters Company, 3d Brigade, 101st Airborne Division.

AMENDMENT NO. 1301

(Purpose: To authorize the award of the Distinguished Service Cross for Captain Frederick L. Spaulding for acts of valor during the Vietnam War)

At the end of subtitle A of title VII, add the following:

SEC. 705. EXPANSION OF TIME LIMIT FOR SUBMITTAL OF CLAUSES UNDER THE TRICARE PROGRAM FOR CARE PROVIDED OUTSIDE THE UNITED STATES.

Section 1106(b) of title 10, United States Code, is amended by striking ‘‘time limit with respect to the awarding of certain medals to persons who served in the United States Armed Forces, the Secretary of the Army is authorized to award the Distinguished Service Cross under section 3742 of such title to Captain Frederick L. Spaulding for acts of valor during the Vietnam War described in subsection (b),’’ and all that follows and inserting the following: ‘‘(1) In the case of services provided outside the United States, the Commonwealth of Puerto Rico, or the possession of the United States, by not later than three years after the services are provided.

(2) In the case of any other services, by not later than one year after the services are provided.’’

AMENDMENT NO. 1301

Purpose: To authorize the award of the Distinguished Service Cross for Captain Frederick L. Spaulding for acts of valor during the Vietnam War

SEC. 705. EXPANSION OF TIME LIMIT FOR SUBMITTAL OF CLAUSES UNDER THE TRICARE PROGRAM FOR CARE PROVIDED OUTSIDE THE UNITED STATES.

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(2) In the case of any other services, by not later than one year after the services are provided.’’

AMENDMENT NO. 1301

Purpose: To authorize the award of the Distinguished Service Cross for Captain Frederick L. Spaulding for acts of valor during the Vietnam War

Amendment No. 1301

At the end of subtitle D of title I, add the following:

SEC. 158. AUTHORITY FOR EXCHANGE WITH UNITED KINGDOM OF SPECIFIED F-35 LIGHTNING II JOINT STRIKE FIGHTER AIRCRAFT.

(a) AUTHORITY.—(1) Except as provided in paragraph (2), funds for production of the aircraft to be transferred to the United States under this subsection (1) E XCHANGE AUTHORITY. —In accordance with section 2767, and as supplemented as necessary to bring that aircraft to the Low-Rate Initial Production 6 configuration under the contract referred to in subsection (a), funds may not be borne by the United States.

(2) E XCEPTION.—Costs for flight test instrumentation of the aircraft to be transferred to the United States that are necessary to bring that aircraft to the Low-Rate Initial Production 6 configuration under the contract referred to in subsection (a) may not be borne by the United States.

(3) Implementation.—The exchange under this section shall be implemented pursuant to the memorandum of understanding titled ‘‘Joint Strike Fighter Production, Sustainment, and Follow-on Development Memorandum of Understanding’’, which entered into effect among nine nations including the United States and the United Kingdom on December 31, 2006, consistent with section 27 of the Arms Export Control Act (22 U.S.C. 2767), and as supplemented as necessary by the United States and the United Kingdom.

AMENDMENT NO. 1317

(Purpose: To require the Secretary of Defense to submit a long-term plan for maintaining a minimal capacity to produce intercontinental ballistic missile solid rocket motors)

At the end of title G of title X, add the following:

SEC. 1088. LONG-TERM PLAN FOR MAINTENANCE OF INTERCONTINENTAL BALLISTIC MISSILE SOLID ROCKET MOTOR PRODUCTION CAPACITY.

The Secretary of Defense shall submit, with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2013 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), a long-term plan for maintaining a minimal capacity to produce intercontinental ballistic missile solid rocket motors.

AMENDMENT NO. 1317

(Purpose: To require a report on the analytic capabilities of the Department of Defense regarding foreign ballistic missile threats)

At the end of subtitle G of title X, add the following:
SEC. 1080. REPORT ON DEFENSE DEPARTMENT ANALYTIC CAPABILITIES REGARDING FOREIGN BALLISTIC MISSILE THREATS.

(a) Report Required.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the analytic capabilities of the Department of Defense regarding threats from foreign ballistic missiles of all ranges.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) A description of the current capabilities of the Department of Defense to analyze threats from foreign ballistic missiles of all ranges, including the degree of coordination among the relevant analytic elements of the Department.

(2) A description of any current or foreseeable gaps in the analytic capabilities of the Department that may prevent the Department from foreign ballistic missiles of all ranges.

(3) A plan to address any gaps identified pursuant to paragraph (2) during the 5-year period beginning on the date of the report.

AMENDMENT NO. 1320

(Purpose: To require exploration of opportunities to increase foreign military training with allies at test and training ranges in the continental United States)

In section 331(b)(2), strike subparagraphs (K) and (L) and insert the following:

(K) and (L) and insert the following:

(1) Foreign ballistic missiles of all ranges.

(2) the test and training range infrastructure, including estimated costs required to upgrade military operations;

(3) and (L) propose a list of prioritized projects, easement acquisitions, or other actions, including estimated costs required to upgrade the test and training range infrastructure, taking into consideration the criteria set forth in this paragraph; and

(M) explore opportunities to increase foreign military training with United States allies at test and training ranges in the continental United States.

AMENDMENT NO. 1322

(Purpose: To require a report on the approval and implementation of the Air Sea Battle Concept)

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON APPROVAL AND IMPLEMENTATION OF AIR SEA BATTLE CONCEPT.

(a) Report Required.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report on the approved Air Sea Battle Concept, as required by the 2010 Quadrennial Defense Review Report, and a plan for the implementation of the concept.

(b) Elements.—The report required by subsection (a) shall include, at a minimum, the following:

(1) The approved Air Sea Battle Concept.

(2) An identification and assessment of risks related to gaps between Air Sea Battle Concept requirements and the current force structure and capabilities of the Department of Defense.

(3) The plan and assessment of the Department on the risks to implementation of the approved concept within the current force structure and capabilities.

(4) A description and assessment of how current research, development, and acquisition priorities in the program of record meet or fail to meet current and future requirements for implementation of the Air Sea Battle Concept.

(5) An identification, in order of priority, of the five most critical force structure or capabilities requiring increased or sustained investment for the implementation of the Air Sea Battle Concept.

(6) An identification, in order of priority, of how the Department will offset the increased costs for force structure and capabilities required by implementation of the Air Sea Battle Concept, including an explanation of what force structure, capabilities, and programs will be reduced and how potentially increased risks based on these reductions will be managed relative to other strategic requirements.

(7) A description and assessment of the estimated incremental increases in costs and savings from implementing the Air Sea Battle Concept, including the most significant reasons for those increased costs and savings.

(8) A description and assessment of the contributions required from allies and other international partners, including the identification and plans for management of related risks, in order to implement the Air Sea Battle Concept.

(9) Such other matters relating to the development and implementation of the Air Sea Battle Concept as the Secretary considers appropriate.

(c) Form.—The report required by subsection (a) shall be submitted in both unclassified and classified form.

Mr. LEVIN. I thank Senator MCCAIN and our staffs. We are going to continue to work to clear additional amendments following the cloture vote. We are now voting on cloture. We all as leaders and managers, of course, hope that this will pass.

The ACTING PRESIDENT pro tempore, The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank my colleagues for allowing this package of these amendments to go through. We will be working on additional amendments that we can agree to.

We are about to vote on cloture, and if cloture is invoked, I want to inform my colleagues, those amendments that are pending and filed will be eligible for votes, and we will be using the chronology of when they were filed. We will not accept a Member who has an amendment that is filed and pending and germane. We will try to arrange time agreements for those who want votes. We will look and see where we can agree and adopt an additional package.

The Acting President pro tempore of the Senate from Arizona.

Mr. MCCAIN. Madam President, I thank my colleagues for allowing this package of these amendments to go through. We will be working on additional amendments that we can agree to.

We are about to vote on cloture, and if cloture is invoked, I want to inform my colleagues, those amendments that are pending and filed will be eligible for votes, and we will be using the chronology of when they were filed. We will not accept a Member who has an amendment that is filed and pending and germane. We will try to arrange time agreements for those who want votes. We will be looking and see where we can agree and adopt an additional package. It is my understanding that, if cloture is invoked, we will have 30 hours, and during that period we wish to get these amendments resolved.

I remind my colleagues that if the 30 hours expires and there are still pending amendments, there will have to be additional votes taken at some time after the 30 hours. So I would urge my colleagues who have filed, pending, germane amendments that we sit down during the cloture votes and try to arrange a schedule of votes that is most convenient for them in keeping with their schedule.

Again, I thank my colleagues for allowing that package to go through. Those are very important amendments which have been agreed to by both sides. I realize we have a long way to go, but this is a significant step forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, the only additional suggestion I would have is that Members who come here who have amendments that are both pending and germane, assuming we get cloture, if they could check with us, either side here, to see where they are on the chronology, they will get a feel as to where they are, because we are going to try to move down the chronology as amendments were made pending.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore.

The cloture motion having been presented under rule XXII, the Chair directed the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1867, the National Defense Authorization Act for Fiscal Year 2012.


The ACTING PRESIDENT pro tempore of the Senate, in the name of the Senate, asks unanimous consent that the mandatory quorum call be waived.

The question is, is it the sense of the Senate that debate on S. 1867, the National Defense Authorization Act for fiscal year 2012 shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.
The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 88, nays 12, as follows:

[Roll Call Vote No. 212 Leg.]

YEAS—88


MORAN  MARKOWSKI  MURRAY  NELSON (NE)  NELSON (FL)  PORTMAN  PRYOR  REED  ROBERTS  ROCKEFELLER  SANDERS  SCHUMER  SESSIONS  SHOBEE  SHELBY  SNOWE  SNYDER  SUTHERLAND  TESTER  THUNE  TOOMEY  VITTER  WARNER  WEBB  WHITEHOUSE  WICKER

NAYS—12

Burr  Coburn  Cornyn  Crapo

DE MINT  GRAMLEY  LEE  MERKLEY

PAUL  RITCH  RUBIO  WYDEN

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 88, the nays are 12. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I want to begin my comments today on this year’s National Defense Authorization Act by thanking all the members of the Strategic Forces Subcommittee. I would especially like to thank the subcommittee’s ranking member, Senator SESKIND, for the close working relationship we have shared. It is always a pleasure to work with my friend from Alabama.

The annual National Defense Authorization Act is one of the most important pieces of legislation Congress passes every year, and this year marks what I hope will be the passing of the Defense Authorization Act for the 50th year in a row. I would like to give my colleagues an overview of the provisions in the National Defense Authorization Act we are considering today as they relate to the Strategic Forces Subcommittee.

The jurisdiction of the subcommittee includes missile defense, strategic forces, space programs, intelligence programs, cybersecurity, the defense-funded portions of the Department of Energy, and the Defense Nuclear Facilities Safety Board.

In preparing the provisions in the bill that relate to areas of our jurisdiction, the subcommittee held six hearings at the Department of Energy, strategic nuclear forces, missile defense, and space programs at the Department of Defense, and implementation of the New START treaty. The subcommittee’s provisions were adopted in a bipartisan manner. I again want to thank Senator SESSIONS, our ranking member, and his staff and the purpose of this Armed Services Committee for the close work we have enjoyed with them working on the hearings and preparing this bill.

Our committee oversees the nuclear strategic forces. As many know, the U.S. Strategic Command—in my home State of Nebraska—is charged with our Nation’s nuclear deterrence.

It is important to note that this bill strengthens and improves our Nation’s nuclear command and control and all the missions that fall under USSTRATCOM by providing the full authorization of the new command and control complex. Reliable and assured command, control, and communication from the President to the nuclear forces is essential to our strategic deterrent, and the new command and control complex at Offutt Air Force Base in Nebraska will provide this mission surety.

In the area of missile defense, we have funded the program at $10.1 billion, including the full $1.2 billion requested for the Ground-Based Midcourse Defense System. We have also included a provision that would set forth the sense of this Congress that it is essential that the Ground-Based Midcourse Defense System to achieve the levels of reliability, availability, sustainability, and operational performance necessary to ensure that the United States remains protected.

The bill also supports the development and deployment of the European Phased Adaptive Approach, EPAA, to missile defense. This is the U.S. Missile Defense Program to defend our military so that we maintain our strategic deterrent. It includes the Ground-Based Midcourse Defense System to achieve the levels of reliability, availability, sustainability, and operational performance necessary to ensure that the United States remains protected.

The bill also supports the development and deployment of the European Phased Adaptive Approach, EPAA, to missile defense. This is the U.S. Missile Defense Program to defend our military so that we maintain our strategic deterrent. It includes the Ground-Based Midcourse Defense System to achieve the levels of reliability, availability, sustainability, and operational performance necessary to ensure that the United States remains protected.

During the first phase of the EPAA, the program will have a substantial failure of the Aegis Ballistic Missile-3 Block IB interceptor, means the program will have a substantial delay before it can begin procurement. The program will also need additional research and development funds to fix the flight test problems. So the bill adjusts the funding to permit such fixes.

In addition, the Terminal High Altitude Area Defense, or THAAD, System has experienced slower production than expected and will not be able to use all the funds planned and requested in the budget. Consequently, the bill adjusts the funding accordingly.

In mid-2009, Secretary Gates directed U.S. Strategic Command to stand up U.S. Cyber Command as a subordinated command. The command reached full operational capability a year ago.

Since that time, the Chairman of the Joint Chiefs of Staff characterized warfare as “cyber or kinetic” and the two “existential threats’ to America, and a former Director of National Intelligence publicly proclaimed his belief that adversaries could take down the Nation’s power grid or devastate the country’s financial system. Very damaging intrusions into government, military, and industrial networks are almost a daily occurrence, resulting in the loss of precious and expensive advanced technology—the technology that fuels economic growth and sustains our security.

Over the last 2 years, the Strategic Forces Subcommittee has supported legislation to begin to close the gap in cyber defenses by developing new technological approaches in partnership with America’s cutting-edge information technology sector.

Moving on to space programs, the bill would provide the Air Force the authority to purchase in a block buy, using a fixed price contract, the next two Advanced Extremely High Frequency satellites—an important part of the nuclear command and control system. This will result in a 20-percent savings.

We have authorized the President’s request for funding for the nuclear modernization program at the DOE’s National Nuclear Security Administration, but we are fully aware that the Budget Control Act that was passed last summer has reduced the levels that can be appropriated by some $400 million. I would note that even with this reduction, it is still a 5-percent increase over last year’s levels. I will be working with my colleagues to carefully evaluate the President’s request for fiscal year 2013 in light of the commitments both the Congress and the administration made under the New START treaty for modern nuclearization.

This Congress made commitments for modernization, and moving forward we must honor those commitments. Most importantly, we need to continue to ensure that our stockpile is safe, reliable, and works as intended by the military so that we maintain our strategic deterrent well into the 21st century.

We understand the budget climate that we are in, and it is likely that realistic adjustments must be made as a

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result of the mandated reductions to defense spending in the Budget Control Act. But we will work with the Department of Defense and U.S. Strategic Command to ensure that pressing priorities are met and our strategic deterrence needs are addressed.

Let me again thank my colleague, Senator Sessions, and our staff for the productive and bipartisan relationship we have had on this subcommittee and also all members of the subcommittee. I look forward to working with our colleagues to pass this important legislation.

Madam President, I yield the floor.

Mr. McCAIN. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. I want to speak while we are in this pause on the Defense bill about a looming problem that the entire eastern seaboard of the United States has; that is, the Spanish drilling company Repsol is bringing a rig in that has been constructed over in Asia, and so, early next year they are going to drill in deep water off the north coast of Cuba.

The Spanish drilling company is a very competent company. As a matter of fact, they adhere to safety standards that are required by the United States because they drill in the Gulf of Mexico in American waters. So if there is a responsible party in drilling, then we have one. However, there are other leases the Cuban Government is granting to other countries for drilling that may not adhere to the safe standards that are set that Repsol will agree to abide by, the same safety standards that they use drilling in American waters and have agreed in principle that they will follow a plan of action with the U.S. Secretary of the Interior in the case that there should be a spill.

All of that is well and good, but there are other companies coming down the line drilling in other leases that may not adhere to their standards.

If there were a spill off the north coast of Cuba, guess who is going to be affected because that is where the Gulf Stream comes along, and then flows northeast, parallels the Florida Keys and all those delicate coral reefs, comes in and hugs the east coast of Florida from Miami all the way to Palm Beach, goes off the coast a few miles, hugs the coast all the way up to the middle of the peninsula at Fort Pierce, FL, and then parallels the eastern seaboard all the way up past Georgia, South Carolina, North Carolina, and then leaves, paralleling the eastern seaboard at Cape Hatteras, and goes off across the Atlantic and ends up in the northern part of Europe. Now, if there were a major spill—it doesn’t have to be to the magnitude of the Deepwater Horizon spill off of Louisiana. If there were a major spill and all that oil is carried up the Gulf Stream and it comes into the coast at Miami, Fort Lauderdale, and Palm Beach—you know what happened to the tourism industry all along the gulf coast when, in fact, on some of those coasts there was not much oil but people didn’t come as tourists because they thought the beaches were covered.

Can you imagine the economic calamity that would occur as a result of a spill? Therefore, my colleagues, MARCO RUBIO, and I and other Senators—in particular, Senator MENENDEZ of New Jersey—have filed legislation that will require financial responsibility from a foreign source. If they should decide to come, would it be a cause of action against them if damage is done to the interest of the United States, be it the governments of the United States, be it private individuals, or be it private companies. If we do not close off where there is liability as a result of a spill, by whomever, in foreign waters, and if it comes in the scenario that I have laid out, which is real spilling of oil off of the north coast of Cuba in a major oil disaster that is carried by the Gulf Stream up the eastern seaboard of the United States—if we do not have financial responsibility, then there is no incentive for those foreign oil companies who are drilling to carry safety standards, and if there is a spill, to quickly adhere to a spill cleanup plan.

Talking about the economic disaster that occurred as a result of the Gulf oil spill in the Deepwater Horizon, it is not just about the economic disaster that would occur in such a spill that would be carried by the Gulf Stream. It would not only affect Florida, it would affect Georgia, South Carolina, and North Carolina. If there were a spill current that would carry it back in, it would take it right on into the Chesapeake on up into Cape May in New Jersey, and you see the particular consequences.

As a matter of fact, the Gulf Stream goes by Bermuda. It could have devastating effects on that country.

I hope our Senators, coming to this new reality, will realize that we have to remember the terrible consequences as a result of oil spill. In my memory, this was a company off of Louisiana that was not adhering to the highest safety standards, and look at the disaster that occurred from that. Remember how they tried to hide the truth? Remember how they tried to hide it because it was 5,000 feet below the surface of the water? It was not until we got the streaming video that the scientists could calculate that it wasn’t 1,000 barrels a day it was dumping into the gulf, it was 50,000 barrels a day. As a result, before they got that well capped, it ended up being almost 5 million barrels of oil in the Gulf of Mexico.

We don’t even know the future consequences because there is a lot of oil out there sloshing around, and there is a lot of it down there deep. We don’t know what is happening down there. We don’t know what is happening to the critters. We know what is happening to the marshes where the oil has now mixed up into the sediment and the critters are down there digging around, and we are seeing the effect of that when we check the gills of these fish that are being caught, they are haggard and injured. The consequences are not good.

It is the responsible thing to do, to make foreign oil companies drilling in foreign waters understand there is going to be an economic consequence if they damage the economic interests of the United States. That is the bill Senator MENENDEZ, Senator MARCO RUBIO, and I have filed. I commend it to the consideration of the Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GILLIBRAND. 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. 1211

Mrs. GILLIBRAND. Mr. President, one of the reasons I came to Congress was to be a voice for our troops and our military families. They answer a call higher than any other, fighting to protect our country, our way of life, our values—all that we hold dear. Our men and women in uniform fight, put their lives on the line every day for us, and our job is to fight for them and ensure that when they come home, they have an opportunity to go to college, find a good-paying job, afford a new home, start a family, have access to quality health care.

After a decade of two wars in Iraq and Afghanistan, we have asked more of our military than ever before, including our National Guard and Reserve. Our Reserve components are deployed in record numbers, including serving in combat zones. While they serve alongside our Active-Duty military, our Guard and Reserve members do not have access to all of the assistance, services, and benefits that the troops they fight shoulder to shoulder with have. Currently, our Guard and National Reserve members are left largely on their own to find and obtain services that they need to recover from combat, rejoin their families, and adjust back to normal civilian life. This needs to change.

I am offering amendment No. 1211, together with my colleague, Senator BLUNT of Missouri, to give our National Guard and Reserve members the services they not only deserve but desperately need. This amendment would expand access to health care, family and financial counseling, and other
services to which the Guard and Reserve members currently do not have full access. My amendment extends nationwide a highly successful program that is existing right now in Vermont. It would set up a system of support of follow-up and reintegration services for National Guard and Reserve members.

This amendment has the strong support of the National Guard Association, which said this amendment would help ensure that 448,000 National Guard men and women who have served in Iraq and Afghanistan since 9/11 are provided with the necessary services upon their return from war.

Members of the National Guard and Reserve are the citizen soldiers who step up and accomplish extraordinary acts of valor and bravery for our country. They are veterans. They deserve these services when they return because of the sacrifices they made and continue to make for our great country.

AMENDMENT NO. 1189

I would also like to speak in support of the amendment of Senator MURRAY, amendment No. 1189.

Mental health disorders, substance abuse, and traumatic brain injuries affect nearly 20 percent of all service members who have been deployed to Iraq and Afghanistan—that is one in five. But, unlike Active-Duty service members, Guard and Reserve members do not have direct access to the counseling services they need, putting enormous strain on these veterans and the families who stand by them and who have stood by them.

The amendment of Senator MURRAY would establish mental health professionals in armories and Reserve centers, bringing mental health support within reach for Guard and Reserve members where and when they need it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. 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. BARRASSO. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A SECOND OPINION

Mr. BARRASSO. Mr. President. I come to the floor having talked about the past year and a half, as a physician who has practiced medicine in Wyoming for a quarter of a century. I go home every weekend and visit with my former patients, my former colleagues. As I talk to people around the State of Wyoming about the newly passed health care law, their concerns are those we have heard from around the country and certainly those on the Senate floor this morning concerning the doctor’s second opinion about the health care law.

What we know patients would like in terms of health care is that the care they get is the care they need from the doctor they want, at a cost they can afford. For many people across this country, a cost they can afford is a major issue, which is why I think so many people were happy to hear the President say, in his initial talk about what he was proposing for health care in this country, we need to get the cost of health care down. He said: If his bill were to pass and become law, the cost of care would drop about $2,500 per family across the United States. That is what people are looking forward to.

In so many ways, the President over-promised and underdelivered because what people have seen is the cost of their health care has continued to go up as a result of the President’s health care law.

The States around the country are now looking at ways to deal with this health care law. Many States have set up committees to deal with it based on their State and the decisions they have done the same thing in my home State of Wyoming. In Wyoming, we have asked for a study to be done to take a look at what the impacts of the President’s health care law would be on health care and the cost of care in our State. A report was authored by a Massachusetts group called Gorman Actuarial. The report examined how the health care reform law passed last year by Congress is going to affect the State of Wyoming specifically. This information is now being used by our State’s Health Benefits Exchange Steering Committee. That is the committee which is reviewing various options for a State-run health exchange, and that is what people are looking at: What is the best thing to do for our State. As they have come upon this work effort, what they are telling us is about the individual market for insurance—people who end up buying insurance individually because they don’t get it necessarily through work; purchasing insurance in different ways, but they have to buy their insurance on the individual market. This report says that in Wyoming, as a result of the health care law, the current individual market enrollees will see average premiums increase by 30 to 40 percent based on the components of the law. Some supporters of the law say: Well, they are going to get more insurance than they would otherwise, and that is true because they are going to get a government-mandated amount of insurance which may be a lot more insurance than they want or need. That is one of the fundamental problems of this health care law, government-mandated levels of insurance. Many people in Wyoming feel they don’t want that level of care, which is why I believe individuals should be able to opt out of this provision of the health care law.

I talk to young people around the State—and I met with a number of young people from my State just the other evening—and they ask about this and how it is going to affect the young. What we see is their rates are going to go up quite a bit. A lot has to do with the fact that there is—that the lowest amount they can end up charging a younger person who is younger compare to that someone who is older, the ratio is 3 to 1. So far who is not very healthy and older, they will only be paying three times what a younger person will be paying based on health care law. That passed this last year in the Senate. That means that for those younger people, they are going to pay a lot more than they necessarily would based on their own good health, exercise habits, fitness, diet, and in terms of their family, their real costs ought to be to be insured.

I guess it is not a surprise when we saw the election results coming out of the State of Ohio Tuesday a few weeks ago about the specific individual mandate that said everyone has to buy insurance. On that day, on election day in Ohio, 66 percent of the voters said they didn’t want this government mandate, a mandate that people must buy government-approved insurance. They went against what didn’t want to buy in the State of Ohio Tuesday a few weeks ago about the specific individual mandate that said everyone has to buy insurance. On that day, on election day in Ohio, 66 percent of the voters said they didn’t want this government mandate, a mandate that people must buy government-approved insurance. They went against what the President promised, that this individual mandate would be on their health care has continued to go up as a result of the President’s health care law.

Wyoming about the newly passed health care law, government-mandated levels of insurance. Many people in Wyoming feel they don’t want that level of care, which is why I believe individuals should be able to opt out of this provision of the health care law.

The amendment of Senator MURRAY is what people are looking at: What is the best thing to do for our State. As they have come upon this work effort, what they are telling us is about the individual market for insurance—people who end up buying insurance individually because they don’t get it necessarily through work; purchasing insurance in different ways, but they have to buy their insurance on the individual market. This report says that in Wyoming, as a result of the health care law, the current individual market enrollees will see average premiums increase by 30 to 40 percent based on the components of the law. Some supporters of the law say: Well, they are going to get more insurance than they would otherwise, and that is true because they are going to get a government-mandated amount of insurance which may be a lot more insurance than they want or need. That is one of the fundamental problems of this health care law, government-mandated levels of insurance. Many people in Wyoming feel they don’t want that level of care, which is why I believe individuals should be able to opt out of this provision of the health care law.

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of this great country. That is why it is time to repeal and replace this broken health care law.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will now call the roll.

The bill clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1125 AND 1126

Mr. UDALL of Colorado. Mr. President, I rise today in support of amendments Nos. 1125 and 1126, which have been offered by the Intelligence Committee chairwoman, Senator FEINSTEIN.

While the Senate did not adopt my amendment that would have instructed the Senate to consider these detainee matters from the Defense authorization bill, I believe Senator FEINSTEIN’s amendments make important changes and improvements to the bill—improvements that may yet avoid a problem with a Presidential veto.

I thank the Presiding Officer for his comments yesterday on the detainee provisions in subtitle D of the Defense Authorization Act. These amendments help to alleviate some of my concerns. I wish to, in the context of the debate we are having, note that in addition to the Secretary of Defense, Leon Panetta; the Director of National Intelligence, General Clapper; and FBI Director Mueller—who all oppose the detainee provisions that are in this proposed legislation. I urge my colleagues to support these amendments. I want to be clear. I intend to support them.

I have serious concerns going forward about how the provisions have been considered. I do not have a problem with the Feinstein amendments, but I have concerns with the language as written in the Defense Authorization Act. My amendments help to alleviate some of my concerns.

I rise today in support of Senator FEINSTEIN’s amendments. I wish to, in the context of the debate we are having, note that in addition to the Secretary of Defense, Leon Panetta; the Director of National Intelligence, General Clapper; and FBI Director Mueller—who all oppose the detainee provisions that are in this proposed legislation. I urge my colleagues to support these amendments. I want to be clear. I intend to support them.

I have serious concerns going forward about how the provisions have been considered. I do not have a problem with the Feinstein amendments, but I have concerns with the language as written in the Defense Authorization Act. My amendments help to alleviate some of my concerns.

Further—I cannot emphasize this enough—although my friends on the other side of this debate argue otherwise, the amendments do allow for the indefinite military detention of American citizens who are accused of planning or participating in terror attacks. Simply accused—that cuts directly against values we hold dear: innocence, presumption of innocence. That is why this is such an important debate.

Let me be clear. There are American citizens who have collaborated with our enemies. There are American citizens who have participated in attacks against our soldiers and civilians. Those Americans are traitors. They should be dealt with, and we already have a system for ensuring they are brought to justice and made to pay a very high price for their crimes. That system is working. However, even in the darkest hours, we must ensure that our Constitution prevails. We do ourselves a grave disservice by allowing for any citizen to be locked up indefinitely without trial—no matter how serious the charges may be against them. Doing so may be politically expedient, but we risk losing our principles of justice and liberty. However, the Presiding Officer has spent in this very important area. I think what I have been trying to say is that in regard to this particular set of detainee provisions, I want to ensure that all of the questions the FBI Director, General Clapper, Secretary Panetta, and others have raised about how these provisions would actually be applied—have no question that the intent is spot on. We are aware that there have been some concerns raised about how these new provisions would actually be applied. I
think Senator Feinstein’s amendments—and I do not know where the Senator from Arizona stands at this point—may provide some greater clarification. I know there have been some conversations on the floor as to how we will vote on these amendments. So I appreciate the Senator’s comments.

Mr. McCAIN. I thank the Senator from Colorado for his clarification, and I think I understand more clearly his rationale for his support of the amendment.

I yield the floor.

Mr. UDALL of Colorado. I yield the floor as well and suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. (Mr. Udall of New Mexico). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOEVEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The order for the quorum call is rescinded.

Mr. HOEVEN. Mr. President, I rise to speak on behalf of the North American Energy Security Act of 2011. This is legislation I am sponsoring, along with Senator LUGAR, Senator VITTER, Senator JOHANNS, and 37 other cosponsors of this legislation. This is a solutions-oriented bill that addresses concerns along the route of the Keystone Pipeline. The Keystone Pipeline is designed to carry 700,000 barrels a day of oil from Alberta, Canada, from the oil sand area in Canada, to refineries in the United States along the gulf coast, both in Texas and in Louisiana.

This is a $7 billion high-tech pipeline that will make a huge difference for our country, both in terms of energy security and also job creation. This is a project, Keystone Pipeline, that I have been working on for quite some time, formerly as Governor of the State of North Dakota and now as part of this body, the Senate. There already exists a pipeline called the Keystone Pipeline, which was built by TransCanada, that goes from Alberta, Canada, all the way down to refineries. This pipeline runs through the eastern part of North Dakota and on down to Paducah, IL, and other locations as well, bringing approximately 600,000 barrels a day of Canadian crude into the United States.

The Keystone XL project would also be connecting TransCanada, and it would come down from the Alberta area in Canada down just along North Dakota’s western border in eastern Montana and go on down to Cushing and, as I said, to the refineries along the gulf coast.

In addition to bringing Canadian crude into the United States, it would also pick up crude along the way, crude produced in North Dakota. For example, in my home State of North Dakota, we will add 100,000 barrels a day of light sweet crude produced in the Williston Bay, centered in North Dakota and Montana, into that pipeline.

It is also designed to move our domestic crude to refineries as well. This is an important project that has been in the permitting process for 3 years. It has been going through the NEPA process, seeking an environmental impact statement and approval not only of the EPA but of our State Department for 3 years.

We need to get it going because it is not only about reducing our dependance on oil from the Middle East. We also get it right into the bill and enables us to move forward.

I have referenced the tremendous benefits in terms of energy security, in terms of job creation, in terms of working with our best friend and ally, Canada, and reducing our dependance on oil from places such as the Middle East and Venezuela.

But let me address one other point. Another point that has been brought up in opposition to the pipeline project is that the production of oil in Canada, in the oil sand region, produces CO2. So that if this pipeline is built, some argue there will be more CO2 released because of production in Canada in the oil sands and that product coming into the United States.

But, in fact, without this pipeline, we will produce more CO2. The point, let me underscore, is that this pipeline project will actually produce less CO2 than we would otherwise produce without the pipeline.

Why is that? Let me go through it. If we do not have the pipeline, then instead of bringing that product into the United States, that product will still occur in Canada. But the pipeline, instead of coming into the United States, will be rerouted to the western border of Canada, and it will be sent to China.

That means large oil tankers will be hauling the product to refineries in China. The refineries in China produce higher emissions than our refineries. Plus, we have those ships that produce CO2 as they haul all this product to the Far East. Furthermore, since that supply is not coming to the United States, we have to continue to import product from the Middle East and also from places such as Venezuela, as I mentioned.

In essence, we have supertankers bringing that product to the United States. So not only are we, in essence, supertankers bringing 700,000 barrels a day around the world in supertankers and producing CO2 emissions there, we are also taking this

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product over to the Chinese refineries, where they have higher emissions.

My point is, the oil sands are still produced, are they not, under either scenario? But without this pipeline, we actually have higher CO2 emissions on a global basis. Again, it is about addressing all the concerns that have been raised with this project, and it does that. At the same time, we create tens of thousands of jobs right off the bat. We create hundreds of millions in revenue for States and localities at a time they badly need it and, again, we reduce our dependence on oil from parts of the world where it truly is an issue for our country in regards to energy security.

It is about common sense. It is about addressing all the issues that have been raised. I urge my colleagues to join me and the 37 sponsors and cosponsors that we already have on this legislation to pass it and help out our economy going, and help improve our national energy security.

I suggest the absence of a quorum.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. MENENDEZ. Mr. President, I come to the floor to speak to a bipartisan amendment my colleague from Illinois, Senator KIRK, to limit Iran’s ability to finance its nuclear ambitions by sanctioning the Central Bank of Iran, which has taken a violent turn and that we have every reason to believe that if Iran gets a nuclear weapon, it may very well use it, and use it against our ally, the State of Israel.

This amendment will impose sanctions on any foreign financial institution that engages in significant transactions with the Central Bank of Iran, with the exception of transactions in food, medicine, and medical devices. It recognizes the administration’s actions last week pursuant to section 311 of the PATRIOT Act designating the entire Iranian banking sector as a primary money laundering concern. It requires the President to prohibit transactions of Iranian financial institutions that touch U.S. financial institutions.

To ensure that we don’t spook the oil market, transactions with Iran’s Central Bank in petroleum and petroleum products would be allowed if the President makes a determination that petroleum-producing countries other than Iran can provide sufficient alternative resources for the countries purchasing from Iran and if the country declines to make significant decreases in its purchases of Iranian oil.

This bipartisan amendment has been carefully drafted to ensure the maximum impact on Iran’s financial infrastructure and its ability to finance terrorist activities and the impact on the global economy. Iran has a history of exploiting terrorism against coalition forces in Iraq, in Argentina, Lebanon, and even, in their attempt to assassinate the Saudi Ambassador, in Washington. While Iran’s drive to advance its nuclear weapons program has been slowed by U.S. and international sanctions, it clearly remains undeterred.

I take—hopefully today or tomorrow when we vote on this amendment—the next step in isolating Iran politically and financially. I look forward to continuing to work with my colleagues on the other side and with the administration to achieve this goal and to also advance the legislation I introduced earlier this year with many others on both sides of the aisle—the Iran, North Korea, and Syrian Sanctions Consolidation Act, which has 90 bipartisan cosponsors.

Our efforts to date have been transformative. But just as Iran has been prepared to adjust to the sanctions and unanticipated loopholes, just as it has been prepared to take advantage of even loopholes to assassinations and sanction and keep moving forward in its effort to achieve a robust nuclear program, we must be equally prepared to adjust and adapt by closing each loophole and stopping the regime’s nuclear drive. By identifying the Central Bank of Iran as the Iranian regime’s partner and the financier of its terrorist agenda, we can begin to starve

We come to the floor today to discuss a bipartisan amendment I have offered with my friend from Illinois, Senator KIRK, to limit Iran’s ability to finance its nuclear ambitions by sanctioning the Central Bank of Iran, which has taken a violent turn and that we have every reason to believe that if Iran gets a nuclear weapon, it may very well use it, and use it against our ally, the State of Israel.

This amendment will impose sanctions on those international financial institutions that engage in business activities with the Central Bank of Iran.

This is a timely amendment that follows the administration’s own decision last week designating Iran as a jurisdiction of primary money laundering. In fact, the Financial Crimes Enforcement Network of the Department of the Treasury wrote:

The Central Bank of Iran, which regulates Iranian banks, has assisted designated Iranian banks by transferring billions of dollars to these banks in 2011. In making these transfers, the Central Bank of Iran attempted to evade sanctions by minimizing the direct involvement of large international banks with both the Central Bank of Iran and designated Iranian banks.

The Treasury Under Secretary for Terrorism and Financial Intelligence, David Cohen, has written this:

Treasury is calling out the entire Iranian banking sector, including the Central Bank of Iran, for promoting, proliferating, laundering, and money laundering risks for the global financial system.

The administration’s own decisions clearly show that Iran’s nuclear efforts threaten the national security of the United States and its allies, and the complicit action of the Central Bank of Iran, based on its facilitation of the activities of the government, its evasion of multilateral sanctions directed against the Government of Iran, its engagement in deceptive financial practices and illicit transactions, and, most importantly, its provision of financial services in support of Iran’s effort to acquire the knowledge, materials, and facilities to enrich uranium and to ultimately develop weapons of mass destruction, threatens regional peace and global security.

We recently learned just how far down the nuclear road Iran has come. The International Atomic Energy Agency’s report indicates what all of us already suspected—Iran continues to enrich uranium and is seeking to develop as many as 10 new enrichment facilities; that Iran has conducted high-enrichment experimentation and developed set off a nuclear charge, as well as computer modeling of the core of a nuclear warhead; that Iran has engaged in preparatory work for a nuclear weapons test; that an August IAEA inspection revealed that 49.5 pounds of highly enriched uranium in a nuclear warhead was unaccounted for in Iran; and that Iran is working on an ingenious design for a nuclear payload small enough to fit on Iran’s long-range Shahab-3 missile, a missile capable of striking the State of Israel.

What more do we need to know before we take the next diplomatic step to address the financial mechanism that is helping make Iran’s nuclear ambitions a reality? These revelations, combined with Iran’s provocative effort in October to assassinate the Saudi Ambassador to the United States, demonstrate that Iran’s aggression has taken a violent turn and that we have every reason to believe that if Iran gets a nuclear weapon, it may very well use it, and use it against our ally, the State of Israel.

Today, we take—hopefully today or tomorrow when we vote on this amendment—the next step in isolating Iran politically and financially. I look forward to continuing to work with my colleagues on the other side and with the administration to achieve this goal and to also advance the legislation I introduced earlier this year with many others on both sides of the aisle—the Iran, North Korea, and Syrian Sanctions Consolidation Act, which has 90 bipartisan cosponsors.

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the regime of the money it needs to achieve its nuclear goals.

I urge my colleagues to support this bipartisan amendment that will go a long way toward closing financial loopholes and helping prevent the Iranian regime from moving its nuclear ambitions one phase and closer to the warhead of a missile.

We cannot, we must not, and we will not allow Iran to threaten the stability of the region and the peace and security of the world. We must appreciate the support of my distinguished colleague from Illinois who is on the floor, who has worked with us in this regard and come to a common view and effort to maximize the effect on Iran and minimize the effect to both us and the global economy, and certainly urge passage of this amendment.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. KIRK. Mr. President, I rise in strong support of the Menendez-Kirk amendment. I particularly thank my partner Senator MENENDEZ, a member of the Banking Committee, who has been a leader regarding Iranian terror, proliferation of weapons of mass destruction, and repression of human rights for so many years.

We are reaching a decisive point now in the relations of Iran to other countries and, most importantly, to the United States. I think this amendment comes at one of the final hours of how peace can be preserved. We see this as a means, as a mechanism, to use whatever means can be used to avoid a conflict. That is why it is so important for the Senate to adopt the Menendez-Kirk amendment, with the long-term goal of collapsing the Central Bank of Iran, so that country doesn’t produce nuclear weapons that would destabilize the entire Middle East. We launched this effort, along with Senator SCHUMER, particularly in August when we called on our President to sanction the Central Bank of Iran.

In these partisan times in which the two sides are far apart on many issues, we had 92 Senators—all but 8 Senators signed the letter—saying: Collapse the Central Bank of Iran and use this as a tool in our diplomatic war chest to make sure we can remove one of the greatest dangers from the country, from one of the most dangerous regimes.

The record is pretty clear. The International Atomic Energy Agency has ruled on the subject of Iran. We remember the IAEA because they, with regard to Iraq and the Saddam Hussein weapons of mass destruction program, were consistently correct and the Bush administration was wrong. The IAEA said in its intelligence estimates that the threat was overstated in Iraq. So with that level of credibility, we should listen to the IAEA on the subject of Iran. There, they have been extremely clear as well.

They have outlined how Iran has a separate enrichment cycle, going way above the enrichment of uranium necessary to fuel a civilian reactor—5 percent—now toward 20 percent, where there is no civilian use, moving toward the 98 percent needed to power a nuclear weapon.

They talked about undisclosed nuclear facilities, especially a brand new one, which appears to be the final cascade of the secret uranium enrichment cycle, going way above the enrichment of uranium necessary to fuel a civilian reactor—5 percent—now toward 20 percent, where there is no civilian use, moving toward the 98 percent needed to power a nuclear weapon.

They most ominously talk about a warhead of a particular weight that would equate what would be in a nuclear weapon. Unlike a conventional weapon, this warhead, which basically has a spark initiator and explosive material, this warhead has an electric generator aboard. That is only used to power and initiate a nuclear explosion.

So it is clear from the statements of the independent United Nations agency that Iran—a signatory on the Nuclear Non-Proliferation Treaty—is violating its obligation and is creating, as fast as it can, a nuclear weapons program.

We also know that Iran has become the first space-bearing nation of the 21st century and that, unlike the North Koreans, who have failed in space launch time after time, Iran was able to orbit the Omid satellite aboard the Safir rocket and is the first nation to orbit a satellite. It was one of the most technological fete in this century. If you can orbit anywhere over the Earth, you can deorbit over the Earth—an ominous sign for the future of Saudi Arabia, Iraq, our allies in Turkey, but especially our friends in Israel, in the long term, the United States.

The record of Iran with regard to its own citizens shows the character of its government. Long ago, we knew about 330,000 Baha’i citizens of Iran who have been forced to register their addresses, whose kids have all been kicked out of universities, and whose families are not allowed any contracting with the Government of Iran. The bureaucratic mechanisms of Kirstallnacht have formed. We have seen this movie in a different decade, wearing different uniforms, in a different country, but the ominous signs are that it may turn out in the same way.

Many people on the international committee know about Neda, who was protesting the stealing of an election in Iran, and of her death simply for protesting that stolen election. We know about Hossein Ronaghi, the first blogger, who called for tolerance in Iran, who has been forced to register their addresses, and who is now in Evin prison. We know about Nasrin Sotoudeh, age 48, mother of two, whose sole crime was representing Shirin Ebadi, a Nobel laureate, and how she was thrown in jail.

Beyond the nuclear program, beyond the missile program, beyond the repression of human rights in the country, we know about Iran’s long record of terror; that Iran is the paymaster for Hezbollah. We have known that for a long time. They have targeted the poor people of Lebanon. But in some sense, there was a symmetry. We understood how this Shiite power would achieve its nuclear goals.

We cannot, we must not, and we will not allow Iran to threaten the stability of the region and the peace and security of the world. We launched this effort, along with Senator SCHUMER, particularly in August when we called on our President to sanction the Central Bank of Iran andbriefed all the way to the top level of their government.

Today, we find—one after they had their Basij radical young person’s movement overrun the British Embassy, seizing classified documents and holding, for a time, 50 British personnel—shades of the 1979 hostage crisis, when for 440 days Iranian radicals held Americans. Our allies in the United Kingdom have now made the decision to remove all British diplomats from the United Kingdom.

We have seen other calls, brave calls, of allied action. A man I admire greatly, the President of France, President Sarkozy, has called for seizing all purchases of Iranian oil. He has publicly called for the collapse of the Iranian Central Bank.

So it is with this level of irresponsibility—on nuclear technology, on missiles, on the repression of human rights, on the support of terror, on the plot to kill Americans inside Washington, DC, and the overrunning of an embassy of our closest ally in Europe, the United Kingdom—that we come forward with the bipartisan Menendez-Kirk amendment.

We need this amendment do? It basically says, in part, if you do business with the Central Bank of Iran, you cannot do business with the United States of America. It forces financial institutions and other businesses around the world to choose between the small and shrinking $300 billion economy of Iran and the $14 trillion economy of the United States. In that contest, we all...
We know President Ahmadinejad is not popular. We know the regime in general does not enjoy the support especially of its younger citizens. We know at least half of Iranians, in a stolen election, voted for the other guy who was not allowed to take power. We move forward with a solid bipartisan pedigree. It has been endorsed specifically by Senators Lieberman, Schumer, Kyl, Feinstein, Gillibrand, Manchin, Nelson of Florida, Nelson of Nebraska, Stabenow, and Warner. It has the support of an ambassador, Senator Menendez and myself. For us, it gives time for the oil markets to adjust and unhook from Iran. It gives flexibility to the administration. But, most importantly, it helps us deal in an economic and diplomatic way with one of the greatest dangers to our society.

We think about the future ahead, and some people say this amendment could cause some disruption in oil markets. Yes, let’s do it. Let’s unhook from the terror regime in Iran. But just think about the instability that would come if military conflict broke out between Iran and Israel or worse if nuclear weapons were loosed from Iran. You know the swing production of Saudi Arabia toward the Iranians after having tried to kill their ambassador here. We will be working with the oil suppliers to make sure that everyone’s needs are met while funding to the Iranian regime is slowly choked off.

We also provide two waivers in this amendment—and this is very important—at the request of the administration. We say if there is a temporary restriction of oil supply, this amendment can be suspended for a time. If there is some unforeseen national security disaster, some real problem the President can see, he has that flexibility.

But the general picture is this: The Central Bank of Iran, the heart and financial commerce can flow into Iran. The United States, working with our allies, can impose financial sanctions. The Central Bank has involved in terrorism and the financing of terrorism. The Central Bank has played a critical role in helping other countries in that region will decide they try to find a way around it. Our job is to move quickly and to plug those loopholes.

We have sanctioned Iranian banks and pretty much prevented them from doing what we don’t want them to do. According to all reports, it has had a real effect on the Iranian National Guard and on the economy of Iran itself. But the Iranian Government has now tried to move through the Central Bank of Iran. It has been working relentlessly to acquire the capability to produce a nuclear weapon. Additionally, the IAEA report details a highly organized program dedicated to acquiring the skills necessary to produce and test a bomb. Dealing with America’s world: Enough is enough. The extreme and dangerous leader of the Government of Iran, Mahmoud Ahmadinejad, must be held accountable. One of our greatest problems that we will live with for decades if Iran gets a nuclear weapon. We will continue to work with all our allies to break the stable fiscal system. We seek to break the stable financial intermediary in between Iranian oil contracts and the outside world so that it will just be easier to buy oil from elsewhere and, working with our allies, to make that oil more plentiful.

We realize the concerns with this amendment. Some have said this amendment comes too quickly; that it is too soon. This is where Senator Menendez and I have agreed, working with the administration, to give time and flexibility. Under this amendment, nothing happens right away. Several weeks and several months go by before any action is required. That is intended as a signal to oil markets that this requirement is coming, that we seek for them, as our allies—for example, in Japan or South Korea or in Turkey—to wind up their current contracts and supplies and meet their needs by other means.

By the way, other means are coming. We are expecting Libyan production to double. We are also expecting Iraqi production to go way up. Of course, we know the swing production of Saudi Arabia to Iran. Some have suggested the Iranians after having tried to kill their ambassador here. We will be working with the oil suppliers to make sure that everyone’s needs are met while funding to the Iranian regime is slowly choked off.

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But the general picture is this: The Central Bank of Iran, the heart and financial commerce can flow into Iran. The United States, working with our allies, can impose financial sanctions. The Central Bank has been working relentlessly to help others break their sanctions. We have been working to get what is the greatest danger to our country and to remove what is the greatest danger to our society.

We think about the future ahead, and some people say this amendment could cause some disruption in oil markets. Yes, let’s do it. Let’s unhook from the terror regime in Iran. But just think about the instability that would come if military conflict broke out between Iran and Israel or worse if nuclear weapons were loosed from Iran. You know the swing production of Saudi Arabia toward the Iranians after having tried to kill their ambassador here. We will be working with the oil suppliers to make sure that everyone’s needs are met while funding to the Iranian regime is slowly choked off.

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real economic consequences that will hurt the Iranian regime and its henchmen, above all, and will, unfortunately, hurt the Iranian people as well. But there is no choice in this matter.

So we must strengthen the President’s continuing efforts to build an international coalition determined to prevent the rise of a nuclear Iran. By giving the administration the capability to impose crippling sanctions on Iran should they continue with their weapons programs and by compelling our Congress to put a tough and smart plan to address the real threat Iran poses to the United States and our allies and, of course, Israel.

They will do three important things to strangple Iran’s ability to continue with its nuclear weapons program. First, it will freeze the assets of Iranian financial institutions that come under U.S. jurisdiction. Second, it will prevent the maintenance in Amendment of correspondent accounts accounts by foreign financial institutions conducting significant petroleum-related transactions with Iran’s Central Bank. And lastly, it would urge the President to undertake a diplomatic initiative to weaken other nations off Iran’s crude.

The amendment supports the administration’s actions last week designating the entire Iranian banking system as a threat to government and financial institutions because of Iran’s illicit activities, including its pursuit of nuclear weapons and its support of terrorism.

Senators KIRK and MENENDEZ have done an excellent job in crafting a comprehensive plan, a smart plan, a paln that will benefit the American people. I think everyone in this body understands the risks of Iran to the security of not only its region but the entire world. Iran is a very dangerous nation. It has ambitions to spread terrorism in the region and to affect U.S. interests. It is for that reason that we cannot allow Iran to become a nuclear weapons state. Our most effective way to deal with this is to isolate Iran and to make sure the sanctions that are imposed actually will accomplish the objectives of putting the country but not the individual people of Iran.

The amendment offered by Senator MENENDEZ and Senator KIRK would allow us to expand the sanctions against Iran and against the Central Bank of Iran. The amendment requires the President to prohibit all transactions and property and interest in property of the Iranian financial institutions that touch U.S. financial institutions, including correspondent or payable-through accounts by foreign banks that have conducted financial transactions with the Central Bank of Iran.

What does this mean? It means we are trying to put the sanctions where they will have the most impact, and that is on the financial system of Iran itself. The Iranian Central Bank depends upon other banks around the world, and this amendment would allow us to have an effective way to isolate the Central Bank of Iran, putting additional focus on the Iranian policies that have violated the United Nations resolutions.

Iran has violated its commitments. They violated their commitments as they relate to their nuclear programs. They haven’t complied with agreements they have entered into. It is important that the international community stand united. This is important for the stability of the region, it is important for the security of Israel, our closest ally in that region, it is important for the Arab states that have talked to us about the danger of Iran, it is important for U.S. interests. So it is important that we get this moving.

Iran’s complete disregard for its obligations under the Nuclear Non-proliferation Treaty and its directives of the multiple U.N. Security Council Resolutions belies the government’s continued insistence that its nuclear program is one based upon its energy needs. It is not based upon its energy needs. It is trying to become a nuclear weapons state, something we must make sure does not occur.

We need to take all steps we can in order to deny Iran the ability to have international legitimacy while they are violating their international commitments. Iran continues to insist that the U.S. leadership on this issue and follows up on the work our Nation has done in getting international support to make clear to Iran that if they continue along these policies of violating their international commitments, they are going to continue to be isolated and it is going to affect the economy of their nation.

I urge my colleagues to support the amendment.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Chair will do so.

AMENDMENT NO. 1271

Mr. SESSIONS. Mr. President, I have offered an amendment that clarifies—although that is not exactly the right word—the fact that an unlawful combatant or a combatant who is held by the U.S. military for being an enemy of the United States, a combatant against the United States, or an unlawful combatant, is not to be released if the U.S. military or the civilian courts choose to prosecute him and he is acquitted or after he serves his sentence but before hostilities have ended. These are entirely different matters.

There are two questions: Are you an enemy combatant of the United States? These are the kinds of prisoners of war in World War II. Germans, for example, who were kept in Asheville, AL. They stayed in a prisoner-of-war camp until the war was over, and they went home. They didn’t violate the rules of war; they weren’t prosecuted for any crimes. They simply were not released so that they could go and rejoin the battle in an attempt to kill more American service men and women. But they were lawful. They were uniforms, they complied with the rules of war, and they were not able to be prosecuted.

But when a person sneaks into the country with an intent to murder women and children and innocent non-combatants, does not wear a uniform, and violates other provisions of the rules of war, then they can be not only held as a combatant but they can be held and tried for commission of crimes against the United States. That is the classic standard of the law of war.

I believe it is clear that if a person is captured and tried for a crime and, let’s say, acquitted—whether in a civilian court or a military commission—they are not entitled to be released. To that end, I would quote a number of statements to that effect. But I believe the legal system would be a lot better off if we spoke clearly on that matter today so there is no doubt whatsoever.

President Obama, on May 21, 2009, said this:

But even when [the prosecution] process is complete, there may be a number of people who will not be prosecuted for past crimes, but who nonetheless pose a threat to the security of the United States.
In other words, they remain prisoners of war who are likely to join the enemy if they are released. He goes on to say:

There are people who, in effect, remain at war with the United States. As I said, I am not going to release individuals who endanger the American people.

I think that is consistent with all rules of war, and I think the President was right in that statement.

Attorney General Eric Holder, in November, before the Judiciary Committee, said:

I personally think that we should involve Congress in [ensuring that the Executive Branch has the authority to make that decision]. Should we think of this committee in crafting a law of war detention process or program.

In other words, he was calling on us to work with them in developing statutes. But, historically, I think the law is clear at any rate.

Jeh Johnson, General Counsel to the Department of Defense, who came from the New York Times as general counsel for the New York Times—not a career Department of Justice defense attorney—and this before the Senate Armed Services Committee.

The question of what happens if there’s an acquittal is an interesting question . . . I think that as a matter of legal authority, if you have the authority under the laws of war to detain someone, and the Hamdi decision said that in 2004, that is true irrespective of what happens on the prosecution side . . . as a matter of legal authority, I think we have law-of-war authority, pursuant to the authority Congress granted us with AUMF, as the Supreme Court interpreted it, to hold that person provided they continue to be a security threat, and we have the authority in the first place.

So, again, he is saying if they are not convicted, they can still be held if they continue to be a threat.

Secretary of State Hillary Clinton on "Meet the Press" November of last year:

MR. GREGORY: But my question is, are we committed with these terror suspects that if they are acquitted in civilian courts, they should be released?

SECRETARY CLINTON: Well, no . . .

Senator Jack Reed, our West Point graduate and a member of the Armed Services Committee—I am proud to serve with my Democratic colleagues to craft what he said the November before last:

There are no guarantees of conviction, but under basic principles of international law, as long as these individuals pose a threat, they can be detained, and they will . . . I do not believe they will be released . . . under the principle of preventive detention, which is recognized during hostilities.

I believe this is legislation that would do nothing more but, importantly, will affirm the classical understanding of our laws of war, and as a result, the people who are charged can be tried, and if they are not convicted of a crime, they can still be detained.

I want to note that an individual American soldier or German soldier or Japanese soldier who is lawful and released has a duty to report back to their military unit and commence hostilities until the war is over.

Senator Graham is here, a current JAG officer in the U.S. Air Force who has studied these matters very closely and has been engaged in this debate so eloquently. I am delighted to have him here and to have his support on this amendment. Perhaps he has some comments?

Mr. Graham. Perhaps the Senator will yield for a question?

Mr. Sessions. I will be pleased to.

Mr. Graham. As I understand the purpose of this amendment, it is basically to have the Congress on record for the concept that once you are determined to be an enemy combatant, a part of the enemy force, there is no requirement to let you go at any certain time because in war it would be silly to let an enemy prisoner go back to the fight for no good reason.

As the Senator has indicated, in the law of war, you can be prosecuted for a war crime. You could be tried, and if they are not convicted, of a crime, they can still be detained. As the Senator has focused on that.

I do not believe they will be released if they are acquitted in civilian courts, they are acquitted in civilian courts, they can still be held if they committed with these terror suspects that if they are acquitted in civilian courts, they are acquitted in civilian courts, if they are acquitted in civilian courts, they can still be held if they committed a war crime. You could be tried, and if they are not convicted, they can still be held if they committed a war crime. You could be tried, and if they are not convicted, of a crime, they can still be detained.

Mr. Sessions. That is correct.

Mr. Graham. What I would like my colleagues to understand is that no German prisoner in World War II had the ability to go to a Federal judge and say: Let me go. If you had brought up the concept in World War II that an American citizen who was collaborating with the Nazis could not be held as an enemy combatant, you would have been run out of town.

Does the Senator agree with me that in every war we have fought since the beginning of our Nation, unfortunately, there have been episodes where American citizens side with the enemy?

Mr. Sessions. That is certainly true.

Mr. Graham. Does the Senator agree with me that our Supreme Court, as recently as about 3 to 4 years ago, reaffirmed the fact that we can hold our own as enemy combatants when the evidence suggests they have joined forces with the enemy? That is the law?

Mr. Sessions. That is the law as I understand it.

Mr. Graham. Does my colleague agree with me that makes perfect sense, that an American who helps the Nazis has committed an act of war, not a common crime?

Mr. Sessions. That is correct.

Mr. Graham. Does he agree with me that our courts understand that when an American citizen collaborates with an enemy of our Nation, that is an act of war by that citizen against his own country and the law of war applies, not domestic criminal law?

Mr. Sessions. I certainly agree with the Senator that an American citizen can join in a war against the United States.

Mr. Graham. And they can be treated as an enemy combatant in accordance with our laws?

Mr. Sessions. That is correct.

Mr. Graham. That is the law of war allows the following: trial or detention or both. Is that correct?

Mr. Sessions. That is correct.

Mr. Graham. You can be held as an enemy combatant without trial?

Mr. Sessions. That is correct.

Mr. Graham. There is no requirement in international law to prosecute an enemy prisoner for a crime?

Mr. Sessions. Absolutely. It is up to the detaining authority whether they believe a person has committed a crime.

Mr. Graham. Does the Senator agree with me that we do not want to start the practice in the United States that everybody we capture as an enemy prisoner is automatically a war criminal because that could come back to haunt our own people in future wars?

Mr. Sessions. Absolutely.

Mr. Graham. That we should reserve prosecution for a limited class of persons among enemy prisoners?

Mr. Sessions. That is correct.

The Presiding Officer (Mr. Cardin). The Senator has consumed 10 minutes.

Mr. Graham. I ask unanimous consent to have 1 more minute.

The Presiding Officer. The Chair was informing the Senator that 10 minutes has elapsed.

Mr. Sessions. I asked to be informed at 10. I see Senator Sanders is here.

Mr. Graham. Let's just logically walk through this. In every war in which America has been involved, American citizens unfortunately have chosen at times to side with the enemy. Our courts say the executive branch can hold them as enemy combatants, and the purpose is to gather intelligence. Does the Senator agree with that?

Mr. Sessions. That is a very important purpose of that.

Mr. Graham. The Senator has been a U.S. attorney; is that correct?

Mr. Sessions. That is correct.

Mr. Graham. Does criminal law focus on intelligence gathering?

Mr. Sessions. Absolutely not. It focuses on punishments for a crime already committed, normally.

Mr. Graham. Does the Senator agree that holding an enemy prisoner—one of the benefits of capturing someone is gathering intelligence?

Mr. Sessions. Absolutely.

Mr. Graham. Does the Senator agree that our criminal system is not focused on that?

Mr. Sessions. Absolutely. In fact, we specifically tell people arrested that they have a right not to provide any information, and it indicates it is clearly not the primary function.

Mr. Graham. Does the Senator agree with me that if this Congress
chose to change the law and say that an American citizen who has associated himself with al-Qaida cannot be interrogated for intelligence-gathering purposes, we would be less safe?

Mr. SESSIONS. Absolutely. Mr. GRAHAM. And that would be a change in the law as it exists today.

Mr. SESSIONS. Absolutely.

Mr. GRAHAM. Does the Senator agree with me that his amendment that says you can be acquitted but still be held as an enemy prisoner is consistent with the law today?

Mr. SESSIONS. I certainly believe it is.

Mr. GRAHAM. I thank the Senator for offering this amendment.

To my colleagues, we are trying to fight a war, not a crime, within the value systems of being the United States, being the champion of the free world. I do not believe in torturing people. I do believe in gathering information, as I believe with me that it comes to interrogating people, sometimes the best tool is time.

Mr. SESSIONS. Absolutely. Someone may be willing to talk today, but as time goes by they might be willing to completely change and be forthcoming.

Mr. GRAHAM. Does the Senator agree with me that we gathered good intelligence over time from people held at Guantanamo Bay?

Mr. SESSIONS. That is certainly true.

Mr. GRAHAM. Without water boarding then?

Mr. SESSIONS. Absolutely. Mr. GRAHAM. My point to my colleagues—and I enjoyed this discussion—is that if you take the ability to hold someone as an enemy combatant off the table, you cannot interrogate them for intelligence-gathering purposes, and if you put a time limit on how long you can hold them, you defeat the purpose of gathering intelligence. Does the Senator agree with that?

Mr. SESSIONS. Absolutely. That would undermine one of the functions of the U.S. military in dealing with enemies of the state.

Mr. GRAHAM. Does my colleague also agree that in this war, we provide a due process unlike any other war in the past?

Mr. SESSIONS. There is no doubt. No war has ever been lawyered to the degree this has.

Mr. GRAHAM. Does the Senator agree with me that every enemy combatant, citizen other otherwise, held at Guantanamo Bay or captured in the United States has their day in Federal court through habeas proceedings?

Mr. SESSIONS. They do, and to a large degree that is different from any other war in our history.

Mr. GRAHAM. We never had, in the history of other wars, a Federal judge determining whether the military has the ability to determine whether someone is an enemy combatant, but we have that in this war. Does the Senator agree with that?

Mr. SESSIONS. Absolutely.

Mr. GRAHAM. Does the Senator agree that the government has to prove to an independent judge by a preponderance of the evidence that the person is a member of al-Qaida involved in hostilities?

Mr. SESSIONS. Yes.

Mr. GRAHAM. So everybody held after judicial review for the first time in the history of warfare.

Does the Senator agree with me that the annual review process that we have created by this law, this bill, the Defense Authorization Act, is something we have not done in other wars?

Mr. SESSIONS. We have not done that before, yes.

Mr. GRAHAM. Every detainee not only gets their day in Federal court, the government must prove they have a solid case to hold them as an enemy combatant, and everyone gets a yearly evaluation as to whether they are a continuing threat?

Mr. SESSIONS. I believe so, yes, consistent with the language in the recent Supreme Court opinions—recent opinions—and perhaps even goes further than what the Supreme Court requires.

Mr. GRAHAM. Is the Senator familiar with competency hearings in the civilian court?

Mr. SESSIONS. Yes.

Mr. GRAHAM. In our civilian law, we can hold people who are a danger to themselves or others without a trial but with judicial oversight; is that correct?

Mr. SESSIONS. That is done every day, yes, with judicial oversight.

Mr. GRAHAM. Would the Senator agree with me that it is very smart to evaluate whether we should allow someone to be let go and intelligence professionals should be able to make that decision as to whether the individual is a military threat, that that is a logical process?

Mr. SESSIONS. Absolutely it is. And just for the fact of my amendment, it does not require people to be held. It only gives the authority to do so if they deem it appropriate for the defense of America.

Mr. GRAHAM. Does my colleague agree with me that the recidivism rate of people we are releasing from Guantanamo Bay has gone up?

Mr. SESSIONS. Yes. It is extraordinarily disappointing, actually, and against projections of many of those advocating for early release.

Mr. GRAHAM. Some of these people have gone back to fighting and killed American soldiers?

Mr. SESSIONS. They certainly have.

Mr. GRAHAM. Does the Senator agree with me that the dangers our Nation faces do not justify changing existing law, denying this country the ability to gather intelligence even against an American citizen joined with al-Qaida, that that would be an unwise decision given the dangers we face?

Mr. SESSIONS. Yes.

Mr. GRAHAM. Does he agree with me that we need a legal system that understands the difference between fighting a war and fighting a crime?

Mr. SESSIONS. So well said. I agree.

Mr. GRAHAM. I thank the Senator.

Mr. SESSIONS. Mr. President, with respect to the question of citizenship, I would just say to my colleague that this in no way deals with that. Whatever the courts, whatever the bill and other laws say about citizenship will apply here. It does not change that status. I do believe the legislation is clearly consistent with the statements and testimony of President Obama; Attorney General Eric Holder; Jeh Johnson, counselor of the Secretary of Defense; Secretary of State Clinton, and others.

I urge acceptance of my amendment and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Cardin amendment, No. 1073, be withdrawn. That has the approval of the sponsor of the amendment.

The PRESIDENT. Without objection, it is so ordered. The Senator from Vermont.

Mr. SANDERS. Mr. President, I want to say a word about two amendments I have offered, both of which I think are important and both of which should be agreed to.

As I think you know, this country has a recordbreaking deficit and a $15 trillion national debt. What many people do not know is one of the reasons our deficit is as high as it is is because there is a significant amount of fraud from defense contractors who sell their products to the Department of Defense.

I think the American people are very clear that when we pay one dollar for a product that goes to our military, we want to get one dollar’s worth of value; that we do not want to see the taxpayers of this country or the Department of Defense ripped off because of fraudulent contractors. Unfortunately, fraud within the DOD in terms of private contractors is widespread.

During the last number of years, we have seen company after company engaged in fraud, including some of the largest defense contractors in the United States. For example, Lockheed Martin, the largest defense contractor in our country, in 2008 paid $10.5 billion to settle charges that it defrauded the government of Defense ripoff because of fraudulent contractors. Unfortunately, fraud within the DOD in terms of private contractors is widespread.

In another case regarding one of the very large defense contractors, Northrop Grumman paid $62 million in 2005...
to settle charges that “it engaged in a fraud scheme by routinely submitting false contract proposals” and “concealed basic problems in its handling of inventory, scrap and attrition.” Despite that serious charge of pervasive and repeated fraud, Northwest Airlines, which provided that the DOD list virtually all of the fraud committed within the DOD. We have that report, and it is rather astounding. People should read it. Right now what this amendment does is it says to the DOD: Get your act together, hire the necessary well-trained staff so they are monitoring the contracts and making sure we do not continue to see the pervasive amounts of fraud committed against the taxpayers of this country or the Defense Department. I would hope very much that amendment gets widespread support and that we see it passed.

There is another amendment we have offered that I think is equally important, and that deals with making sure the Department of Defense—which turns out to be the largest single consumer of power in the United States of America. Obviously, the Department of Defense has huge resources, controls huge numbers of buildings, has enormous aircraft, and so forth and so on. It is by far the single largest consumer of energy in the United States, accounting for approximately 90 percent of Federal energy consumption, with an annual energy cost of up to $18 billion. So the Department of Defense spends $18 billion on energy costs alone. I think, in recent years, the Department of Defense has understood the importance of trying to move toward energy efficiency in terms of saving energy, but we have a long way to go.

The major program to help cut energy consumption and costs at our military bases is called the Energy Conservation Investment Program. This is a very important program, although a relatively small program. This program has operated for more than 10 years, helping to invest in programs that are energy-efficient lighting, for example, at an Air Force base in Alaska, geothermal heating at Fort Knox Army Base in Kentucky, wind turbines for an Army base in Arizona, and solar power for the Air Force in Colorado.

Historically, according to the Department of Defense, every $1 invested by the Energy Conservation Investment Program yields $2 in savings. We invest in energy efficiency; we invest in sustainable energy. For every $1 invested, we save $2. This makes it a very positive program for the DOD. Some projects, such as energy efficiency improvements at a Navy base in California, achieve greater than $15 in savings for every $1 invested.

The Department itself, the DOD, has stated this program achieves “long-term public benefits by investing in technologies that increase economic efficiency and with benefit, build new sources of renewable energy, enhance job creation/retention, improve military facilities, and improve the quality of life for our troops and their families.” If we could do more, we could save $2. This makes it a very positive program for the Department of Defense.

Unfortunately, the authorization for this program in the current Defense authorization bill is $135 million, a relatively small amount of money for a Department of Defense which spends about $20 billion every year on energy. I think what we want to see is, A, the DOD save money through energy efficiency and sustainable energy, and secondly, become a model for the country as we attempt to break our dependence on fossil fuels, foreign oil, and we attempt to cut back on greenhouse gas emissions.

I can tell you that in the State of Vermont, we have our National Guard base, where we have worked with them to install a major solar installation which will pay a significant part of the energy costs. Frankly, I would like to see this done on National Guard bases all over the country and to the Active-Duty structures as well.

The bottom line is, we are currently spending about $135 million, a relatively small amount of money compared to the $18 billion energy bill run up by the DOD. What this amendment would do is increase the authorization for the Energy Conservation Investment Program to $200 million, up from $135 million—not anywhere near as much as I think we should be doing, but it is a start in helping the Department of Defense save money on their energy bill, break our dependence on foreign oil, and help us cut greenhouse gas emissions.

We know there have been many projects at our military bases that have not yet been funded at today’s funding levels that could be funded if my amendment were to pass. The amendment is fully offset and paid for by reducing expenditures on construction at overseas’ bases, while still leaving nearly $300 million in funding for that purpose. I think that is a decent offset.

I applaud the Department of Defense and the military for the strides they have made so far in investing in energy efficiency and renewable energy. There are some wonderful projects going on all over this country—in fact, all over the world—under the DOD, and they deserve credit for that. They can and should be a leader for our country, but we still have a very long way to go.

I would ask for support from my colleagues for this amendment, which will save the Department of Defense money, reduce our dependency on foreign oil, move us to energy independence, and cut greenhouse gas emissions.
Enduring Freedom and of the impact of those operations in containing the ability of terrorist organizations to threaten the stability of Afghanistan and Pakistan and to improve the operations of the United States in Afghanistan.

(5) Recommendations if any, relative to potential alternatives to or termination of reimbursement of Coalition Support Fund to the Government of Pakistan, taking into account the transition plan for Afghanistan.

(c) Form.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

Mr. CORKER. Mr. President, I wish to speak briefly about this amendment. I think most people in this body understand we are reimbursing the Pakistani military for efforts they are putting forth on behalf of what we are doing in Afghanistan in Enduring Freedom. We have crafted an amendment that asks for certain reporting to take place from the Pentagon and for them to look at ways of diminishing this reimbursement over time as we wind down our operations in Afghanistan.

This amendment has been drafted in such a way as to not further escalate tensions between us and the Government of Pakistan. This is a good government type of amendment that asks the Pentagon to begin looking at ways of decreasing the support we are giving to the Pakistani military on our behalf regarding Afghanistan as we wind down our operations there simultaneously.

It is my understanding that both the chairman and ranking member of the Armed Services Committee have accepted this, there is no hold from the majority on the Foreign Relations Committee, and I hope we will have an opportunity to vote on and pass this by voice vote very soon.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. HATCH. Mr. President, I support the amendment, as modified, by the Senator from Tennessee, Mr. CORKER, who has devoted a great deal of time and effort and thought to this issue, and the result is this amendment. I point out that it would require the Secretary of Defense to prepare a report on the effectiveness of coalition support fund reimbursements made to Pakistan in support of coalition military operations in Afghanistan.

Before I proceed, let me once again express condolences to the families of the Pakistani soldiers who were killed this weekend in a cross-border air action. All Americans are deeply saddened by this tragedy, and I fully support NATO and the U.S. military in their commitment to co-though and expeditious investigation.

As my colleagues will recall—this is an important aspect of Senator Corker’s amendment—Congress has authorized and appropriated funding for counterterrorism reimbursements to Pakistan since we began our military operations in Afghanistan. At the time, Pakistan made a strategic decision to support the U.S. war effort against the Taliban government in Afghanistan and their al-Qaida terrorist allies. In response, Congress and the Bush administration agreed to reimburse the Pakistani Government for military activities that support our mission in Afghanistan.

Over the past decade, Congress has provided billions of dollars worth of these reimbursements to Pakistan, and we should acknowledge that much good has come of it, particularly, in the past few years. In particular, Pakistan has shifted tens of thousands of their soldiers from the eastern border of their country opposite India to the tribal areas in western Pakistan. Pakistani troops have been deployed and engaged in military operations in their western provinces and tribal areas for more than 2 years. They have paid a heavy price in this prolonged fighting.

Hundreds of Pakistani troops have given their lives to fight our mutual terrorist enemies in their country, and thousands of Pakistani civilians have been tragically murdered in the same time by these militant groups who show no compunction about attacking weddings and funerals and mosques. We honor the Pakistani soldier’s sacrifice and we mourn the loss of innocent Pakistani civilians.

It must be noted, however, that certain deeply troubling realities exist within Pakistan. It must be noted that elements in Pakistan’s army and intelligence service continue to support the Haqani Network and other terrorist groups that are killing U.S. troops in Afghanistan, as well as innocent civilians in Afghanistan, India, and Pakistan. It must also be noted that the vast majority of the materials for improvised explosive devices that are maiming and killing U.S. troops in Afghanistan originate within Pakistan. These are facts. We cannot deny them.

Any effective strategy for Pakistan and Afghanistan must proceed from this realistic basis.

It is for this reason that I believe this amendment and this report would be extremely useful. Already, in response to recent Pakistani activities, the administration has chosen to withhold coalition support fund reimbursements to Pakistan. Over the past two quarters, that withheld money amounts to roughly $600 million. I can imagine that, as the current tensions, further administration requests to Congress for reimbursement of coalition support funds for Pakistan will not be forthcoming.

The report requested in this amendment would seek additional information on the amounts, types, and effectiveness of coalition support fund reimbursements to the Government of Pakistan. It also would seek recommendations as to the future disposition of this program, including potential alternative policies, and the possible termination of it altogether. That option cannot be ruled out. This is valuable information and recommendations to have as Congress continues to discuss and debate not just the future of the coalition support fund reimbursements to Pakistan but the future of our relationship with Pakistan more broadly. I strongly support this amendment.

Again, I don’t want to spend too much time stating the facts. This is a terrible dilemma. The fact is that Pakistan is a nuclear nation. They have a significant nuclear inventory. The fact is that for 10 years we and Pakistan had virtually no relations. We found that not to be a productive exercise. But at the same time, when there exists—as my colleague from Tennessee agrees—two fertilizer factories from which come the majority of the materials used for the majority of IEDs manufactured and that are killing young Americans, it is not tolerable. I understand, as I have said earlier in my comments, the tragedy that resulted from the deaths of these Pakistanis some years ago. I also understand, as every one of us does, what it is like to call a family member of a young woman or man who has lost their life in Afghanistan, which has happened many times, as a result of an IED.

In a hearing of the Armed Services Committee, the then-Chairman of the Joint Chiefs of Staff ADM Mike Mullen, stated:

The fact remains that the Quetta Shura and the Haqqani Network operate from Pakistan with impunity. I wish to repeat, these are the words of the former Chairman of the Joint Chiefs of Staff.

Extremist organizations serving as proxies of the government of Pakistan are attacking Afghan troops and civilians as well as U.S. soldiers. For example, we believe the Haqqani Network—which has long enjoyed the support and protection of the Pakistani government and is, in many ways, the strategic arm of Pakistan’s Inter-Services Intelligence Agency—is responsible for the September 13th attacks against the U.S. embassy in Kabul.

He goes on to say:

This is ample evidence confirming that the Haqqanis were behind the June 28th attack against the Inter-Continental Hotel in Kabul and the September 19th truck bomb attack that killed five Afghans and injured another 96 individuals, 77 of whom were U.S. soldiers...

Finally, another comment by Admiral Mullen who, by the way, worked very hard for a solution, if of use to develop a close working relationship with General Kayani and other military leaders in Pakistan. He went on to say:

The Quetta Shura and the Haqqani Network are hampering efforts to improve security in Afghanistan, spoiling possibilities for broader reconciliation, and frustrating U.S.-Pakistan relations. The actions by the Pakistani government to support them—actively and passively—represents a growing problem that is undermining U.S. interests and may violate international norms, potentially war- ranting action. In support to these groups, the government of Pakistan, particularly the Pakistani Army, continues to jeopardize...
Pakistan’s opportunity to be a respected and prosperous Nation with genuine regional and international influence.

Finally, I wish to say again this is an incredibly difficult challenge for U.S. security policy. We have a country on which we are dependent in terms of aspects for supplies, for cooperation, for—hopefully, not to be a sanctuary, although it is not the case, for Taliban and al-Qaeda elements. We have a country that is a nuclear power, and we have a country that has a government that I will say charitably is very weak.

It seems to me the Corker amendment is important for the American people to know exactly where we are, what policy we are going to formulate, and what measures need to be taken, because we have, as I mentioned earlier, spent billions of U.S. taxpayers’ dollars. That doesn’t play very well in States such as mine where we have 9 percent unemployment and more than half the homes half the homes underwater. So the Corker amendment isn’t all we need. In fact, we need to have a national debate and discussion about the whole issue of our relations with Pakistan. But I believe the Corker amendment is a very important measure so that the American people that not only are their tax dollars wisely spent but that actions are being taken to prevent needless wounding and death of our brave young men and women who are serving in the military.

Mr. PRESIDING OFFICER, I yield the floor. The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I support the amendment of the Senator from Tennessee. It is a balanced amendment which deals with a very complex situation. What Senator CORKER is doing is pointing out very important facts. One is that Pakistan has received a lot of funds from the United States for this particular purpose which is aimed at helping the operation of our forces in Afghanistan. The whole purpose of the coalition support fund is to reimburse Pakistan for the support they provide—for instance, in providing security for trucks and other equipment that is going through Pakistan. That have oil, fuel, food going into Afghanistan to support the effort in Afghanistan. That is the purpose of these funds. It is a good purpose. This is not a foreign aid deal; this is a reimbursement deal.

The problem is that while on the one hand the Pakistanis are assisting us, on the other hand they are assisting our enemy and the enemy of mankind and the enemy of the Afghan people and the enemy of the coalition forces in Afghanistan. That is the problem. That is the dilemma which we all face and which this amendment seeks to address. Again, it does so in a way which doesn’t prejudice the outcome of the assessment, but it makes a very important point, as is now the language of the amended final paragraph, that we need recommendations given this “on the one hand they are with us, on the other hand they are against us” situation. We need recommendations from the administration, if any, relating to potential alternatives to or termination of reimbursements for the coalition support fund, the Government of Pakistan, taking into account the transition plan for the Pakistan.

I agree with my friend from Arizona that we send condolences to the families and the enemy of the coalition forces in Afghanistan. That is the problem. We have a country that is a nuclear power, and we have a country that has a government that I will say charitably is very weak.

It seems to me the Corker amendment is important for the American people to know exactly where we are, what policy we are going to formulate, and what measures need to be taken, because we have, as I mentioned earlier, spent billions of U.S. taxpayers’ dollars. That doesn’t play very well in States such as mine where we have 9 percent unemployment and more than half the homes half the homes underwater. So the Corker amendment isn’t all we need. In fact, we need to have a national debate and discussion about the whole issue of our relations with Pakistan. But I believe the Corker amendment is a very important measure so that the American people that not only are their tax dollars wisely spent but that actions are being taken to prevent needless wounding and death of our brave young men and women who are serving in the military.

Mr. PRESIDING OFFICER, I yield the floor. The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, because of the tremendous cooperation of the Senator from Michigan and the Senator from Arizona—obviously, my goal is to call for this amendment to be adopted—I did not provide a lot of context because I know they both support this amendment. But I want to thank the both for their comments.

I do not think there are two Senators who can better articulate the issue we face in Afghanistan with Pakistan, which is both a friend and a foe on many occasions. None of us who have traveled to Afghanistan—I know these two Senators have probably more than most, but all of us who have been there have heard our generals talking about the fact that they are fighting a war in Afghanistan that is really being led and directed out of Pakistan.

So basically we have an issue here. I think the two Senators have articulated the issue very well. The fact is, we need to know that what we are doing in support of the Pakistan military is effective for us, and the two Senators have outlined that is a big issue.

The second piece is how we are actually reimbursing. If you talk with folks at the State Department, we literally are going through reams of invoices and documents, looking at how many bullets they have used, how much food has been supplied to the military, what is going to be counted, what is not going to be counted. We are spending more time, in many ways, accounting for this than we are really looking at how effective the aid is.

This amendment would deal with both of those issues. I thank the Senators for putting this in the proper context, and I do hope, with the Senators’ support and the support of the Permanent of the Foreign Relations Committee, that the amendment we can vote on. I thank both Senators for their leadership on this issue but also for putting this in the appropriate context.

I yield the floor.

Mr. MCCAIN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment, as modified, is agreed to.

The amendment (No. 1172), as modified, was agreed to.

Mr. LEVIN. Mr. President, I believe Senator CANTWELL will want to be recognized.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerks will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, we continue to make progress on the Defense authorization bill. Hopefully somewhere in the Halls of Congress, we are also making progress on the FAA authorization bill and, maybe before the end of the year, getting that to a final resolve.

I would ask my colleagues on both sides of the aisle are working very hard, but I had to come to the Senate floor at this moment to say that Christmas came early in the Northwest today when a major deal between the Boeing Company and aerospace workers, machinists, resolved what had been a conflict in the past on how to work together.
A new relationship of working together on incentives and efficiency and performance has resulted in the Boeing Company making a decision to build the next-generation 737 MAX plane in the Pacific Northwest. That is great news for aerospace workers in Puget Sound. It is great news for the Northwest to have this kind of boost, this shot in the arm, at this point in time is really important. I expect that as this agreement and the agreement details are seen by many people, they will see this really is a way forward for the Northwest to continue to be at the top of the aerospace game. That is important because the United States needs to be at the top of the aerospace game. We are facing tough competition from many countries such as China and Europe and other that are going to have the manufacturing base away from the United States. What we see in the Northwest is that not only do you have a company such as Boeing, but you have a chain of many suppliers that are also working to make aerospace manufacturing in the United States one of the key industries in which the United States is world premier. So I congratulate both to the company and to the machinists and to Machinists International for their hard work on inking this deal. I hope it will bring much benefit and economic growth not just to Puget Sound—certainly to there—but to the rest of the country as well. I yield the floor.

THE PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Mr. President, I rise in support of the Feinstein amendment with regard to section 1031 of this legislation. I am particularly worried because, unlike the authorized use of force original doctrine and legislation passed by the Congress, we limited the authority of the President and the U.S. military to those connected directly to the September 11 mass murder of Americans. I think, in times of emergency, I understand that. But the legislation has not given congressional authorization to go far beyond that, to say that any “person who . . . substantially supported al-Qaeda, the Taliban, or associated forces”—undefined—“. . . including any person who has committed, or whose property was transferred, or is to be transferred, to be al-allowed to be picked up by U.S. military authorities and held in U.S. military detention.”

While I am in favor of robust and flexible U.S. military action overseas, including action against American citizens waging war against the United States, such as Anwar Al-Awlaki, I think we all should agree on a special zone of protection inside the jurisdiction of the United States on behalf of U.S. citizens. I say this in support of the Feinstein amendment because I took the time—as we all should from time to time, serving in this body—to re-read the Constitution of the United States yesterday. The Constitution says quite clearly: In the trial of all crimes—no exception—there shall be a jury, and the trial shall be held in the State where said crimes have been committed. Clearly, the Founding Fathers were talking about a civilian court, of which the U.S. person is brought before in its jurisdiction. They talk about treason against the United States, including war in the United States. The Constitution says it “shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort.” The following sentence is instructive: “No person—"No person," it says—"shall be convicted of Treason unless on the testimony of two Witnesses to the same overt Act, or on Confession in open Court." I would say that pretty clearly, “open court” is likely to be civilian court.

Further, the Constitution goes on, that when a person is charged with treason, a felony, or other crime, that person shall be “removed to the State having Jurisdiction of the Crime”—once again contemplating civilian, State court and not the U.S. military. As everyone knows, we have amended the Constitution many times. The fourth amendment of the Constitution is instructive here. It says: “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures”—Including, by the way, the seizure of the person shall not be violated, and no Warrants shall issue, [except] upon probable cause, supported by Oath or affirmation, and particularly describing to be a crime, and the persons or things to be seized.

Now, in section 1031(b)(2), I do not see the requirement for a civilian judge to issue a warrant. So it appears this legislation directly violates the fourth amendment of the Constitution with regard to those rights which are inalienable, according to the Declaration of Independence, and should be inviolate as your birth right as an American citizen.

Recall the fifth amendment, which says:

No person—

By the way, remember, “no person”; there is not an exception here. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment—

Hear the words of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War—

Meaning there is a separate jurisdiction for U.S. citizens who are in the uniformed service of the United States. But unless you are in the service of the United States, you are one of those “no person”—who shall be answerable for a capital or infamous crime, except on an indictment of a Grand Jury.”

The sixth amendment says:

In all criminal prosecutions—

Not some, not by exception; in all criminal prosecutions—

The accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.

I go on to these because I regard all of these rights as inherent to U.S. citizens, granted to them by their birth in the United States. If we go on through the Constitution’s amendments, we find in the fourteenth amendment that it says:

No State shall make or enforce any law—

Any law—which shall abridge the privileges or immunities of citizens of the United States. . . . I realize these powers have been defined by courts. But we would recall the even Abraham Lincoln, even post facto lost his ability to suspend the writ of habeas corpus pursuant to a Supreme Court decision; that in the case of Hamdi v. Rumsfeld, the Court did recognize that under the 2001 statute, the President is authorized to detain persons captured while fighting U.S. forces in Afghanistan. But I will recall—and, by the way, this included American citizens—I will recall that was in Afghanistan.

Clearly, we see in the case where an American citizen has gone to a foreign jurisdiction, joined a terrorist organization or foreign military, and is waging war on the United States, they can be held as a detainee of the U.S. military. Why didn’t this legislation say that? Why did it not restrict its purview to those provisions? In Padilla v. Hanft, the Fourth Circuit did allow the capture of a U.S. citizen, Padilla—by the way, arrested at O’Hare Airport, a U.S. citizen and held in military detention by the Fourth Circuit said because he had foreign training and a foreign connection that it was legal to hold him.
But, remember, very soon thereafter the Bush administration surrendered this case. I think the Bush administration realized they were about to lose in the Supreme Court on the subject of whether the U.S. military could arrest and detain any citizen and to deprive them of their rights and subject them only to review under a petition of habeas corpus. I think they realized they had to kick Padilla into the civilian court system, and therefore they did. It is one next that we should read the Padilla decision.

I think the bottom line is this: We funded a multihundred-billion-dollar Department of Defense, in the words of the movie, to put men on the ground, that we need on that wall, to defend us against foreign threats, and they must do hard and difficult things, including sometimes to U.S. citizens, such as Anwar al-Awlaki, who are waging war on the United States from a terrorist base in Yemen.

But the whole purpose of this exercise and this institution is to defend the rights of the United States and U.S. citizens in their own country. One of the first things a person does when they join the U.S. military is not to swear allegiance to a President or to a foreign leader but actually swear allegiance to the Constitution of the United States and to its rights.

What is the whole purpose of the Constitution? It is to defend our rights against the government because we are one of those unique governments that "posits" a limited government and which right in the shadow of a doubt but on a lower standard of care, that in the executive branch's view a person is connected to one of those things, then our rights are not worth very much.

I would say the whole purpose of the Constitution, the rights of our citizens as a member of al-Qaida, which this legislation specifically addresses. We hold that "citizens who associate themselves with the military arm of the enemy government"—and I believe, in the view of most, they would view that as a member of al-Qaida, which this legislation specifically addresses. We hold that "citizens who associate themselves with the military arm of the enemy government and with its aid, guidance and direction," which is exactly, basically, the language of our legislation, "aid, guidance and direction enter this country," enter this country, "bent on hostile acts are enemy belligerents within the meaning of the law of war." How can anything be more clear to the Senator from Illinois? I mean, it is beyond belief. It is beyond belief.

They then go on and talk about the Civil War, the U.S. Supreme Court does. They talk about the Civil War. They talk about a code binding the United States Army during which captured rebels would be treated as prisoners of war. So a citizen, no less than an alien, can "be part of or supporting forces hostile to the United States or coalition partners and engaged in an armed conflict against the United States" and be subject to a military court system.

Now, after 9/11, we declared that we were at war with al-Qaida. Is that correct?

Mr. GRAHAM. Yes. Mr. MCCAIN. So we are at war. We have Americans as a basis for the argument. Yet the Senator from Illinois, in the most bizarre fashion that I have heard, says, therefore, they are
guaranteed the protections of—as he said—a trial.
I mean, I do not get it. Maybe the Senator from South Carolina can explain.
Mr. GRAHAM. I will be glad to yield to my friend from Illinois. Let me just try to set the stage the best I can. And I would love to have Senator LEVIN weigh in and anyone else.
The law, as it exists today, to my good friend from Illinois, has long held that an American citizen collaborates with the enemy, that is an act of war, not a common crime. The constitutional review provided by the Supreme Court in cases involving American citizens collaborating with the enemy has said that we view that as an act of war and we apply the law of war. So our Supreme Court, in the Hamdi case just a few years ago, upheld the ruling in the In re Quirin case, which went back to World War II.
In that case, we had American citizens assisting Nazi saboteurs. The Supreme Court ruled that citizenship status does not prevent someone from being treated as part of the enemy force when they choose to join the enemy.
What is this important? My good friend from Illinois is an intel officer. Intelligence gathering is part of war. An enemy combatant can be interrogated by our military intelligence community without Miranda rights. They can be held for an indefinite period of time to be questioned about past, present, and future attacks. The Supreme Court has legitimized that process because the individual in question was an American citizen captured in Afghanistan.
He pled to the Court: You cannot hold me as an enemy combatant because I am an American citizen.
The Court said: No, there is a long history in this country of having American citizens who collaborate with the enemy to be held as an enemy combatant.
Unfortunately, in every war we have engaged in, American citizens have provided aid and comfort to the enemy. In World War II we had American citizens assisting Nazi saboteurs.
Mr. McCAIN. Was not one of the most famous cases a woman whose name was Tokyo Rose, who propagandized—she was an American citizen. She propagandized on behalf of the Japanese when we were in the war. Afterwards she was given a military trial.
Mr. GRAHAM. Yes. The point is—
Mr. McCAIN. Not a civilian trial, not given her Miranda rights, but tried by military tribunal.
Mr. GRAHAM. Right. What we have done in the Military Commissions Act in 2009, civilians, American citizens cannot be tried in military commissions. It can only go to Federal court. But the point we are trying to make is it has been long held in this country that when an American citizen abroad or on the homeland decides to help the enemy, we have the right to hold them, not under a criminal theory but under the law of war because their effort to help the enemy, I say to my good friend from Illinois, is an act of war against their fellow citizens.
This is why we deny our country the ability to hold and interrogate an American citizen who has joined forces with al-Qaida, we lose the ability to find out the intelligence they may have to keep us safe. If the choice is that an American citizen who chooses to collaborate must not be put in the criminal justice system, meaning they will have criminalized the war, the Congress will have restricted executive branch power.
To make it clear—please understand, I say to Senator Feinstein—the courts of the United States have acknowledged that the executive branch can hold an American citizen as an enemy combatant when they engage and assist the enemy. The courts of the community and the power of the executive to do that as Commander in Chief.
The question for us is, do we want to be the first Congress in the history of the Nation to say to the executive branch you have that power given to them by the courts, inherent with being Commander in Chief, to protect us against enemies foreign and domestic.
I argue to my colleagues, given the threats we face from homegrown terrorism, from al-Qaida groups and their affiliates, that now is not the time to change the law preventing our military intelligence community from holding an American citizen who is helping the enemy on the homeland and prevent them from gathering intelligence.
I argue that the reason no other Congress has done this in past wars is because it didn’t make a lot of sense. I argue that if a Senator came to the floor of the Senate during World War II and suggested that an American citizen who sided with the Nazis to sabotage American interests here could not be held as an enemy combatant, they would have been run out of town because most citizens would say anybody who helps the enemy—citizen or non— is a threat to our country.
Unlike other wars, we do have due process that exists today that never existed before. No Nazi soldier was able to go to a Federal court and say: Judge, let me go. The reason I have agreed, and the courts have applied habeas review to enemy combatant determination, is this is a war without end.
How does one become an enemy combatant? The executive branch makes the accusation. They have to follow the statutory criteria. This is a limited group of people in a limited classification. American citizen or not, if someone falls into this group, they can be held as an enemy combatant. But the executive branch goes to an independent judiciary that the case is sufficient, and under the law the judge has to agree with the military; we have an independent judiciary looking over the shoulder of the military in this war, unlike at any other time. So the government has to prove to a Federal judge, by a preponderance of the evidence, that this person is, in fact, an enemy combatant. If the judge disagrees, they are held. If the judge agrees, we hold the enemy combatant, and they get an annual review process as to whether future detention is warranted. So we have robust due process.
But the point I just made is the Feinstein amendment is about. It is about the Congress of the United States, the Senate of the United States, for the first time in American history, restricting the ability of the executive branch to hold an American citizen who is collaborating with the enemy and question them under the law of war. If we do that to ourselves, we will regret it. I don’t want to be in the first Congress in the times in which we live, to change the law to deny our intelligence community and the Department of Defense the ability to deal with American citizens who have decided on their own to become part of al-Qaida. The day one decides they are going to side with al-Qaida, they have committed an act of war against the rest of us, and the courts acknowledge they can be held as an enemy combatant, not a common criminal.
The question for the Congress is, do we want to undo that in the times in which we live? If an enemy in this body, get yourself educated about what the law is today. I ask Senator LEVIN, we have done nothing to change the law in this bill; is that correct?
Mr. LEVIN. Not only does 1031, the overall section, not change the law, it incorporates it, according to the administration’s own statement of policy on what the current law is. The Senator is right. There is nothing in here which we could change, and we could not change it if we wanted to, and we don’t want it.
While the Senator asked me a question, I wish to answer a question with a question to him. Is it not true that for the first time, we provide that where there is going to be an unprivileged enemy belligerent who could be held in long-term detention under the law of war—for the first time in American history, we provide a judge to that person; is that right?
Mr. GRAHAM. That is correct, and we have been working on that together for 5 years. To respond, if I may, because I think it is a very good discussion, does the Senator really, and does the President with everybody that under the law that exists today, in terms of the Supreme Court rulings, an American citizen can be held as an enemy combatant?
Mr. LEVIN. I read this yesterday, and I will read it again now. The Senator is right. I don’t know how anybody reading this can reach any other conclusion but what the Supreme
Court says, not because they are right or wrong but because of the Supreme Court: “There is no bar to this Nation’s holding one of its own citizens as an enemy combatant.”

By the way, nor should there be, in my judgment.

Mr. GRAHAM. Does the Senator agree that in past wars American citizens, unfortunately, have collaborated with the enemy?

Mr. LEVIN. They have, and they have been treated as enemy combatants.

Mr. GRAHAM. Does he agree with me that in World War II some American citizens agreed to assist the Nazis and were held as enemy combatants?

Mr. LEVIN. I agree.

Mr. GRAHAM. Does the Senator agree it is good policy to hold and interrogate someone who is helping al-Qaeda to find out what they know?

Mr. LEVIN. It is good policy. If they decline the procedures under our language, the person should be first interrogated for whatever length of time those procedures provide—by the FBI, local police or anybody else. They have the right to do that.

Mr. GRAHAM. Does the Senator agree that the criminal justice system is not set up to gather military intelligence?

Mr. LEVIN. Yes.

Mr. McCAIN. To interrupt, briefly, I wonder. In the interpretation of the Senator from Illinois of the Constitution of the United States—if it is an American citizen, say, somewhere over in Pakistan, who is plotting and seeking to destroy American citizens, it is OK for us to send a predator and fire and kill that person, but according to the interpretation of the Senator from Illinois, if that person were apprehended in Charleston planning to blow up Shaw Air Force Base, then that person would be given his Miranda rights, how that would do that?

Again, this is one of the more bizarre discussions I have had in the 20-some years I have been a Member of this body.

Mr. GRAHAM. Under the law as it exists today, an American citizen can be held as an enemy combatant. The question we are debating on the floor—Senator FEINSTEIN is saying that in the future an American citizen who is deemed to have collaborated with al-Qaeda or others of al-Qaeda could no longer be interrogated for an indefinite period, which means we cannot gather military intelligence as to what they know about past, present, and future attacks.

I argue we would be the first Congress in history to bring about that result and that now would be the worst time in American history to do that. If we cannot hold a citizen who is suspected of assisting al-Qaeda under the law of war, the only option is to put them in our criminal justice system. Then we cannot hold them indefinitely, and we cannot ask about present, past or future attacks because now we are investigating a crime, nor should we be allowed to do that under criminal law. The point is that when a person assists the enemy, whether at home or abroad, they have committed an act of war against our citizens, and the Supreme Court has acknowledged that the executive branch has the power to hold them as an enemy combatant. The question is, Are we going to change that and say in the 21st century, in 2011, every American citizen who assists al-Qaeda can no longer be interrogated for intelligence-gathering purposes by our Department of Defense and our intelligence community; that they have to go into the criminal justice system right off the bat, where they are given a lawyer and are read their Miranda rights? If we do that, we are going to deny ourselves valuable intelligence. We would be saying to our citizens that we no longer treat helping al-Qaeda as an act of war against the rest of us.

Mr. GRAHAM. To interrupt, briefly, I suggested during World War II that someone who collaborated with the Nazis should be viewed as a common criminal, most Americans would have said: No, they turned on their fellow citizens and they are now part of the enemy. All I want to do is keep the law as it is because we need it now more than ever. I am sensitive to due process. There is more due process in this war. Every enemy combatant being held at Guantanamo today, captured in the United States, has to go before a Federal judge. The military has to prove their case to a Federal judge. There is an annual review process. That makes sense to me. What doesn’t make sense to me is for this country and this Senate to overturn a power that makes eminent sense when we need it the most. It doesn’t make sense to set aside a Supreme Court case that acknowledges that when an American citizen turns on our government that is an act of war against the rest of us and to criminalize that conduct, denying us the ability to gather intelligence. If we go down that road, we have weakened ourselves as a people, without any higher purpose.

To those American citizens thinking about helping al-Qaeda, please know what will come your way: death, detention, prosecution. If you are thinking about plotting with the enemy inside our own borders, let me tell you: you are going to go down that road, we have weakened ourselves as a people, without any higher purpose.

I hope and pray this Senate will not, for the first time in American history, deny our ability to interrogate and find intelligence from those citizens who choose to cooperate with al-Qaeda on our soil, because if we do that, it will be a deviation from the law that has existed at a time when we need that law the most.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Mr. President, I will yield to Senator FEINSTEIN in a minute. I appreciate the debate with my friends and mentors. The three of us who were just debating were all military officers, but we have different views. We are dangerously close to being similar to the House of Representatives, where they have face-to-face debate. I appreciate that.

The law that should not be changed is the Constitution of the United States, and we realize the regulations of the United States have force, that the statutes of the United States have greater force, and the Supreme Court decisions have even greater force. But no document is above the actual words of the Constitution. Those words are our birthright as American citizens.

The sixth amendment says you shall be secure in your person and that shall not be violated, and the warrant shall issue upon probable cause—meaning that a court has made that decision. Your first amendment rights say that no person—and there is no exception in the Constitution—shall be held to answer for capital or otherwise infamous crimes, unless presentment or indictment of a grand jury.

The way, I am talking specifically about a U.S. person inside the jurisdiction of the United States. Our sixth amendment right says that in all criminal prosecutions, the accused shall enjoy the right of a speedy and public trial. Our fourteenth amendment right says no State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States. These are, without question, for U.S. citizens. There is a balancing act between the threats we perceive. We know the threats from foreign enemies and terrorists. That is well known to us, especially the new generation of American Americans who witnessed the mass murders of September 11.

The Founding Fathers were also wrestling with another threat—the threat of the state, the government itself, against its own individuals and the abuse of power. We would forget the lesson of history, unless we understood that is a threat as well. We are told there will be no intelligence benefit if a U.S. citizen who is arrested can’t be interrogated by Homeland Defense or FBI people. And yet, I would say that our intelligence community, the FBI and the Department of Homeland Security are part of the intelligence community and feed
information into the intelligence community and can be used.

One of the key ideas behind our American government is it is not what we do, it is how we do it. One of the things missing in section 1031 is who is the decider. The decider in this case is the foreign part of al-Qaida, the Taliban, or committing that belligerent act, but we have no court making the decision. As an American, you no longer have a right to the civilian court system, and those rights are inherent to you by your birthright as an American citizen.

We should make sure that what we do here and now is that we understand your rights; that as an American citizen you can only be incarcerated on indictment by a grand jury, which is by a preponderance of evidence; and then conviction is beyond the shadow of a doubt. Under this language, if you are accused of being part of al-Qaida or the Taliban, or of committing an act, you can be held subject to only one habeas corpus and no preponderance of evidence.

Most Americans think you can only be convicted of a crime in the United States beyond the shadow of a doubt by a jury of your peers. But if this is passed, that is no longer true. We want to make sure the decider always is a civilian article III court. We are talking about a very specific definition here inside the jurisdiction of the United States among American citizens.

I agree we can kill Anwar al-Awlaki, who is making war on the United States from a foreign jurisdiction. But when we are inside the United States, the whole point of the U.S. military and our establishment is to defend our rights, and those rights cannot be taken away from us by any executive action. They can only be taken away from us by action of a civilian court, by a jury of our peers and by their decision beyond a shadow of a doubt.

With that, I yield for the Senator from California, whose amendment I so strongly support.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I want one quick moment to respond and then I will propound a unanimous consent request.

We couldn’t change the Constitution here if we wanted to, and nobody does want to. That includes the right of habeas corpus. All the constitutional rights which the Senator from Illinois talked about are constitutional rights. They are there. They are guaranteed. They couldn’t be changed by the Congress if we wanted to. And I hope nobody wants to change those rights.

But what the Senator ignores, and what has been ignored generally here, is that there is another path, and the Supreme Court has approved this path so that if any American citizen joins a foreign army in attacking us, that person may be treated as an enemy combatant. That is not me speaking. That is the Supreme Court in Hamdi.

There is no bar to this Nation’s holding one of its own citizens as an enemy combatant.

If you join an army and attack us, you can be treated as an enemy combatant. The Supreme Court has said so more than once.

My unanimous consent request is the following: that the Senator from California be recognized first for whatever comments she wishes to make, then the senior Senator from Illinois be recognized to speak on whatever subject she chooses, and then the amendment of the Senator from California or whatever—and then Senator MERKLEY’s amendment be in order to be called up by Senator MERKLEY.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California.

Mrs. FEINSTEIN. I thank the distinguished manager of the bill, and I say to the distinguished senior Senator from Illinois, who is here, I will try to be relatively brief. But I would also say that seldom do we get an opportunity on the floor of the Senate to debate what is fundamental to this American democracy. In a sense, I am pleased this issue has now been aired publicly because I think we can address it directly.

Senator DURBIN. I also want to thank your colleague, the junior Senator from Illinois, Senator KINK, for his co-sponsorship of the amendment.

The fact of the matter is, the original draft of this defense bill had this language in it: the authority to detain a person under this section does not extend to the detention of citizens or lawful resident aliens of the United States on the basis of conduct taking place in the United States except to the extent permitted by the Constitution of the United States.

That was removed from the bill. Essentially, what we are trying to do is put back in that you cannot indefinitely detain a citizen—just a citizen—of the United States without trial. Due process is a fundamental of this democracy. It is given to us because we are citizens of the United States. And due process requires that we not authorize indefinite detention of our citizens.

Where I profoundly disagree with the very distinguished chairman and ranking member of the Armed Services Committee is by saying that Ex parte Quirin established the law for U.S. citizens in this area that still holds. It does not. I went to the Hamdi opinion, and I wish to read some of the plurality opinion as written by Justice O’Connor. This first quote is from page 23 of her opinion.

As critical as the government’s interest may be in detaining those who actually pose an immediate threat to national security of the United States during ongoing international conflict, history and common sense teach us that an unchecked system of detention has been shown to mean war for oppression and abuse of others who do not present that sort of threat.

Continuing on page 24:

We reaffirm today the fundamental nature of a citizen’s right to be free from involuntary confinement by his own government without due process of law, and we weigh the mounting governmental interests against the curtailment of liberty that such confinement entails.

It then goes on, referring to the Hamdi case, on page 26:

We therefore hold that a citizen-detainee should have a challenge by enemy combatant must receive notice of the factual basis for his classification, and a fair opportunity to rebut the government’s factual assertions before a neutral decision-maker.

Then to quote from Justice Scalia’s opinion, which is important commentary on the 1942 case Ex parte Quirin, he says:

The government argues that our more recent jurisprudence ratifies its indefinite imprisonment of a citizen within the territorial jurisdiction of Federal courts. It places primary reliance on Ex parte Quirin, a World War II case upholding the trial by military commission of eight German saboteurs, one of whom, Hans Haupt, was a U.S. citizen.

Justice Scalia concludes:

This case was not this Court’s finest hour.

Mr. President, the difference today is this. We as a Congress are being asked, for the first time certainly since I have been in this body—and I believe since the senior Senator from Illinois has been in this body—to affirmatively authorize that an American citizen can be picked up and held indefinitely without being charged or tried. That is a very big deal, because in 1971 we passed a law that said you cannot do this. This was after the internment of Japanese-American citizens in World War II. It took that long, until 1971, when Richard Nixon signed the Non-Detention Act, and that law has never been violated.

The Quirin case was not about whether a U.S. citizen captured during wartime could be held indefinitely, but rather whether someone could be held indefinitely without being charged or tried. That is a very big deal, because in 1971 we passed a law that said you cannot do this. This was after the internment of Japanese-American citizens in World War II. It took that long, until 1971, when Richard Nixon signed the Non-Detention Act, and that law has never been violated.

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American we are talking about? What if it is someone who was in the wrong place at the wrong time? The beauty of our Constitution and our law is it gives every citizen the right of review—review by a court, and this is what the Hamdi decision is all about. There is defense, and if that as criterion, would take us a step backward. The bill, as written, would say an American citizen can be picked up, can be held for the length of hostilities—is that 5 years, 10 years, 15 years, 20 years, 25 years, or 30 years? That is wrong. I say that is not the way this democracy was set up. And I also say that is totally unnecessary because our federal courts work well to prosecute terrorists. We can go back to the Shoeh Bomber, as a case in point. We can go back to Abdulmutallab as a case in point. We can go back to the record of the Federal courts prosecuting over 400 terrorists since 9/11.

I want to thank Senator DURBIN for his interest in this issue and his co-sponsorship of this amendment. It is very much appreciated. I don’t know whether we can win this, but I think it is very important that we try and I know we are getting more and more support from people learning more about what this bill does. I think it is very important that we build a record in this body, because I have no doubt this is going to be litigated. I hope we are successful with this amendment. I hope we can protect the rights of Americans.

Mr. President, as we have occasion to look at people in Guantanamo, we know there are people there who were in the wrong place at the wrong time. If they are going to be held forever, that is a mistake, and we don’t want the same thing to happen to American citizens in this country.

This is another example of how we are over-militarizing things that aren’t broken. As I have said previously here on the floor, I don’t see a need for the military to arrest Americans. The national security division of the FBI now has some 10,000 people. They have 56 field local offices with special agents who are well equipped to arrest terrorists and also interrogate them. Certainly the Justice Department is equipped to prosecute terrorists in Federal criminal court. The conviction rate and the long sentences achieved shows their success.

I am hopeful we will be able to pass this amendment and change the bill to reflect that Americans are protected from permanent detention without trial. That is all we are trying to do.

I thank the Senator from Illinois, I thank the President pro tempore of the Senate from Illinois.

Mr. DURBIN. Mr. President, let me say at the outset what an extraordinary job my colleague from California has done. There was a time in American history, before law schools, when people read the law and practiced the law. The Senator from California has not only read the law, she has written many laws, and her competence in advocating this important constitutional question has been proven over and over. So I thank her for having the determination and courage to stand up for her convictions against some who would be critical of anyone who challenged the wrong decisions.

This is a controversial subject. We are talking about the security of Americans. We are talking about terrorism. We all remember a few years ago when our lives were interrupted—a time we will never forget when terrorists attacked the United States and killed 3,000 innocent American people on 9/11. We came together in this Congress, Democrats and Republicans, and said we need to keep this country safe; that we never want that to happen again. So we passed new laws, suggested by President George W. Bush, and enacted by Democrats and Republicans in Congress.

We created new agencies, such as the TSA security agency at airports and we empowered our intelligence branches—which Senator FEINSTEIN has a particular responsibility for as chairman of the Senate Intelligence Committee—by giving them more people, more money, more authority, and we said to them, keep us safe.

We said to our military: We want you to be the best in the world and continue to be, and we will provide the resources for that to happen. Then we turned to Congress, and the Congress, as Senator FEINSTEIN has noted, to the Federal Bureau of Investigation and said: We are going to dramatically increase your numbers and give you the technology you need to keep us safe.

Here we are some 10 years later, and what can we say? We can say thanks to the leadership of President George W. Bush and Barack Obama, 9/11 was not repeated—and we never want it repeated.

We can also say, with very few exceptions, in the 10 years since 9/11 that we have done all these things consistent with America’s values and principles. Other countries—and we see them even today—faced with uncertainty and insecurity threw out all of the rules of human conduct even to the point of killing their own people in the streets to maintain order. Thank God that never has occurred in the United States, and I pray it never will. Those who use me and my colleagues in the Senate to attack the rights of people in this country to maintain our Constitution, it raises serious constitutional concerns.

Senator LEVIN and Senator MCCAIN disagree. In an op-ed piece for the Washington Post, they recently wrote: “In the United States, under the Constitution, if you are not allowed to maintain your authority under which detainees can be held in military custody.

But look at the plain language of section 1031. There is no exclusion for U.S. citizens. So the question is, If we believe an American citizen is guilty of or will be guilty of acts of terrorism, can we detain them indefinitely? Can we ignore their constitutional rights and hold them indefinitely, without warning them of their right to remain silent, without advising them of their right to counsel, without giving them the basic protections of our Constitution? I don’t believe that should be the standard.
I listened to Senator MCCAIN. He makes a pretty compelling argument: Wait a minute. You are telling me that if you have someone in front of you who you think is a terrorist who could repeat 9/11, you are going to read their Miranda rights?

Well, as an American citizen, yes. I would. I would say to Senator MCCAIN the same argument would apply if that person in front of me was not a suspected terrorist but a suspected serial killer. I would read them their Miranda rights. We believe our system of justice can work with those rights being read.

Do you remember the case about 2 years ago of the person who was on the airplane, the Underwear Bomber, Abdulmutallab? He was coming to the United States to blow up that airplane and kill all the people onboard, and thank God he failed. He tried to ignite a bomb inside his underwear without a conscience, and the other passengers jumped on him, subdued him, and he was arrested. This man, not an American citizen, was taken off the plane and interrogated by the Federal Bureau of Investigation. After he stopped talking voluntarily, they read him his Miranda rights. We all know them from the crime shows that we watch on TV: the right to remain silent, everything you say can be used against you, the right to have an attorney present, and the right to have an attorney if you can't afford one. By the next day, they were back in interrogating him and they had contacted his parents, brought his parents onboard, and he was confessed. The man, not an American citizen, was taken off the plane and interrogated by the Federal Bureau of Investigation. After he stopped talking voluntarily, they read him his Miranda rights. We all know them from the crime shows that we watch on TV: the right to remain silent, everything you say can be used against you, the right to have an attorney present, and the right to have an attorney if you can't afford one. By the next day, they were back in interrogating him and they had contacted his parents, brought his parents onboard, and he was confessed.

To my good friend from Illinois, the Senator is a very good lawyer. I do appreciate the time. Now, let me tell you why I think that is important. It is the Hamdi decision, and I quote:

There is no bar to this Nation's holding one of its own citizens as an enemy combatant.

Hamdi was an American citizen captured in Afghanistan fighting for the Taliban. Justice O'Connor specifically recognized that Hamdi’s detention was not an end to his life, because law of war detention can last for the duration of the relevant conflict. The Padilla case involves an American citizen captured in the United States, held for 5 years as an enemy combatant, and the Fourth Circuit reviewed his case and said that we could hold an American citizen as an enemy combatant.

So to my good friend, the law is clear. I appreciate that Senator LEVIN and Senator GRAHAM have reconciled. That is the change that Senator FERNSTEN is proposing; that the law be changed by the Congress to say enemy combatant status can never be applied to an American citizen who collaborates with the enemy and not be considered a threat to the United States from the military point of view. I don't want to go down that road because I think that is a very bad choice in the times in which we live.

But you keep saying something, and I'm not sure what it is. Where did you train? What do you know about the enemy? What do you know about the threat. What was your role in gathering intelligence? I think it is a very bad choice in the times in which we live.

So to my good friend, the law is clear. We can hold an American citizen as an enemy combatant. The Congress is contemplating changing that, and I think it would be a very bad decision in the times in which we live.

Now is not the time to change that. The Senator is a very good lawyer. I appreciate the time. Now, let me tell you why I think that is important. The Senator is a very good lawyer. Under domestic criminal law, we cannot hold someone indefinitely and question them about enemy activity: What do you know about the enemy? What was your role in gathering intelligence? What was your role in gathering intelligence? What did you train? Under domestic criminal law, we cannot question somebody in a way that would put them in jeopardy.

I would say to Senator GRAHAM, my colleague and friend from South Carolina, I listened to Senator LEVIN tell us privately and publicly over and over again: What we have here doesn't change the law. Then I listened to your arguments on this floor saying: Well, the law needs to be changed. That is why we are doing this. So I am struggling to figure out if Senator LEVIN and Senator GRAHAM have reconciled.

Mr. GRAHAM, May I respond?

Mr. DURBIN. I want the Senator to respond, but I want to ask point blank, is there an exclusion currently in the law for U.S. citizens under section 1031 and whether or not under 1031 American citizens can be detained indefinitely?

Mr. GRAHAM. No. And there should not be. Could I finish my thought?

Mr. DURBIN. Of course.

Mr. GRAHAM. Now, we are good friends, and we are going to stay that way. But I am going to call bullshit on this. Senator DURBIN, that is not true. The law of the land is that an American citizen can be held as an enemy combatant. It is the Hamdi decision, and I quote:

There is no bar to this Nation's holding one of its own citizens as an enemy combatant.

So to my good friend, the law is clear. I appreciate that Senator LEVIN and Senator GRAHAM have reconciled. That is the change that Senator FERNSTEN is proposing; that the law be changed by the Congress to say enemy combatant status can never be applied to an American citizen who collaborates with the enemy and not be considered a threat to the United States from the military point of view. I don't want to go down that road because I think that is a very bad choice in the times in which we live.

So to my good friend, the law is clear. We can hold an American citizen as an enemy combatant. The Congress is contemplating changing that, and I think it would be a very bad decision in the times in which we live.

Mr. GRAHAM. Simply stated, if a person decides to collaborate with al-Qaida in a very limited way, can we hold them? They have to be a member of al-Qaida or affiliated with it or be involved in a hostile act. But if they do those things, historically, American citizens who chose to side with the Nazis—in this case, al-Qaida—have been viewed by the rest of us not as a common criminal but as a military threat.

Now is not the time to change that. We are discussing that ability to question that person: Why did you join al-Qaida? Where did you train? What do you know about what is coming next? And the only way we can get that information is to hold them as an enemy combatant and take all the time we need to protect this Nation and interrogate.
Mr. GRAHAM. Yes, sir. I appreciate the exchange.

Mr. DURBIN. And would the Senator end that with a question mark?

Mr. GRAHAM. And, was I right?

Mr. DURBIN. I thank my colleague from Michigan for his courtesy.

What the Senator concluded with, though, I think is critical to this conversation. He said the only way to get to the bottom of whether there is an al-Qaida connection that could threaten the United States is military detention. Well, the Abdulmutallab case argues just the opposite. It was the Federal Bureau of Investigation that he sat before and told all of the information that the Senator has just discussed.

Mr. GRAHAM. May I respond and say the Senator is right. I am an all-of-the-above guy. I believe that military and civilian courts should be used.

When an American citizen is involved, I believe the Senator agree with me that military commissions are off the table?

Mr. DURBIN. So the Senator is arguing that every President should have all the options, criminal courts as well as military courts and tribunals?

Mr. GRAHAM. Absolutely.

Mr. DURBIN. Well, what is the difference, then, with what the Senator is standing for and what is the current situation? From my point of view, our Presidents—President Bush and President Obama—since 9/11, have used both, with more success on the criminal courts side—dramatically more success on the criminal courts side.

The obvious question that Senator FEINSTEIN poses is, if the system isn’t broken, if the system is keeping us safe, if we have successfully prosecuted over 300 alleged terrorists in our criminal courts and 6 in military commissions, why do we want to change it?

Mr. DURBIN. Here is the point I am trying to make.

Mr. DURBIN. Retaining the floor.

Mr. GRAHAM. Thank you. And this is a very good exchange.

My view is that when we capture somebody at home and the belief is that they are now part of al-Qaida, that if we want to read them their Miranda rights and put them in Federal court, we have the ability to do that. This legislation doesn’t prevent that from happening.

Does it, I ask Senator LEVIN? Mr. LEVIN. It does not.

Mr. GRAHAM. But what Senator FEINSTEIN is proposing is that no longer do we have the option of holding the American citizen as an enemy combatant to gather intelligence, and we don’t have the ability to hold them for a period of time to interrogate them under the law of war.

What I would suggest to the Senator is that the information we receive from Guantanamo detainees has been invaluable to this Nation’s defense. To those who believe it was because of waterboarding, I couldn’t disagree more. The chief reason we have been able to gather good intelligence at Guantanamo Bay is because of time. The detainee is being humanely treated, but there is no requirement under military law to let the enemy pursue that period of time.

If you take away the ability to hold an American citizen who has associated himself with al-Qaida to be held as an enemy combatant, you can no longer use the device of interrogating him over time to find out what he knows about the enemy.

You are worried about prosecuting them. I am worried about finding out what they know about future attacks. They are not consistent. You can prosecute somebody. That is part of the law. What the Senator is taking away is the ability to gather intelligence. Our criminal justice system is not set up to gather intelligence.

Mr. DURBIN. Retaining the floor. I know Senator MCCAIN is anxious for me to conclude and there is something he is anxious to do quickly, but I will try to do this in appropriate time for the gravity of the issue before us.

But to suggest the only way we can get information about a terrorist attack on the United States by al-Qaida and other sources is to turn to the military commissions and not use the FBI and not use the Department of Justice defies logic and experience. Abdulmutallab, the Underwear Bomber, a member of al-Qaida, failed in his attempt to bring down that plane, successfully by the FBI, basically told them everything he knew over a period of time. It worked. To argue that you cannot do this defies the experience with Abdulmutallab.

I want to say a word about the Hamdi case. I listened as Senator FEINSTEIN read the Supreme Court decision. I do not think the Supreme Court decision stands for what was said by the Senator from South Carolina. I think what he said was inaccurate. I do not believe Justice O’Connor went to the extent of saying you can hold an American citizen indefinitely.

Let me also say when it comes to the Hamdi case, Hamdi was captured in Afghanistan. He was captured on the battlefield in Afghanistan, not the United States. And Justice O’Connor, in that opinion, was very careful to say the Hamdi decision was limited to “individuals—accused—not convicted, accused of terrorist activity—the indefinite detention of an American citizen accused—not convicted, accused of terrorist activity—the indefinite detention runs counter to the basic principles of the Constitution we have sworn to uphold.”

Then, before the Supreme Court had the chance to review the Fourth Circuit’s decision, the Bush administration transferred Padilla out of military custody and prosecuted him in an Article III criminal court.

I want to think that Hamdi or Padilla makes the case that has been made on this floor.

I want to say I think Senator FEINSTEIN is proper in raising this amendment. I think the fact is that Hamdi is a U.S. citizen, but it does not stand for the indefinite detention of U.S. citizens as this new law would allow.

It troubles me that as good, as professional, as careful as our government has been to keep America safe, we now have in a Defense authorization bill an attempt to change some of the most fundamental, constitutional principles in America. This bill went through a great committee, our Armed Services Committee, but not through the Judiciary Committee which has specific subject matter jurisdiction over our Constitution. It did not go through the Intelligence Committee. And for the record, the provisions in this bill—which some have said are not that significant, that much of a change—are supported by this amendment. It is opposed by the Secretary of Defense, Leon Panetta, who received a 100-to-nothing vote of confidence from the U.S. Senate when he was appointed, opposed by our Director of National Intelligence, Leon Panetta, who says these provisions will not make America safer but make it more difficult to protect America, and opposed by the Federal Bureau of Investigation.

I entered a letter from Director Muller in the RECORD yesterday, as well as the Department of Justice.

You have to ask yourself, if all of these agencies of government, which work day in, day out, 24–7 to keep us safe, tell us not to pass these provisions because it does not make America safer, it jeopardizes our security, why are we doing it?

Senator FEINSTEIN has the right approach: Let us try to preserve some of the basic constitutional values here. I think we can. I hope my colleagues will take care before they vote against Feinstein. Despite the respect, which I share, that they have for our Armed Services Committee and its leadership—this is a matter of constitutional importance and gravity. It is important for us to talk for care and want to change our basic values in the course of debating a Defense authorization bill. Let’s keep America safe but let’s also respect the basic principle that American citizens are entitled to constitutional rights. The indefinite detention of an American citizen accused—not convicted, accused of terrorist activity—the indefinite detention runs counter to the basic principles of the Constitution we have sworn to uphold.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Michigan.
Mr. LEVIN. I wonder if the Senator will yield for a question. Would the Senator agree that the majority opinion in Hamdi said the following:

There is no bar to this Nation’s holding one of its own citizens as an enemy combatant.

Mr. DURBIN. I would respond by saying Justice O’Connor in that decision said:

[A]s critical as the Government’s interest may be in detaining those who actually pose an immediate threat to the national security of the United States during ongoing international conflict, history and common sense teach us that an unchecked system of detention could be used to become a means for oppression and abuse of others who do not present that sort of threat. . . .

We therefore hold that a citizen-detainee, seeking to challenge his classification as enemy combatant, must receive notification of the factual basis for his classification, and a fair opportunity to rebut the Government’s factual assertions before a neutral decision-maker.

Mr. LEVIN. Would the Senator agree that specifically referred to there is that a citizen being held as an enemy combatant. Is—excuse me. Would the Senator agree that what he read refers to the exact statement of the Justice that a citizen who is held as an enemy combatant is entitled to certain rights? Would the Senator agree that that, by its own terms, says that a citizen can be held as an enemy combatant?

Mr. DURBIN. In the particular case of Hamdi, captured in Afghanistan as part of the Taliban.

Mr. LEVIN. She did not say that. She said “a citizen.” I know what the facts of the case are. She did not limit it to the facts of the case.

Mr. DURBIN. I am sorry but she did. The quote:

individuals who fought against the United States in Afghanistan as part of the Taliban.

Mr. LEVIN. She did not limit it to that. She described the facts of that case.

Mr. DURBIN. She limits it to that case. If I could make one response and then I will give the floor to the Senator. This is clearly an important constitutional question and one where there is real disagreement among the Members on the floor. I think it is one that frankly we should not be taking up in a Defense authorization bill but ought to be considered in a much broader context because it engages us at many levels in terms of constitutional protections.

Mr. LEVIN. I agree with the Senator that Justice O’Connor said what the Senator said she said. Would the Senator agree with me that Justice O’Connor said:

There is no bar to this Nation’s holding one of its own citizens as an enemy combatant.

Would the Senator agree that she said that?

Mr. DURBIN. As it related to Hamdi, of course.

Mr. LEVIN. I am giving the Senator an exact quote. I know the facts of the case.

Mr. DURBIN. I can read the whole paragraph rather than just the sentence.

Mr. LEVIN. You already have. Given the facts of the case. I understand the facts of the case, that it was somebody captured in Afghanistan. My question is, of the Senator: Would he agree that Justice O’Connor said—she is talking about this case, I assume.

Mr. DURBIN. Yes.

Mr. LEVIN. “There is no bar to this Nation holding one of its own citizens?”

Mr. DURBIN. Captured on the field of battle in Afghanistan.

Mr. LEVIN. Would the Senator agree that the Justice said the following, that a citizen, no less than an alien, can be “part of or supporting forces hostile to the United States or coalition partners” and “engaged in an armed conflict against the United States,” and would pose the same threat of returning to the front during the ongoing conflict? Would the Senator agree that she said that?

Mr. DURBIN. Of course.

Mr. LEVIN. Would the Senator agree that she quoted from the Quirin case, in which an American citizen was captured on Long Island?

Mr. DURBIN. She did make reference to the Quirin case.

Mr. LEVIN. Did she cite that with approval?

Mr. DURBIN. I would say there was some reservation in citing it. I say to the Senator, our difficulty and disagreement is the fact we are dealing with a specific individual captured on the field of battle in Afghanistan with the Taliban.

Mr. LEVIN. I understand.

Mr. DURBIN. We are not talking about American citizens being arrested and detained in the United States and being held indefinitely without constitutional rights.

Mr. LEVIN. My question, though—my question is: Did Justice O’Connor say that, in Quirin, that one of the detainees alleged that he was a naturalized United States citizen, we held that—these are her exact words:

Citizens who associate themselves with the military arm of the enemy government, and with its aid, guidance and direction enter this country by hostile acts, are enemy belligerents within the meaning of . . . the law of war.

Did she say that?

Mr. DURBIN. I can tell the Senator there were references in there to the case, but the Supreme Court has never ruled on the specific matter of law which the Senator continues to read. Until it rules, we will make the decision in this Department of Defense authorization bill, and it is not an affirmation of current law because there has been no ruling.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCAIN. Isn’t it true that Justice O’Connor was specifically referring to a case of a person who was captured on Long Island? Last I checked, Long Island was part—albeit sometimes regretfully—part of the United States of America.

Mr. LEVIN. She is quoting with approval from the Quirin case in which one of the detainees was—

Mr. MCCAIN. Captured in the United States of America.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. McCAIN. Madam President, I am afraid we have to move to the amendment of Senator MERKLEY, who has been very patient.

Mr. LEVIN. According to a unanimous consent agreement which was entered into—

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Could I ask the indulgence of my friend from Oregon, that the Senator from South Carolina be allowed 2 minutes, and the Senator from New Hampshire be allowed 5 minutes? Would that be all right with the Senator from Oregon?

Mr. MERKLEY. Yes.

Mr. MCCAIN. I thank him for his courtesy too. I say to the Senator from Illinois, this is an important debate and discussion. I appreciate his presentation. I think a lot of people are getting a lot of good information, on what is a very complex and very central issue. I thank the Senator from Illinois.

I yield.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Please understand what you are about to do if you pass the Feinstein amendment. You will be saying as a Congress, for the first time in American history, an American citizen who allies himself with an enemy force can no longer be held as an enemy combatant. The In Re Quirin decision was about American citizens aiding Nazi saboteurs, and the Supreme Court held then that they could be held as enemy combatants. So as much respect as I have for Senator DURBIN, it has to do with the law of the United States for decades that an American citizen on our soil who collaborates with the enemy has committed an act of war and will be held under the law of war,
not domestic criminal law. That is the law back then. That is the law now.

Hamid said that an American citizen—a noncitizen has a habeas right under law of war detention because this is a war without end. The holding of an American citizen as an enemy combatant would mean that you are holding an American citizen, is that you have a habeas right to go to a Federal judge and the Federal judge will determine whether the military has made a proper case. It has nothing to do with an enemy combatant being held as an American citizen. What this amendment would do is it would bar the United States in the future from holding an American citizen who decides to associate with al-Qaeda.

In World War II it was perfectly proper to hold an American citizen as an enemy combatant who helped the Nazis. But we believe, somehow, in 2011, that is no longer fair. That would be wrong. My God, what are we doing in 2011? Do you not think al-Qaeda is trying to recruit people here at home? Is the homeland the battlefield? You better believe it is the battlefield.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. Madam President, I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. That is the point. Why would you say that if you are in Afghanistan, we can blow you up, put you in jail forever, but if you make it here, all of a sudden we cannot even talk to you about being part of al-Qaeda. What a perverse outcome, to say if you make it to America, you are home free; you cannot be interrogated by our military or our CIA; you get a lawyer. And that is the end of the discussion. That is what you would be doing. That is crazy. No Congress has ever decided to do that in other wars. If we do that here, we lose the law in a way that makes us less safe. That is not going to be on my resume.

It is not unfair to make an American citizen account for the fact that they decided to help al-Qaeda to kill us all and hold them as long as it takes to find intelligence about what may be coming next. And when they say “I want my lawyer,” you tell them “Shut up. You don’t get a lawyer.”

The PRESIDING OFFICER. The Senator’s time expired.

Mr. GRAHAM. “You are an enemy combatant, and we are going to talk to you about why you joined al-Qaeda.”

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Madam President, I also rise in opposition to the amendment offered by Senator Feinstein, and I certainly appreciate the comments of my colleague from South Carolina. It would lead to an absurd result that you could not gather the maximum amount of information from them to make sure we could prevent future attacks against our country—that is what is at issue here.

I would like to point out a couple of issues that have not been addressed in this amendment. I ask unanimous consent to Senator Feinstein’s amendment.

If you look at the language of that amendment, she says that the authority described in this section for the Armed Forces of the United States to detain a person does not include the authority to detain a citizen of the United States without trial until the end of hostilities. I think this provision is going to create some real problems for the executive branch. If I were they, I would be in here raising these issues because it does not distinguish—the language—between an American citizen who is captured overseas versus an American citizen captured in the United States of America.

Let’s use the example of Anwar al-Awlaki. Mr. al-Awlaki, a member of al-Qaeda, was actually killed by us overseas. So it would lead to the absurd result that we could not detain him to gather intelligence, but we believe that there are al-Qaeda members trying to kill citizens of the United States. I agreed with the administration taking that step to take out Mr. al-Awlaki, who was a great danger to our country overseas. So the language as written would lead to that absurd result that would tie the administration’s hands. That they cannot kill these individuals, but they cannot detain them under military custody and interrogate them to make sure we can find out what they do know and what other attacks are being planned against the United States of America.

Also with respect to the language in this amendment, the language itself is a defense lawyer’s dream. You can’t hold a U.S. citizen until the end of hostilities. Well, how long can you hold him? It is not clear, there is no language in that. This is going to be litigated to heaven, and this is an area where our intelligence professionals need clarity. This is going to create more issues for the executive branch in an area that needs clarity and where there needs to be some identified rules and they have to be focused on gathering intelligence to protect Americans.

Senator DUBIN has cited the Abdulmutallab case on numerous occasions as a way—as a great case as an example of how we can gather intelligence from enemy combatants to protect America. Let’s review the facts of that case again. Fifty minutes into the interrogation, he was told: You have the right to remain silent. He exercised that right because he was given Miranda warnings, and it was only 5 weeks later that we were actually able to get through the Miranda warnings after we went to his parents. Is that the way we want to attack us? What happened in that 5 weeks? What did we lose in terms of information that could have protected America?

If we can’t hold an American citizen who has chosen to be a member of al-Qaeda and has participated in a belligerent act against our country to ask them what other attacks they are planning and whom they are working with, how are we going to get information to make sure that—God forbid—we can prevent another 9/11 on our soil, because that is why they want to come to the United States of America. Also, how do we deal with this issue of homegrown radicals?

Unfortunately, this amendment, in my view, is going to be a situation where we are opening the welcome mat. If you get to America and you can recruit one of our citizens to be a member of al-Qaeda, then you don’t have to worry about them being held in military custody. You don’t have to worry about us using our maximum tools to gather intelligence to protect America.

I think this amendment is very misguided. I again would point out that the administration should be concerned about the language in this amendment. It does not distinguish between an American citizen who is captured on our soil who is trying to kill citizens and one overseas. But either way, if an American citizen has joined al-Qaeda and is trying to kill us from within our own country, they have become part of our enemy and are a war with us.

The PRESIDING OFFICER. The Senator’s time has expired.

Ms. AYOTTE. Thank you, Madam President.

I urge my colleagues to oppose the Feinstein amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I believe it is now in order for Senator MERKLEY to offer amendment No. 1257, as amended, with the amendment at the desk. The amendment at the desk has four words added to the printed amendment, and those words are “NATO and coalition allies”: is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1257, AS MODIFIED

Mr. MERKLEY. Madam President, I call up amendment No. 1257, as modified, under the unanimous consent agreement and request unanimous consent to it.

The PRESIDING OFFICER. Under the previous order, the amendment No. 1257, as modified, is now the pending question. The amendment (No. 1257) as modified is as follows:

On page 484, strike line 22 through 24 and insert the following:

(c) TRANSITION PLAN.—The President shall devise a plan based on inputs from military commanders, NATO and Coalition allies, the diplomatic missions in the region, and appropriate members of the Cabinet, along with the consultation process for expediting the drawdown of United States combat troops in Afghanistan and accelerating
CONGRESSIONAL RECORD — SENATE

November 30, 2011

Mr. MERKLEY. Madam President, this amendment requires the President of the United States to develop a plan to expedite the reduction of U.S. combat troops in Afghanistan and to accelerate the transfer of responsibility for military and security operations to the Government of Afghanistan. Before I speak to the details, I want to thank the original cosponsors who have worked hard on this amendment: Senator MIKE LEE, Senator TOM UDALL of New Mexico, Senator RAND PAUL, and Senator SHERROD BROWN.

The United States went to Afghanistan with two main goals that were laid out by President Bush: to destroy al-Qaeda training camps and to hunt down those responsible for 9/11. Our very capable troops and their NATO partners have aggressively pursued these objectives. There are very few al-Qaeda operating in Afghanistan. Secretary of Defense Leon Panetta said in June 2010 that there were at most only a few al-Qaeda members in Afghanistan. Afghanistan is no longer and has not been for some time a central arena for al-Qaeda activity.

American forces have also effectively pursued the second objective, which is capturing or killing those who attacked America on 9/11. In recent years, America has captured or killed two dozen high-level al-Qaeda operatives, including Khalid Sheikh Mohammed, the alleged operational mastermind of the September 11 attacks, who was captured in a raid on a house in the Pakistani garrison city of Rawalpindi near the capital, Islamabad; Ramzi bin al-Shibh, described as a key facilitator of the September 11 attacks; and Sheikh Saif bin Masri, an Egyptian believed to have acted as the operational leader of al-Qaeda, who was killed in a U.S. drone strike. Most importantly, our exceptional intelligence teams and armed services have tracked down and killed Osama bin Laden, the founder and head of al-Qaeda—our original mission—and building a modern nation state where one has never existed are two entirely different things. The expanded mission of nation building in Afghanistan goes way beyond those original two military objectives. This expanded nation-building mission involves creating a strong central government. It involves creating an election process for a functioning democracy. It involves building infrastructure—roads and bridges and schools. It involves a major mission to create a sizable national police force and a sizable and effective national army.

We have spent a huge amount on this mission, but the success is limited. Over 10 years, as I mentioned, we have spent $444 billion. Now, that is in a nation that had a prewar gross domestic product, or economy, of about $10 billion a year. So we have spent an amount equal to 44 times the economy of Afghanistan. One would think the result is we would have rebuilt the infrastructure of Afghanistan 10 times over or 20 times over. But the reality is there is still a very large nation-building mission. Why is that the case? Most simply, this nation-building mission is systematically stymied by multiple forces. One is high illiteracy.

On my recent trip to Afghanistan, I was told that among those recruited for the national police, the literacy rate at a first grade level is only about 16 percent—first grade level, 16 percent. The goal is to be able to raise that literacy rate so that soldiers can read the instructions and the serial numbers on their rifles. That is a very different world from the world we live in.

The second huge factor is vast corruption. Just after my first trip to Afghanistan, I was full of stories about the family members and the associates of the President of Afghanistan building massive mansions in Dubai. Well, sending our money to Dubai does not serve our national security.

The efforts in nation building are stymied by deeply felt, ancient tribal and ethnic divisions. Moreover, there is a strong national aversion to the very mission of building a strong central government. I had an interesting experience where I met with six Pashtun tribal leaders in Kabul, the capital. They told me that if they told each one of them said that some form of the government you are trying to build is an affront to our people. Please do not build a stronger government that exploits and afflicts our people. I can relate to them, I can understand this, because building a government means a force that can help with education, that can help with health care, that can help build transportation infrastructure, that can help provide security for businesses to prosper. They spoke to me and said—one of them summed it up and said, Senator, you don’t understand. All of the government positions here are sold. The people buy them to serve our people. They buy them to exploit our people. And when you build a strong central government, which we oppose, the exploitation increases.

So this nation-building mission is systematically stymied by illiteracy, vast corruption, extensive and deep tribal and ethnic divisions, and a historic national aversion to a strong central government. We have been in Afghanistan for more than 10 years. It is time to change course. Our President recognizes this. He has worked out an agreement with the NATO partners to remove the remaining combat troops by the end of 2014. That is just over 3 years from now. But what happens during this next 3 years? This amendment says: Mr. President, during these next 3 years, seize the opportunity to diminish the combat role of American soldiers and to increase the responsibility placed with the Afghanistan Government and the Afghan forces. Seize that opportunity.

I say to my colleagues today, this is incredibly important for our success in this mission. If we do not provide the opportunity and the necessity for the Afghan institutions to take responsibility for their own security, they will not be prepared to exercise that responsibility down the road. The United States is facing a global terrorist threat. We will be well served by using U.S. troops and resources in a counterterrorism strategy against terrorist forces wherever in the world they may be located. That strategy was highlighted by the pursuit of Anwar Awlaki in Yemen. Our intelligence and our military, the best in the world, come after them. I have no doubt that they excel at this strategy. Thus, it makes sense to expedite the reduction of U.S. combat troops in Afghanistan and accelerate the responsibility for military and security operations to the Government of Afghanistan. That is what this amendment does.

The amendment specifically requires the President to prepare a plan for the
expedited reduction of troops and accelerate transfer responsibility based on inputs from military commanders, from NATO and coalition allies, from diplomatic missions in the region, from appropriate members of the Cabinet, and from consultation with Congress. What this amendment does not do is it does not limit our ability to identify an attack by al-Qaeda or terrorist forces wherever they may be in the world. It does not limit our ability to destroy al-Qaeda or associated terrorist training camps wherever they may be, wherever they are in the world. It does not restrict funding for supplies and equipment needed by our troops deployed in the field.

If our national security is well served by taking the fight to al-Qaeda wherever they are, if our nation-building strategy in Afghanistan is confounded by illiteracy and corruption and cultural opposition and tribal and ethnic conflicts, if our national resources are needed elsewhere, global antiterrorism strategy and are needed as well for nation building here at home, if our men and women have suffered enough on Afghan soil, then we should encourage our President to seize every opportunity over these next 3 years to reduce our forces in Afghanistan and to transfer security responsibilities to the Afghan Government.

That is what this amendment does, and I encourage every colleague to support it.

Thank you, Madam President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, I oppose this amendment for one simple reason. It requires the President to submit a plan to Congress for an accelerated drawdown from Afghanistan—an accelerated withdrawal; not just the withdrawal that is already planned, not the withdrawal that has already been accelerated on several occasions, but a new accelerated drawdown.

The President is supposed to submit a plan to Congress for an accelerated drawdown from Afghanistan—an accelerated withdrawal; not just the withdrawal that is already planned, not the withdrawal that has already been accelerated on several occasions, but a new accelerated drawdown.

The President is supposed to submit a plan to Congress for an accelerated drawdown from Afghanistan. Does that mean the Congress of the United States could see a plan for an accelerated withdrawal from Afghanistan? Is it required that it be implemented by Congress or is it a nice informational notification kind of thing: there is a plan. Hey, let’s get together. I have a plan. And the President’s drawdown plan, our senior military commanders have stated, is already—already—more accelerated than they are comfortable with.

First of all, I don’t get the point of the Senator’s amendment, which is to submit a plan. It doesn’t require that the plan be acted on, just a plan. I can submit a plan for him if it is plans he is interested in. But the fact is we are accelerating our withdrawal from Afghanistan at great risk, as our military commanders have testified—much greater risk. So I guess another accelerated drawdown would likely give the result of even greater risk to the men and women in the military.

I understand the opposition of the Senator from Oregon to the war. That is fine. Let’s listen to his part of the amendment that a plan is to be submitted without any requirement that it be implemented—a plan which would already accelerate more what has already been accelerated—I guess is some kind of statement.

The plan as required by this amendment would be based on inputs from our military commanders. I can tell the Senator from Oregon what our military commanders in Afghanistan have said in testimony before the Senate Armed Services Committee, which is that more acceleration would mean greater risk. The acceleration that is already taking place means greater risk. But the Senator from Oregon wants a more accelerated plan, I guess.

Then-chairman of the Joint Chiefs of Staff, ADM Mike Mullen, testified before the House Armed Services Committee on June 23—this is the Chairman of the Joint Chiefs of Staff—that the President’s drawdown plan would be accelerated, not an accelerated plan such as the amendment proposes—“more aggressive and incur more risks than I was originally prepared to accept.”

I wonder if the Senator from Oregon heard that. The present plan is “more aggressive and would incur more risks” than the Chairman of the Joint Chiefs of Staff would have been prepared to accept. So with this amendment, we accelerate even more. On the contrary, in sworn testimony before the Senate Select Committee on Intelligence, GEN David Petraeus stated that no military commander recommended what the President ultimately decided. That is the present plan.

Their concerns were well grounded. Our commanders had wanted to keep the remaining surge forces in Afghanistan until the conclusion of next year’s fighting season, which roughly occurs the following spring and summer months. That was their recommendation to the President. So now the President shall devise a plan based on inputs from military commanders. I can tell the Senator from Oregon what the input from the military commanders is. It is the same input he got with the first accelerated withdrawal. All we have to do is pick up the phone and ask them. We don’t have to have an amendment.

That was their recommendation to the President. But an amendment to the President’s proposal to disregard that advice and announce that all U.S. forces would be withdrawn from Afghanistan by the end of next summer. That guarantees that just as the fighting season next year is at its peak, U.S. surge forces will be leaving Afghanistan. In my view, that is a huge and unnecessary risk to our mission. But the decision has been made. I think there will be great long-term consequences.

A story was related to me recently by a former member of the previous administration, high ranking, in a meeting with one of the highest ranking government official: What do you think the chances for peace with the Taliban are? That individual laughed and said, Why should they make peace? You are leaving.

Those are fundamental facts. The primary reason for maintaining all of our surge forces in Afghanistan through next year’s fighting season is because of another time the President chose to accelerate the withdrawal of his military commanders. It is well known that our military leaders had wanted a surge to be 40,000 U.S. troops, but the President only gave them 33,000. So rather than being able to prioritize the south and east of Afghanistan at the time, as they had planned, our commanders had to focus first in the south, which they did last year and this year, and then concentrate on eastern Afghanistan next year, all because they didn’t have enough troops.

That is not my opinion; that is the sworn testimony of military leaders before the Senate Armed Services Committee.

The President’s decision made the war longer and now our commanders will not have the forces they said they wanted and needed to finish the job in eastern Afghanistan.

Before we mandate a plan to further accelerate the withdrawal of U.S. forces from Afghanistan, I suggest we review the facts and consider the potential consequences of the overly accelerated drawdown we already have. Before we base a plan on the views of our military commanders, I certainly recommend that my colleagues travel to Afghanistan and speak with those commanders who can explain far better than I can why further accelerating our drawdown is reckless and wrong.

So I do not get the amendment. I do not understand why the title of it is “To require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.”

As I said, in case the Senator from Oregon missed it, we have already accelerated, and in the view of our military commanders, unnecessarily, it is a far greater risk.

It says:

The President shall devise a plan based on inputs from military commanders, NATO and coalition allies, the diplomatic missions in the region, and appropriate members of the Cabinet, along with the consultation of Congress, for expediting the drawdown of United States combat forces in Afghanistan and accelerating the transfer of security authority...
Apparently, the Senator from Oregon is not satisfied with the President’s already accelerated plan for withdrawal from Afghanistan beginning in the fall—well, it has already begun—but the serious withdrawal in the fall, September 2012.

I can assure—I can assure—the Senator from Oregon that if our withdrawal, which I greatly fear now, will have long-term consequences, a further accelerated withdrawal will absolutely guarantee that Afghanistan becomes a cockpit—and of competing interests from Iran, from India, from Pakistan, and from other countries in the region. I think the people of Afghanistan deserve better.

So I will, obviously, oppose this amendment. 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. LEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I ask unanimous consent that the current amendment be set aside so I might speak briefly regarding amendment No. 1126.

Mr. LEVIN. Madam President, reserving the right to object, I wonder if the Senate would just seek the right to—the Senator has a right to speak on another amendment without setting aside this amendment. So I ask that the Senator not set aside the pending amendment but just simply speak on whatever amendment he wishes to speak.

Mr. LEE. Wonderful. The second request is withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1296

Mr. LEE. Madam President, I rise today to speak in support of amendment No. 1126 to the current pending legislation. The purpose of this amendment is to make clear that the United States shall not detain for an indefinite period U.S. citizens in military custody.

I understand this has been the subject of a lot of debate. I also understand this would be a break not only with the current pending legislation but also with current practice, based on Supreme Court precedent and lower court precedent that some have interpreted to deem this a constitutionally permissible practice.

It has often been suggested by several of my colleagues that it is the province of the Supreme Court to interpret the Constitution, and that statement is absolutely correct as far as it goes. But it is not the beginning of the analysis and the end of the analysis.

We, as Senators, independently have an obligation, consistent with and required by our oath to the Constitution—which I took just a few months ago just a few feet from where I stand now—to uphold the Constitution of the United States. That means doing more than simply the full extent of whatever the courts will tolerate.

In this instance, what we are talking about is the right of the U.S. military to detain indefinitely, without trial, a U.S. citizen, simply on the basis that person has been deemed an enemy combatant.

Now, there is a real slippery slope problem here, and it is the very kind of slippery slope problem for which we have protections such as the fifth amendment and the sixth amendment. You see, under the fifth amendment, a person cannot be held for an infamous crime unless they have been subjected to a process whereby a grand jury indictment has been issued. A person cannot be held and tried for a crime without the resources available to them and without the opportunity for a speedy trial in front of a jury of the peers of the accused.

We can scarcely afford as Americans to surrender these fundamental civil liberties for any reason, for any purpose, for any forsaken, to do so against our mother country to establish and thereafter to protect. We have to support these liberties. I think at a bare minimum, that means we will not allow U.S. military personnel to arrest and indefinitely detain U.S. citizens, regardless of what label we happen to apply to them. These people, as U.S. citizens, are entitled to a grand jury indictment to the extent they are being held for an infamous crime. They are also entitled to a jury trial in front of their peers and to counsel.

We cannot, for the sake of convenience,侥幸, or the current practice, I believe, or the policies as they have been established in recent years: that this kind of detention is in some circumstances acceptable. It called for a study and it eliminated certain provisions in the proposed legislation, but it did not fix the underlying problem.

This Feinstein amendment, amendment No. 1126, does fix that. That is why I support this amendment, amendment No. 1126, to the pending legislation. I encourage each of my colleagues to do so.

I want to point out that yesterday I voted against what became known as the Udall amendment. I did so in part because I do not believe that fixed the problem I am talking about. The Udall amendment did not even purport to address current practice or the policies as they have been established in recent years: that this kind of detention is in some circumstances acceptable. It called for a study and it eliminated certain provisions in the proposed legislation, but it did not fix the underlying problem.

This Feinstein amendment, amendment No. 1126, does fix that. That is why I support it. I encourage each of my colleagues to do the same.

When we take an oath to the U.S. Constitution—to uphold it, to support it, to protect it, to defend it—we are doing more than simply agreeing to do whatever the courts will tolerate. We are taking an oath to the principles embodied in this 224-year-old document that has fostered the greatest civilization the world has ever known.

Thank you, Madam 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. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

AMENDMENT NO. 1257, AS MODIFIED

Mr. LEVIN. Mr. President, let me just ask Senator MERKLEY a question, and then I think we can proceed from there.

It is my understanding that the original language in this and related amendments had the dates 2012 and 2014 in them, and it could have been interpreted that the Senator was trying to press those dates forward rather than address—as I interpret the Senator’s current amendment—the pace of reductions after consultation with the people the Senator has identified. Am I correct?

Mr. MERKLEY. The Senator is correct. The amendment is designed to encourage, to increase the pace of the reduction of U.S. forces and the transfer of responsibility to Afghanistan’s forces.

Mr. LEVIN. Mr. President, unless there is someone else here who wants to speak, I yield the floor.

Mr. MCCAIN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1257), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MERKLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I understand the Senator from New Hampshire—

Mr. MCCAIN. Mr. President, the Senator from New Hampshire had intended to talk about her amendment and withdraw it, and she may be coming. I have not had a chance to notify her, so there may be a couple-minute delay.

So 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. MCCAIN. 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. MCCAIN. Mr. President, in an exchange I had on the floor, I mentioned the people on wonderful Long Island. I made a joke. I am sorry there is at least one of my colleagues who cannot take a joke. So I apologize if I offended him and hope that someday he will have a sense of humor.

I yield the floor.
The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I have been working for some time to wrestle with this question of the right number of military forces we need in Europe. It is an issue that has been given pause. I thought we had an agreement several years ago to make some noticeable changes in that force structure. Some changes have indeed been made and others were in the works and they apparently have been put on hold and altered.

So I just wished to share some thoughts about it. I thank Senator LEVIN and Senator MCCAIN for working with me to develop an amendment to this bill that helps call attention to this problem with the Department of Defense.

We have had a long and historic relationship with Europe and our European allies. They remain the best allies we have in the world. We have large numbers of forces in Europe. But there are not nearly as many as there have been in the past. The numbers are still extraordinary. We have, at this time, 80,000 U.S. troops in Europe, and I do not believe military threats justify that level of presence. Our historic even larger number was based on the Soviet threat, the Fulda Gap, the weakness of our European allies after World War II and their lack of strength and the bond that NATO meant. We stuck together and transformed the entire North Atlantic region in a positive way.

A book called "Paradise and Power" has been written about where we are today. It is a pretty significant book, frankly. The essence of it is that the Europeans are in a paradise protected by American power, and they do not feel any need to substantially burden themselves with national defense because the United States is there.

We have a nuclear presence, we have 80,000 troops, and we have the fabulously trained, highly skilled military with the lift capability of moving to a troubled and dangerous spot at any time. I do think it is fair to say they have become a bit complacent.

As part of a CODEL I led in 2004, we visited Europe, because the United States was going through a BRAC, a reduction of U.S. basing, and we did not have the same type policy with regard to international bases. We visited—Senator CHAMBLISS and Senator ENZI and—I-bases in Europe, particularly bases we felt would be enduring, such as Rota, Spain, Sigonella and Vicenza and other bases—and Ramstein in Germany.

But there are others, lots of others. So part of the NATO commitment is that each nation in Europe would invest and spend 2 percent of their GDP on defense. We have been 4 percent—sometimes over that recently—in recent years. So our NATO members, however, are falling below that. Germany, the strongest economy in Europe, is at 1.2 percent of GDP on defense, and they spend a large portion of that on short-term, less than 1 year, military training of young people in Germany.

The fact is, a 9-month trainee is not someone in the modern world we can and ought to give military training. Many military experts believe this is a waste of money. So even the money they are spending, in many ways, is not effectively and wisely spent to create the kind of modern military they have to have to be successful in the future.

We do, though, believe Europe is not facing the kind of threats we had. I think it is appropriate for us to talk to our European allies and say we want to proceed with a drawdown, where possible. This Nation is borrowing 40 cents of every $1 we spend. The Defense Department, under the sequester that will occur as a result of the failure of the committee of 12 to reach an agreement, will be facing dramatic cuts in spending, and we maintain based on President Obama’s projected budget over 10 years. We need to look for every reasonable savings we can.

The Defense Department is taking too heavy a cut in my opinion, far more than 1 percent. The National Department of government. However, we cannot sustain that. I do not support that large a cut, but it will be reducing spending by a significant amount. So I believe we should think about our foreign deployment. The National Defense Authorization Act represents a vision for defense spending. We are now down from $548 billion spent on the Defense Department last year, $527 billion this year, an actual reduction in noninflation dollars of over $20 billion.

As a matter of fact, the Budget Control Act agreement calls for a reduction of total spending in the discretionary account this year of $7 billion; whereas, the Defense Department is taking a loss of $4 billion. Other departments, therefore, are receiving increases to get the net 7 that is claimed. Unfortunately, that is not an accurate number because we do not achieve even the $7 billion promised.

Since 2004, the Defense Department had a plan to transfer two of its four highly trained combat brigades in Europe back to the United States as part of the larger post-world war realignment. However, in April of this year, the Defense Department announced it would maintain combat brigades and not bring the fourth one home until 2015.

I have asked the Chairman of the Joint Chiefs of Staff, General Dempsey, at the Armed Services hearing, and I asked Admiral Stavridis, our European EUCOM commander, and they had no good explanation for why we are altering the plan that has been in place.

So my amendment has been agreed to on both sides and would require three things from the Department of Defense: No. 1, assessment of the April 2011 decision to station three Army brigade combat teams in Europe; No. 2, an analysis of the fiscal and strategic costs and benefits of reducing the number of forward-based military personnel in Europe to that recommended by the 2004 Global Posture Review; and, No. 3, to describe the methodology used by the Department to estimate the current and future cost of U.S. force posture in Europe.

So is Europe more threatened today than before? I do not think so. The United States has a tougher financial condition today than before? Yes, I believe we need to look at this carefully. I thank Senator MCCAIN and Senator LEVIN for working with me to recommend an amendment they believe is consistent with the goal I am seeking without micromanaging the Department of Defense.

I thank the Chair. I am pleased this amendment will be considered, and perhaps we can make some progress to analyzing more properly the deployment of forces in Europe. Finally, I would say there is no doubt in my mind that the economy of the United States is benefited if a brigade is housed in the United States, and the costs of support and family are in the United States strengthening our economy rather than transferring the wealth of our Nation to a foreign area. I hope we will consider that as we deal with this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I call up amendment No. 1229 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is already pending.

Mr. McCAIN. I note the presence of my colleague, Senator LIEBERMAN, on the floor, the chairman of the Homeland Security Committee.

I thank my friend from Connecticut for his support of this proposal and the importance, with the full realization of the key role the chairman of the Homeland Security Committee plays in the issue of cyber security, which is the most—in many respects, one of the most looming threats to our Nation’s security.

Mr. LIEBERMAN. Mr. President, I thank my friend from Arizona. I appreciate this amendment he has offered. I believe I am now listed as a cosponsor. If not, I ask unanimous consent that I be so listed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. This amendment essentially codifies a very important memorandum of understanding between the Department of Homeland Security and the NSA, the National Security Agency. This is a perfect balance and exactly the kind of overcoming of stovepipes we need to see in our government.

Under existing law, the Department of Homeland Security has responsibility for the United States government’s cyber defense and protection, Federal Government cybersecurity—cyber networks—and the privately owned and operated cyberspace,
which actually amounts to some of the most critical cyber infrastructure in our country is privately owned.

Today, as Senator McCain suggested, a target of attack by an enemy wanting to do us harm could be, for instance, our power systems, our financial systems, electric grid, and the like. What is embodied in this memorandum of understanding between DHS and NSA—which we will, by this amendment, codify into law—is to maintain the quite sophisticated interface of the Department of Homeland Security with the privately owned cyber-infrastructure and those who own and operate it, yet utilizing the unsurpassed capabilities of NSA.

I appreciate that in this colloquy Senator McCain and I are entering into, we both make clear—and I appreciate that his intention here in offering this amendment is not to circumvent the need for broader legislation to protect our cybersecurity from theft, exploitation, and attack. It happens that the current occupant of the chair, the junior Senator from Rhode Island, has been a leader in this Chamber in pushing us to deal with these kinds of problems.

Secretary Panetta has announced that he will bring a comprehensive cyber-security bill to the floor of the Senate in the first work period of 2012. That is very good news for our security. As Senator McCain said, I don’t know that we today have a more serious threat to our security than that represented by those who would do us harm by attacking our cyber-systems, both public and private. This colloquy makes clear that this is a very significant first step, and that we need to do something more comprehensive and look forward to doing it on a bipartisan basis in the first work period in 2012.

Mr. McCain. I thank the Senator from Connecticut, my dear friend. The amendment establishes a statutory basis for the memorandum of agreement between the Department of Defense and Homeland Security on cooperative cyber-security support. Nobody should have any doubt about how serious this issue is. Secretary of Defense Panetta said this in June:

"The next ‘Pearl Harbor’ we confront could very well be a cyber-attack."

Mr. McCaIN. I thank my friend for cosponsoring my amendment, and share his concern about the threat our Nation faces. In a hearing before the Senate Armed Services Committee two months ago, former Chairman of the Joint Chiefs of Staff Admiral Mike Mullen called the cyber threat an “existential” threat to our country.

The purpose of my amendment is to codify the current memorandum of agreement, and to ensure that the relationship between DoD and DHS endures. This growing partnership demonstrates that the best government-wide cybersecurity approach is one where DHS leverages, not duplicates, DoD efforts and expertise. This is just one of the many issues we need to address on cyber legislation, and does not diminish the need for a comprehensive bill addressing our Nation’s cybersecurity. But our work together on this should serve as an example of where consensus can and should exist moving forward.

Mr. LIEBERMAN. I agree whole-heartedly. The approach embodied by the memorandum of agreement—and this amendment—exemplifies the potential for DoD and DHS to leverage each other’s expertise, to make efficient use of existing government resources, and to avoid unnecessary growth of government. That is the approach we must follow as we continue down the path toward comprehensive cybersecurity legislation.

Mr. McCaIN. I agree, and I again thank my colleague for supporting my amendment. While at the end of the day we may not agree on all of the provisions of a bill, I look forward to working together early in the coming year to address these issues under a process that allows for full debate of the issues on which we may differ.

Mr. LIEBERMAN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 1229) was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. Ayotte. Mr. President, I ask unanimous consent that Senator Lieberman and I be allowed to engage in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1068

Ms. Ayotte. Mr. President, obtaining intelligence from high-value terrorist detainees is an urgent national security priority that is essential to protecting Americans. Unfortunately, under current law, terrorists need look no further than the Internet to find out everything they need to know about interrogation practices and how they can circumvent them. Under President Obama’s 2009 Executive Order 13491, all U.S. Government interrogators are limited to the interrogation techniques that are available online and described in the Army Field Manual. As a result, all members of the intelligence community, including the non-Department of Defense intelligence professionals who support the interrogators, must conform to the procedures in the Army Field Manual, which was written by the U.S. Army for the U.S. Army; that is, there is little flexibility permitted under these rules, and they are not for those who handle detainees that interrogation group, must conform to the procedures in the Army Field Manual.
Mr. LIEBERMAN. I thank my friend for that clarification. It is very important. It is very critical—particularly for those who misunderstood this amendment—to understand the host of protections that the amendment puts in, compelling compliance with the International Convention against Torture, as well as explicit prohibition in American law against interrogation that amounts to torture.

I want to ask my friend another question: Right now, all Federal Government interrogators, whether in the military or in the civilian intelligence community, are limited to using the Army Field Manual. So why does the Senator think it is so critical to give interrogators the ability—limited ability—to go beyond the Army Field Manual?

Ms. AYOTTE. I appreciate the question from my friend and colleague. The decision by President Obama to limit interrogators to the Army Field Manual was in large part a response to the horrific abuses that happened at Abu Ghraib prison in Iraq. Undoubtedly, the abuses at Abu Ghraib failed to reflect American values, tarnished America's reputation, and certainly damaged our interests. However, responding to these abuses by reflexively applying an Army Field Manual—which, to be clear, terrorists can go online and get and know exactly which techniques they will be subject to if captured—to all Federal Government interrogators, whether in the military or in the civilian intelligence community, are limited to using the Army Field Manual. So why does the Senator think it is so critical to give interrogators the ability—limited ability—to go beyond the Army Field Manual?

Mr. LIEBERMAN. I thank the Senator for that answer. I completely agree with her. It is important to step back and perhaps state the obvious. Why do we take prisoners of war? Why do we capture enemy combatants? Why do we take prisoners of war? Two reasons, really. The obvious one is to gather information. Why do we capture enemy combatants? The second purpose—and this has been the traditional purpose of taking prisoners of war as long as there has been warfare in human history, and all prisoners of war as long as there has been the traditional purpose of taking prisoners of war is to get them off the battlefield against us. That is first and foremost, really. The obvious one is to gather information. Why do we capture enemy combatants? The second purpose—and this has been the traditional purpose of taking prisoners of war as long as there has been warfare in human history, and all prisoners of war as long as there has been the traditional purpose of taking prisoners of war is to get them off the battlefield against us. That is first and foremost.

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The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I appreciate the time of the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire?

Ms. AYOTTE. Thank you, Mr. President, for giving us the opportunity to continue this colloquy.

I just wanted to point out—we were talking about the fact the Army Field Manual is online—that in my experience as New Hampshire’s attorney general and prior to that as a murder prosecutor—and I know my colleague served as his State’s attorney general as well—no detective or cop on the beat, in a common criminal case—and, of course, we are dealing with a situation where we are at war with terrorists—would ever give a criminal their playbook as to what techniques they would use to question them to get information to see if a crime has been committed and to see that justice is served. Yet here we are in a situation where we have online the techniques from the Army Field Manual while we are at war with terrorists who want to kill us.

What we are saying with this amendment is that we need to allow the intelligence professionals to develop techniques, but in a classified annex, consistent with our laws, that would allow them to gather intelligence and not tell our enemies what techniques will be used to gather information from them.

Not surprisingly, al-Qaeda terrorists have taken advantage of our willingness to tell them publicly on the Internet what will and will not happen during an interrogation should they be captured. Al-Qaeda terrorists have familiarized themselves with the interrogation techniques they would confront if captured, and they are training on how to respond. That makes it more difficult for us to gather information.

The willingness of the United States to give the equivalent of interrogation CliffsNotes to terrorists places our interrogators at a disadvantage and makes it more difficult to gather the information we need to save American lives. So developing a classified annex of lawful techniques for intelligence professionals who are interrogating the worst terrorists would make it harder for terrorists to train to avoid and resist interrogation that may only an interrogation will be successful.

Mr. LIEBERMAN. Again, Mr. President, I thank the Senator from New Hampshire. Just in listening to her, it seems unacceptable that we are basically telegraphing to our enemy exactly the range of tactics that we will use against them as part of the interrogation.

We have set some quite appropriate constraints in this amendment consistent with our values and our laws and international law so that we are not going to get anywhere near torture. But when a member of al-Qaeda or a similarly associated terrorist group is captured, there is no reason to be terrified about what is going to happen to them while in American custody. I want them not to know what is going to happen. I want the terror they inflict on others to be felt by them as a result of not knowing what they can look on the Internet and find out exactly what our interrogators are going to be limited to.

Again, we will not tolerate torture.

We will not tolerate what happened at Abu Ghraib. I think the limited interrogation in the Army Field Manual was an understandable but excessive reaction to the extreme and unacceptable behavior by Americans at Abu Ghraib.

I hope this amendment will facilitate a return to the middle ground on which we will not be shackling our interrogators as they try to get intelligence, within the law, to protect our freedom and the safety of those who are fighting for us.

So I want to speak from New Hampshire whether she thinks we have now a kind of one-size-fits-all approach to interrogation that is posted online. In other words, our laws should make it easier, within the law, not harder, to gather intelligence to keep Americans safe. Yet it is the current policy that runs counter to that basic principle.

Does my friend from New Hampshire agree?

Ms. AYOTTE. I do. I do agree. As a matter of common sense, this amendment should go forward. The reality of telling our enemies online what to expect just defies common sense. That is what we are addressing with this amendment.

Mr. GRAHAM. If I may, I find the discussion fascinating. May I enter into the colloquy?

The PRESIDING OFFICER. Subject to the previous order, the Senator is welcome to join the colloquy.

Mr. GRAHAM. I thank the Chair.

As I understand it, the reason the Senator is having to do this is because President Obama, by Executive order, prevented the CIA and other agencies from using any enhanced interrogation techniques that have been classified in the past; is that correct?

Ms. AYOTTE. That is right. Unfortunately, we are just telegraphing to our enemies what techniques we are going to use.

Mr. GRAHAM. If I may, let me ask another question. All of us agree we don’t want to torture anybody. Waterboarding is not the way to get good intelligence. Not only is it not the right thing to do, it is just not the wise thing to do. But we have gone too far the other way; that when the President said no interrogation technique is available to our intelligence community other than the Army Field Manual, does my colleague agree that, for the first time in American history, we are advertising to our enemies what we can do to them if we capture them, and no more can be done?

Ms. AYOTTE. I would say the Senator is absolutely right. I appreciate that the Senator from South Carolina has cosponsored this amendment, as has Senator LIEBERMAN, and I appreciate Senator LIEBERMAN’s leadership.

I would like to say while we are in this debate that Senator LIEBERMAN has also been a mentor to me in the Senate, and I appreciate that as well as his leadership on these issues.

Really, it comes down to this: We should not be telegraphing, we should not be advertising to our enemies what techniques our professional interrogators will use. This amendment is limited to the group of professionals who will focus on these issues and who will be gathering intelligence from terrorists.

We have to protect our country. Why would we do this? It just doesn’t make sense.

Mr. GRAHAM. My good friend from Connecticut is kind of clamping a proposal pending on the floor of the Senate that would say, for the first time in American history, if a U.S. citizen decides to collaborate with an enemy, they cannot be held as an enemy combatant. I think the Senator is very familiar with American history, if a U.S. citizen decides to collaborate with an enemy, they cannot be held as an enemy combatant. I think the Senator is very familiar with the history of the law in this area. Unfortunately, during the entire history of our country, during other conflicts, American citizens have, on occasion, collaborated with the enemy, one of the most famous cases being the In re Quirin case, where an American citizen in New York and other places was helping Nazi saboteurs try to sabotage America.

In that case, the Supreme Court ruled an American citizen could be designated an enemy combatant because the decision to collaborate with the enemy was a decision to go to war with their country, not a common crime, and that the law to be applied was the law of war. I am certain the Senator is familiar with the Hamdi case, where an American citizen seized in Afghanistan was allowed to be held as an enemy combatant. The Hamdi decision reaffirmed In re Quirin, and the Padilla case involved an American citizen captured in the United States accused of collaborating with al-Qaeda.

All of those cases reaffirm the law of the land is, if someone chooses to help al-Qaeda, they have committed an act of war against their fellow citizens, and they can be held as an enemy combatant with the history of the law of time so that we can gather intelligence about what they may have done or about what they know about the enemy.

Mr. GRAHAM. The Senator from Connecticut agree that now would be a very bad time for the Congress to say, for the first time in American history, if an American citizen decides to help al-
Qaida attack us, to kill us, our military can’t hold them as an enemy combatant and find out what they were up to? 

Mr. LIEBERMAN. Mr. President, I thank my friend from South Carolina for providing this opportunity. As a former colleague, of course, I totally agree with him, first of all, on the principle. As he has said very well, and he knows the law very well or better than anyone around here, the Supreme Court has made clear that if one is a citizen, who by his or her acts has declared themselves to be an enemy of the United States, can be treated as an enemy combatant. If we change that now, it is not only wrong on principle, but it is absolutely the wrong time to do this.

Let me speak now for a moment—and I am privileged to be the chair of the Senate Homeland Security Committee.

The PRESIDING OFFICER. The 10 minutes allocated for the colloquy has expired.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent for an additional 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Very briefly, the great concern we now have in terms of the security of the homeland is from so-called homegrown terrorists, radicalized Americans who effectively have joined al-Qaeda or other terrorist enemies to attack the United States.

It is a sad and painful reality that, since 9/11, the only Americans killed on American soil by Islamist extremists and terrorists have been killed by other Americans who have been radicalized, who have become enemy combatants. I am speaking particularly of MAJ Nidal Hasan who killed 13 people at Fort Hood, and then an American named Bledsoe, who walked into an Army recruiting station in Little Rock, AR, and killed an Army recruiter just because he was wearing a uniform of the U.S. Army.

So people have taken sides. They have joined the enemy. So to have this body at this time, as the threat of homegrown terrorism rises, say: No, they can’t be treated as enemy combatants, not only does it not make sense and is totally unresponsive to the facts I have just described, the fact is, it is also dangerous.

So I couldn’t agree with the Senator more. I wish to thank Senator Ayotte, as well, for the end of this colloquy for her initiative, frankly, for swiftly establishing herself in the Senate as one of our important leaders on national security matters. I am a little biased about this, but I know her experience as a former State attorney general has helped as well as what I have noted is her active and informed participation on the Armed Services Committee.

I must say that as I am about to enter my last year in public life, as a U.S. Senator, it gives me great comfort to know Senator Ayotte is going to be here to carry on these fights for American national security and for freedom.

Ms. AYOTTE. I thank Senator Lieberman very much. Again, I appreciate the Senator’s leadership and all he has done for our country, to protect our country. I dare say no one has been more focused on protecting our country, and we deeply appreciate his leadership.

AMENDMENT NO. 1067 WITHDRAWN

Ms. AYOTTE. Before I yield the floor, I need to briefly discuss the withdrawal of an amendment I have, which is amendment No. 1067, regarding notification of combatant status in respect to the initial custody and further disposition of members of al-Qaeda and affiliated entities.

I have received assurances from the Armed Services Committee majority and minority staff that these comments and steps which are outlined in that amendment will be addressed when the Defense bill goes to conference.

Therefore, Mr. President, I ask unanimous consent that my amendment No. 1067 be withdrawn. But I also understand that the Armed Services Committee will take up my amendment when the Defense bill goes to conference as part of the conference on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUBIO. Mr. President, some people are wrongly suggesting that the National Defense Authorization Act for fiscal year 2012, this legislation will allow the military to capture and indefinitely detain any American citizen, and that the U.S. Armed Forces would be able to perform law enforcement functions on American soil because of the authority conferred under sections 1031 and 1032 of the act.

Several people have asked about my votes on the National Defense Authorization Act for fiscal year 2012. In particular, some people are wrongly suggesting that this bill will allow the military to capture and indefinitely detain any American citizen, and that the U.S. Armed Forces would be able to perform law enforcement functions on American soil because of the authority conferred under sections 1031 and 1032 of the act.

I do have other serious concerns with this legislation, those particular assertions could not be further from the truth. I want to take this time to explain what actually does, what my position is on these issues, and why I joined with Senators DeMint, Coburn and Lee to vote for those specific sections but against cloture on the final bill.

Section 1031 of this act merely affirms the authority that the President already has to detain certain people pursuant to the current authorization for use of military force. In fact, this same section of the bill specifically states that nothing stated in section 1031 is intended to expand the President’s powers. This section sets specific limits on who can be detained under this act to only those people who planned or helped carry out the 9/11 attacks on the United States or people who are a member of, or substantially support, al-Qaida, the Taliban, or their respective affiliates.

There is no language that could possibly be construed as repealing the Posse Comitatus Act; the military will not be patrolling the streets. This bill does not take away anyone’s habeas rights. These sections do not take

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away an individual’s rights to equal protection under the 14th amendment to the U.S. Constitution, nor do they take away one’s due process rights afforded under the 5th or 14th. If this bill did such a thing, I would strongly oppose it.

I want to thank everyone for reaching out to the office to voice their concerns on this bill. I want to assure them that I always have, and always will, listen to their concerns and address them in a timely fashion. I know this bill is not perfect. In fact, I proposed two amendments to prevent the President from transferring foreign terrorists to the U.S. to be prosecuted in the Federal court system, and I joined with Senators DeMINT, Coburn, and Lez to vote against cloture. However, in regard to the assertions that this bill allows the U.S. military to supplant our local police departments or that it allows the Federal Government to detain otherwise law-abiding citizens for simply carrying on in their daily lives, those assertions are entirely unfounded. As always, if anyone has any other questions, please feel free to contact me.

MORNING BUSINESS

The PRESIDING OFFICER. The Senate will now proceed to a period of morning business for the duration of 1 hour.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. I would ask to be notified when it is up.

The PRESIDING OFFICER. The Chair will let the Senator know when 10 minutes is up.

DEFENSE AUTHORIZATION

Mr. GRAHAM. I would like to do a colloquy with my good friend from Connecticut.

Senator LIEBERMAN said something that I think we need to sort of absorb. As the chairman of the Homeland Security Committee, does the Senator believe the likelihood of American citizens being recruited, enlisted, and radicalized on behalf of al-Qaeda is going up? Is that what the Senator is trying to tell us?

Mr. LIEBERMAN. Mr. President, I say to my friend from South Carolina, I not only believe it, but it is shown by the facts.

I wish I had the numbers exactly in front of me. But if we chart attempts at terrorist attacks on the United States—and here I am limiting it to people who are affiliated with the global Islamist extremist movement—there were a few after 9/11, but in the last 2 or 3 years, the numbers have gone up dramatically.

I hasten to say these represent a very small percentage of the Muslim-American community. But of course it doesn’t take many people to cause great havoc. We have been effective at law enforcement and, frankly, we have been lucky that all but two of these attempts have been stopped. But I think we would find law enforcement officials, Homeland Security officials saying that the crisis is right now to the homeland security of the American people comes from homegrown terrorists who have been self-radicalized or radicalized by somebody else.

Mr. GRAHAM. I think that is important for us to understand. Does the Senator agree with me that when we look at the war on terror, the United States is part of the battlefield?

Mr. LIEBERMAN. Well, there is no question our enemies have declared it part of the battlefield. The very official commencement of the war against Islamist terrorism, 9/11, was an attack on America’s homeland, on civilians.

Mr. GRAHAM. So let’s just go with that thought for a moment. Let’s say our intelligence community, our law enforcement community, and our military/Department of Defense are all monitoring al-Qaeda threats at home and abroad; does the Senator agree?

Mr. LIEBERMAN. Absolutely true. Al-Qaeda and like Islamist terrorist groups.

Mr. GRAHAM. Under the Posse Comitatus Act, the military cannot be used for domestic law enforcement functions. Does the Senator agree with me that tracking al-Qaeda operatives—citizen or not—within the United States is not a law enforcement function; it is a military function?

Mr. LIEBERMAN. It is a combination, truthfully.

Mr. GRAHAM. But our military has the ability to defend us against al-Qaeda attacks at home, such as they do abroad.

Mr. LIEBERMAN. Right.

Mr. GRAHAM. So if the Department of Defense somehow intercepted information about an al-Qaeda cell, let’s say in Connecticut or South Carolina, could they be involved in suppressing that cell?

Mr. LIEBERMAN. I would say what has happened here since 9/11, and what we needed to have happen, is the old stovepipes have dissolved and we have military, civilian, CIA, FBI, each with a focus, working together. For instance, the Army doctor who killed 13 people at Fort Hood, our committee did an investigation in that case. He was actually communicating with the radical cleric Awlaki in Yemen, and on the Internet. That was picked up by international intelligence operatives. Part of the story is it wasn’t transferred effectively to the Army so they could grab him before he committed the mass murder at Fort Hood.

But I have to say for the record, the primary responsibility for counterterrorism now in the United States is with the FBI that has developed an extraordinary capability since 9/11. But it works very closely with the CIA, gathering international intelligence, NSA, homeland security, and the military.

Mr. GRAHAM. As a team effort.

Mr. LIEBERMAN. Right.

Mr. GRAHAM. Let’s imagine a scenario next week where we find an al-Qaeda cell exists that is planning a series of attacks against the United States, and within that cell we have some American citizens and we have people who have come here who are noncitizens.

Would the Senator agree with me, since Congress has designated cooperation or collaborating with al-Qaeda to be an act of war, that entire cell could be held as enemy combatants and questioned by our intelligence community as to what they know about the attack and questioned on future attacks?

Mr. LIEBERMAN. That certainly should be the case, and we have had this circumstance in reality. They are all part of the same enemy. In the case the Senator posits, they have all been part of the same plot to attack the American people.

Mr. GRAHAM. So would the Senator agree with me that the current law is very clear that anytime an American citizen joins the enemy force, they can be held as an enemy combatant; that is the law?

Mr. LIEBERMAN. That is the law. As the Senator has said and Chairman LEVIN has said several times in the debate, there may be some in the Chamber who don’t like it, but that is what the U.S. Supreme Court has said very clearly.

Mr. GRAHAM. If we capture an American citizen as part of this cell and we can’t hold them as an enemy combatant for情报 gathering purposes, does domestic criminal law allow us to hold someone for an indefinite period of time to gather military intelligence?

Mr. LIEBERMAN. No.

Mr. GRAHAM. Does domestic criminal law focus on the wrongdoing of the actor, based on a specific event, when we are trying to resolve a dispute between the wrongdoer and the victim?

Mr. LIEBERMAN. That certainly is the case.

The Senator is making a very important point. It goes back to the colloquy the Senator from New Hampshire and I had, which is, when we capture an enemy combatant, we do so for two reasons: One is to get that enemy off the battlefield, the second is to gather intelligence. Sometimes the second purpose is more important than the first because it can lead us to other plots against the American people.

Mr. GRAHAM. Does the Senator agree with me the reason the Supreme Court has recognized that an American citizen could be held as an enemy combatant if they collaborate with an
enemy is that the Court views that as an act of war; and under the powers of the Commander in Chief, he can suppress all the enemies, foreign and domestic, that are at war with us.

Mr. LIEBERMAN. I do. There has been a lot of talk about the Constitution. The Constitution makes very clear that the primary responsibility we have in the Federal Government is to provide for the common defense, to protect the security of the American people.

Mr. GRAHAM. So our courts have recognized that during a time of hostilities, the executive branch has the authority to detain an American citizen who is helping the enemies of the Nation. The question is, Does the Congress want to change that for the first time ever?

I would like to add something that my good friend from Rhode Island got me thinking about. I had him thinking about to explain indefinite detention, what are we trying to do here? Clearly, in war, there is no requirement to let the enemy prisoner go back to the fight after the passage of time. We don’t want to let the enemy prisoners go back to the fight because that makes no good sense. The problem with this war is, there is no definable end. That is the reason we have a habeas review, because we will never know when hostilities are over. So an enemy combatant determination could be a de facto life sentence, and that is why our Supreme Court said we want a judicial check on the executive branch.

So that, and this will have their day in Federal court, and the government has to prove, by a preponderance of the evidence to an independent judge, that the decision to hold this person is warranted under the law. That was what the Hamdi case was about. I think that makes sense because it will not be the traditional war; it will be a war without a definable end.

The idea of continuing to hold them, if the judge says to the government, You are right, there is compelling evidence this person was involved with al-Qaeda, tried to get involved with a hostile act; you are right, they are part of the enemy, you can hold them forever. But we have come up with an annual review process to make sure they will have a chance every year to have their case looked at.

Senator WHITEHOUSE got me thinking. I understand under the civil justice system—such as Hinckley, the man who shot President Reagan, he was acquitted in court, by reason of insanity, of shooting President Reagan. He has been in a psychiatric hospital ever since. It can be held away from the community because he is a danger to himself or others.

I think what Senator WHITEHOUSE is saying is, the idea that we can hold someone under the civilian justice system for some reason, I think that as part of the enemy force as a continuing threat is not an unknown concept. We just have to have a review.

The PRESIDING OFFICER. The Senator asked to be notified at 10 minutes. Mr. GRAHAM. I thank the President. I would suggest to our colleagues, let’s think this thing through. Let’s realize that when you are caring for our homeland, the enemy is recruiting American citizens; and if we find an American citizen who has, in fact, joined forces with al-Qaeda, our No. 1 goal should be to gather intelligence to prevent them from finding out what that person knows about what the enemy is up to. Our secondary concern should be prosecution. When we interrogate somebody as the enemy combatant, the best thing we have on our side is Khaled, and I don’t want to waterboard anyone, but I want to keep them in a controlled environment where time is on our side, and I will argue that the best information we have from Guantanamo Bay detainees did not come from waterboarding, it came from the fact that we could hold them for an indeterminate period of time, and through time, they began to cooperate and tell us valuable information.

Does the Senator agree that is the concept we need to hold onto in this war?

Mr. LIEBERMAN. I thank my friend. I absolutely agree. I talked to professionals in this business of interrogation, and they say some of the most effective interrogation takes time. I have had people describe to me detainees who were totally uncooperative, and they were asked over and over for days and weeks, and then finally broke and began to give information that was critically important for the protection of our country. So I do agree.

I want to stress two things the Senator from South Carolina has said because it is very relevant to the attempt to give special status to Americans deemed to be enemy combatants in the contravention of existing U.S. Supreme Court rulings that say if you are an American citizen who have joined the enemy, then you can be treated as an enemy combatant, which common sense tells you is what you are.

Here is what I want to say, and this is important to what we are here for. There are two kinds of due process that are put into the bill, the underlying language and the compromise that has been adopted on the treatment of detainees. One time there is a judicial process to determine the status of the detainee, whether evidence shows that the detainee should, in fact, be treated as an enemy combatant. The second is that while the enemy combatant is subject to indefinite incarceration, that indefinite incarceration is subject to annual review now. So we can determine, according to a stated series of standards, whether that person—

Mr. GRAHAM. Wouldn’t the Senator agree that under domestic criminal law, that indefinite ability to question about enemy activity doesn’t exist?

Mr. LIEBERMAN. That is absolutely right. The Senator stated earlier—and it is an important point—this is the danger we get into as we start to treat people who are terrorists as common criminals, or even uncommon criminals, which is that the criminal law allows imposing a penalty, doing justice, incarcerating somebody as a result. The law of war is aimed at making sure that enemy combatants, prisoners of war, are taken off the battlefield

Mr. GRAHAM. And to my colleagues—

Mr. LIEBERMAN. Until the war is over.

Mr. GRAHAM. I acknowledged in the Christmas Day Bomber case, in the Times Square attempted bombing, that they were put in Federal court. I am okay with that. I do believe in the “all of the above” approach. Our Federal courts can handle cases involving transnational terrorists and al-Qaeda members and so can military commissions. The idea of reading somebody their Miranda rights may be the best interrogation technique. I know that we were able to get some good information after reading Miranda rights.

I guess the point I am trying to make is I acknowledge that the people doing the interrogation are better suited to make that decision than I am. I just don’t want the Congress by legislation to say for the first time in the history of this country in a time of war, that if you are any other war you no longer have it available to you, the U.S. Government, the ability to hold somebody as an enemy combatant if you believe that is the best way to gather intelligence. I am not saying the other system cannot be used. Let’s leave it up to the professionals.

But the Senate is suggesting through the legislation being proposed that the idea of holding an American citizen who is suspected of collaborating with al-Qaeda that they can no longer be held as an enemy combatant is not only changing the law, it is taking off the table a tool that I think we need now more than ever. I don’t want us to lose sight of the fact of what we are doing here and what it would mean to our country and our ability to defend us. No one in World War II would have tolerated the idea that someone who collaborated with a Nazi trying to kill us in our own soil would have any other disposition than to be considered an enemy of the American people.

My question for this body is: Do you think al-Qaeda is an organization that doesn’t present that same kind of threat? Is it the Senate’s desire to say during these times that an American citizen can collaborate with al-Qaida to kill us on our own soil and that is no longer considered an act of war? I would argue that that would be one of the most irresponsible decisions ever made in a time of national crisis. It is not only would change the law as we know it, it would create an opportunity and a hole in our defenses at
a time when, as the Senator has indicated, the threat is growing.

I say to Senator LIEBERMAN, thank you for being a steady, stern, consistent voice along the line that since 9/11 our Nation has been in an undeclared war. The enemy still roams the globe. They have as their hope and dream hitting us again here at home. And, for God’s sake, let’s not weaken our defenses in a way that no other Congress has ever chosen to weaken the executive branch in the past. I thank the Senator for his service.

Mr. LIEBERMAN. I thank my friend from South Carolina for his expertise in this area and also his sense of principle. We have colleagues on the floor who want to speak. I want to say a final word. I know the Senator from South Carolina is particularly worried about pending amendments that would alter the way in which the underlying bill now treats enemy combatants who are captured within the United States.

The underlying provision in the bill on detainee treatment fills a gap in our law that has been harmful and difficult for our military to deal with because there is no clear way to handle what to do with detainees. Senator GRAHAM worked very closely with Senator LEVIN and Senator MCCAIN to draft this compromise, and it is a good compromise. As he knows, if I had my preference, there would be no waiver in this because I believe that any enemy combatant is an enemy combatant and as a matter of principle ought to be held in military custody and tried by a military tribunal according to all the protocols of the Geneva Conventions, according to the Military Code of Justice.

Incidentally, if these tribunals are good enough for American men and women in the military who face charges, they ought to be good enough for enemy combatants who face charges.

But here is my point: The Levin-McCain-Graham provision in this bill on detainees is a compromise. It is a reasonable, effective, bipartisan compromise. It is the kind of compromise that doesn’t happen here enough, and so I support it because even though I might have wished it would have gone further, so to speak, it is a lot better than the status quo. And I say that at this moment because I urge our colleagues who now want to come in with other amendments, to essentially undo this bipartisan compromise can do great damage. I am saying myself, yes, I wish it had not given the President the power to waive that he has under the bill and take somebody who is an enemy combatant to a normal article III Federal court, but this provision is a step forward from the status quo, and I think if we can say that, then we ought to support it. So I hope our colleagues will think twice before trying to undo the compromise that if they do go forward with it, that our colleagues on the floor will defeat those amendments.

Mr. GRAHAM. Mr. President, I will wrap this up. I know we have colleagues who want to speak. Let me reiterate what Senator LIEBERMAN said. There is a stream of thought that every member of al-Qaeda, American citizen or not, is an enemy of the people of the United States in a military sense, not a criminal sense, and they should be in a military tribunal. That is the way we have handled most cases in the past.

Here is what I believe: I believe that the choice of venue should lie with the executive branch, and I think there is a very robust role for article III courts. So I don’t want to say from a congressional point of view that a number of al-Qaeda has to be tried by a military commission all the time, because, quite frankly, sometimes article III courts could be the better venue. When it comes to telling the executive branch that you have to put a noncitizen in military custody inside the United States, I think that is the right way to do it, but I don’t know enough, so if there is a reason to waive that provision, the experts can waive it. I have been very cautious about micromanaging the executive branch because they are the ones fighting the war. We have a role to play, we have a voice to be heard, and here is what I am urging some of my colleagues. This compromise is not what some of our friends wanted, such as Senator LIEBERMAN and, quite frankly, it is not what the ACLU wants, because they don’t buy into the idea that al-Qaeda operatives are any different than common criminals. So you have two poles here. I believe an al-Qaeda operative is not a common criminal, and if an American citizen joins al-Qaeda they should be treated as an enemy combatant as of possibility. But if you want to go down the other road, you can go down that road. I just don’t want us to take off the table, for the first time in the history of America, that an American citizen, trying to help the enemy kill us here at home somehow can no longer be talked to by our military to gather intelligence. That is a crazy outcome.

I think we have a good bill that gives maximum flexibility to the executive branch but preserves the tools we are going to need now and into the future. And to my colleagues, please ask yourself: If in World War II we could hold an American citizen who tried to help the Nazis blow up America as an enemy combatant, why wouldn’t you want to help hold an American citizen who is helping al-Qaeda—which did more damage to the homeland than the Nazis—as an enemy combatant? Why would you not want to take the ability to hold that person, humanely interrogate them to find out why they joined, who they talked to and what they know? Because what they know and who they talked to may save thousands of American lives. I don’t think you can do this. I think that for the first time in the history of the country would be a colossal mistake.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Kansas.

COMMUNITIES FIRST ACT

Mr. MORAN. Mr. President, I am here to speak on another topic, but it has been my privilege to hear the discussion between the Senator from South Carolina, Senator GRAHAM, and the Senator from Connecticut, Mr. LIEBERMAN, about what I think is a very serious debate; that is, the juxtaposition of our constitutional rights as U.S. citizens in light of our desire to make sure Americans’ lives are protected. I have always struggled with trying to find that right balance, and I found tonight’s conversation on the Senate floor very valuable.

I wish to turn my attention and bring to the attention of my colleagues in the Senate a pending piece of legislation that I have been dealing with our country’s economy and particularly as it relates to financial institutions and particularly our community banks.

There are, as we know, so many Americans who are working hard. I would say our government’s first priority is to defend our country, and we have been having a debate about how we do that, but we also have a significant responsibility to create an environment where businesses can grow and where people can work. I want to point out tonight a piece of legislation I have introduced that I believe is part of the solution. It is called the Communities First Act, and it is a compilation of what I would say are commonsense tax and regulatory relief ideas for our Nation’s smallest financial institutions.

We constantly hear about Wall Street. I want to worry tonight about Main Street. These banks in communities across Kansas and in States across our country have been stymied by the financial crisis from which we are still struggling to emerge, but unfortunately they have become the victims. They have become casualties of the crisis on Wall Street. Hundreds of community banks have been allowed to fail, and the survivors are left waiting for the next burdensome regulation to come from Washington, DC.

Until banks are willing and able to make prudent loans to creditworthy customers, our economic recovery will remain stifled and our economic recovery will continue to lag.

The evidence seems clear to me that the current regulatory requirements impose a disproportionate burden on community banks because they do not operate on the scale to spread the legal and compliance costs. When a bank with, say, just 40 employees requires 4 compliance experts, I believe something is terribly wrong.

This expensive overregulation diminishes the ability of a community bank to attract capital and to support the credit needs of customers. What that means is that someone who wants to be
a stockholder or the owner of a community bank, because regulatory requirements increase the cost of capital, will decide there is a different way to earn a living, a different place to invest that capital. So, in short, these burdens on community banks—our small financial institutions—affect every customer explaining their policy to our financial system and co-

The Communities First Act would also reform which banks are required to comply with the costly burdens of Sarbanes-Oxley. Current law exempts small community banks with market capitalizations under $75 million from compliance under section 404. The benefits of that section do not appear to be worth the cost; so, my legislation raises that threshold.

Another commonsense provision would encourage Americans to save by reducing the tax on longer term certificates of deposit. It would also allow for individuals under the age of 25 to invest in Roth IRAs without regard to their income level. We desperately need Americans to save money for their long-term retirement benefits.

The Communities First Act would also reform the new Consumer Financial Protection Bureau so that the National Credit Union Administration, the FDIC, the Federal Reserve, and the other regulators would have a meaningful role in consumer protection rules. Dodd-Frank provides these regulators insufficient input, and review of the CFPB and the results of poorly written regulations could mean less credit and, again, fewer jobs.

There seems to be some disagreement here in Washington, DC, today about the effects of burdensome regulations on our economic recovery. But back in Kansas, Kay Kennedy of the First National Bank of Frankfurt indicates:

"Our staff of 71⁄2 people are busy taking care of our customers and serving our communities. The extra burden from things like tracking escrow payments, sending privacy notices, and filing call reports that take a month to complete all create undue stress and busy work for us."

Kansans don’t know what the words “busy work” mean.

The relief of these three things alone would allow us time to teach financial literacy that our schools can no longer afford to do and create new products to better serve our customers.

The provisions of the Communities First Act are just a first step in unleashing the ability of small banks to do what they do best—provide capital that results in jobs.

Congress is in the process of adding a regulatory monster, and I urge my colleagues to join me in removing unnecessary burdens from our financial system and co-sponsor S. 1600, the Communities First Act. While this legislation may directly benefit our Nation’s community banks—our small financial institutions—the real beneficiaries are the entrepreneurs, the Main Street small business men and women, and farmers and ranchers who, with access to credit, can help put Americans back to work.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I have come to the floor this evening to congratulate the president of the International Association of Machinists union, Tom Buffenbarger, and Boeing’s CEO, Jim McNerney, on their agreement today to extend the current contract for 4 years. This is a good deal. It reflects a strong and commendable commitment by Boeing to continue having their top-quality products made by top-quality workers. It provides real job security and fair treatment for the company’s valued employees. It will also resolve the current labor dispute between the company and the union that is pending before the National Labor Relations Board. This settlement is a step forward for a great company—Boeing—a step forward for a great union—the machinists union—and a step forward for our great Nation. Again, I commend the CEO of Boeing, Mr. Jim McNerney, and the president of the machinists union, Tom Buffenbarger, for working out this agreement.

This agreement is also a compelling demonstration of the fact that the NLRB—the National Labor Relations Board—process works for all concerned. When an alleged unlawful activity happens, a charge is filed with the NLRB. That is what is supposed to happen. While the NLRB’s process was playing out, the parties were able to sit down, negotiate, and strike a deal, which they announced today. As a matter of fact, that is what happens to most unfair labor practice charges filed at the NLRB. It is all a part of the process at that independent agency. Just as in our court system, cases settle to the benefit of the parties. That is what happened here. It also settled to the benefit of our Nation.

What should not have happened was the unprecedented level of political and congressional interference in this case. It wasn’t just that Republican elected officials attempted to try this case in the press, they went far beyond that. House Republicans attempted to eliminate the board’s funding entirely because of this case. Senate Republicans have blocked the nominees for the board and the General Counsel of the NLRB. House Republicans tried to subpoena the prosecutor’s case file so they could obtain documents that the company had been unable to obtain in the litigation. A Member of this body called the NLRB Acting General Counsel, Mr. Lafé Solomon—an independent prosecutor and a 30-year career veteran of the agency, not a political appointee—a Member of this body called him and threatened to come after Mr. Solomon “guns blazing” if he brought charges against Boeing. Congress confirmed that the House Oversight Committee actually threatened to try to revoke the bar licenses—the bar licenses—of
individual career attorneys at the National Labor Relations Board because of this case. I have never, in all my years in public office, seen such a brazen and inappropriate interference with the business of that agency, and I hope to never see it again. The time and attention that House Republicans have devoted to their attack campaign against the National Labor Relations Board is nothing short of astonishing. What is even more absurd and shameless is the fact that they claim this attack campaign was intended to save jobs. What saved jobs was the negotiations between the great company, Boeing, and the great union, the machinists union. That is what saved the jobs. I am mystified by the suggestion by some Republicans that gutting the NLRB would somehow revive our economy. In survey after survey, business leaders agree about what is hurting the economy. It is not government. It is not time for the NLRB. It is the lack of consumer demand. Workers don’t have enough money to buy things, and the economy won’t pick up until they do. Weakening workers’ rights and taking away their ability to speak up for fair treatment will only make the problem worse.

Attacking American workers and the agency that protects them is a poor substitute for a real job-creation strategy. Americans know that the National Labor Relations Board is not the problem, but rather, is responsible for our country’s economic woes. Incapacitating this agency will not put food on people’s tables, help them keep their homes, find jobs, or send their kids to college. It will, however, send a strong message to those few—few—unscrupulous employers who want to take advantage of this bad economy to mistreat hard-working people. Fortunately, that is not the case with Boeing. Without the NLRB, there would have been no reason to place open season on workers’ rights. At a time when decent jobs, good wages, and fair treatment are getting harder and harder to find, this would be a step in the wrong direction for our country.

The National Labor Relations Board is an independent Federal agency charged with an important mission. In fulfilling that mission, the dedicated professionals at the board are doing their jobs as the law intended. Now, the leadership of the Republicans in the House and the Senate to do the same. Instead of continuing to pursue this pointless and distracting partisan crusade to dismantle and do away with the National Labor Relations Board, it is time to put this episode behind us. It is time to recognize the NLRB is doing its job, that companies and unions will sit down and work things out and settle things out without the Senate and the House and Governors—and Governors—of other States trying to interfere and make it a political football.

Again, I congratulate the Boeing Company and the International Association of Machinists in doing what is best for America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

EXTENDING THE PAYROLL TAX CUT

Mr. HELLER. Mr. President, I thank you for the opportunity to speak today. As the Senate floor leader, and I want to thank the previous speaker, Senator MORAN from Kansas, for his timely comments, specifically regarding housing, the ability for small institutions, community banks to be able to provide the capital they need to help those small businesses and these home-owners, but, specifically, for the ability to create jobs. It dovetails into what I want to talk about today; that is, solutions, solutions for the American people.

This week, Congress has an opportunity to come together to help hard-working Americans, those taxpayers, and extend the payroll tax cut holiday. No State needs Congress to put aside political bickering more than the great State of Nevada.

Right now, as a percentage, more Nevadans are looking for jobs than in any other State. Right now, more Nevadans are having difficulty holding on to their homes than in any other State. And right now, more Nevadans are filing for bankruptcy than in any other State.

There was a report released yesterday that named Nevada the toughest place in the country to find a job.

Our No. 1 priority in this Congress should be to turn this economy around and get people working again. Yet here I am standing on the U.S. Senate floor today trying to convince the majority not to raise taxes on small businesses. I am proud of my State. I am confident that, with the right policies in place, we can find job opportunities and overcome these difficult times. But in order for that to happen, Congress must put partisanship aside and come together to pass meaningful legislation that benefits Americans who need help in this tough economy and expand opportunities for employers looking to hire.

Extending the payroll tax cut will allow Americans to hold on to wages they worked hard to earn. Under my plan, hard-working Americans will not see a tax increase. Under my plan, we will prevent a tax increase on those already receiving the payroll tax credit. And under my plan, employers can continue to invest in their businesses, so they can grow, expand, and hire more workers without the fear of a tax increase.

Americans need jobs desperately. Congress should be focused on policies that create jobs and drive long-term economic growth. The legislation I have proposed in Congress to responsibly extend the payroll tax cut and treat taxpayers’ dollars appropriately.

There is no question Congress should extend the payroll tax cut. Republicans, Democrats, Independents, everyone agrees on that. But we should not do it by turning around and raising taxes on employers everywhere.

Nevadans are looking for jobs. Increasing taxes on small businesses in Nevada is bad economic policy, and taking away the capital they could use to invest makes little sense.

Nevadans are looking for jobs. Incapacitating this agency will make the problem worse.

Americans should be doing more, I believe this is an approach that both Democrats and Republicans can support.

This voting for this alternative plan, Congress can put political gamesmanship aside and support a workable solution for all Americans. The bipartisan veterans jobs bill, along with the 3-percent withholding bill Congress passed this month, is proof that when Congress has the will to work together, we can find a pathway forward.

My proposal provides Congress with another opportunity to break the political gridlock here in Washington, DC. Centered on policies that work for Nevadans and all Americans already struggling in this difficult economic environment.

Mr. President, I yield the floor.
Mr. President, I yield the floor.
The PRESIDING OFFICER. The Senator from Minnesota.

SEXUAL ASSAULT IN THE MILITARY

Ms. KLOBUCHAR. Mr. President, I rise today to speak in regard to the National Defense Authorization Act, and in particular to certain sections of that bill which target a serious but often underaddressed problem facing the men and women of our Armed Services. This is the issue of sexual assault.

I introduced this legislation on this issue in the spring with Senator SUSAN COLLINS, and I remain deeply concerned about the subject.

Many of our colleagues are aware that sexual assault is a persistent problem within our Armed Forces. In fact, reports of trauma have risen in recent years.

In March, the Department of Defense put out its annual report on sexual assault in the military. According to the estimates, there were more than 3,600 reports of sexual assault in the military last year. That includes reports by both male and female victims, exposing attacks perpetrated both by and against members of our military. And those are just the reported attacks. Since the department of Defense estimates that only 13 percent of victims actually come forward, we can assume the real number of sexual assaults is much higher—upwards of 19,000.

The Department of Veterans Affairs has reported similarly disturbing figures: More than 20 percent of female servicemembers seen at VA medical facilities say they were sexually assaulted or harassed during their service.

Let me make this clear. We know the vast majority of the men and women serving in our military would never be involved in a sexual assault. They have the toughest jobs out there. They are on the front line every day. But when we have a problem, we cannot put our heads in the sand and pretend it is not happening.

In 2008 alone, VA medical personnel reported nearly half a million encounters with veterans that focused on sexual assault and harassment. Our servicemembers are already dealing with the stress of battle. They are fighting two wars, and they are responding to other conflicts and needs around the globe.

The idea that an American in uniform—who is out there on the front lines, serving our country—may also suffer the physical and emotional trauma of sexual assault is simply unacceptable. It is also unacceptable that the records of that assault would be destroyed.

According to the VA, women who experience sexual assault or sexual harassment in the military have a 59-percent higher risk of developing mental health injuries.

Sexual trauma does not just hurt the victims. It can also take a huge toll on the soldiers who serve by their sides. It has been shown to severely undermine military cohesion, team morale, and overall force effectiveness.

The Department of Defense is well aware of this problem, and over the years it has taken some positive steps to address it.

For example, the Pentagon has created positions for personnel specially trained to handle reports of sexual trauma. It has improved counseling services for victims. And it has implemented new training procedures for commanders. But despite these important improvements, the Defense Department continues to fall short in one very key area: ensuring the lifelong preservation of victims' records from reports of sexual assault.

As a former prosecutor, I know firsthand how important it is to preserve the data connected to crimes like sexual assault. That is why I am so troubled by the gaps we have seen at the Defense Department.

As of now, there is no coordinated, cross-service policy for ensuring the preservation of medical records and other information that is related to sexual assault. In this day and age, it seems like some of the branches have 5 years; some of them have 10 years. There is no policy, and many of these records are destroyed. These are records of sexual assault.

Across the board, these policies—or lack thereof—are significant. In a significant number of cases of sexual assault, the data is destroyed within 1 year. It is simply shredded.

The problems this can cause for servicemembers are extensive. Within 1 year, the servicemember loses the proof that he or she experienced a sexual assault connected to their military service.

As a prosecutor, if you have someone who is maybe accused of a crime—or maybe no one followed through on it, and then later they go on and they commit an actual crime and there is a trial—you want to be able to access the records from the past.

Also, for the individual victim, it means they no longer have access to the evidence necessary for pursuing criminal action against their perpetrator.

It also means if the victim experiences depression or any other ailment, relating to the assault, they may not be able to prove it was caused during their service, meaning they will not be able to seek VA disability benefits.

There are far too many examples of this out there—of servicemembers being denied compensation from the VA for disabilities caused by military sexual assault. There are far too many examples of servicemembers who have been told to “find a witness.” And when there are no witnesses, they have been told to “go to the VA and try to attest to the assault.” This is not the way we should be treating our servicemembers.

This summer, the Senate Armed Services Committee saw fit to address the issue of military sexual assault during its markup of the bill. I am grateful for the time and effort my colleagues invested in reviewing this issue. Already, the National Defense Authorization Act requires the Department of Defense to collaborate with the Department of Veterans Affairs in developing a comprehensive policy for improving retention and access to sexual assault records.

Importantly, the bill ensures protection of the privacy of the records. It
also calls on the Defense Department and the VA to address access to the records not only for victims but also to the VA, law enforcement, and other entities that may need to access them. The bill also seeks to make the policy uniform across all service branches, as well as the Department of the Air Force, the Army, the Navy, and the Marines are given fair treatment.

Why would you have records destroyed of sexual assault in one branch after a year and another branch after 5 years and another after 10 years? It is my position they should not be destroyed at all. The one provision which was not included in the Defense Authorization Act, which I believe is vitally important, was the requirement that records be stored throughout the life of the victim. Storing records for a person’s lifetime is, in my mind, common sense. All other critical records, such as our health records, insurance records, banking records, are stored throughout their life spans. So I believe the case should be the same here. Unfortunately, the Defense Authorization Act does not require lifelong storage. Instead it put this question entirely in the hands of the Defense Department, requiring that the records be stored for 5 years and otherwise allowing the agency to determine its own timing.

Five years is not enough. Yes, it is five times the length of time the records are currently stored, and in that respect it is a good step. But it is not enough, not in a modern day where we store records and we have ways of storing records in a way—and certainly the Defense Department knows how to store these records—that is private.

That is why I have filed an amendment that would ensure that all sexual assault records are stored for an estimated 50 years. This solution is one that I have discussed personally with Senator McCaul, and also something my office has worked on closely with the Department of Defense. Although 50 years is not necessarily the life of the victim, it gets us a long way and is certainly better than what we have now.

I thank Chairman Levin for his willingness to work with me on this important issue and for his efforts to include this amendment in the overall bill. I also thank the Republicans, the other side of the aisle, for working with us and this was something my office has worked on closely with the Department of Defense. Although 50 years is not necessarily the life of the victim, it gets us a long way and is certainly better than what we have now.

I urge my colleagues to support this amendment as well as the strong provisions in this bill that address sexual assault protections for military members. The problems with sexual trauma within the military are broad. But the provisions included in the bill, including my amendment, are important advancements. I intend to monitor the Defense Department’s implementation of these provisions. Although I was not able to secure the full lifelong record preservation, I am going to keep fighting this fight. But 50 years for most of the records is a pretty good result given what we have in place right now.

This year, the Department of Defense has finally placed a military officer in charge of its Sexual Assault Protection and Response Office, GEN Mary Kay Hertog. I believe she has not only a good grasp on the importance of preserving records but also the rank and weight necessary to forge real change in the Department’s policy.

I intend to continue my communications with General Hertog, and I look forward to finding a policy that ensures that victims have lifelong access to their personal records. When our men and women signed up to serve there was not a line, and there should not be a line when they get back—not for jobs, not for education, and not to receive the medical benefits or health protection they have earned.

I see my colleagues, the leaders on this bill, Senator Levin and Senator McCain, are here. I again thank them for working with me on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. MCCAIN. Mr. President, I thank the Senator from Minnesota for her strong efforts on behalf of the men and women in the military and their welfare and benefits. She is an advocate and a person who is committed to making sure that not only those who are now serving but those who have are cared for by our society and by our military and our veterans facilities.

So I thank the Senator: I appreciate the very eloquent statement she just made.

Mr. MCCAIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to, as follows:

On page 439, line 18, insert “, in consultation with the Chairman and Ranking Members of the Committees on Armed Services of the Senate and the House of Representatives,” after “Secretary of Defense”.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, I would ask my friend, the chairman, if perhaps we could give our colleagues a brief update on where we are. There are not that many amendments remaining. There are a couple of rather serious amendments concerning detainees that are still outstanding. But overall I think we can tell our colleagues that we are pretty well moving along.

We still have a pending package of amendments that have been agreed to by both sides that, unfortunately, we are unable to move forward. But, hopefully, we will be able to do that.

Mr. LEVIN. Mr. President, we indeed have been making progress. No. 1, We have cleared the pending package of amendments that have been agreed to by both sides that, unfortunately, we are unable to move forward. But, hopefully, we will be able to do that.

Mr. LEVIN. Mr. President, we indeed have been making progress. No. 1, We made significant progress today both on the pending amendments that needed to be addressed by the full Senate, as well as a major package of amendments which has been cleared on both sides.

There is another package of amendments to which there has been no—they have been cleared, which means they are available to everybody, and
there is no objection by anybody to the substance of those amendments. If there is any objection, then they are not going to be cleared. They would then have to be brought up to the whole body.

Today we have a number of significant amendments to address, including the Feinstein amendments, the Menendez-Kirk amendment on Iran sanctions, just being a few of them. But there are a number of other ones as well. In a moment, what I am going to be asking for is unanimous consent that when we come in tomorrow the first amendment pending be my amendment, No. 1293, on high-speed ferries, which apparently will require a rollcall vote.

So I just want to alert everybody that while we are preparing a unanimous consent agreement laying out what the order will be for tomorrow, what we will start with, that is our intention. I have talked already, of course, to Senator McCAIN about that. He is agreeable that we start with that amendment, No. 1293.

Mr. McCAIN. Mr. President, we think we can get wrapped up tomorrow. But there are serious amendments remaining. The Menendez-Kirk amendment is a very serious amendment and one that probably is going to deserve some debate time as well as the Feinstein amendment. The Sessions amendment also is one as well. So I think our colleagues should be prepared for a pretty interesting day tomorrow.

AMENDMENT NO. 1185, AS MODIFIED

Mr. SESSIONS. Mr. President, I ask unanimous consent that my amendment No. 1185 be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. This amendment would simply require the Department of Defense to include the discussion of the feasibility and advisability of establishing a missile defense site on the east coast of the United States in its Homeland Defense Hedging Strategy Review.

I hope my amendment can be accepted by voice vote. I thank Senator LEVIN and Senator MCCAIN for working with me to get language I believe all can agree to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the Sessions amendment, as modified, has been reviewed. I know it has cleared on this side. I am confident it has been cleared by both sides of the aisle.

The amendment would require the Department of Defense to report to Congress on the findings and conclusions of the Department's Homeland Missile Defense Hedging Strategy Review, including a discussion of the feasibility and advisability of establishing a missile defense site on the east coast of the United States.

The administration officials have committed to providing Congress with the results of its Hedging Strategy Review. This amendment would make it clear that the Department is required to do exactly that, and I just want to thank the Senator for his amendment, for modifying it, and I hope now we can adopt it.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1185), as modified, was agreed to, as follows:

At the end of subtitle C of title II, add the following:

SEC. 234. REPORT ON THE UNITED STATES MISSILE DEFENSE HEDGING STRATEGY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the findings and conclusions of the homeland missile defense hedging strategy review, including a discussion of the feasibility and advisability of establishing a missile defense site on the East Coast of the United States.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Now I believe we have one other, Senator INHOFE's amendment, which now I think is agreeable on both sides.

AMENDMENT NO. 1098, AS MODIFIED

Mr. INHOFE. Mr. President, I have amendment No. 1098, as modified. I ask that it be considered.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 1098), as modified, is as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. REPORT ON IMPACT OF FOREIGN BOYCOTTS ON THE DEFENSE INDUSTRY.

(a) IN GENERAL.—Not later than October 1, 2012, the Department of Defense shall submit to the appropriate congressional committees a report setting forth an assessment of the impact of foreign boycotts on the defense industrial base.

(b) ELEMENT.—The report required by subsection (a) shall include a summary of foreign boycotts that posed a material risk to the defense industrial base from January 2008 to the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) FOREIGN BOYCOTT.—The term "foreign boycott" means any policy or practice adopted by a foreign government or foreign business enterprise intended to penalize, disadvantage, or harm any contractor or subcontractor of the Department of Defense on account of the provision by that contractor or subcontractor of any product or service to the Department.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means:

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

The PRESIDING OFFICER. Is there further debate?

Mr. LEVIN. Mr. President, I thank Senator INHOFE for the modification of his amendment. It is agreeable on our side.

Mr. INHOFE. Mr. President, I appreciate that. First of all, I don't recall the majority working so closely together and in the right way for a while. Several of my amendments have been accepted. I think they agreed to this one. It directs DOD to have a report on the effect of boycotts against our defense contractors. It is modified, and I ask for its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 1098), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I believe Senator INHOFE may wish to be recognized to talk about another amendment or a couple amendments that he has. We will not take any further action on those amendments now.

I think we are perhaps, hopefully, ready soon to offer a unanimous consent on what I described a moment ago—how we will begin in the morning. We will wait for that to be prepared. I yield the floor.

Mr. INHOFE. Mr. President, I have two amendments that I believe are very significant. However, I don't believe they will clear, and that is the reason I will not be bringing them up. But it is important we do address the problems. The Military Leasing Act prohibits military installations from receiving any revenues from mineral exploration of these lands. Exploration has taken place in Oklahoma and other places, where we have, with the new horizontal drilling, been able to get at some of these reserves. The problem is that this incurs an expense by the military operations. The one I am talking about right now happens to be the depot in McCallister, OK. Under the Mineral Leasing Act that governs oil and gas leasing on Federal lands, it gives the responsibility to the Bureau of Land Management.

The problem is, we want to explore it and accommodate it. We can avoid some of these tremendous reserves and not just in Oklahoma but elsewhere. But there is not a mechanism by which they can be paid for expenses incurred by the local installation. We are going to be working on this and coming up with some kind of a solution. I will not be offering this as an amendment.

The second one I will not be offering is one that is very significant, which is treating what we refer to as the sub-S, non-S carriers, carriers, nonscheduled carriers, that are currently taking material and personnel into areas such as Afghanistan. We have crew rest responsibilities, saying they cannot be—
crew cannot be working for more than 15 hours. The problem is this: 95 percent of the military personnel going into Afghanistan and some of these other areas go in by subpart-S operators. They are exempt from the crew rest. Right now, there is legislation that would make them fall under the crew rest requirements.

Military can take them in, but military doesn’t have the capacity. That is why 40 percent of all materiel and 95 percent of personnel are being brought into this zone. As an example, if they are going from the logical place, which would be in Germany to go into Afghanistan, they would carry it in, but they would not be able to offload whatever cargo or personnel and then get back and go to Stuttgart or whatever location it is in Germany because that would exceed crew rest.

On the other hand, they are precluded from having civilian aircraft staying in places such as Afghanistan. So there is no solution to it. We want to address this. We are going to try to do it. We feel this will not clear as it is now. So I will not be offering it tonight, but it is one I think is very significant.

With that, I yield the floor.

AMENDMENTS NOS. 1094, 1095, 1096, AND 1101 WITHDRAWN

Mr. LEVIN. Mr. President, I wonder if while the Senator from Oklahoma is here—we are trying to get a current list of amendments. Is it his intention to withdraw amendment No. 1101 on C-12 aircraft?

Mr. INHOFE. I don’t have that one with me. I would rather wait until I get the amendment. There is one other I will want to have passed—several amendments are on Guantanamo Bay detention. This is on long-term, high-value detainees. It is my intention to offer that tomorrow.

I have currently four amendments that will wait until this time so we can un-clog some of this.

I ask unanimous consent to withdraw amendments Nos. 1094, 1095, 1096 and 1101.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. 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. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF SYLVIA GILLESPIE

Mr. DURBIN. Mr. President, I want to take a few moments to thank a remarkable woman on my staff. Sylvia Gillespie, in my Springfield office, is retiring after 12 years. When you walk into that office in Springfield, Sylvia is the first person you see, and her smile has made thousands of people feel welcome. Her heart is as warm as her smile.

Sylvia is from the South Side of Chicago. She likes to say, “The same as Michelle Obama.” She went to Austin O. Sexton Elementary School on South Langley Avenue and grew up on the same streets where that infamous street gang, the Blackstone Rangers, made a lot of trouble. But she survived that experience and went on to make a life in the service of others.

When she looks back at her life, Sylvia gets a little choked up and she says that little girl from the ghetto to working for a Senator. Well, the answer is very simple. Sylvia Gillespie cares about other people. She has helped countless people during the 12 years she has worked in my office. From helping people put their passports get their passports to not miss a family wedding in some foreign country to speaking on behalf of constituents who ran into trouble with Federal agencies such as the Internal Revenue Service, Sylvia has been such a positive force in the lives of so many people.

The work she is most proud of, and the one thing she will talk to you about, is what she has been working on for the last 2 years—helping families in Illinois stay in their homes. Sylvia has helped dozens of families stay in their homes during the mortgage crisis when they thought they had lost everything through foreclosure. She would sit on conference calls with banks for hours at a time, refusing to take no for an answer. You don’t want to cross Sylvia Gillespie when she is fighting for someone she believes in.

Ask her why and she explains: I just felt like we just couldn’t lose one more home. If I can prevent a family from losing their home by being on the phone with the bank for 3 hours, I would do it.

And she would do it. Sometimes she would work so many hours the homeowners had given up. In one particular case, a hardworking mom with two kids had done everything right.

She played by the bank’s rules, but she was still only days away from watching the home she loved be auctioned off, and she was ready to give up. But Sylvia wasn’t. Sylvia asked: Have you ever seen a mustard seed? That’s all you need: Faith the size of a mustard seed to get through this.

That was Sylvia. And after a long and grueling process, guess what. Sylvia prevailed. The woman received her loan modification. With Sylvia’s help, that mother and her children will be spending this holiday season right where they want to be—in their own home.

That mom is just one of the many Illinoisans who are going to join me in being sad when Sylvia decides to retire.

When Sylvia is not working hard in my office, she spends a lot of time at the Abundant Faith Christian Church. She loves that church. She has invited me there on Sundays, and she really gets into it. She is a woman of faith, and she is a great singer. She throws herself, heart and soul, into services. Every Sunday morning she and a few others cook up a breakfast for the community people who live near the
church. They serve the families of patients in a nearby hospital and homeless people who come over from the neighborhood shelters.

Let me tell you another thing about Sylvia. She is a great cook and a great baker. If you ask anyone in my Springfield office, they will tell you that her cookies and cakes are the best.

We have seen Sylvia dress up in full regalia as a clown, which she does once a while to bring cheer and fun to parties and events in her community. She is a happy person and it is a joy to be around her.

She also has a great talent for decorating. One of her last responsibilities in my office, before her official last day before retirement, was setting up the Christmas decorations. Thanks to her, our office in Springfield is in full swing for the holidays.

We are going to miss Sylvia in our office. I speak for everyone there and countless people when I thank Sylvia for the outstanding 12 years of service she has dedicated to helping people in Illinois.

Sylvia is the mother of two beautiful grown daughters, Danette and Genaire. She is a proud grandmother of three grandchildren, ages 12, 13, and 11. She now has to make the tough choice of which daughter she will join and live with. They both want her. She has to decide whether to go with Danette in Portland, OR, or stay with Genaire in Davenport, IA. Whatever her choice, she told me there is one thing she wants to make sure of—that she has a reservation for the ticket of Barack Obama’s second inaugural. She made the first, and she wants to be at the second one too. I made that promise to her.

Wherever she goes, I know Sylvia Gillespie will continue to be an inspiration to everyone she meets, and will, as long as she lives, reach out a helping hand to people who need a little assistance, a little encouragement, and that great Sylvia Gillespie smile.

Sylvia, thanks for 12 years of wonderful service in our office in Springfield. I wish you and your family the very best for many years to come.

TRIBUTE TO HELEN J. STEWART

Mr. REID. Mr. President, I rise today to honor Helen J. Stewart, a brave and extraordinary woman who lived through the early days of Las Vegas. On December 3, 2011, there will be a dedication of the statue erected in her honor at the Old Las Vegas Mormon Fort State Historic Park.

In 1882, Helen arrived in the Las Vegas Valley with her husband Archibald and their three young children. After her husband died of a gunshot wound in 1884, she managed their isolated ranch while caring for five young children. A business-savvy woman, Helen sold 1,832 acres of the ranch to the railroad in 1902 for $55,000. This land became the area from which the City of Las Vegas developed.

Helen had a pioneering spirit, and she is considered to be the “First Lady of Las Vegas.” Among her numerous accomplishments in the community, she was the first Postmaster, the first woman to serve on a School District Board, and the first woman to serve on the jury. In addition, she was an advocate of women’s rights, a charter member of the Mesquite Club, one of the founders of the Christ Episcopal Church, and the president of the Las Vegas chapter of the Nevada Historical Society.

Helen also developed strong friendships with the Southern Paiutes. They were her neighbors and some were workers on her ranch. In 1911, she deeded 10 acres of her land to the Federal Government for use as an Indian school. That land established what is now known as the Las Vegas Indian Colony for the Las Vegas Paiute Tribe.

I am pleased to stand today to recognize Helen’s outstanding achievements. She was a remarkable mother, rancher, businesswoman, and community leader, and she serves as an inspiration to us all.

HOLD ON H.R. 3012

Mr. GRASSLEY. Mr. President, I rise to inform my colleagues that I am placing a hold on H.R. 3012, the Fairness for High-Skilled Immigrants Act. This bill would eliminate the per-country numerical limits for employment-based visas and increase the numerical cap for family-based immigrants. I have concerns about the impact of this bill on future immigration flows, and am concerned that it does nothing to better protect Americans at home who seek high-skilled jobs during this time of record high unemployment.

TRIBUTE TO THOMAS H. MILLER

Mrs. MURRAY. Mr. President, I would like to recognize and honor the service of Thomas H. Miller as he retires as the executive director of the Blinded Veterans Association. Mr. Miller has been an outstanding servant to his country and an advocate for his fellow veterans. He is truly an example of courage and perseverance. He has demonstrated throughout his career that the blindness he sustained through combat injuries does not impede his ability to have an impact here at home.

Mr. Miller served his country honorably in Vietnam and lost his eyesight during a 1967 combat mission. He was honorably discharged a year later and returned home to find limited resources for veterans suffering from blindness. Following his own struggle to adjust to life at home, Mr. Miller dedicated himself to ensuring that all blinded veterans share in the resources, services, and support that can bring new hope and opportunities.

As executive director of the Blinded Veterans Association, Mr. Miller helped dramatically improve the lives of blinded veterans nationwide. In 2006 he helped launch Operation Peer Support, a program aimed at ending the isolation suffered by many blinded veterans returning from combat in Iraq and Afghanistan. This program provides veterans with necessary information regarding rehabilitation, employment, and self-help activities. Most importantly, Operation Peer Support has provided many blinded veterans with the opportunity to interact with one another and make lifelong friendships here at home.

Mr. Miller was also instrumental in raising awareness for blinded veterans. During his time with the Blinded Veterans Association, Mr. Miller worked with the Veterans Health Administration to improve care for the vision impaired. He testified before the House Committee on Veterans’ Affairs about the challenges facing blind veterans and served as the chair of the Federal Advisory Committee on Prosthetics and Special Disabilities Programs. In 17 years of leadership, the Blinded Veterans Association made vital contributions to legislation that has greatly expanded benefits and services for vision impaired veterans.

Our Nation is fortunate to have veterans as selfless and dedicated as Mr. Miller. While he could have allowed his combat injuries to slow his career, Mr. Miller instead saw his experience as an opportunity to help improve the lives of thousands of his peers. He has given honest and faithful service to his country and those wounded veterans transitioning to life back at home.

WALL STREET PROTESTS

Mr. LEE. Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Mallory Factor and published in Forbes magazine.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCCUPY WALL STREET... NEXT STOP, ATHENS?

In the past few weeks Americans have watched with interest, bemusement and anger as protests and sit-ins on Wall Street have sparked similar demonstrations around the country. With vague goals of combating greed and corruption, the Occupy Movement has sparked similar demonstrations around the country. But if you think a thousand protesters on Wall Street is a problem for our nation, wait until you see the civil unrest that follows the reforms and cuts to government programs needed to bring our national debt under control. Just look at Greece, where government is being reformed, drastic cuts are being made—and the society is unraveling. In Greece a series of severe austerity measures has been imposed as conditions for recent bailouts by the International Monetary Fund and the other members of the single European currency, the euro. Yet the economy continues to spiral downward.
And with each new round of reforms in Greece, misery and unrest are on the rise. Strikes and angry street protests are a daily occurrence, as unions fight decreases in pay and benefits that workers, who protest the lack of opportunity and ordinary citizens resist reforms and tax increases. The confrontation with authorities is impeding business and destroying tourism, deepening the crisis further.

Some of that struggle is for naught. The Greek government couldn’t reduce austerity measures if it wanted to. Fiscal policy is now out of its hands and likely to remain so for decades, perhaps generations.

And while most Greeks agree the bloated state must be streamlined, they’re stifling their anger. That’s why many in the euro zone believe Greece must default in order to rebuild a more efficient government.

America isn’t in that predicament—yet. But there are cautionary lessons to be lifted from the overcrowded streets of Athens. As the Greek example shows, government largesse is easy to expand but difficult to cut back without inflaming people.

For years our politicians have framed increases to government benefits as compassionate and obligatory. Now all that over-spending needed back and government programs reformed to curb the federal deficit. But each round of needed cuts and reforms will likely cause misery—in an amount greater than the happiness generated by spending increases.

Behavioral economics, which uses social and psychological factors to predict a population’s decision-making behavior, captures this puzzle in two fundamental principles.

First, the principle of “loss aversion” explains that people hate to lose something more than they value receiving something. So, if many Americans don’t value existing government programs and spending very highly, they will likely be very unhappy about the loss of those same goods and services.

Second, even if you streamline our government and make programs more efficient, the “endowment effect” predicts that people will still oppose changes to the benefits they receive. People tend to value the goods and services they have more than they do equivalent replacement goods and services. The endowment effect makes it very difficult to cut back on existing benefits for new ones and thus to “reform” government programs.

Whether we cut spending and make reforms now or later, course correction will be difficult and even potentially dangerous to our nation’s stability. Just look at the resistance of public employees in Wisconsin, Indiana and elsewhere to relatively minor cuts to see how people will contest vigorously any decreases to their benefits and programs.

Behavioral economics teaches us that any time you make changes and reduce government benefits and programs, we can expect people to be very upset about those decisions—and likely resist them. Still, we need significant reductions in spending the U.S. on track toward a balanced budget.

Paring back government will undoubtedly cause misery and social dislocation. However, “death” by a thousand small cuts will intensify citizen unrest and may produce revolutionary fervor unlike anything we’ve seen in America in our lifetime. Our nation will be better off by reforming our system radically, in a single dramatic turn, rather than piecemeal—or face something very like the furious streets of Athens.

PREMATURITY AWARENESS MONTH

Mr. BROWN of Ohio. Mr. President, November is Prematurity Awareness Month, but as the month comes to an end, our fight against preterm births and complications caused by prematurity continues daily in hospitals, homes, and research facilities across the country.

Each year in the United States, more than half a million babies are born prematurely. More startling, over the last three years, the infant birth rate has increased more than 36 percent. Today, prematurity is the leading cause of newborn death in the United States.

Additionally, a preterm baby is four times more likely to have at least one medical condition, such as cerebral palsy and learning and behavioral problems. And the life-long health complications caused by preterm birth also have a serious financial burden on the child and parent. A premature birth in Ohio cost our nation $2.6 billion annually. Yet, despite the costs in lives lost and families burdened, medical research and innovation continues find new cures and therapies.

On the Federal level, beginning in 2003, the National Institutes of Health (NIH) invested approximately $21 million in research for a drug—progesterone or 17P—to prevent preterm birth. 17P was found to reduce preterm births by 37 percent in high-risk pregnancies, and compounding pharmacists were able to provide compounded 17P to women for a mere $10—$20 a dose. Earlier this year, however, a pharmaceutical company received exclusive rights to manufacture the drug and increased the price by 14,900 percent to $1,500 a dose. But because of the advocacy of Ohio’s leading children’s hospitals from Cleveland to Cincinnati—because of your advocacy—women I met in airports and community halls, we raised the public’s awareness to the astronomical price gauge and increased public demand against the company to reconsider its pricing. The company eventually reduced the cost of its branded version of 17P, Makena, from $1,500 a dose to $690—still significantly more expensive than the compounded version.

Given the public and Congressional outcry and the need to create a life-saving drug more affordable and available to millions of women who depend on it.

But despite the success of 17P in preventing preterm births, more needs to be done. Every year March of Dimes works to reduce the number of preterm births in Franklin County, Ohio. The collaborative brings together Ohio Better Birth Outcomes (OBBO) to reduce the number of preterm births in Franklin County. OBBO’s emphasis on home nurse visits to low-income mothers from the 26th week of gestation through the child’s second birthday and education and counseling for mothers about “safe spacing” pregnancies. By allowing their bodies at least 18 months to fully heal between pregnancies, their subsequent pregnancies will be healthier. Through their efforts, we were able to increase gestation time by an average of six weeks and two days. For each week a woman is able to carry her baby between 36 weeks and 39 weeks, the baby has a 23 percent decrease in respiratory diseases, severe hemorrhages, and other complications.

Ohio is also home to the Ohio Perinatal Quality Collaborative, which consists of 45 clinical teams from 25 teaching hospitals. The Collaborative, based at Cincinnati Children’s Hospital Medical Center, includes all of Ohio’s children’s hospitals as well as regional hospitals such as Akron’s Summa Health System, the Toledo Hospital, the Mount Carmel Hospital System, St. Elizabeth’s Health Center in Youngstown, and Miami Valley Hospital in Dayton. Twenty-four teams are focusing on reducing catheter associated infections in preterm babies and the other 21 teams are focusing on reducing the number of deliveries that occur between 29 and 36 weeks gestation.

In my hometown of Mansfield in Richland County, Ohio, the Community Health Access Project (CHAP) stepped in after discovering that certain groups of women were three times more likely to give birth to a low birth weight infant. Through a series of community outreach initiatives, CHAP community health workers and local volunteers were able to identify and better address the health needs of at-risk pregnant women. In its first three years, the number of low birth weight babies in the region showed a decline from 22.7 percent to 8 percent and CHAP has become a national model in community health services.

At University Hospitals (UH) in Cleveland, the MacDonald Women’s Hospital and Rainbow Babies & Children’s Hospital implemented the OBBO’s efforts. The Collaborative in 2010. This unique, group-based program targets socially at-risk women who are least likely to receive consistent prenatal
care and have the greatest risk of having a low birth weight baby or delivering prematurely. The program has enabled UH to dramatically reduce incidences of preterm births and low birth weight babies by 8 percent and 8.7 percent below the national average respectively.

November has come to an end, but I look forward to continue working with organizations and health systems in Ohio and across the country to reduce premature births and ensure a healthy start in life for our Nation's children.

ADDITIONAL STATEMENTS

REMEMBERING JIM CAPOOT

- Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the life of James “Jim” Capoot, a dedicated husband, proud father, loving son, devoted friend, and respected colleague. Officer Capoot lost his life in the line of duty while serving the Vallejo Police Department on November 17, 2011. He was 45 years old.

- Jim Capoot was originally from Little Rock, Arkansas and served in the U.S. Marine Corps and as a California highway patrol officer before joining the Vallejo Police Department in 1992. Officer Capoot was a highly decorated officer having received the Vallejo Police Department Officer of the Year Award, the Medal of Merit, the Life Saving Medal, and twice awarded the Medal of Courage. In addition to his work with the police department, Officer Capoot was the volunteer coach of the Vallejo High School girls’ basketball team and led the team to a section championship in 2010.

- Officer Jim Capoot, like all those who serve in law enforcement across California, put his life on the line to protect his community. I extend my deepest condolences to his loving wife Jessica and three daughters. My thoughts and prayers are with them. We are forever indebted to him for his courage, service, and sacrifice.

TRIBUTE TO RANCOURT & CO. SHOEDECKERS

- Ms. SNOEWE. Mr. President, my home State of Maine boasts countless entrepreneurs who are working to ensure that our Nation has a vibrant, growing economy for years to come. Michael and Kyle Rancourt, a dynamic father and son duo, exemplify this vibrant entrepreneurial spirit. Through ingenuity and hard work, they have developed and maintained a thriving shoemaking business based in the central Maine city of Lewiston, which was once a hub for the industry. Today I wish to commend and recognize the founders of Rancourt & Co. Shoeckers for their success and commitment to their business and local community.

- The Rancourt family has provided superb quality shoes for three generations. The family began its business in 1964. However, 11 years ago, Mike Rancourt sold the small family shoe business to Allen-Edmonds, which at the time was its largest client. Soon after, due to a struggling economy, the U.S. shoe industry experienced tremendous difficulties, and it became necessary for Allen-Edmonds to reduce its staff and close the Lewiston factory originally owned by the Rancourts.

- Aware of these developments and reluctant to see the shoe factory which provided so many throughout the community with jobs, Michael and Kyle Rancourt decided to buy the factory back from Allen-Edmonds in 2009, reviving their passion for shoe making. The Rancourts began anew with just 20 employees but quickly found success in what many considered to be a dying domestic industry as more shoe manufacturers expanded overseas. A shifting demand for domestically made, quality products propelled them with a growing consumer base and a steady source of revenue.

- This small business uses resources purchased from around the world to hand-make men’s dress and casual shoes using the traditional method known as “last.” This meticulous process involves employees hand-fitting leather into a shoe form, tacking the leather pieces in place, and then hand-stitching them with waxed threads and needles. The result of this process is a shoe that is recognized around the world for its superior quality and genuine comfort.

- Looking at the new Rancourt & Co. today, it is difficult to imagine that it once faced extinction. The company has grown to over 50 employees today and has increased the number of men’s shoes it manufactures on a weekly basis from 250 to 1,000. These fine-crafted products are sold throughout the United States as well as international locations such as Hong Kong, India, the United Arab Emirates, and Japan. This small firm continues to expand, and in July, the company launched an online store which already grosses between $3,000-$10,000 each week.

- Small businesses like Rancourt & Co. Shoeckers are critical to the economic health of our country and our local communities. During a time of heightened global competitiveness, Michael and Kyle Rancourt were able to revive and renew their business and compete in an environment that many thought would be too difficult and taxing for domestic manufacturers. As a result of their efforts, the company has prospered, preserving jobs in a local Maine community while showing the world what American small business can accomplish. I congratulate everyone at Rancourt & Co. Shoeckers for their remarkable success and wish them many more years of accomplishment.

RECOGNIZING BENTON COUNTY DRUG COURT

- Mr. WYDEN. Mr. President, the Benton County Drug Treatment Court is a shining example of our Nation’s drug court system. As one of only 10 mentor courts in the Nation, the Benton County Drug Treatment Court serves as a model program for the over 2,500 treatment courts in the United States. This achievement is especially significant given that the Benton County Drug Treatment Court started as an ambitious pilot program only 10 years ago.

- The positive impact drug treatment courts have on individuals, families, and communities throughout our country is remarkable. Due to tireless efforts underway since the first drug court was established over 20 years ago, there is now a system in place which, if completed, reduces the likelihood of drug relapse for individuals, provides increased housing stability, and brings families together. The positive outcomes from completion of drug courts are well documented and benefit those outside the system as well by reducing costs to the taxpayer.

- Congratulations to the Benton County Drug Court on their 10th anniversary. Because of innovative solutions like drug courts, our country is one step closer to breaking the cycle of addiction which has plagued our country for far too long.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:25 p.m., a message from the House of Representatives, delivered by Mrs. Cole, 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. 1801. An act to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

H.R. 2192. An act to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

EC–4084. A communication from the Dep-uty to the Chairman, Postal Service, trans-mitting, pursuant to law, the report of a rule ent-titled "Postal Service Rates: 2012 Budget Re-visions" (RIN0730–AA49) received in the Office of the President of the Senate on October 25, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4085. A communication from the Sec-retery of the Treasury, transmitting, pursu-ant to law, a report of a rule ent-titled "Operating Rules and Regulations for the Income Tax Returns Under the Federal Tax System" (RIN0960–AA89) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Finance.

EC–4086. A communication from the Prog-ram Manager, Health Resources and Serv-ices Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Report on the Utilization of Medicare Advantage Plans" (RIN0991–AB77) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Finance.

EC–4087. A communication from the Sec-retery of the Interior, transmitting, pursuant to law, the report of a rule entitled "Effective Dates for the Effect of the Final Proposed Rule" (RIN0990–AA71) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Finance.

EC–4088. A communication from the Sec-retery for Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Extension of Import Restrictions Imposed on Certain Archaeological and Ethnological Material from Greece" (RIN1511–AD83) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Finance.

EC–4089. A communication from the Sec-retery of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans Affairs Fiscal Year 2012 Budget Re-visions" (RIN0991–AB77) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4090. A communication from the Sec-retery of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Rulings and Revenue Procedures for Fiscal Years 2012 and 2013" (RIN0730–AA49) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Finance.

EC–4091. A communication from the Sec-retery of the Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "National Park Service Fire Plan" (RIN1512–AF81) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Finance.

EC–4092. A communication from the Sec-retery of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Health Care Providers: Final Rule for the Hospital Inpatient Payer Report" (RIN0991–AB77) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Finance.
Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled “Testing and Labeling Pertaining to Product Certification” (RIN3061–AC71) to the Committee on Commerce, Science, and Transportation.

EC–4100. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Television Broadcasting Services; Montgomery, Alabama” (MB Docket No. 11–137; RM–11637) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4101. A communication from the Chief of Staff, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of allotments, FM Broadcast Stations (Rastrop, Louisiana)” (MB Docket No. 11–67; RM–11628) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4105. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Species; Designation of Habitat for the Southern Distinct Population Segment of Eulachon” (RIN0648–BA38) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4120. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: The Boeing Company Model 737–300, –400, and –500 Series Airplanes” (RIN2120–AA44)(Docket No. FAA–2011–1162) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4121. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: SOCATA Airplanes” (RIN2120–AA64)(Docket No. FAA–2011–1163) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4122. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Bell Helicopter Textron, Inc. (Bell), Model 205A–1, 205B, 210, and 212 Helicopters” (RIN2120–AA64)(Docket No. FAA–2011–1162) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4141. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Bombardier, Inc. Airplanes” (RIN2120–AA64)(Docket No. FAA–2011–0923) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4142. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Sikorsky Aircraft, Inc. (Sicaero), Model S 76 Helicopters” (RIN2120–AA64)(Docket No. FAA–2011–0923) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROBERTS (for himself and Mr. MORAISON):
S. 2924. A bill to authorize States to enforce pipeline safety requirements related to wellbores at interstate storage facilities; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY (for himself and Mr. CRAPAO):
S. 2925. A bill to reauthorize the Violence Against Women Act of 1994; to the Committee on the Judiciary.

By Mrs. GILLIBRAND (for herself, Mr. STABENOW, Mr. HARKIN, Mr. TESTER, Mr. FRANKEN, Mr. CASHY, Mr. SANDERS, Mr. LAUTENBERG, Mr. SCHUMER, Mr. BROWN of Ohio, and Mr. NUTTER):
S. 2926. A bill to amend the Department of Agriculture Reorganization Act of 1994 to establish in the Department of Agriculture a Healthy Forests Reserve Program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PAUL (for himself and Mr. GRAHAM):
S. 2927. A bill to modify the criteria used by the Corps of Engineers to dredge small port facilities; to the Committee on Environment and Public Works.

By Ms. KLOBUCHAR (for herself and Mrs. HUTCHISON):
S. 2928. A bill to provide criminal penalties for stalking; to the Committee on the Judiciary.

By Mr. BLUMENTHAL (for himself, Mr. BURRIEM, Mrs. MCCASSIL, Mr. BLUNT, Mr. SCHUMER, Mrs. GILLIBRAND, and Mrs. FEINSTEIN):
S. 2929. A bill to require the Secretary of the Treasury to mint in commemoration of Mark Twain; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TOOMEY (for himself and Mrs. McCASKILL):
S. 2930. A bill to prohibit earmarks; read the first time.

By Mr. HELLER:
S. 2931. A bill to provide civilian payroll tax relief, to reduce the Federal budget deficit, and for other purposes; read the first time.

By Mr. LUGAR (for himself, Mr. HOEVEN, Mr. VITTER, Mr. MUKOWSKI, Mr. MCCONNELL, Mr. JOHANNIS, Mr. ROBETS, Mr. BARRASSO, Mr. COATS, Mr. RUINO, Mr. BINGMAN, Mr. WICKER, Mr. INHOFE, Mr. MORAN, Mr. THUNE, Mr. JOHNSON of Wisconsin, Mr. CRAPO, Mr. GRAHAM, Mr. BLUNT, Mr. SESSIONS, Mr. ENZI, Mr. ALEXANDER, Mrs. HUTCHISON, Mr. RISCH, Mr. CHAMBLESS, Mr. KIRK, Mr. PORTMAN, Mr. BROWN, Mr. SHIRLEY, Mr. LEON, Mr. POMMEN, Mr. COCHRAN, Mr. GRASSLEY, Mr. HELLER, Mr. CORKER, and Mr. TOOMEY):
S. 2932. A bill to require the Secretary of State to report on a proposed Keystone XL pipeline; read the first time.

By Mr. REID:
S. J. Res. 30. A joint resolution extending the cooling-off period under section 10 of the Railway Labor Act with respect to the dispute referred to in Executive Order No. 13567 of October 6, 2011; read the first time.

By Mr. REID:
S. J. Res. 31. A joint resolution applying certain conditions to the dispute referred to in Executive Order No. 13567 of October 6, 2011, between the enumerated freight rail carriers, common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations that have agreed to extend the cooling-off period under section 10 of the Railway Labor Act beyond 12:01 a.m. on December 6, 2011; read the first time.

By Mr. ENZI:
S. J. Res. 32. A joint resolution to provide for the resolution of the outstanding issues in the current railway labor-management dispute; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN of Massachusetts:
S. Res. 340. A resolution to amend the Standing Rules of the Senate to prohibit a Member, officer, or employee of the Senate from disclosing or using any material nonpublic information learned during the course of his or her service for personal gain; to the Committee on Rules and Administration.

By Mr. MERRLEY (for himself, Mr. BURR, Mr. SNOW, Mr. WYDEN, Mrs. 30November 2011 CONGRESSIONAL RECORD—SENATE S8067 7

By Mr. PAUL (for himself and Mr. GRAHAM):
S. 2927. A bill to modify the criteria used by the Corps of Engineers to dredge small port facilities; to the Committee on Environment and Public Works.

By Ms. KLOBUCHAR (for herself and Mrs. HUTCHISON):
S. 2928. A bill to provide criminal penalties for stalking; to the Committee on the Judiciary.

By Mr. BLUMENTHAL (for himself, Mr. BURRIEM, Mrs. MCCASSIL, Mr. BLUNT, Mr. SCHUMER, Mrs. GILLIBRAND, and Mrs. FEINSTEIN):
S. 2929. A bill to require the Secretary of the Treasury to mint in commemoration of Mark Twain; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TOOMEY (for himself and Mrs. McCASKILL):
S. 2930. A bill to prohibit earmarks; read the first time.

By Mr. HELLER:
S. 2931. A bill to provide civilian payroll tax relief, to reduce the Federal budget deficit, and for other purposes; read the first time.

By Mr. LUGAR (for himself, Mr. HOEVEN, Mr. VITTER, Mr. MUKOWSKI, Mr. MCCONNELL, Mr. JOHANNIS, Mr. ROBETS, Mr. BARRASSO, Mr. COATS, Mr. RUINO, Mr. BINGMAN, Mr. WICKER, Mr. INHOFE, Mr. MORAN, Mr. THUNE, Mr. JOHNSON of Wisconsin, Mr. CRAPO, Mr. GRAHAM, Mr. BLUNT, Mr. SESSIONS, Mr. ENZI, Mr. ALEXANDER, Mrs. HUTCHISON, Mr. RISCH, Mr. CHAMBLESS, Mr. KIRK, Mr. PORTMAN, Mr. BROWN, Mr. SHIRLEY, Mr. LEON, Mr. POMMEN, Mr. COCHRAN, Mr. GRASSLEY, Mr. HELLER, Mr. CORKER, and Mr. TOOMEY):
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By Mr. REID:
S. J. Res. 31. A joint resolution applying certain conditions to the dispute referred to in Executive Order No. 13567 of October 6, 2011, between the enumerated freight rail carriers, common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations that have agreed to extend the cooling-off period under section 10 of the Railway Labor Act beyond 12:01 a.m. on December 6, 2011; read the first time.

By Mr. ENZI:
S. J. Res. 32. A joint resolution to provide for the resolution of the outstanding issues in the current railway labor-management dispute; read the first time.
ADDITIONAL COSPONSORS

At the request of Mr. Johnson of Wisconsin, his name was added as a cosponsor of S. 156, a bill to amend the Energy Policy and Conservation Act to provide a uniform efficiency descriptor for motor vehicles.

At the request of Mr. Rockefeller, the name of the Senator from Massachusetts (Mr. Kerry) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

At the request of Mr. Casey, the name of the Senator from Colorado (Mr. Bennett) was added as a cosponsor of S. 834, a bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.

At the request of Mr. Harkin, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 905, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

At the request of Mr. Franken, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 987, a bill to amend title 9 of the United States Code with respect to arbitration.

At the request of Mr. Leahy, the name of the Senator from Wisconsin (Mr. Kohl) 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.

At the request of Mr. Bingaman, the name of the Senator from Vermont (Mr. Sanders) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

Amendment No. 1046

At the request of Mr. Crapo, the name of the Senator from Florida (Mr. Rubio) 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.

At the request of Mr. Portman, the name of the Senator from Colorado (Mr. Bennett) was added as a cosponsor of S. 1568, 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.

At the request of Mr. Sanders, the name of the Senator from Nevada (Mr. Reid) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

At the request of Mr. Begich, the name of the Senator from Alaska (Ms. Murkowski) was added as a cosponsor of S. 1691, a bill to amend chapter 44 of title 18, United States Code, to update certain procedures applicable to commerce in firearms and remove certain Federal restrictions on interstate firearms transactions.

At the request of Mr. Bingaman, the name of the Senator from West Virginia (Mr. Manchin) was added as a cosponsor of S. 1892, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, to provide full funding for the Payments in Lieu of Taxes program, and for other purposes.

At the request of Mr. Whitehouse, the name of the Senator from Minnesota (Ms. Klobuchar) was added as a cosponsor of S. 1792, a bill to clarify the authority of the United States Marshals Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children.

At the request of Mr. Sanders, the name of the Senator from Ohio (Mr. Brown) was added as a cosponsor of S. 1853, a bill to recalculate and restore retirement annuity obligations of the United States Postal Service, eliminate the requirement that the United States Postal Service pre-fund the Postal Service Retiree Health Benefits Fund, place restrictions on the closure of postal facilities that create incentives for innovation for the United States Postal Service, to maintain levels of postal service, and for other purposes.

Amendment No. 1066

At the request of Mr. Johnson of Wisconsin, his name was added as a cosponsor of amendment No. 1066 intended to be proposed to H. R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

Amendment No. 1066

At the request of Ms. Ayotte, the name of the Senator from Tennessee (Mr. Corker) was added as a cosponsor of amendment No. 1066 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for
military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1072

At the request of Mrs. LEAHY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of amendment No. 1072 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1112

At the request of Mr. BEGICH, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 1114 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1115

At the request of Mr. LANDRIEU, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 1115 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1116

At the request of Mrs. SHAHEEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 1120 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1119

At the request of Mrs. FEINSTEIN, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 1125 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1120

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. KIRK), the Senator from Iowa (Mr. HAR-
At the request of Mr. Lieberman, his name was added as a cosponsor of amendment No. 1229 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. Ayotte, her name was added as a cosponsor of amendment No. 1237 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. Merkley, the name of the Senator from Alaska (Mr. Begich) and the Senator from California (Mrs. Boxer) were added as cosponsors of amendment No. 1257 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. Hoeven, the name of the Senator from Louisiana (Ms. Landrieu) was added as a cosponsor of amendment No. 1279 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. Murkowski, the name of the Senator from Alaska (Mr. Begich) was added as a cosponsor of amendment No. 1286 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. Inhofe, his name was added as a cosponsor of amendment No. 1346 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.
At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1446 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Amendments Nos. 1444, 1446, and 1448 were added as a cosponsor of amendment No. 1446 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Amendments Nos. 1444, 1446, and 1448 were added as a cosponsor of amendment No. 1446 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. CRAPO):

S. 1925. A bill to reauthorize the Violence Against Women Act of 1994; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am proud to introduce the bipartisan Violence Against Women Reauthorization Act of 2011 and to be joined by Senator CRAPO in doing so. For almost 18 years, the Violence Against Women Act, VAWA, has been the centerpiece of the Federal Government’s commitment to combat domestic violence, dating violence, sexual assault, and stalking. We should reauthorize and strengthen programs.

Since VAWA’s passage in 1994, no other law has done more to stop domestic and sexual violence in our communities. The resources and training provided by VAWA have changed attitudes toward these reprehensible crimes, improved the response of law enforcement and the justice system, and provided essential services for victims struggling to rebuild their lives. It is a law that has saved countless lives, and it is an example of what we can accomplish when we work together.

As a prosecutor in Vermont, I saw firsthand the destruction caused by domestic and sexual violence. Those were the days before VAWA, when too often people dismissed these serious crimes with a joke, and there were few, if any, services for victims. We have come a long way since then, but there is much more work to be done.

Over the last few years, the Senate Judiciary Committee has held several hearings on VAWA in anticipation of this reauthorization. We have heard from people from all around the country, and they have told us the same thing I hear from service providers, experts, and law enforcement officers in Vermont: While we have made great strides in reducing domestic violence and sexual assault, these difficult problems remain, and there is more work to be done.

The victim services funded by VAWA play a particularly critical role in these difficult economic times. The economic pressures of a lost job or home can add stress to an already abusive situation and make it even harder for victims to rebuild their lives. At the same time, state budget cuts are resulting in fewer available services. Just this summer, Topeka, Kansas, took the drastic step of de-criminalizing domestic violence because the city did not have the funds needed to prosecute these cases. We can and must do better than that. Budgets are tight, but we cannot simply turn our backs on these victims.

For many victims, funded through the Violence Against Women Act are nothing short of a life line. In Vermont, VAWA funding helped the Vermont Network Against Domestic and Sexual Violence provide services to more than 7,000 adults and nearly 1,400 children last year alone. These women and men, and girls and boys, received shelter, counseling, legal advocacy and access to transitional housing—lifesaving services to help them recover from unspeakable trauma and abuse.

In one case, a mother of three children living in rural Vermont endured a long and abusive marriage in which she was not allowed to get an independent job or even a driver’s license. For most of her adult life, she was subjected to physical, sexual and emotional abuse by her husband. After she summoned the courage to call a domestic violence hotline, her husband was arrested. Advocates provided temporary housing and gain access to a lawyer who helped her navigate the criminal process and establish supervised visitation for her children. Because of funding provided by VAWA, she and her children are safe and living independently. The lives of this woman and her children are just a few examples of how VAWA is having a real impact in our communities.

I have heard stories like this time and again from victims and advocates in Vermont and across the country. Without this critical funding, state and local programs like the Vermont Network Against Domestic and Sexual Violence will not be able to provide their services to victims in desperate need.

The reauthorization bill that I am introducing with Senator CRAPO reflects Congress’s ongoing commitment to end domestic and sexual violence. It seeks to advance the law’s focus on sexual assault, to ensure access to services for all victims of domestic and sexual violence, and to address the crisis of domestic and sexual violence in tribal communities, among other important steps. It also responds to these difficult economic times by consolidating programs, reducing authorization levels, and adding accountability measures to ensure that Federal funds are used efficiently and effectively.

The Violence Against Women Act has been successful because it has consistently had strong bipartisan support for nearly two decades. Today, we build on that foundation. I hope that Senators from both parties will join us to quickly pass this critical reauthorization, which will provide safety and security for victims across America.

By Mr. REID:

S.J. Res. 30. A joint resolution extending the cooling-off period under section 10 of the Railway Labor Act with respect to the dispute referred to in Executive Order No. 13386 of October 6, 2011; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

Mr. President, there being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. Res. 30

Whereas the labor dispute between numerous rail carriers that are common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations, threatens to interrupt essential freight rail services of the United States; whereas it is essential to the national interest that essential freight rail services be maintained;

Whereas Congress finds that emergency measures are essential to maintaining the security and continuity of freight rail services;

Whereas the President, by Executive Order 13386 of October 6, 2011, and pursuant to the provisions of section 10 of the Railway Labor Act (45 U.S.C. 160), created Presidential Emergency Board 243 to investigate the dispute and report findings;

Whereas the recommendations of the Emergency Board 243 issued on November 5, 2011, have been exhausted and have not resulted in settlement of the dispute;

Whereas Congress, under the Commerce Clause of the Constitution, has the authority and responsibility to ensure the uninterrupted operation of essential freight services; and

Whereas Congress has in the past enacted legislation for such purposes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF COOLING-OFF PERIOD.

With respect to the dispute referred to in Executive Order No. 13386 of October 6, 2011, the time period described in the third paragraph of section 10 of the Railway Labor Act
(45 U.S.C. 160) shall be extended until 12:01 a.m. on February 8, 2012, so that no change, except by agreement, shall be made by the rail carriers represented by the National Carriers’ Conference Committee or by the employees of such carriers represented by labor organizations that are a party to such dispute, in the conditions out of which the dispute and such conditions existed prior to 12:01 a.m. on December 6, 2011.

By Mr. REID:
S. J. Res. 31. A joint resolution applying certain conditions to the dispute referred to in Executive Order 13586 of October 6, 2011, between the enumerated freight rail carriers, common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations that have not agreed to extend the cooling-off period under section 10 of the Railway Labor Act beyond 12:01 a.m. on December 6, 2011; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the Record.

There being no objection, the text of the joint resolution was ordered to be printed in the Record, as follows:

S. J. Res. 31

Whereas the labor dispute between numerous rail carriers that are common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations, threatens to interrupt essential freight rail services of the United States;

Whereas it is essential to the national interest that essential freight rail services be maintained;

Whereas Congress finds that emergency measures are essential to maintaining the security and continuity of freight rail services;

Whereas the President, by Executive Order 13586 of October 6, 2011, and pursuant to the provisions of section 10 of the Railway Labor Act (45 U.S.C. 160), created Presidential Emergency Board 243 to investigate the dispute and report findings;

Whereas the recommendations of the Emergency Board 243 issued on November 5, 2011, have been exhausted and have not resulted in resolution of the dispute;

Whereas Congress, under the Commerce Clause of the Constitution, has the authority and responsibility to ensure the uninterrupted operation of essential freight rail services; and

Whereas Congress has in the past enacted legislation for such purposes: Now, therefore, be it

Resolved, That the Senate—

SECTION 1. REQUIRED CONDITIONS.

That the Senate—

SECTION 1. AMENDMENT TO THE STANDING RULES OF THE SENATE TO PROHIBIT A MEMBER, OFFICER, OR EMPLOYEE OF THE SENATE FROM DISCLOSING OR USING ANY MATERIAL, NONPUBLIC INFORMATION LEARNED DURING THE COURSE OF HIS OR HER SERVICE FOR PERSONAL GAIN

Mr. BROWN of Massachusetts submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. Res. 340

Resolved,

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 340—TO AMEND THE STANDING RULES OF THE SENATE TO PROHIBIT A MEMBER, OFFICER, OR EMPLOYEE OF THE SENATE FROM DISCLOSING OR USING ANY MATERIAL, NONPUBLIC INFORMATION LEARNED DURING THE COURSE OF HIS OR HER SERVICE FOR PERSONAL GAIN

WHEREAS Christmas trees have been sold commercially in the United States since about 1850;

WHEREAS Edward Johnson, assistant to Thomas Edison, came up with the idea of electric lights for Christmas trees in 1882;

WHEREAS President Calvin Coolidge started the National Christmas Tree Lighting ceremony on the White House lawn in 1923;

WHEREAS there are close to 15,000 farms growing Christmas trees in the United States;

WHEREAS there are approximately 100,000 people employed full or part-time in the Christmas tree industry;

WHEREAS Christmas tree farms in the United States planted approximately 35,000,000 Christmas trees in 2011 to replace those harvested in 2010; and

WHEREAS growing Christmas trees preserves green space and small family-owned farms;

NOW, THEREFORE, BE IT

Resolved, That the Senate—

(1) designates the first full week of December in 2011 as ‘National Christmas Tree Week’;

(2) encourages the celebration of Christmas trees during that week;

(3) recognizes the role Christmas trees have played in the history of the United States;

(4) reaffirms the environmental benefits of Christmas tree farms and recycled Christmas trees;

(5) encourages the recycling of Christmas trees after the holiday season; and

(6) celebrates the joy Christmas trees bring to families across the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1452. Mrs. HUTCHISON (for herself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 1246 submitted by Mr. McCaIN to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1453. Mr. KYL (for himself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1183 proposed by Mr. SESSIONS to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1454. Mr. JOHNSON (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1452. Mrs. HUTCHISON (for herself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 1246 by Mr. McCaIN to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

Mr. MERKLEY (for himself, Mr. BURR, Ms. SNOWE, Mr. WYDEN, Mrs. MURRAY, Mrs. PEINSTEIN, Mr. CASEY, Ms. CANTWELL, and Mr. COLLINS) submitted the following resolution; which was considered and agreed to:

S. Res. 341

Whereas Christmas trees are grown in all 50 States;

Whereas Christmas trees have been sold commercially in the United States since about 1850;

WHEREAS Christmas trees have been sold commercially in the United States since about 1850;
(A) IN GENERAL.—Not later than 60 days after holding its final public hearing, the Commission shall submit to the President and Congress a report which shall contain a statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(B) PROPOSED OVERSEAS Basing STRATEGY.—In addition to the matters specified in subparagraph (A), the report shall also include a statement of the findings and conclusions of the Commission in regard to the current and future overseas basing strategy for the Department of Defense in order to meet the current and future defense requirements, taking into account heightened fiscal constraints.

(C) FOCUS ON PARTICULAR ISSUES.—The report shall focus on current and future geopolitical posturing, operational requirements, mobility, quality of life, cost, and synchronization with the combatant commands.

(4) MEETINGS.—The Commission shall meet at the call of the Chairman from among its members.

(A) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(B) CALLING OF THE CHAIRMAN.—The Commission shall meet at the call of the Chairman.

(C) QUORUM.—A majority of the members of the Commission constitute a quorum, but a lesser number of members may hold hearings.

(D) DUTIES.—

(I) STUDY OF OVERSEAS MILITARY FACILITY STRUCTURE.—

(A) IN GENERAL.—The Commission shall conduct a study of matters relating to the military facility structure of the United States overseas.

(B) SCOPE.—In conducting the study, the Commission shall:

(i) assess the number of forces required to be forward based outside the United States;

(ii) examine the current state of the military facilities and training ranges of the United States overseas for all permanent bases and deployed locations, including the condition of land and improvements at such facilities and ranges and the availability of additional land, if required, for such facilities and ranges;

(iii) identify the amounts received by the United States, whether in direct payments, compensation in addition to that received by the United States that is received, considered, or assessed any other issue relating to the military operations of the United States, and overseas, for purposes of the performance of the duties of the Commission to the extent that such transportation is necessary to enable the Commission to perform its duties under this section. The employment of an executive director shall be subject to confirmation by the Commission.

(B) STAFF.—The Commission may employ a staff to assist the Commission in carrying out its duties. The total number of the staff of the Commission, including the executive director under subparagraph (A), may not exceed 12.

(C) COMPENSATION.—The Chairman of the Commission may fix the rate of pay for the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAILS.—Any employee of the Department of Defense, the Department of State, or the Department of Energy, to whom this section may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or pay.

(5) TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) SECURITY.—

(1) SECURITY CLEARANCES.—Members and staff of the Commission, and any experts and consultants to the Commission, shall possess security clearances appropriate for their duties with the Commission under this section.

(2) INFORMATION SECURITY.—The Secretary of Defense shall assume responsibility for the handling and disposition of any information relating to the national security of the United States that is received, considered, or used by the Commission under this section.

(2) TRAVEL.—The Commission shall terminate 45 days after the date on which the Commission submits its report under subsection (b).

SA 1453. Mr. KYL (for himself and Mr. CORZINE) submitted an amendment intended to be proposed to amendment SA 1183 proposed by Mr. SESSIONS to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 3104. AUTHORIZATION OF TRANSFER OF AMOUNTS APPROPRIATED FOR MILITARY ACTIVITIES OF THE DEPARTMENT OF DEFENSE TO NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—Subject to subsection (b), if the amount appropriated for the weapons activities of the National Nuclear Security Administration for fiscal year 2012 is less than the amount authorized to be appropriated for those activities for such fiscal year by this title, the Secretary of Defense may transfer, from amounts appropriated for
the Department of Defense for fiscal year 2012 pursuant to an authorization of appropriations under this Act, to the Secretary of Energy for the weapons activities of the National Nuclear Security Administration an amount up to $125,000,000.

(b) Applicability of Notification Procedures.—The transfer authorized under subsection (a) shall be subject to the notification procedures under section 1001 of this Act and section 8005 of the Department of Defense Appropriations Act, 2012.

c) Title __ of this Act.—The transfer authority provided under this section is in addition to any other transfer authority provided under this Act.

SA 1454. Mr. JOHNSON of South Dakota (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 2554, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; 2012, and for other purposes; which was ordered to lie on the table;

meeting in room 418 of the Russell Senate Office Building beginning at 10 a.m. The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS AND HUMAN RIGHTS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Human Rights, be authorized to meet during the session of the Senate, on November 30, 2011, at 10 a.m., in room 102 of the Dirksen Senate Office Building, to conduct a hearing entitled "A Balanced Budget Amendment: The Perils of Constitutionalizing the Budget Debate."
The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. LEVIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on November 30, 2011, at 2 p.m., in room 502 of the Dirksen Senate Office Building, to conduct a hearing entitled: "Overprescribed: The Human and Taxpayers' Costs of Antipsychotics in Nursing Homes."
The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that Stefanie Peterson, an Air Force major who is a military fellow in my office, be granted the privilege of the floor during the debate on S. 1867.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FEDERAL COURTS JURISDICTION AND VENUE CLARIFICATION ACT OF 2011

Mr. DURBIN. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 394.
The Chair laid before the Senate the following message:

H.R. 394

Resolved, That the House agree to the amendment numbered 1 of the Senate to the bill (H.R. 394) entitled "An Act to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes;"

Resolved, That the House agree to the amendment numbered 2 of the Senate to the aforementioned bill, with the following House Amendment:

Amend the House engrossed amendment numbered 2 the following:

Redesignate section 104 as section 105 and insert the following after section 105:

Section 104. Technical amendment.

Sec. 105. Effective date.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate concur in the resolution of the House in repealing the same numbered article, with the exceptions and limitations therein stated in the preamble to the resolution, and as amended.
The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL CHRISTMAS TREE WEEK

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 341 submitted earlier today.
The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.
The legislative clerk read as follows: A resolution (S. Res. 341) designating the first full week of December in 2011 as "National Christmas Tree Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the preamble to the resolution be agreed to, the motions to recommit to the proper committee and the report be agreed to, the report be printed, the report be referred to a committee of the whole, the committee to be discharged, the record be kept open, and the resolution be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.
The resolution (S. Res. 341) was agreed to.
The preamble was agreed to.
The resolution, with its preamble, reads as follows:

S. Res. 341

Whereas Christmas trees are grown in all 50 States;
Whereas Christmas trees have been sold commercially in the United States since about 1850;
Whereas Edward Johnson, assistant to Thomas Edison, came up with the idea of electric lights for Christmas trees in 1882;
Whereas President Calvin Coolidge started the National Christmas Tree Lighting ceremony on the White House lawn in 1923;
Whereas there are close to 15,000 farms growing Christmas trees in the United States;
Whereas there are approximately 100,000 people employed full or part-time in the Christmas tree industry;
Whereas Christmas tree farms in the United States planted approximately 35,000,000 Christmas trees in 2011 to replace those harvested in 2010; and
Whereas growing Christmas trees preserves green space and small family-owned farms, provides habitats for wildlife, and sequesters carbon dioxide: Now, therefore, be it

Resolved, That the Senate—
(1) designates the first full week of December in 2011 as “National Christmas Tree Week”;
(2) encourages the celebration of Christmas trees during that week;
(3) recognizes the role Christmas trees have played in the history of the United States;
(4) reaffirms the environmental benefits of Christmas tree farms and recycled Christmas trees;
(5) encourages the recycling of Christmas trees after the holiday season; and
(6) celebrates the joy Christmas trees bring to families across the United States.

Mr. DURBIN. Mr. President, I understand there are six measures at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time en bloc.

The legislative clerk reads as follows:

A resolution (S.J. Res. 30) extending the cooling-off period under section 10 of the Railway Labor Act with respect to the dispute referred to in Executive Order No. 13586 of October 6, 2011.

A resolution (S.J. Res. 31) applying certain conditions to the dispute referred to in Executive Order 13586 of October 6, 2011, between the enumerated freight rail carriers, common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations that have not agreed to extend the cooling-off period under section 10 of the Railway Labor Act beyond 12:01 a.m. on December 6, 2011.

A resolution (S.J. Res. 32) to provide for the resolution of the outstanding issues in the current railway labor-management dispute.

A bill (S. 390) to prohibit earmarks.

A bill (S. 391) to provide civilian payroll tax relief, to reduce the Federal budget deficit, and for other purposes.

A bill (S. 392) to require the Secretary of State to act on a permit for the Keystone XL pipeline.

Mr. DURBIN. Mr. President, I ask for the second reading and object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, the measures will be read for a second time on the next legislative day.

S.J. RES. 32

Mr. ENZI. Mr. President, I have introduced this resolution to prevent the labor dispute between our Nation’s railroads and their labor unions from delivering a knockout punch to the U.S. economy before the holiday season. The contract renegotiation that has been ongoing for some time has been through the National Mediation Board process and recommendations put forth by the Presidential Emergency Board selected by President Obama have been accepted by the majority of the unions. In fact, 10 of the 13 unions have reached agreement, and I congratulate both sides for coming to the table and working it out. Unfortunately, the threat of a nationwide rail strike on December 6, 2011, and that something our economy simply cannot bear at this time.

I have heard from numerous U.S. manufacturers about the negative consequences this strike will have on them. They are concerned not just for their companies but for the employees who may have to be laid off if they are unable to ship product and for the customers who will not be able to get supplies they need. A rail strike may start on December 6, but the impact of this threat is already being felt. As someone who comes from a State that relies on commercial rail for much of its economy, I know how serious this is and that is why I have introduced this resolution.

I urge the Senate, the House and the President to act quickly to avert this manmade national disaster.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, after consultation with the Vice Chairman of the Select Committee on Intelligence, and pursuant to the provisions of Public Law 107–306, as amended by Public Law 111–259, announces the appointment of the following individual to serve as a member of the National Commission for Review of Research and Development Programs of the United States Intelligence Community: John J. Young of Virginia.

ORDERS FOR THURSDAY, DECEMBER 1, 2011

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, December 1, 2011, that following the prayer and Pledge of Allegiance, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 11 a.m. with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of S. 1867, the Department of Defense Authorization Act postcloture; finally, that following morning business, I ask unanimous consent that the Senate be in a period of morning business until 11 a.m. with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designee, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of S. 1867, the Department of Defense Authorization Act postcloture; finally, that all time during adjournment and morning business count postcloture on S. 1867.

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:40 p.m., adjourned until Thursday, December 1, 2011, at 9:30 a.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:40 p.m., adjourned until Thursday, December 1, 2011, at 9:30 a.m.

PROGRAM

Mr. DURBIN. Mr. President, we expect to complete action on the Defense authorization bill during tomorrow’s session. Additionally, the majority leader filed cloture on the motion to proceed to S. 1917, the Middle Class Tax Cut Act of 2011. If no agreement is reached, this vote will be Friday morning.
The following Named Officers for Appointment to the Grade Indicated in the Reserve of the Air Force under Title 10, U.S.C., Sections 12203 and 12212:

To be major general

BRIG. GEN. MICHAEL X. GARRETT

COLONEL SARAH E. ZABEL

COLONEL KEVIN B. WOOTON

COLONEL CHRISTOPHER P. WEGGEMAN

COLONEL JAMES C. VECHERY

COLONEL BRADLEY D. SPACY

COLONEL KEVIN B. SCHNEIDER

COLONEL MICHAEL D. ROTHSTEIN

COLONEL CHARLES L. MOORE, JR.

COLONEL JOHN E. MICHEL

COLONEL MARTHA A. MEEKER

COLONEL BRUCE H. MCCLINTOCK

COLONEL JAMES C. JOHNSON

COLONEL RONALD L. HUNTLEY

COLONEL THOMAS W. GEARY

COLONEL EDWARD A. FIENGA

COLONEL TIMOTHY G. FAY

COLONEL MICHAEL A. FANTINI

COLONEL ALBERT M. ELTON II

COLONEL CLINTON E. CROSIER

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major

CHRISTIAN MICHAEL GIBS

VANESSA E. MARIAN

LUIS R. MARTINEZ

THAD M. KERR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 531:

EDWIN W. LARKIN

ROBERT W. INTRESS

MICHAEL S. FUNK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT To be major

JARBOD W. HUDSON

CHARLES B. WAGENBLAST

THE FOLLOWING NAMED OFFICER IN THE GRADE INDICATED IN THE REGULAR ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 3681 and 3683:

HARRY H. BAULIEU

SCOTT L. DOGLITTE

ERIC E. LITTLE

THE FOLLOWING NAMED OFFICER IN THE GRADE INDICATED IN THE REGULAR ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 3681 and 3683:

MATTHEW DANIEL RATHBONE

SCOTT EDWARD BIRD

MICHAEL L. BUDIN

PAUL H. ELSTON

PATRICK R. BERNICK

RICHARD J. BURKE

SAMUEL I. BRICKER

RAYMOND S. BROWSON IV

KEVIN ROGERS

JEREMY W. ROBERTS

JEREMY A. ROGERS

CHAD B. SCHUCHART

KEVIN B. SCHUMER

KEVIN R. SCHUMER

Geoffrey B. SCHUMER

Vanessa E. MARIAN

Luis R. MARTINEZ

To be major

JARDEN W. HODGSON

GREGORY D. HODGSON

RICHARD A. HODGSON

KEVIN B. HODGSON

KEVIN C. HODGSON

KEVIN F. HODGSON

BENJAMIN H. HODGSON

JACOB S. HODGSON

HARRY S. HODGSON

SAMUEL H. HODGSON

THOMAS H. HODGSON

ANDREW H. HODGSON

GARY H. HODGSON

JEREMY D. HODGSON

KENNETH H. HODGSON

The following named officer in the grade indicated in the regular army judge advocate general's corps under title 10, u.s.c., sections 3681 and 3683:

HARRY H. BAULIEU

SCOTT L. DOGLITTE

ERIC E. LITTLE

The following named officer for appointment to the grade indicated in the reserve of the army under title 10, u.s.c., sections 12203 and 12212:

To be major

KARL L. CRAWFORD

HENRY H. BAULIEU

SCOTT L. DOGLITTE

ERIC E. LITTLE

The following named officer for appointment to the grade indicated in the reserve of the army under title 10, u.s.c., section 12212:

DONALD R. ABESER

MATTHEW D. ANDOVIC

DANIEL M. ARKINS, JR.

MICHAELE J. ARKING

WILLIAM ARTHUR

JAMELS C. ASHING

HAROLD W. BAWDEN

SHERRIE L. BAKER

HILBERT G. BARTON

GARY J. BARWICKOSKI

JAMES M. BELANGER

RUPERTI BETCHEAU

JAMIE D. BISHOP

MARK E. BLACK

HAROLD W. BAWDEN

SHERRIE L. BAKER

HILBERT G. BARTON

GARY J. BARWICKOSKI

JAMES M. BELANGER

RUPERTI BETCHEAU

JAMIE D. BISHOP

MARK E. BLACK

HAROLD W. BAWDEN
November 30, 2011

CONGRESSIONAL RECORD — SENATE

EDWARD C. MCFADEAN
BARNARD MCINTOSHY
PAUL J. MCKINNEY
RonalD S. MIBRENTTH
KENNETH A. MERWIN
MICHAEL W. MELLER
RETTEA R. MONUS
HerrTor M. MORAN
AURiee J. MORGAN
WILLIAM R. MORGAN, JR.
RICHARD L. NASH
RANDALL C. NEWTON
CHRISTINE M. NICHOLS
PAUL R. NILSSON, JR.
ANDREW L. NORD
JAMIES L. OAKES
CHRISTOPHER J. OCCOSSY
THOMAs M. OGDENHUGH
JOHN S. OLESH
JON R. OLSON
BONALD C. OtTENSTON
JACK A. OTTSPRON
BARRY G. PARKER
NICOLI S. PARKER
MICHAEL R. FASSO
JON N. PENN, JR.
BRADLEY G. PEBER
CLAUDIA D. PEBRY
WILLIAM T. PETERSON
JOHN C. PIETRO
GOrgOy A. POLITOWICE
JEREmy C. POORZATE
JON L. POWELL
MARK F. PRYCE
MICHAEL P. PRIDDY
JOHN J. PRYES
FRANCES M. REdONLYS
JAMIES H. REdONLYS, JR.
MARK T. RICHARD
STEVEN K. RILEY
JOHN G. ROGERS
RALPH S. ROPIER, JR.
DAVID A. ROSBENLUM
JENNIFER R. RYAN
DANNY W. SAMPLE, JR.
KENNEDY R. RADERSON
DAVID W. SCHRISMA
ALLAN E. SCHMIDT
TIMOTHY B. SCHULGEN
GERARD L. SCBERAE
ANTHR0Y P. SCEROLI
NICHOLAS SCOPILLITE
THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE RESERVE OF THE
ARMY UND3 UNDER TITLE 10, U.S.C.
To be colonel

JUDY V. HILLS
Dale D. FAIR
DANIEL D. FOULDE
MICHAEL F. FRIEND
CHRISTOPHER B. FRY
PAUL T. GAULT
JAMIEA J. GIBSON
PAUL S. GULOT
ERIC S. HALAND
GREGOR D. HARDIG
CHARLES G. HAIN
HAROLD M. HINTON, JR.
DAVID L. HUBBARD
ROBERT B. HUMPHREY
MICHAEL R. KEEN
WILLIAM T. LUCAS
TIMOTHY J. LYNCH
STEVEN P. MARCH
ELMER R. MAISON
STEVEN A. MATAYOSU
CYNTHIA R. MACCARY
CHARLES R. M 5560S
JAMIE A. MORRISON
LAWRENCE E. MOSLEY
ROBERT M. MOUTH
SHAWN P. OSBOHNE
CERAR A. PADUILLA
MEGAN R. PANGELIAN
GRANT R. PORTER
MARK E. PARITOLLO
KEL LEI RAUCH
ROBERT D. REID
JAY D. RIEG
WILL H. ROGERS
MARGARET A. ROOMSA
MARK A. RUSHING
EDWARD G. SAAL, SR.
STEVEN R. SCHWECHLICH
RICHARD E. SELE
STEPHEnS G. SHERBUNDY
DIORAH A. STOLL
WILLIAM S. STORI
DAVID H. TAVASSOLI
SCOTT R. WEST
DONNA R. WILLIAMS
BOB L. W1LLiams
JON K. WORTHINGTON
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.

MITCHELLe J. ABEI
JON H. ASLING
JOHN W. ALTBAUMER, JR.
PETER K. ANDERSON
CURT E. ARBRY
FRANCIS R. BALASCO
TIMOTHY C. BARTER
GORDON M. BARTLEY
STEVEN C. BECKER
TOBY F. BEERGE
KEVIN A. BUCKINGHAM
MATTHEW J. BURNSKA
THOMAS J. BURSON
DONALD R. BURYD
MICHAEL M. CAIN
THOMAS G. CANTWELL
ROY E. CARRERER, JR.
WILLIAM C. CARTER
LLOYD F. CAVINESS, JR.
JOHN R. CLOYD
THOMAS B. COGDAU
GIORGI O. CONWILL
DONNA L. COOPER
GREGORY M. CORNBELL
JOHN P. COSTADO
WILLIAM L. COUNTS
ANTHONY J. CUTTURE
PETE E. CROZ
JEREMY P. COSKAY
MICHAEL S. CURRAN
JOSEPH D. DANAO II
KENNETI K. DAVID
KENNETH D. DEKIER
BRIAN D. DERMAMER
BYRON L. DIAMOND
BRIAN C. DICKEEER
ROBERT L. DITCHEY
BRIAN L. DRAKE
DAVID R. DRUER
BOBBIJ D. DUNN
DAN L. DUNN
MICHEL R. DYTE
DONALD E. EMERSON
KEVIN W. EXTENE
HARRI N. FAST
JOEL E. FIGUEROA
DAVID FLEMING III
SCOTT K. Foller
TIM W. FRANKLIN
VICTORIA GRANDSA
JAMIES V. GARDNER
JEREMY T. GAYLORD
JAMIE A. GIBBS
GLRNEN G. GILDON
GLRNEN S. GIMMER
BRICKLY G. GORJE
KENNETH E. GULLY
ALBERT J. HAAS
PHILIP R. HALE
BRE X. HALE
JEFFREY P. RANZEN
BEVERLY A. HARTFIEL
JAMIE A. HARTHEII, III
STAREBLEEN J. BRINN
MARK G. HENDRICK
MATTHEW K. HENDGEL
GARY R. HERR
GREGORY J. HEINRICH
ROBERT P. H0AGLAND
TIMOTHY BIMULIK
GAIL D. IRMAAN
ROBERT J. JARVIS
DUPUIT M. JETT, JR.
CLAIR S. JONES
RALFEGE C. JONES
ROBERT J. JONES
JAMIE A. JEFFER
ROBERT C. KIRAB
RICHARD D. KEMP, Jr.
ERI C. KILLEN
JEFFREY M. KNIPSEIFLD
JENNA A. KISH
DAVID L. KOOK
DANIEL M. KOSZIK
ROBERT C. LAURID
MARK W. LEI
GERGEOY J. LENDBRACI
WILLIAM A. LENSBEER
GARY D. LEWIS
RICHARD A. L1PE
FREDR. M. REYNSTLE
C1IFFORD B. LOCKWOOD, JR.
DANIEL C. LOSSIK
HINLSO L. LOPESI
DAVID A. LOPFNA
STEVEN D. LUND
DANIEL M. MAHNN
SCOTT R. MANAAR
ZACHARY R. MANEE
MICHAEL P. MARTINEZ
FABRS C. MCCULLAR
SUZANNE P. MCMANAM
JOSEPHE R. MCCONN
DIANA S. MEADOR
EBHAN F. MELVALL
DANY L. MILLS
SUSAN E. MINOA
DANIEL T. MONAGHAN
THOMAS P. MURPHY
PAUL K. NARUUS
SCOTT D. NILES
JOHN M. OBERBR1CH
DAVID F. GOONAHAW
LUTALO O. GLOUTON
JOHN N. OSBORN
TOO D. PATTON
PAUL R. PELTIER
DANIEL P. PIPPS
JERI M. POTTS
KRIT C. FREEDON
JOEL D. FEUER
PETER M. REYNSTLE
BENNY R. RICHARDSON
JOHN C. ROMAS
JODER A. R0W
BRITT P. RYMDA
HOWARD R. RUEGR
KURT A. SCHLICHTER
WALLY SCROO
JOSEPH M. SEAKRAI
WILLIAM H. SELLERS III
DAVID L. SHOBYLD
ANTHONY A. SIMS
MARK R. SMOL
JEREMY D. SMILY
DAVID L. SMITH
TERRANCE E. SMITH
THOMAS W. SMITH
STEPHEN P. SCHMIDII
MICHAEL P. SCHRAU
SHENT E. STAR
CHAD B. STEVENS
DAVID L. STUART
JACOB K. STEINIK
PETE R. SCZEPANSKI
JOHN M. TILL
HILLS J. TINOLG
TRAICY T. THOMATN
KENNETH G. UTING
DAVID R. VERID
THOMAS W. VERMOEDEN
MARKLEY D. WAIL
DANIEL J. WALK
RACHEL C. WALKER
RICHARD L. WHEELEN
ALEXANDER C. WITZEL
CLAR L. WHITE
LAWES W. WILBANKS
MICHAEL J. WILLIS
BRADLEY T. YINIDL
JOHN M. ZURK

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE RESERVE OF THE
ARMY UNDER TITLE 10, U.S.C.

NANCY L. DAVIS
SHELIA VILLIENS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE REGULAR ARMY
MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C.

JEFFREY C. PETERS
BRETT C. RYNDI
DOUGLAS H. STUBBE
STEPHEN E. STRAND
JOSEPH S. SKARROWSKI
ANDREW M. SMITH
JOHNNY B. SPRIUEL
CHALIELS B. STACHOWSKY
ROBERT C. STACK
MICHAEL A. STacyj
RICKY A. STORY
STEPHEN K. STRAND
WILLIAM J. STRATTON
DOUGLAS S. STUBBE
JEREMY P. SWAN
JOHN F. SWEEDY
DEAN M. STUCK
MICHAEL I. TEGER
JOHN C. UPTON
JOHN W. VELIQUETT, JR.
EDWARD J. VILLACRES
BRIDIT J. VITALE
SAMUEL R. WAGNER
JOHN J. WALDRON, JR.
PAUL M. WALKENHUR
BARTN T. WARE
DAVID P. WARBAB
MARCO R. WILHELM
JEFFREY C. WIDER
JEFFREY L. WOOGNE
SHILLIWELD WRAI
TONY L. WHISAT
ALEN R. ZENATR
IRENE M. ZOFI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE RESERVE OF THE
ARMY UND3 UNDER TITLE 10, U.S.C.

JAMES B. ARAVI
WILLIAM L. ARNELL
SHELLEY B. BALDROWSON
MICHAEL D. BELL
PETERI J. COLON
ROBERT S. DAVIDSON
DANNY D. DUNE
ANDREW D. DOHERD
JEFFREY D. DOLL
BRADLEY A. DUFFEY

S8077
To be major

GENEVIEVE L. COSTELLO

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

ROBERT J. NEWSOM

RICHARD Y. YOON

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

RICHARD A. DANIELS

STEPHEN M. LANGLOIS

ARTHUR E. RABENHORST

STEVEN J. SVABEK

HARVEY D. HUDSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

To be major

WILLIAM H. CAROTHERS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

MATTHEW R. LOE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

THOMAS P. ENGLISH

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be major

RICHARD A. ACKERMAN

ALEX W. ALDERH

THOMAS D. BACIK, JR.

PAUL W. CASSUTTI

BRYAN J. CHRISTIANSEN

GAVIN H. CLOUGH

TERRY C. COLEMAN

MATTHEW E. CURRIN

BENJAMIN S. DAVIDSON

STEVEN A. DAWLEY

BRENT E. DILLOW

JEREMY D. ELMER

JOHN E. FITZPATRICK

MICHELE R. FONTENOT

CHRISTOPHER A. GAHL

BRYAN E. GEISERT

JOSEPH D. GODWIN

DANIEL A. HANCOCK

ZACHARY D. HARRY

JESSE H. HUMPHRIES

MONICA R. HURLEY

DAVID A. JOHNS

JEREMY M. JOHNSTON

TRAVIS A. LARSON

JOSHUA Q. MCCRIGHT

SEAN M. MEREDITH

STEPHEN T. NICHOLAS

ANTHONY W. OXENDINE, JR.

BRIAN J. PERRY

CHARLES W. PHILLIPS

DEREK A. RANDALL, JR.

JUSTIN D. REEVES

ERINIE REYES

ALAN M. ROHRE

GARY A. RONEY

NOLIE L. SHEETS

JAMES L. SMITH

LANIER SMITH

BRIAN P. SPARKS

DONALD SPIGHTS

RANDY M. STACK

ADAM C. TERRAL

ALEXANDER C. VOELLER

WILLIAM M. WALKER

YANCY M. WOODARD

ADAM J. ZAKER

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination under the authority of the order of the Senate of 01/07/2009 and the nomination was placed on the Executive Calendar:

*MICHAEL E. HOROWITZ, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF JUSTICE.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.
INTRODUCTION OF H.R. 3521, THE "EXPEDITED LINE-ITEM VETO AND RESCISSIONS ACT OF 2011"

HON. CHRIS VAN HOLLEN
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011

Mr. VAN HOLLEN. Mr. Speaker, today I join my friend House Budget Committee Chairman RYAN to introduce the "Expedited Line-Item Veto and Rescissions Act of 2011." Taxpayers deserve a system that is accountable, and this bipartisan legislation will provide another tool to ensure that we are good stewards of their money. The process created by this bill would enable the President to effectively propose the elimination of unnecessary spending from legislation that arrives on his desk for signature, and send those items back to Congress for expedited votes on whether or not to rescind that funding.

We must do everything we can to make sure tax dollars are spent wisely and responsibly. Budget process reform cannot be a substitute for judgment, and it cannot replace the urgent need to put Americans back to work and to put our nation on a path toward long-term fiscal sustainability. But I hope this bipartisan step toward strengthening our budget process will be the first on the road of greater term fiscal sustainability. But I hope this bipartisan legislation will provide another tool to ensure that we are good stewards of their money. The process created by this bill would enable the President to effectively propose the elimination of unnecessary spending from legislation that arrives on his desk for signature, and send those items back to Congress for expedited votes on whether or not to rescind that funding.

Mr. RYAN of Wisconsin, Mr. Speaker, I rise today to introduce H.R. 3521, "Expanding Line-Item Veto and Rescissions Act of 2011" along with my friend and colleague House Budget Committee Ranking Member CHRIS VAN HOLLEN of Maryland.

The fiscal and economic challenges facing our nation are immense. In addition to the alarming budget deficit and painful jobs deficit, Washington's failure to tackle these challenges fuels a growing credibility deficit. For years, policymakers—in both political parties—have failed to serve as responsible stewards of American families' hard-earned tax dollars. Too many politicians continue to make empty promises to those they serve, spending money we don't have on government programs that don't work.

The stakes are too great to continue to kick the can down the road. I believe that leaders can—and must—work together to meet these challenges by advancing structural reforms to the drivers of the debt and pro-growth solutions to create a more conducive environment for job creation.

This bipartisan legislation takes a modest first step in the right direction. The Expedited Line-Item Veto and Rescissions Act gives the President an important tool to target unjustified spending, while also protecting Congress's constitutional authority to make spending decisions.

This new authority would allow the President to specify spending provisions within an appropriations bill, requiring stand-alone consideration of the spending proposal by Congress. Legislation implementing the proposed spending cancellations would receive expedited floor considerations and an automatic up-or-down vote in both chambers of Congress. Should Congress determine the spending cannot be justified: Every dollar of savings would be devoted to deficit reduction.

This bipartisan proposal builds upon past efforts to target wasteful spending, including Legislative Line-Item Veto proposals I've advanced over the years and the new House Majority's ban on earmarks. I remain grateful to Ranking Member VAN HOLLEN at the House Budget Committee for his partnership in this effort. I look forward to working with my colleagues to help advance this common-sense deficit-reduction tool—a step in the right direction as we work to address the structural drivers of the debt and continued impediments to economic growth.

REMEMBERING HAL BRUNO

HON. STENY H. HOYER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011

Mr. HOYER. Mr. Speaker, a number of us have come to the floor today to remember a great American who passed away earlier this month. Hal Bruno made a real difference in people's lives, both by keeping them informed about our world and by serving as an advocate for firefighters and their families.

Hal was a long-time ABC News political director through the 1980's and 1990's, covering major national events and keeping Americans engaged with their government. He skillfully moderated the vice-presidential debate in 1992 after having covered presidential campaigns since Kennedy ran against Nixon. He had the respect and admiration of leaders from both parties.

As a journalist, Hal made a reputation for himself as a truth-teller, even when the truth was difficult. That began in Chicago, when as a young reporter he uncovered how poor safety standards in the building code had contributed to a fire that claimed 95 lives. He became a respected voice for fire safety, and that experience led him to become a volunteer firefighter himself, which he continued to do for decades.

After retiring from ABC News in 1999, Hal dedicated himself to serving our communities' firefighters and their families. He chaired the National Fallen Firefighters Foundation at a time when we lost so many brave first responders in the September 11 attacks. Hal was a champion for the families of firefighters who lost their lives in service to their communities, and he fought for and won the passage of legislation to provide them survivor benefits.

I know that Hal will be dearly missed and dearly remembered by many in government, those who turned to him for their news for so many years, and by the families of firefighters on whose behalf he worked so tirelessly.

I join in remembering Hal and celebrating his life. I offer my condolences to his wife Meg and their children and grandchildren.

HONORING SPENCER ROSENAK

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Spencer Rosenak. Spencer is a very special young man who has exemplified the finest qualities of citizenship and leadership by serving as an active part in the Boy Scouts of America, Troop 216, and earning the most prestigious award of Eagle Scout.

Spencer has been very active with his troop, participating in many scout activities. Over the many years Spencer 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, Spencer has earned the rank of Brave in the Tribe of Mic-O-Say, participated in the 2010 National Jamboree and has held several leadership positions within his troop, including Assistant Patrol Leader and as the Chaplain's Aide. Spencer has also contributed to his community through his Eagle Scout project. Spencer documented the directory of those buried at B'nai Yaakov Cemetery in St. Joseph, Missouri, and created a map of the plots in the cemetery. Spencer then published his work on the internet, providing an online directory for anyone interested in those buried at the cemetery.

Mr. Speaker, I proudly ask you to join me in commending Spencer Rosenak for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING ETHAN DOYLE OF OAKTON, VA

HON. GERALD E. CONNOLLY
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to honor Ethan Doyle, a 2011 Critical Language Scholarship Program Recipient. Ethan
has been identified by his educators for his academic excellence, leadership potential and exemplary citizenship to participate in the Critical Language Scholarship Program in Vladimir, Russia.

This Critical Language Scholarship Program allows students to participate in daily educational activities in Vladimir, Russia, as well as the surrounding areas. The program provides participants with the opportunity to build relationships with young leaders from all over the world with an intense focus in the Russian language, one of the thirteen “critical needs” foreign languages determined by the Department of State, for summer 2012. At the end of the program, participants receive a certificate of completion.

Ethan is a student at Johns Hopkins University. It is inspiring to see young people who are interested in international educational and developmental experiences such as these.

Mr. Speaker, I ask my colleagues to join me in recognizing this remarkable achievement by Ethan Doyle and wishing his continued success in his further pursuits.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011

Mr. DIAZ-BALART. Mr. Speaker, on rollover No. 862, due to family health issues, I was unable to make the vote. Had I been present, I would have voted "aye."

HONORING PATRICIA NICKLOW
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011

Mr. RUPEPERSBERGER. Mr. Speaker, I rise before you today to honor Mrs. Patricia Nicklow, a resident of Essex, Maryland, on the occasion of her retirement from the U.S. Navy’s Program Executive Office for Aircraft Carriers after more than 37 years of dedicated service to the federal government.

Patricia Nicklow was born in Baltimore and attended Our Lady of Mount Carmel and Kenwood Senior High Schools in Essex. She is Level III certified in Acquisition Logistics with Level II certifications in both Program Management and Business Financial Management from the Defense Acquisition University.

Over the course of her 37-year career with the federal government, Mrs. Nicklow has developed an extensive background in acquisitions and logistics. She spent 13 years with the General Service Administration throughout the Washington, DC, metropolitan area. She then served 23 years at the Naval Sea Systems Command, including her final nine years at PEO Carriers. During this time, she became the In-Service Logistician for Mine Sweepers and Hunters before finally coming to Aircraft Carriers to work in new construction, mid-life Refueling and Complex Overhauls, and supporting the In-Service Aircraft Carriers.

Mrs. Nicklow’s current duties include ensuring that in-service Aircraft Carriers are logistically supported so that sailors are trained properly to perform and maintain their equipment.

Her well-deserved plans post retirement include more traveling, spending time with family, partaking in health classes, and bowling. Mrs. Nicklow currently lives with her husband and mother.

Mr. Speaker, I ask that you join me today to honor Mrs. Nicklow. Her long and dedicated service to the United States of America is an inspiration to all of us. It is with great pride that I congratulate Mrs. Nicklow on her retirement and wish her the best of luck in the future.

HONORING BRADLEY DONAGHY
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Bradley Donaghy. Bradley 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 495, and earning the most prestigious award of Eagle Scout. Bradley has been very active with his troop, participating in many scout activities. Over the many years Bradley 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, Bradley has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Bradley Donaghy for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING ELTON GALLEGGY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011

Mr. GALLEGGY. Mr. Speaker, I rise to honor Gary Thomas—businessman, civic activist and a very good friend to my wife, Janice, and me—as he is recognized this Friday as the 53rd recipient of the annual Fernandez Award. The Fernandez Award is the highest award in California’s San Fernando Valley that recognizes exceptional volunteer efforts. It often has been called the Academy Award of Volunteerism in the San Fernando Valley and is one of the top awards for civic accomplishments in the United States.

Gary is well-deserving of this honor.

Gary’s community service and volunteerism has spanned more than 37 years and has involved Chambers of Commerce organizations that have political impact in the San Fernando Valley, anti-gang programs, youth development organizations, leadership and business programs, and nonprofit organizations.

Gary is responsible for creating many innovative fundraising programs for Valley non-profit organizations and has helped raise more than $5 million for the nearly 30 nonprofit organizations for which he has served in leadership positions.

He has served on the Boys & Girls Club of the West for the past 13 years and is currently Chairman of the Board for the fifth year. Gary has served in leadership positions with the Economic Alliance of the San Fernando Valley, United Chambers of the San Fernando Valley, the Valley Business Corps, and the Wellness Community for the Valley and Ventura.

Gary also has been active with the San Fernando Valley Business Advisory Commission and the San Fernando Valley Charitable Foundation.

Although Gary is being recognized for his activities in the San Fernando Valley, I know firsthand that he has also been active in many nonprofit and business activities in Ventura County as well.

A successful businessman, Gary is Senior Vice President and Creative Director for Aaron, Thomas & Associates in Chatsworth, a company that specializes in creative consulting, graphic design, printing, and direct mail services to the political sector and the general corporate market throughout the United States.

Mr. Speaker, I know my colleagues join Janice and me in congratulating Gary Thomas for the honor of being the 2011 Fernandez Award Recipient and in thanking him for making his community a better place for all to live, work, and thrive.

RECOGNIZING LIEUTENANT GENERAL WILLIAM E. INGRAM, JR.
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011

Mr. BUTTERFIELD. Mr. Speaker, I rise to recognize the accomplishments of a truly great soldier and North Carolinian, Lieutenant General William E. Ingram, Jr. in a recent Senate Armed Services Committee hearing on November 10th, 2011, Lieutenant General Ingram was confirmed as Director of the Army National Guard and on Monday, November 28th, 2011 he officially assumed the duties of the position. Also on November 28th, 2011, Lieutenant General Ingram received his new star from Army General Ray Odierno, chief of staff of the Army, and Air Force General Craig McKinley, chief of the National Guard Bureau.

For nearly four decades Lieutenant General Ingram has served our nation as an officer in the Army National Guard. He has commanded at all levels from platoon to battalion, overseas, and was especially effective as the Adjutant General of North Carolina for over nine years. I have no doubt in his ability to accomplish the wide-ranging requirements placed on the shoulders of the Director of the Army National Guard. He will perform his duties well, with honor and enthusiasm.

Lieutenant General Ingram was born and raised in Elizabeth City, North Carolina, and was a longtime resident of Williamson, North Carolina. I am proud to say both are located in the First Congressional District, which I have the honor of representing. His wife, Lili, has also been a tremendous asset to National Guard Families and the citizens of North Carolina. She has worked tirelessly as an advocate for North Carolina National Guard families to help them cope with the deployment of family
members through several children’s programs, the Family Readiness Program, and even as a co-author of a book for children of Wounded Warriors.

Lieutenant General Ingram is a source of great pride for eastern North Carolina. I have witnessed the progression of his career over the years and I am very proud to see his dedication, sacrifices, and contributions recognized with this appointment and promotion. I offer my sincere appreciation for his service to the United States of America and the great state of North Carolina. I ask that my colleagues join me in congratulating Lieutenant General William E. Ingram, Jr. on receiving his recent promotion to the rank of lieutenant general and his appointment as Director of the Army National Guard.

HONORING JENNIE STULTZ

HON. SUE WILKINS MYRICK
OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011

Mrs. MYRICK. Mr. Speaker, Jennie Stultz, mayor of Gastonia, NC, has a motto—“city pride.” I couldn’t have described her any better myself.

Jennie is retiring in a few weeks, after 12 years as mayor of Gastonia. Her impact on the city will be long-lasting and her leadership greatly missed.

Jennie did that which is most important as a mayor and a native of Gastonia—she put the good of her city first. Partisan politics always took a backseat to making sure that everyone had a seat at the table when making the decisions that moved Gastonia forward.

And move forward it did. Jennie was committed to economic and residential development, and made decisions that brought businesses and residents to Gastonia. She credits the redevelopment of downtown Gastonia as one of her greatest accomplishments—an accomplishment of which she should be very proud.

Under Jennie’s tenure, Gastonia was twice named an All-America City, an award that commends the innovation and civic engagement of the city.

Even after all of this, Jennie’s best quality is being able to laugh at herself. She takes her job seriously—no doubt about it—but she doesn’t take herself seriously. As an elected official at any level, and especially in our current political climate, that’s definitely an asset.

Anyone who has ever worked with Jennie will tell you that she’s a joy to be around. I have greatly enjoyed both the professional and personal relationship that we’ve shared throughout the years, and know that our friendship is a lasting one.

Gastonia has never had a bigger cheerleader than Mayor Jennie Stultz. There is no doubt that she loves the people and the place, and they love her back. She will be missed, but even though she won’t be mayor, we all look forward to the continued contributions that Jennie will make to Gastonia, NC.

HONORING SAMUEL PATRICK STOWERS

HON. SAM GRAVES
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Samuel Patrick Stowers. 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 495, and earning the most prestigious award of Eagle Scout.

Sam 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, Sam has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Samuel Patrick Stowers for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING SAMANTHA GRAY
OF SPRINGFIELD, VA

HON. GERALD E. CONNOLLY
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to honor Samantha Gray, a 2011 Critical Language Scholarship Program Recipient. Samantha has been identified by her educators for her academic excellence, leadership potential and exemplary citizenship to participate in the Critical Language Scholarship Program in Kyoto, Japan.

This Critical Language Scholarship Program allows students to participate in daily educational activities in Kyoto, Japan as well as in the surrounding areas. The program provides participants with the opportunity to build relationships with young leaders from all over the world with an intense focus in the Japanese language, one of the thirteen “critical needs” foreign languages determined by the Department of State for summer 2012. At the end of the program, participants receive a certificate of completion.

Samantha is a student at the University of Georgia. It is inspiring to see young people who are interested in international educational and developmental experiences such as these.

Mr. Speaker, I ask my colleagues to join me in recognizing this remarkable achievement by Samantha Gray and wishing her continued success in her future pursuits.

PAYING TRIBUTE TO THE LIFE OF RODNEY CARROLL

HON. CHARLES B. RANGEL
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011

Mr. RANGEL. Mr. Speaker, it is with great sadness that I rise to honor the life of Rodney Carroll, a community activist from my district. Rodney was a very active member of his community, a loving husband and father.

Rodney’s work with the Department of Youth and Community Development will live on forever in the city of New York. As Vice-Chair of the Community Action Board he had a tireless enthusiasm for the work he did. There was a very determined person who would do everything he could to achieve his goal of making sure the youth and their families would have community organizations that were effective to their needs. His work with Social Service Employee Union Local 371, DC 37 as a staff representative and organizer also will never be forgotten. He continuously fought for workers rights in the community. Rodney was the definition of a true Harlemite. The future of New York City’s youth has vastly improved because of the work this man has accomplished.

Rodney believed in our youngsters and their work. They are most fortunate to have had someone like him stand up for what’s right and get them the resources that they deserve. Mr. Speaker, I ask that you and my colleagues join me in paying tribute to the life of this very honorable man. Let’s encourage others to continue helping communities the way Rodney Carroll did. Our body must continue to recognize community leaders like him because they are the one’s who have a direct impact on the lives of the children and our communities. The youth in this country are better off because of people like Rodney.

IN RECOGNITION OF MR. RONALD J. DEL MAURO

HON. FRANK PALLONE, JR.
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Mr. Ronald J. Del Mauro, Chief Executive Officer of Barnabas Health, for his forty-five years of service. His continued efforts to revitalize and further develop the organization and its services will be recognized at his retirement ceremony on December 8, 2011. Mr. Del Mauro’s tremendous efforts to assist the constituents of New Jersey is worthy of this body’s recognition.

Ronald Del Mauro began his career with Saint Barnabas Medical Center in 1967 and served as Vice President for Human Resources and Director of Personnel for fourteen years. In 1985, he was elected President and Chief Executive Officer of Saint Barnabas Medical Center, the position he currently maintains to this day. In 1983, Mr. Del Mauro was named Senior Vice President for Human Resources for the Saint Barnabas Corporation. His appointment also included General Manager and Chief Operating Officer of Livingston Services Corporation, the for-profit affiliate of Barnabas Health. In 1986, he was named President and Chief Executive Officer of the Corporation. Mr. Del Mauro was later elected Chairman of the Board of Trustees for the Medical Center in 1993. Concurrently, he served a three year term as Chairman of the Board of Trustees for Clara Maass Medical Center, a Barnabas Health System affiliate. Under Mr. Del Mauro’s direction, Barnabas Health remains the largest health care system in New Jersey and employs 18,200 nurses,
physicians and residents. Mr. Del Mauro is responsible for Barnabas Health services and facilities retaining their nationally recognized status. Barnabas Health continues to provide treatment and services for more than two million patients each year under Mr. Del Mauro’s direction.

Mr. Del Mauro has also been actively involved in many professional organizations and health associations which include the New Jersey Hospital Association, for which he is the former Chairman, and the New Jersey Chamber of Commerce. He also serves as member of the New Jersey Essential Health Services Commission, Chairman of the Infrastructure Advisory Committee of the New Jersey Domestic Security Preparedness Task Force and Management Trustee of Local 68 International Union of Operating Engineers’ Pension Fund. Mr. Del Mauro is a graduate of Seton Hall University and has also served as an Adjunct Professor at the Graduate School of Public Administration from 1983 to 1985.

Mr. Speaker, once again, please join me in thanking Mr. Ronald Del Mauro for his forty-five years of dedication to the Barnabas Health community. His outstanding efforts have assisted countless individuals throughout the Barnabas Health and New Jersey communities.

HONORING ALEX MITCHELL GOFORTH

HON. SAM GRAVES OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Alex Mitchell Goforth. Alex 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 495, and earning the most prestigious award of Eagle Scout.

Alex has been very active with his troop, participating in many scouting activities. Over the many years Alex 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, Alex has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Alex Mitchell Goforth for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING LANCE CORPORAL JOSHUA CORRAL

HON. JERRY McNERNEY OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011

Mr. McNERNEY. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the life of Lance Corporal Joshua Corral. Josh was assigned to the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twenty-nine Palms, California. He was only 19 years old when he was killed in combat on November 18 while defending our Nation in Afghanistan.

Josh attended San Ramon Valley High. He enjoyed playing baseball and soccer, and he was known by everyone as “Chachi.” Through letters, flags, a candlelight vigil, and many other actions, Danville has come together as a community to offer comfort to his family and show gratitude for his service and ultimate sacrifice. This great outpouring of support is a testament to Josh’s character and heroism. Josh may not be here, but he will not be forgotten.

Josh is survived by his parents, Annie and Denise, as well as his brothers Zachary, Jordan and Christian.

Josh is a hero who put aside all else out of devotion to his country. I ask my colleagues to join me in honoring the memory of Josh Corral and in sending our thoughts and prayers to his beloved family and friends.

HONORING JAMES CHANDLER ADAMS

HON. SAM GRAVES OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize James Chandler Adams. James 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 495, and earning the most prestigious award of Eagle Scout.

James has been very active with his troop, participating in many scout activities. Over the many years James 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, James has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending James Chandler Adams for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING PATRICK ROSTOCK OF MANASSAS, VA

HON. GERALD E. CONNOLLY OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to honor Patrick Rostock, a 2011 Critical Language Scholarship Program Recipient. Patrick has been identified by his educators for his academic excellence, leadership potential, and exemplary citizenship to participate in the Critical Language Scholarship Program in Shanghai, China.

This Critical Language Scholarship Program allows students to participate in daily educational activities in Shanghai, China, as well as the surrounding areas. The program provides participants with the opportunity to build relationships with young leaders from all over the world with an intense focus in the Chinese language, one of the thirteen “critical needs” foreign languages determined by the Department of State, for summer 2012. At the end of the program, participants receive a certificate of completion.

Patrick is a student at James Madison University. It is inspiring to see young people who are interested in international educational and developmental experiences such as these.

Mr. Speaker, I ask my colleagues to join me in recognizing this remarkable achievement by Patrick Rostock and wishing his continued success in his further pursuits.
In the House of Representatives

Wednesday, November 30, 2011

Mr. SIMPSON. Mr. Speaker, when someone thinks of Idaho, they usually think of the things the state is most well known for, like potatoes, Boise State football, world-class hunting and fishing, or any other of the numerous outdoor attractions popular in the State. One thing Idaho is not yet well known for is its contributions to deep space exploration, yet that is the reason I come to the floor today.

I rise today to pay tribute to the dedicated men and women of the Idaho National Laboratory, INL, who have made significant contributions to NASA’s Mars Science Laboratory mission. This mission has sent a large mobile laboratory—a planetary rover named Curiosity—into space, and is now headed to the surface of Mars. One of the greatest challenges for deep space exploration has always been providing a reliable source of electricity to power scientific instruments and provide heat to keep them from freezing in the harsh conditions of space. NASA used solar power for its earlier voyages to Mars, but because of its limitations, NASA decided to utilize nuclear powered batteries to provide the needed heat and power for the mission. The best place to assemble and test these batteries was Idaho.

Why Idaho? Well, Idaho has a long history of leadership in innovation in the nuclear power arena. After World War II, Idaho was chosen as the new home of the Nuclear Reactor Testing Station, where for the first time it was demonstrated that nuclear power could be used to generate usable forms of electricity. In the 60 years since, over 50 nuclear reactors have been designed and tested in Idaho, leading to the development of extensive capabilities and expertise. This expertise handling nuclear materials made Idaho an ideal location when NASA needed to develop the next space battery that would power its new planetary rover.

The Mars Science Laboratory mission has the potential to be the most productive Mars surface mission in history. That is due, in part to its nuclear heat and power source. The rover Curiosity, which is the size of a small car, is carrying the most advanced payload of scientific gear ever used on Mars’ surface. The nuclear powered rover can go farther, travel to more places and power and heat a larger and more capable scientific payload than a solar powered vehicle would in the same environment. Curiosity will travel to locations on Mars that have been off-limits before and collect samples and perform analysis on a far larger scale than previously imagined. This is all possible because of Curiosity’s unique nuclear-powered batteries.

A dedicated team of INL scientists and engineers began assembling and testing these batteries in the summer of 2008. After extensive testing to ensure the batteries would perform as expected during the launch and subsequent travel through space, and then again when the rover begins its mission on the surface of the planet, the team of INL employees felt confident the batteries would do what they needed to do. Many of these people sacrificed significant time away from families to ensure every aspect of the batteries would work as planned, a service that this country should be grateful for. But in the end, I’m sure the individuals who put thousands of hours into this project have considered it a privilege and an honor to be involved.

Last Saturday, when Curiosity lifted off from its launch pad at the Kennedy Space Center to begin its nearly nine month voyage to Mars, it may have seemed odd to see a large group of people in Idaho celebrating while they watched the event unfold on a big screen. But for this dedicated team of INL employees, it was a moment they had been anxiously awaiting for years. They can be proud of the fact that whatever new discoveries are made as a result of this new state-of-the-art rover would not be possible without their contributions. And for that, I extend heartfelt congratulations.

IN HONOR OF MR. HAL BRUNO

One of

HON. ROBERT E. ANDREWS
OF NEW JERSEY

In the House of Representatives

Wednesday, November 30, 2011

Mr. ANDREWS. Mr. Speaker, I rise today to honor and remember Mr. Hal Bruno and his lifetime dedication to political journalism and firefighting across the nation. As a former Political Director and analyst for ABC News, Mr. Bruno’s legacy is one that deserves to be recognized to the fullest degree.

Mr. Bruno’s journalism career spanned five decades, and he was greatly involved in many high-profile cases including the Cuban Revolution, Watergate, Chappaquiddick, and 9/11. His breadth of knowledge and myriad of resources will remain as testament to his tenacity as a political analyst.

Equally important in his life was the service he provided as a volunteer firefighter, and later as a Chairman Emeritus for the National Fallen Firefighters Foundation. In recognition of his service, the Congressional Fire Services Institute selected him as its “Fire Service Person of the Year” in 1995. His passion for fire fighting began in the 1940s. Mr. Bruno’s dedication to fighting fires continued until his passing, as he always had an emergency scanner and a bunker gear, helmet, and boots in his car ready to assist in an emergency.

Commended not only for his analysis and service to his community, but also his moderation of the 1992 Vice Presidential debate, Mr. Bruno made certain to maintain a fair environment for the candidates to communicate. His steadfast commitment to fair and balanced information to decide for themselves. The debate only reiterated Mr. Bruno’s dedication to fighting fires continued until his passing, as he always had an emergency scanner and a bunker gear, helmet, and boots in his car ready to assist in an emergency.

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In the Community Development Department, Donna has also served as Records Supervisor, As- sistant Building Commissioner, Staff Planner, and Director of Community Development. She has pursued significant additional training and education, and is an active member in a number of Village committees.

In 2005, as a member of the Glendale Heights Historic Committee, Donna was recognized with the Studs Terkel Humanities Service Award for her extensive research and documentation for a History of the Village of Glendale Heights. After an extraordinary career of 34 years of service, Donna is stepping down from her position as Village Administrator.

Over the years, Donna has proven herself as a vital asset to the Village of Glendale Heights. Since her first position as a secretary in the Community Development Department, she has tirelessly served from within the Department in a number of leadership positions. Her steadfast commitment to experience and vibrant interest in the history and welfare of the Glendale Heights community have caused her to excel in every capacity.

In addition to Village Administrator, Donna has also served as Records Supervisor, Assistant Building Commissioner, Staff Planner, and Director of Community Development. She has pursued significant additional training and education, and is an active member in a number of Village committees.

In 2005, as a member of the Glendale Heights Historic Committee, Donna was recognized with the Studs Terkel Humanities Service Award for her extensive research and documentation for a History of the Village of Glendale Heights brochure.

Donna leaves a powerful legacy in her passionate and conscientious approach to serving the community of Glendale Heights and her robust preservation of its history. She is truly a public servant and a model citizen.

Mr. Speaker and Distinguished Colleagues, please join me in recognizing this special occasion as we celebrate Donna Becerra’s faithful service to the Village of Glendale Heights and wish her the best in her future endeavors.

HONORING THE SERVICE OF GLENDALE HEIGHTS VILLAGE ADMINISTRATOR DONNA BECERRA

HON. PETER J. ROSKAM
OF ILLINOIS

In the House of Representatives

Wednesday, November 30, 2011

Mr. ROSKAM. Mr. Speaker, I rise today to honor a dedicated public servant from my Congressional District, Donna Becerra of the Village of Glendale Heights. After an extraordinary career of 34 years of service, Donna is stepping down from her position as Village Administrator.

Over the years, Donna has proven herself as a vital asset to the Village of Glendale Heights. Since her first position as a secretary in the Community Development Department, she has tirelessly served from within the Department in a number of leadership positions. Her steadfast commitment to experience and vibrant interest in the history and welfare of the Glendale Heights community have caused her to excel in every capacity.

In addition to Village Administrator, Donna has also served as Records Supervisor, Assistant Building Commissioner, Staff Planner, and Director of Community Development. She has pursued significant additional training and education, and is an active member in a number of Village committees.

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Donna leaves a powerful legacy in her passionate and conscientious approach to serving the community of Glendale Heights and her robust preservation of its history. She is truly a public servant and a model citizen.

Mr. Speaker and Distinguished Colleagues, please join me in recognizing this special occasion as we celebrate Donna Becerra’s faithful service to the Village of Glendale Heights and wish her the best in her future endeavors.

HONORING TERRANCE WAYNE CARVER, III

HON. SAM GRAVES
OF MISSOURI

In the House of Representatives

Wednesday, November 30, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Terrance Wayne Carver, III. Terrance 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 495, and earning the most prestigious award of Eagle Scout.

Terrance has been very active with his troop, participating in many scout activities. Over the many years Terrance 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, Terrance has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Terrance Wayne Carver, III, for his accomplishments with the Boy Scouts of America and for his efforts and work in achieving the highest distinction of Eagle Scout.
HONORING PEGGY BAGGETT ON HER RETIREMENT AS EXECUTIVE DIRECTOR OF THE VIRGINIA COMMISSION FOR THE ARTS

HON. JAMES P. MORAN
FROM VIRGINIA IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. MORAN. Mr. Speaker, I rise today to honor Peggy J. Baggett, who will retire as the Executive Director of the Virginia Commission for the Arts (VCA) on November 30, 2011. During her more than 30 years of service with the Commission for the Arts, Ms. Baggett directed the organization in an honest and innovative fashion, ensuring that all needs were met with the utmost attention.

After receiving her Master’s degree in Arts Administration, Ms. Baggett joined the Virginia Commission for the Arts in 1976 as their Regional Coordinator. Her long list of responsibilities includes planning the programs and services of the Commission; providing assistance to arts organizations in applying for funds; evaluating activities funding by the Commission; coordinating the statewide Artists-in-Schools program; and consulting with non-profit arts organizations on a wide range of management issues.

In 1980, after only four years at the organization, Ms. Baggett was appointed as the Executive Director by Governor John Dalton. Her capacity to handle complex and long-term projects has been exceptionally impressive. Ms. Baggett’s accountability oversaw the investment of state and federal resources in the arts and built a multi-tiered review system that is regarded as effective, fair, and consistent by leaders in the arts across the state. She has effectively worked with key legislators on both sides of the aisle on issues of importance to arts and culture while working in the administrations of three Republican Governors and five Democratic Governors. Ms. Baggett is nationally hailed as an expert on state resources, keeping the administrative costs of the agency low while focusing on providing the best possible service to the people of Virginia.

Peggy Baggett’s long list of accomplishments includes numerous recognitions and awards. On January 8, 2011, she was awarded the Leadership in the Arts Award by the Virginia Center for the Creative Arts (VCCA) “for her dedication and inspiring leadership in the arts of Virginia for over three decades and eight governors.” Additionally, she garnered the Anne Brownson Award for Service to the Museum Profession from the Virginia Association on November 30, 2002, Award of Merit from the Folk Art Society of Virginia in 2001, the Gary Young Award for Leadership in the State Arts Agency field from the National Assembly of State Arts Agencies in 1999 and, in 1992, was named an Outstanding Woman of Virginia by the James Madison University Women Faculty.

Along with her work at the Virginia Commission for the Arts, Peggy’s clear dedication to the arts extends far beyond her regular working hours. From 1981 to 2009, she was on the Board of Directors of the Mid Atlantic Arts Foundation which provides arts programs from Virginia to New York. During that time, she sat on the Board of Directors for the Richmond-First Club, serving as their President from 1995 to 1996, and was also on the Board of the National Assembly of State Arts Agencies from 1989 to 1995. From 1983 to 1985, she served on the Board for the Virginia Women’s Cultural History Project. She has been also been a member of the Board and Chair of the Advisory Board for the Center for Arts Administration at the University of Wisconsin several times.

Ms. Baggett has continually and generously lent her skill and expertise to others by volunteering as an Advisory Panelist for numerous National Endowment for the Arts (NEA) programs during promotions; she has worked as an Advisory Panelist and expert for other arts institutions across the country. Her recent accomplishments are a reflection of her work at the VCA. Ms. Baggett’s planning, oversight, and coordination surrounding the 2008 Governor’s Awards for the Arts, the first Virginia Heritage Awards in 2009, and for MINDS WIDE OPEN: Virginia Celebrates Women in the Arts, the Commonwealth’s largest collaboration in history in the arts and cultural community, were exemplary. Her industrious oversight of the distribution of the American Recovery and Reinvestment Act funds for the arts in Virginia was well-executed and effective. Throughout her career at the VCA, Ms. Baggett has continued to promote the growth of the arts and cultural districts in localities across the state through conferences and consulting.

Mr. Speaker, I am honored to ask my colleagues to join me in congratulating Ms. Peggy J. Baggett upon her retirement from the Virginia Commission for the Arts as their Executive Director. She has brought joy to countless individuals and has contributed to the development of the arts in Virginia. I sincerely thank her for her service, and wish her the very best in all of her future endeavors.

RECOGNIZING RITA GELDERT ON THE OCCASION OF HER RETIREMENT FROM THE CITY OF VISTA

HON. DARRELL E. ISSA
OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. ISSA. Mr. Speaker, I rise today to recognize the honorable public service of Rita Geldert as she retires from City Manager of the City of Vista, California.

Mrs. Geldert was appointed as Vista’s City Manager in 1997, after serving three years as Assistant City Manager. Under her tenure, Mrs. Geldert has helped spur economic expansion within the City and has helped to promote businesses and job growth within the community. Her tireless work to improve and strengthen infrastructure has not gone unnoticed. Mrs. Geldert has overseen countless projects that have had a great impact on the City and the surrounding area, ranging from the development of Vista Village to the new Civic Center.

Over the past 36 years, Mrs. Geldert has worked tirelessly in the field of public service. She has been active in the city management profession, serving on the Board of Trustees of the California City Management Foundation Board of Trustees while also being a member of multiple organizations relating to her position. Prior to her time spent as City Manager and Assistant City Manager of Vista, she was the Director of Finance and Administration for the City of Dana Point, Management Services Officer for the City of Merced, and Personal Officer for the City of Vacaville. These positions exemplify Mrs. Geldert’s dedication to not only the community she currently serves, but to the State of California and the citizens.

It is an honor to recognize Mrs. Geldert on the occasion of her retirement from over three decades of contributions to California communities.

Mr. Speaker, I ask you to please join me in recognizing Mrs. Rita Geldert’s dedicated service to the City of Vista and the state of California.

HONORING ASHER B. DURAND, GEORGE INNESS, AND THE HUDSON RIVER SCHOOL OF PAINTERS

HON. DONALD M. PAYNE
OF NEW JERSEY IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. PAYNE. Mr. Speaker, I rise today to commend the decision by the Architect of the Capitol publicly displaying the paintings in the Capitol Visitors Center. “The Discovery of the Hudson River” and “Entrance into Monterey,” both by Albert Bierstadt, will welcome so many to the Capitol complex as they learn about the history and processes of artistry. These works are part of the Hudson River School of Painters and celebrate the beauty and diversity of the United States. Coincidentally, two painters in the School have ties to my district in New Jersey. Asher Brown Durand was born, and later died, on a farm in my district. Although he began his career in engraving, Durand’s legacy is in landscape painting, as one of the first artists of the Hudson River School of Painters. Durand’s influence can be seen in another painter in the School, George Inness. Inness lived in Newark, a town I call home. Inness’ distinct style combines the Hudson River School traditions with techniques he learned during travels in Western Europe.

Inness and Durand, like many of their fellow painters, traveled extensively abroad. Upon Durand’s return to the United States, he took regular trips to paint the scenery of the Hudson River, the Adirondacks, and the White Mountains.

Durand’s style was highly detailed, a hallmark of the School. One of Durand’s most famous pieces, “Kindred Spirits,” is often cited as one of the epitome of the School’s values. This work cemented Durand’s place at the forefront of the movement caused by the School.

Durand, as part of the first generation in the Hudson River School, is important because of his influence on later painters in the School, and on art in general. Durand helped form what is today known as the National Academy Museum and School, and served as president of the Academy for several years.

As the School’s reputation increased, many of the School’s painters traveled extensively to study other arts traditions, introducing these men to the culture of the grand capitals of Europe. This motivated many of the artists and other business leaders to found the Metropolitan Museum of
Art in New York City in 1870. Some of these Hudson River School painters later served as trustees of the Metropolitan Museum of Art and were members of the executive committee.

On this very floor many years ago, Congress was moved to create several national parks, like Yellowstone and Yosemite, after viewing the School’s magnificent landscape paintings. Eventually, these same paintings were used to encourage Congress to form the National Park Service in 1916.

Mr. Speaker, I encourage my colleagues, and the American people, can agree with me when I acknowledge and appreciate the achievements of Asher Durand, George Inness, and the Hudson River School of Painters.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011
Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was $4,801,405,175,294.28. Today, it is $15,054,163,621,371.29. We’ve added $10,252,758,446,077.01 to our debt in 16 years. This is $10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

PERSONAL EXPLANATION

HON. JEFF MILLER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011
Mr. MILLER of Florida. Mr. Speaker, yesterday I attended the funeral of a fallen soldier from my district and missed the following rollcall Votes: Nos. 860, 861, and 862 on November 29, 2011.

If present, I would have voted: Rollcall Vote No. 860—H.R. 3012, Fairness for High-Skilled Immigrants Act, “nay.”
Rollcall Vote No. 861—H.R. 2192, National Guard and Reservist Debt Relief Extension Act, “aye.”
Rollcall Vote No. 862—H.R. 1801, Risk-Based Security Screening for Members of the Armed Forces Act, “aye.”

A TRIBUTE TO MR. ANDREA BOCELLI

HON. ROBERT A. BRADY
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011
Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to join many around the world in celebrating the accomplishments, talents, and music of Andrea Bocelli. Our Nation’s Capital will play host to the Italian tenor on Friday, December 2nd when he takes the stage at the Verizon Center.

Born on September 22, 1958 in Pisa, Toscana, Italy, it wasn’t until Mr. Bocelli was 34 when he was discovered for his incredible talents. In short time, with the support of legend Luciano Pavarotti, Mr. Bocelli won many competitions, festivals, and a record deal. His many talents include musician, songwriter, record producer, and multi-instrumentalist playing keyboards, flute, saxophone, trumpet, trombone, harp, harmonica, guitar, drums, and melodic.

The best selling solo artist in the history of classical music, Mr. Bocelli has recorded thirteen solo albums and eight operas, selling over 70 million copies across the globe. He has sung for presidents, popes, queens and millions of fans.

Throughout his career, Mr. Bocelli has served as a cultural ambassador for the Italian people. He continues to represent and promote the talents of Italy. Among his many accolades, he was honored with the status of “Grand Officer of the Order of Merit of the Italian Republic” from past President Carlo Azeglio Ciampi. Here in the United States his honors include a star on Hollywood’s Walk of Fame.

Mr. Speaker, I encourage my colleagues to join me in appreciation of Mr. Andrea Bocelli, and thank him for his contribution to music, the arts, and popular culture.

PERSONAL EXPLANATION

HON. ROBERT T. SCHILLING
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011
Mr. SCHILLING. Mr. Speaker, on Tuesday, November 29, 2011, due to inclement weather in Chicago, Illinois that prevented my travel, I was unable to cast my votes for rollcall Nos. 860, 861, and 862. I was originally booked on United Flight 5327 from Moline at 9:24 a.m. (CST), connecting to United Flight 610 leaving O’Hare at 11:04 a.m. (CST) and arriving in DCA at 1:53 p.m. (EST). However, I could not make these flights due to my original flight from Moline not getting into ORD until 2:43 p.m., and subsequently having 3 connecting flights being cancelled, forcing me to get on the 6:30 p.m. (CST) United 509, arriving in DCA at 10:20 p.m. (EST).

Had I been present, my votes would have been as follows:
For rollcall No. 860, to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes, I would have voted “yea.”
For rollcall No. 861, to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days, I would have voted “yea.”

Many are called to duty unexpectedly which can hinder financial planning and place a burden on their families. This exemption should be extended to allow our citizen-warriors time to readjust when they return home.

For rollcall No. 862, which directs the Assistant Secretary of Homeland Security (Transportation Security Administration [TSA]) to develop and implement a plan for expedited security screening services for uniformed Armed Forces members, and their families, traveling on official orders while in uniform through an airport, I would have voted “yea.”
Again, we owe the brave men and women of our armed forces a tremendous debt of gratitude. Finding a faster way for them to complete the security screening process while they are in uniform and traveling on official orders is common sense.

It is an honor to serve the people of the 17th Congressional District of Illinois.

ON THE BIRTH OF ANGELO ZOLTAN SCHWARTZ

HON. JOE WILSON
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011
Mr. WILSON of South Carolina. Mr. Speaker, I am happy to congratulate Lawrence Schwartz and his wife Allison on the birth of their new baby boy, Angelo Zoltan Schwartz, who was born on Monday, November 28, 2011, in Falls Church, Virginia.

I am so excited for this new blessing to the Schwartz family and wish them all the best. I want to also congratulate Angelo’s grandparents Debra and Barry Shulman of Fayetteville, New York, and Joanne and Lawrence Schwartz, III of Anaheim Hills, California, on this wonderful new addition to their family.

Tribute to Harold “Hal” Bruno, Jr.

HON. BILL PASCRELL, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011
Mr. PASCRELL. Mr. Speaker, I rise to commemorate the life of a truly outstanding individual, Mr. Harold “Hal” Bruno, Jr., who passed away on November 8th, 2011 at the age of 83. A native of Chicago, Hal Bruno began his long career there as a reporter during the 1950s. From 1960 to 1978, Mr. Bruno worked for Newsweek magazine, and in 1978, he moved to ABC news where he remained until 1999. As Political Director and Director of Election Coverage at ABC News, Hal Bruno was widely known for his political savvy and his journalistic integrity. His career as a journalist spanned five decades and earned him many accolades. He was dedicated to politics and a pioneer in political journalism, so it is fitting that he passed away on an election night.

However, Hal Bruno had another passion in addition to journalism: to the brave men and women of our country’s fire service. He was called to serve his neighbors as a volunteer firefighter for much of his career, and through his work as a firefighter, Mr. Bruno gained a keen interest in fire safety policies. He became a leading expert in the politics and policy of fire safety and for years contributed a
column on the subject to Firehouse magazine. He also composed numerous articles on the subject in other publications and on the internet, and helped bring attention to these important issues to Americans across the country.

Hal’s passion and tenaciousness made him a highly effective advocate for firefighter and fire safety. A charter member of the National Fallen Firefighter’s Foundation, he served as the organization’s Chairman from 1999 until his retirement in 2008. In this position, he helped to develop fire safety programs and to create a safer environment for firefighters. He was also the Director of the Chevy Chase Fire Department in Maryland. It was truly an honor for me to work closely with Hal as we sought ways that the federal government could assist our local fire departments even before the tragic events of September 11th, 2001. Together, we developed the Assistance To Firefighters Grant (AFG) and Staffing for Adequate Fire and Emergency Response (SAFER) grant programs to help these local departments buy the equipment and hire the personnel they needed to keep their communities safe and secure. Thanks in large part to Hal’s insightful input and tireless advocacy, these programs have been wildly successful, and are crucial to ensuring that our communities have the resources they need.

Homeland security starts at home, so no matter what our budget environment is like, we must continue to support firefighters and other first responders, who sacrifice so much to keep us safe. This will undoubtedly be one of Hal’s great legacies, and I will continue to fight to preserve it in the future.

With Hal Bruno’s passing, our nation has lost a great hero. Mr. Bruno is survived by his wife Meg, his sister Barbara, his sons Harold and Dan, and his four grandchildren. The job of a United States Congressman involves much that is rewarding, yet nothing compares to working with passionate individuals like Hal Bruno. Mr. Speaker, I ask that you join our colleagues, Hal’s family and friends, our first responders, and me in commemorating and celebrating the life of Mr. Hal Bruno.

RECOGNIZING HARLEEN JASSAL OF CLIFTON, VA

HON. GERALD E. CONNOLLY OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011
Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today in support of the Consolidated and Further Continuing Appropriations Act 2012 (H.R. 2112). This legislation combines three fiscal year 2012 appropriations measures: Agriculture, Rural Development, Food and Drug Administration; Commerce-Justice-Science, and Transportation, Housing and Urban Development. H.R. 2112 also includes a short-term continuing resolution that will fund the remainder of the federal government through December 16.

H.R. 2112 represents the final House-Senate conference agreement on three of this year’s appropriation bills. While I strongly oppose many of the cuts to critical priorities included in H.R. 2112, the final package is—on the whole—far better than the proposals from Tea Party Republicans in the House.

Fiscal year 2012 appropriations for the Agriculture, Rural Development and Food and Drug Administration are significantly improved from the House-passed bill. The Women, Infants and Children program receives $6.6 billion, an increase of $570 million over the House bill and $36 million above the Senate. As a result, 700,000 low-income children and pregnant women in America will not lose the basic nutrition they desperately need and deserve. The conference agreement provides $1 billion for food safety inspections, which will protect America’s food supply by preventing the elimination of USDA meat inspectors. Food safety in our country is further strengthened by the $2.5 billion included for the Food and Drug Administration. This $334 million increase over the House level will allow the FDA to continue implementation of the Food Safety Modernization Act. Funding was also restored for international food aid programs that fulfill America’s moral obligation to assist millions of men, women and children around the world who are struggling with famine.

However, I am deeply disappointed that a handful of special interest groups succeeded in blocking important improvements to school nutrition standards that were recommended by the USDA. As a result, it will be harder for school districts to increase the use of whole grains, reduce the sodium content of school lunches and end the ridiculous practice of categorizing pizza as a vegetable. Every student in every American school knows pizza is not a vegetable. With this bill, Congress is failing our students and parents by allowing corporate interests to trump common sense. With this bill, we are erasing an opportunity to substantially improve the health of America’s children. This is a wrong that must be made right.

My Republican colleagues also won a victory for Wall Street criminals by demanding cuts to the entity responsible for enforcing financial laws. H.R. 2112 includes $100 million less for the Commodity Futures Trading Commission (CFTC) than requested by President Obama to carry out the financial reforms passed by Congress. Reckless behavior in America’s financial sector jeopardized millions of jobs and trillions of dollars in education and retirement savings. It is unconscionable that House Republicans would undermine the ability of federal regulators to protect American families from a repeat of the 2008 crisis that nearly led to another Great Depression. Unfortunately, Congressional Republicans refused to yield. The result is a bill that leaves our country exposed to a repeat of this crisis.

Fiscal year 2012 Appropriations for Commerce-Science-Justice will enhance U.S. global competitiveness by making critical investments in science and technology. Overall, H.R. 2112 includes $490 million more for these priorities than the bill proposed by the House Republicans. As a result, the National Science Foundation, National Institute of Standards and Technology, and the Oceanic and Atmospheric Administration receive funding to conduct research that spurs innovation and drives future economic growth. In addition, the legislation provides $128 million for the Manufacturing Extension and Partnership Program, which helps American companies maintain good paying American jobs and compete with manufacturers in China, India, and other emerging economies. H.R. 2112 reverses the House Republican’s massive cuts to firefighters, state and local law enforcement agencies, and the Federal Bureau of Investigation. For example, the Commerce-Justice-Science bill passed by House Republicans eliminated funding for the Community Oriented Policing Services (COPS) program that helps Minnesota keep police officers on our streets. This bill provides $198.5 million for COPS.

Fiscal year 2012 appropriations for Transportation, Housing and Urban Development fall short of what is needed to strengthen America’s economy and stabilize our communities. Yet, the conference agreement does succeed in maintaining current levels of investment in most areas. For example, H.R. 2112 includes $39.8 billion for the federal-aid highway program, $12.1 billion more than the House draft bill. This translates into $93.1 million for construction of the Central Corridor Light Rail line. While replacing the massive cuts to transit proposed by House Republicans is an achievement, the final agreement falls $5 million short of the federal commitment to the Central Corridor project. This shortfall is a major concern and something that must be addressed in the upcoming fiscal year 2013 process. Another concern is the complete elimination of funding for highspeed rail. I deeply oppose the federal commitment to the High Speed Rail Access Program, but House Republicans will slow work on the planned Chicago-to-Twin Cities high-speed-rail route that will depart from St. Paul’s Union Depot. However, the conference agreement did include $1.4 billion for Amtrak capital and safety improvements and $15 million for intercity grants to support Amtrak service on 26 short-distance routes, affecting 15 states and more than 9 million passengers.
Regarding federal housing programs, House Republicans proposed devastating cuts that would have done serious harm to low-income families in Minnesota. Fortunately, this conference agreement rejected the most damaging Republican cuts. Section 8 tenant-based vouchers receive $18.9 billion, above the original leveling of the House or Senate bills. H.R. 2112 also maintains funding for homeless veterans, the McKinney-Vento homeless assistance grant program and housing counseling services. Still, the legislation fails to meet the growing needs for safe, affordable shelter in our communities. For example, cuts to the Community Development Block Grant program will undermine the efforts of Minnesota cities to respond to the effects of high unemployment and the collapse in the real estate market.

H.R. 2112 is the result of extended negotiations and represents a genuine compromise between competing priorities. I believe that many of the provisions in this legislation should be revisited and many of funding levels should be restored in the next appropriations cycle. I am here in support of this legislation today with my vote to ensure the critical resources in H.R. 2112 reach Minnesota communities without further delay.

HON. EDDIE BERNICE JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011
Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize Dallas County public defender Michelle Moore, who has worked on and off the clock to free the innocent in prison and helped them to adjust to life on the outside once they’re released. I wish to congratulate Ms. Moore for her service to my community as she is leaving her position to open the first public defender’s office in Burnet County.

Ms. Moore has helped free 11 men from prison. She appeared on a television documentary called Dallas DNA and helped change state laws to compensate exonerates and prevent wrongful convictions. As an attorney, she requested DNA testing and has worked with the district attorney’s office to investigate cases. She has also represented inmates whose guilt was confirmed by DNA testing.

Moore works with the Innocence Project of Texas, the Wesleyan Innocence Project and the University of Texas at Arlington Innocence Network and the Center for Actual Innocence. Michelle Moore has practiced law for 17 years and is licensed to practice in Texas and Arkansas. She has served as an assistant Dallas County public defender for the past 13 years, where she currently works as the DNA attorney for the office. Moore taught for six years in the Criminal Clinic at Southern Methodist University Dedman School of Law.

Dr. Martin Luther King, Jr. once said, “Yes if you want to say that I was a drum major, say that I was a drum major for justice; say that I was a drum major for righteousness. And all of the other shallow things will not matter. I won’t have the fine and luxurious things of life to leave behind. But I just want to leave a committed life behind.” Mr. Speaker, I would like to recognize Michelle Moore for her determination and hard work to these causes. Our country is a better one because of Michelle Moore.

PROCLAIMING THE STATE OF NEVADA RECOGNIZE HELEN J. STEWART AS THE “FIRST LADY OF LAS VEGAS”, AND HONOR HER STATUE WHICH WILL BE RAISED AT THE OLD LAS VEGAS MORMON FORT STATE HISTORIC PARK ON DECEMBER 3, 2011 IN LAS VEGAS, NEVADA

HON. MARK E. AMOEDE
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011
Mr. AMOEDE. Mr. Speaker, I rise today to recognize Helen J. Stewart as “First Lady of Las Vegas”, and honor her statue which will be raised at the Old Las Vegas Mormon Fort State Historic Park on December 3, 2011 in Las Vegas, Nevada.

Helen, with her husband Archibald, three children and one on the way, arrived in the Las Vegas Valley in 1882 and resided on the land located around the abandoned Mormon Fort situated near what today is the intersection of Las Vegas Boulevard and Washington Avenue. Later left with four children and another on the way after the death of her husband in 1884, she became a rancher and business woman and presided over the operations of the ranch. She began buying land and became the largest landowner in Lincoln County. She later sold her land to the railroad in 1902 and henceforth the city of Las Vegas developed.

As the new town expanded, Helen became active in the community serving in many leadership roles such as one of the founders of Christ Episcopal Church, charter member of the Mesquite Club, president of the Las Vegas branch of the Nevada Historical Society, supporter of women’s suffrage, first woman elected to the school board on the Republican ticket, and as a friend to the Paiute Indians who worked on her ranch, sold ten acres of land to the federal government to be used as an Indian school and semi-reservation which remains tribal land today.

On July 26, 2010 the Historical Commission of the Las Vegas Centennial awarded the “Friends of the Fort” $99,000 for the Helen J. Stewart statue to be sculpted by Benjamin Victor of Aberdeen, South Dakota.

Both the State of Nevada and I recognize the statue of Helen J. Stewart to be a fitting recognition of the many “firsts” that this exceptional Nevadan lady forever known as the “First Lady of Las Vegas” accomplished in her lifetime.

URGING FDA TO ACT PROMPTLY TO APPROVE ARTIFICIAL PANCREAS TECHNOLOGIES

HON. DAN BURTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011

Mr. BURTON of Indiana. Mr. Speaker, diabetes is a common, and growing, disease in Indiana. According to 2009 CDC data, approximately 451,000 Hoosiers—9% of the state’s population—had diagnosed diabetes. Adults who are overweight and not physically active are at risk for developing diabetes. Among adults with diabetes in Indiana, 88.1% are overweight and 42.5% reported physical inactivity.

In addition to the human toll diabetes places on people in Indiana, the financial burden diabetes places on the health system in Indiana is staggering—in 2007, the direct and indirect cost of diabetes in Indiana was approximately $39 billion.

Americans with diabetes, particularly young children with diabetes, desperately need better tools to manage their disease and thereby prevent many of its life-threatening and costly complications. Some of these breakthrough tools and technologies are already available.

For example, Low-Glucose Suspend systems—devices that automatically suspend insulin delivery when blood sugar levels are dangerously low—have been approved in more than 40 countries around the world. But not in the United States.

In fact, the FDA only this year—almost four years after these devices were approved for use in Europe, issued draft guidance on what studies manufacturers would need to conduct in order to win approval for Low-Glucose Suspend systems in the United States.

To make matters worse, according to the Nation’s leading clinical organizations specializing in diabetes care, the guidance proposed by FDA in June 2011 for Low-Glucose Suspend systems created many unnecessary obstacles to the evaluation of those systems.

Thankfully, the FDA recently took an overdue step to clarify that ill-conceived guidance.

However, there is significant concern within the diabetes community that forthcoming guidance—which the FDA has committed publicly to publishing by December 1st—on even more revolutionary technology—the artificial pancreas—will either be delayed or suffered from many of the same problems which plagued the FDA’s Low-Glucose Suspend system guidance.

The development of the artificial pancreas is critically important to many of my constituents, which is why I signed a broad, bipartisan letter in support of prompt and appropriate guidance on the artificial pancreas earlier this year. Any delay will slow an innovation that has the potential to dramatically improve the lives of those with diabetes.

Mr. Speaker, on behalf of the thousands of Hoosiers, and millions of other Americans with diabetes, I urge the FDA to issue this draft guidance no later than December 1, if not sooner, so that artificial pancreas technologies can be tested in an outpatient setting and be made available to those who need it in the near future. This is literally a matter of life and death.

I also would like to insert a copy of my letter to FDA Commissioner Hamburg in this subject in the Congressional Record, Washington, DC, November 29, 2011.

Hon. Margaret Hamburg, M.D., Commissioner, U.S. Food and Drug Administration, Silver Springs, MD.

Dear Commissioner Hamburg: I am writing to urge the Food and Drug Administration (FDA) to expedite the FDA’s approval of the artificial pancreas for the treatment of type 1 diabetes. Specifically, I urge FDA to
immediately issue clear and unambiguous guidance so that outpatient artificial pancreas studies can proceed as soon as possible. Nearly 26 million Americans have diabetes, and one in three American children born today will develop the disease. Diabetes is the leading cause of kidney failure and adult-onset blindness. Moreover, diabetes increases the risk of heart attack deaths by two to four times, and causes more than 80,000 amputations each year. People with diabetes are also at risk for seizures, comas and sudden death. Americans with diabetes, particularly young children with diabetes, desperately need better tools to manage their disease and thereby prevent many of its life-threatening and costly complications.

Some of these breakthrough tools and technologies are already available in other parts of the world. Low-Glucose Suspends systems—devices that automatically suspend insulin delivery when blood sugar levels are dangerously low—have been approved in more than 40 countries around the world but not here in the United States. In fact, the FDA only this year—almost four years after these devices were approved for use in Europe, issued draft guidance on what studies manufacturers would need to conduct in order to win approval for Low-Glucose Suspend systems in the United States. To make matters worse, according to the Nation’s leading clinical organizations specializing in diabetes care, the guidance proposed by FDA in June 2011 for Low-Glucose Suspend systems created many unnecessary obstacles to the evaluation of those systems. For example, I understand that this guidance requires multiple clinical trials (inpatient and outpatient involving a large number of subjects) to show statistically significant differences in preventing hypoglycemia. This is an excessive hurdle when all that is required is data that is clear and effective (in other words equivalent glycemic control) not that the Low-Glucose Suspend system is BETTER than other techniques.

Nighttime is a particularly dangerous time for individuals with diabetes because their blood sugar level can drop while they are sleeping, potentially leading to seizures, coma or death. I have heard heart wrenching stories from parents forced to wake their diabetic children in the middle of the night to check their sugar levels and administer insulin. Access to Low-Glucose Suspend systems, and ultimately to artificial pancreas technology, is desperately needed.

We are at a critical point in the development of the artificial pancreas. Timely approval of this technology will help improve health outcomes for the millions of Americans afflicted with type I diabetes; and potentially save hundreds billions of dollars annually in health care costs. I urge your timely consideration of this matter and re-annually in health care costs. I urge your timely consideration of this matter and request a prompt response.

Mr. Speaker, I ask my colleagues to join me in recognizing this remarkable achievement by Lea Gold and wishing her continued success in her further pursuits.

HON. DONALD M. PAYNE OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011

Mr. PAYNE. Mr. Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to pay tribute to Judge John H. Watson, Jr. as he retires from his position as Municipal Court Judge for the City of East Orange. It is my distinct privilege to add my congratulations to that of his family, friends and associates as they celebrate in honor of a man who has been involved in every aspect of law for over 30 years. For all the leadership he has shown and the contributions he has made over the years, Judge Watson is a worthy recipient of the accolades he will receive on November 18, 2011.

I consider it a privilege to have been involved with Judge Watson’s early foray into public service. In addition to serving on the bench, Judge Watson has maintained a successful private practice where he has used his legal expertise to guide numerous clients through a variety of legal matters. He has been a mentor to new attorneys and has provided internship opportunities to youngsters interested in pursuing law degrees. Fortunately, for the community at large, Judge Watson has always been a fair and thoughtful individual. He is a Vietnam War veteran who obviously has a strong sense of loyalty to his country.

A graduate of Rutgers University Law School, Judge Watson held a number of positions before branching out on his own. He is a member of several Bar Associations and has been an active participant in the Rutgers-Newark Law School Alumni Association. A doting husband and father, Judge Watson is also a loving grandfather, a loyal friend and a trusted confidant.

Mr. Speaker, I rise to honor Lea Gold, a 2011 Critical Language Scholarship Program Recipient. Lea has been identified by her educators for her academic excellence, leadership potential and exemplary citizenship to participate in the Critical Language Scholarship Program Jeonju, South Korea. This Critical Language Scholarship Program allows students to participate in daily educational activities in Jeonju, South Korea, as well as the surrounding areas. The program allows participants to make friends with young leaders from all over the world with an intensive focus in the Korean language, one of the thirteen critical need foreign languages determined by the State Department, for summer 2012. At the end of the program, participants receive a certificate of completion.

Lea is a student at the University of North Carolina—Chapel Hill. It is inspiring to see young people who are interested in educational and developmental experiences such as these.

Mr. Speaker, I ask my colleagues to join me in recognizing this remarkable achievement by Lea Gold and wishing her continued success in her further pursuits.
Interior Tribal Self-Governance Act, as well as related legislation to restore the integrity of government-to-government relationships and promote opportunities for tribal self-determination. I believe that we should support tribal governments to find ways to best serve their communities and protect their heritage.

CONGRATULATING FRENCH ROAD ELEMENTARY SCHOOL

HON. LOUISE McINTOSH SLAUGHTER OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Ms. SLAUGHTER. Mr. Speaker, I rise today to congratulate French Road Elementary School in Brighton, New York for recently earning its designation as a 2011 National Blue Ribbon School. The United States Department of Education grants this prestigious award to schools demonstrating a high level of academic excellence or where the achievement gap is shrinking. Secretary Arne Duncan describes National Blue Ribbon Schools as "committed to accelerating student achievement and preparing students for success in college and careers."

As one of only 315 schools across the nation to earn this honor, French Road Elementary School embodies the standard of excellence this award celebrates and is an example for others to emulate.

While nothing should diminish the hard work and talents of French Road Elementary School's individual teachers and students, Superintendent Dr. Kevin McGowan accurately stated that this honor reflects, "the support of an incredible school community."

Community is a central component of French Road Elementary School. Its students are not only encouraged to succeed academically but to be constructive members of their communities. In an era where school bullying is far too prevalent, French Road students start their day by reciting the school's Purple Hand Pledge. It reads, "I will not use my hands or my words for hurting myself or others." It is a simple message that should be emphasized more throughout school communities around the country.

Articulating the school's underlying values, this pledge has helped to foster the strong sense of community found among these third, fourth and fifth graders.

For instance, when entering French Road's courtyard you will find students working side by side in the school's community garden to grow healthy, pesticide-free vegetables for each other's enjoyment and to supplement the cafeteria menu.

However, their sense of community extends beyond their school yard, classmates and immediate neighbors. Over the past 30 years, French Road students have raised $20,000 more than any other school nationally. "Young philanthropists raised $75,489.29; students of French Road Elementary School have raised $1,265,000 for others to emulate."

CONGRESSIONAL RECORD — Extensions of Remarks

E2141

2011 EMISSARIES OF MEMPHIS MUSIC

HON. MARSHA BLACKBURN OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mrs. BLACKBURN. Mr. Speaker, Tennessee is the home to country music and the blues. Music is in the very fiber of our being, and we are proud to continually showcase the thousands of singers, songwriters, performers, producers, and music industry professionals that call Tennessee "home." I rise today to honor eight such professionals whose talents have made Memphis' musical heritage the soundtrack of America.

Barbara Blue, Dani, Lil Rounds, Dawn Hopkins, Valerie June, Amy LaVere, Sheri Jones Moffett, and JoJo Jeffreys were named recently as the 2011 Emissaries of Memphis Music. Honored for their contributions to the culture of music that is uniquely Tennessean and uniquely American, these eight women are deserving of praise. I ask my colleagues to join with me in honoring the Emissaries of Memphis Music and thank all of those who add their distinct notes to the musical history of Tennessee.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 860, due to family health issues, I was unable to make the vote. Had I been present, I would have voted "yea."

A TRIBUTE TO BERNARD "C.B." KIMMINS

HON. ROBERT A. BRADY OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor a true hero, Bernard "C.B." Kimmins. For over 44 years, Mr. Kimmins has been a committed volunteer, leader, and teacher throughout Philadelphia. He is a man of great courage and a true friend of mine.

Born in Atlantic City, New Jersey on February 13, 1944, Mr. Kimmins lived most of his
life in Philadelphia wherein he graduated from Cardinal Dougherty H.S., St. Joseph's University and Temple University, Graduate School.

Under the leadership of Zachary Clayton, Mr. Kimmins began his volunteer commitment in 1967 as a gang control worker in Philadelphia. Following that he served at the House of Umojah under Sister Falaka Fattah, mother of U.S. Congressman CHAKA FATTAH. Mr. Kimmins has been addressing youth groups with a message of respect for law enforcement, parents, clergy, teachers, adults, and fellow young people. Under the direction of Dr. Herman Wrice and Dr. Constance Clayton, Superintendent of Philadelphia Schools, Mr. Kimmins taught for over 30 years on the subjects of anti drugs, anti violence, anti guns, anti bullying, and tolerance.

Mr. Kimmins became a skilled anti crime activist and community organizer. He also studied under Dr. Russell Ackoff of the University of Pennsylvania's Wharton School. Currently, Mr. Kimmins is a full time volunteer, and Executive Director, for Mantua Against Drugs.

Mr. Kimmins is the proud recipient of numerous awards including honors from Time Magazine, the MLK Center, and the University of Pennsylvania. In addition to these accolades, Mr. Kimmins' greatest accomplishment has been the many lives he has positively impacted.

Mr. Kimmins' long and impressive career showcases his commitment and service to his community. Mr. Speaker, I ask that you and my other distinguished colleagues join me in thanking Bernard Kimmins for his work and congratulate him on a job well done.

HONORING THE HONORABLE
FRANK C. DAMRELL, JR.

HON. DORIS O. MATSUI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011

Ms. MATSUI. Mr. Speaker, I rise today in honor of Judge Frank C. Damrell, Jr., as he retires from the United States District Court, Eastern District of California. A federal judge since 1997, Judge Damrell has served on the bench with distinction and integrity. As his family, colleagues, and community leaders all gather to honor his remarkable career, I ask my colleagues to join me in tribute to Judge Damrell's service to the federal judiciary and his unwavering commitment to increasing civic involvement amongst our nation's youth.

A native of California's Central Valley and graduate of the University of California, Berkeley, and Yale Law School, Judge Damrell enjoyed an exceptional law career in both the private and public sectors prior to his 1997 appointment to the federal bench by President William Jefferson Clinton. He has been an active member of the federal judiciary and served on the 9th Circuit Education Committee, the Federal Judicial Branch Committee of the United States Judicial Conference, the Judicial Panel on Multidistrict Litigation, and a number of other important committees and commissions.

Since being appointed to the United States District Court of the Eastern District of California, Judge Damrell has remained steadfast in his advocacy for civic education. In May of 2002, he led a national summit in our nation’s capital that brought together all major civic education organizations, to restore civic engagement in public schools. These organizations led a nation-wide effort to encourage public schools to educate students about each of our civic duties, responsibilities, and privileges. To help advance this crucial mission, Judge Damrell founded Operation Protect and Defend, a program that has connected high school students to the Constitution and helped them explore the responsibilities of citizenship.

Beyond encouraging students to learn about their civic responsibilities, Judge Damrell has been a strong proponent of higher education and served on the boards of various universities. He was a member of the Board of Regents of Santa Clara University, Board of Overseers for University of San Francisco, and the Board of Trustees for University of California, Merced. Judge Damrell has spoken in front of a wide variety of organizations to promote civic education and given insightful commencement addresses at the Santa Clara University School of Law and McGeorge School of Law.

Mr. Speaker, as Judge Damrell, his wife Ludy, their children Frank, Lia, Anne, and James, their grandchildren, friends, and colleagues celebrate his retirement, I ask that my colleagues join me in thanking and recognizing him for his many years of service. Judge Damrell has contributed immensely to the federal bench and our community.

RECOGNIZING SIMRUN BAL OF SPRINGFIELD, VA

HON. GERALD E. CONNOLLY
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 30, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to honor Simrun Bal, a 2011 Critical Language Scholarship Program Recipient. Simrun has been identified by her educators for her academic excellence, leadership potential and exemplary citizenship to participate in the Critical Language Scholarship Program in Chandigarh, India.

This Critical Language Scholarship Program allows students to participate in daily educational activities in Chandigarh, India, as well as the surrounding areas. The program allows participants to make friends with young leaders from all over the world with an intensive focus on the Punjabi language, one of the thirteen critical need foreign languages determined by the Department of State, for summer 2012. At the end of the program, participants receive a certificate of completion.

Simrun is a student at the University of Richmond. It is inspiring to see young people who are interested in educational and developmental experiences such as these.

Mr. Speaker, I ask my colleagues to join me in recognizing this remarkable achievement by Simrun Bal and wishing her continued success in her further pursuits.
SENATE COMMITTEE MEETINGS
Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 1, 2011 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

DECEMBER 2

10 a.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine combating anti-Semitism in the Organization for Security and Cooperation in Europe region, focusing on taking stock of the situation today, including initiatives designed to target violent and other manifestations on anti-Semitism in the fifty-six North American and European countries that comprise the Organization for Security and Cooperation in Europe (OSCE).

2203 Rayburn Building

DECEMBER 6

10 a.m.
Homeland Security and Governmental Affairs
Contracting Oversight Subcommittee
To hold hearings to examine whistleblower protections for government contractors.

SD-342

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine access to the courts, focusing on televising the Supreme Court.

SD-226

Banking, Housing, and Urban Affairs
To hold hearings to examine continued oversight of the implementation of the "Wall Street Reform Act".

SD-538

Commerce, Science, and Transportation
Consumer Protection, Product Safety, and Insurance Subcommittee
To hold hearings to examine contaminated drywall, focusing on examining the current health, housing and product safety issues facing homeowners.

SR-253

Finance
To hold a joint hearing with the House Committee on Ways and Means to examine tax reform and the tax treatment of financial products.

HVC-210

2:30 p.m.
Judiciary
Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold hearings to examine the Express Scripts/Medco merger.

SD-226

DECEMBER 7

9:30 a.m.
Homeland Security and Governmental Affairs
To hold a joint hearing with the House Committee on Homeland Security to examine homegrown terrorism, focusing on the threat to military communities inside the United States.

HVC-210

10 a.m.
Finance
To hold hearings to examine drug shortages, focusing on why they happen and what they mean.

SD-215

Judiciary
To hold hearings to examine reauthorizing the EB-5 Regional Center Program, focusing on promoting job creation and economic development in American communities.

SD-226

2 p.m.
Banking, Housing, and Urban Affairs
Financial Institutions and Consumer Protection Subcommittee
To hold hearings to examine enhanced supervision, focusing on a new regime for regulating large, complex financial institutions.

SD-538

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine turning the investigation on the science of forensics.

SR-253

Judiciary
To hold hearings to examine the nomination of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit.

SD-226

Homeland Security and Governmental Affairs
Oversight of Management, the Federal Workforce, and the District of Columbia Subcommittee
Disaster Recovery and Intergovernmental Affairs Subcommittee
To hold joint hearings to examine earthquakes to terrorist attacks, focusing on if the national capital region is prepared for the next disaster.

SD-342

DECEMBER 8

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine opportunities and challenges to address domestic and global water supply issues.

SD-366

Intelligence
To hold closed hearings to examine certain intelligence matters.

SH-219

DECEMBER 13

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine MF Global bankruptcy.

SH-216


**Daily Digest**

**Senate**

**Chamber Action**

**Routine Proceedings, pages S8009–S8078**

**Measures Introduced:** Nine bills and five resolutions were introduced, as follows: S. 1924–1932, S.J. Res. 30–32, and S. Res. 340–341.

**Measures Passed:**

- **National Christmas Tree Week:** Senate agreed to S. Res. 341, designating the first full week of December in 2011 as “National Christmas Tree Week”.

**Measures Considered:**

- **Department of Defense Authorization Act—Agreement:** Senate continued consideration of S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, taking action on the following amendments proposed thereto:
  - Pages S8012–54, S8060–62
  - Adopted:
    - McCain (for Wicker) Amendment No. 1056, to provide for the freedom of conscience of military chaplains with respect to the performance of marriages.
    - Pages S8013, S8015
    - McCain (for Ayotte) Amendment No. 1066, to modify the Financial Improvement and Audit Readiness Plan to provide that a complete and validated full statement of budget resources is ready by not later than September 30, 2014.
    - Pages S8013, S8015
    - Inhofe Amendment No. 1102, to require a report on the feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace.
    - Pages S8013, S8015
    - McCain (for Wicker) Amendment No. 1116, to improve the transition of members of the Armed Forces with experience in the operation of certain motor vehicles into careers operating commercial motor vehicles in the private sector.
    - Pages S8013, S8015
    - Levin (for Shaheen) Amendment No. 1122, to authorize the acquisition of real property and associated real property interests in the vicinity of Hanover, New Hampshire, as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory.
    - Pages S8016–17
    - Levin (for Reid) Amendment No. 1129, to redesignate the Mike O’Callaghan Federal Hospital in Nevada as the Mike O’Callaghan Federal Medical Center.
    - Page S8017
    - Levin (for Reid/Inhofe) Amendment No. 1130, to clarify certain provisions of the Clean Air Act relating to fire suppression agents.
    - Page S8017
    - Ayotte (for McCain/Ayotte) Amendment No. 1132, to require a plan to ensure audit readiness of statements of budgetary resources.
    - Pages S8013, S8015
    - Ayotte (for Blunt) Amendment No. 1134, to require a report on the policies and practices of the Navy for naming vessels of the Navy.
    - Pages S8014, S8015
    - Levin (for Hagan/Portman) Amendment No. 1143, to require the Comptroller General to review medical research and development sponsored by the Department of Defense relating to improved combat casualty care and saving lives on the battlefield.
    - Page S8017
    - Begich/Murkowski Modified Amendment No. 1149, to authorize a land conveyance and exchange at Joint Base Elmendorf Richardson, Alaska.
    - Pages S8012, S8017–18
    - Levin (for Warner) Amendment No. 1162, to provide for the consideration of energy security and reliability in the development and implementation of energy performance goals.
    - Page S8018
    - Levin (for Warner) Amendment No. 1164, to promote increased acquisition and procurement exchanges between officials in the Department of Defense and defense officials in India.
    - Page S8018
    - Levin (for Warner) Amendment No. 1165, to express the sense of Congress on the use of modeling and simulation in Department of Defense activities.
    - Page S8018
    - Levin (for Warner) Amendment No. 1166, to express the sense of Congress on ties between the Joint Warfighting and Coalition Center and the Allied Command Transformation of NATO.
    - Page S8018
    - Levin (for Warner) Modified Amendment No. 1167, to require a report on the effects of planned
reductions of personnel at the Joint Warfare Analysis Center on personnel skills at the Center. Page S8018

Levin (for Murray) Modified Amendment No. 1178, to require a report on the authorities available to the Department of Defense for multiyear contracts for the purchase of advanced biofuels. Page S8018

Collins Modified Amendment No. 1180, relating to man-portable air-defense systems originating from Libya. Pages S8012, S8015–16

Sessions Modified Amendment No. 1183, to require reports to Congress on the modification of the force structure for strategic nuclear weapons delivery systems of the United States. Pages S8013, S8016

Levin (for Coburn) Amendment No. 1207, to require Comptroller General of the United States reports on the major automated information system programs of the Department of Defense. Page S8018

Levin (for Nelson (FL)) Amendment No. 1210, to require an assessment of the advisability of stationing additional DDG–51 class destroyers at Naval Station Mayport, Florida. Pages S8014, S8015

McCain/Portman Amendment No. 1227, to require a Comptroller General report on redundancies, inefficiencies, and gaps in DOD 6.1–6.3 Science and Technology (S&T) programs. Pages S8018–19

Casey Modified Amendment No. 1215, to require a certification on efforts by the Government of Pakistan to implement a strategy to counter improvised explosive devices. Page S8016

McCain/Portman Amendment No. 1228, to require a Comptroller General report on Science, Technology, Engineering, and Math (STEM) initiatives. Page S8019

Levin (for Shaheen) Amendment No. 1237, to require a Department of Defense assessment of the industrial base for night vision image intensification sensors. Page S8019

Levin (for Warner) Amendment No. 1240, to provide for installation energy metering requirements. Page S8019

McCain Amendment No. 1245, to provide for increased efficiency and a reduction of Federal spending required for data servers and centers. Page S8019

Ayotte (for McCain) Amendment No. 1250, to require the Secretary of Defense to submit a report on the probationary period in the development of the short take-off, vertical landing variant of the Joint Strike Fighter. Pages S8013, S8015

Levin (for Warner) Amendment No. 1266, to establish a training policy for Department of Defense energy managers. Page S8019

Levin (for Baucus) Amendment No. 1276, to require a pilot program on the receipt by members of the Armed Forces of civilian credentialing for skill required of military occupational specialties. Pages S8019–20

McCain Amendment No. 1280, to require the Secretary of Defense to submit, with the budget justification materials supporting the Department of Defense budget request for fiscal year 2013, information on the implementation of recommendations made by the Government Accountability Office with respect to the acquisition of launch services through the Evolved Expendable Launch Vehicle program. Page S8020

Ayotte (for McCain) Modified Amendment No. 1281, to require a plan for normalizing defense cooperation with the Republic of Georgia. Pages S8014, S8016

Levin (for Webb/Graham) Amendment No. 1298, to extend the time limit for submittal of claims under TRICARE for care provided outside the United States. Page S8020

Levin Amendment No. 1301, to authorize the award of the distinguished service cross for Captain Fredrick L. Spaulding for acts of valor during the Vietnam War. Page S8020

Levin/McCain Amendment No. 1303, to authorize the exchange with the United Kingdom of certain F–35 Lightning II Joint Strike Fighter aircraft. Page S8020

Levin (for Hatch) Amendment No. 1315, to require the Secretary of Defense to submit to Congress a long-term plan for maintaining a minimal capacity to produce intercontinental ballistic missile solid rocket motors. Page S8020

Levin (for Portman) Amendment No. 1317, to require a report on the analytic capabilities of the Department of Defense regarding foreign ballistic missile threats. Pages S8020–21

Levin (for Cochran/Wicker) Amendment No. 1324, to extend the authorization for a military construction project for the Air National Guard to relocate a munitions storage complex at Gulfport-Biloxi International Airport, Mississippi. Page S8021

Levin (for Risch) Amendment No. 1326, to require exploration of opportunities to increase foreign military training with allies at test and training ranges in the continental United States. Page S8021

Levin (for Lieberman/Cornyn) Amendment No. 1332, to require a report on the approval and implementation of the Air Sea Battle Concept. Page S8021

McCain (for Corker) Modified Amendment No. 1172, to require a report assessing the reimbursements from the Coalition Support Fund to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom. Pages S8033–35

Merkley Modified Amendment No. 1257, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan. Pages S8013, S8045–48, S8048–49
Ayotte (for McCain) Amendment No. 1229, to provide for greater cybersecurity collaboration between the Department of Defense and the Department of Homeland Security.  

Pages S8013, S8049–50

Ayotte (for McCain) Modified Amendment No. 1246, to require the Secretary of Defense to consult with the Armed Services committees in commissioning an independent assessment of United States security interests in East Asia and the Pacific region.  

Pages S8013, S8060–61

Sessions Modified Amendment No. 1185, to require a report on the impact of foreign boycotts on the defense industrial base.  

Pages S8013, S8061–62

Withdrawn:

Cardin/Mikulski Amendment No. 1073, to prohibit expansion or operation of the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, Maryland.  

Pages S8012, S8032

Ayotte (for McCain) Further Modified Amendment No. 1230, to modify the annual adjustment in enrollment fees for TRICARE Prime.  

Pages S8013, S8033

McCain (for Ayotte) Modified Amendment No. 1067, to require notification of Congress with respect to the initial custody and further disposition of members of al-Qaeda and affiliated entities.  

Pages S8013, S8053–54

Inhofe Amendment No. 1094, to include the Department of Commerce in contract authority using competitive procedures but excluding particular sources for establishing certain research and development capabilities.  

Pages S8012, S8062

Inhofe Amendment No. 1095, to express the sense of the Senate on the importance of addressing deficiencies in mental health counseling.  

Pages S8012, S8062

Inhofe Amendment No. 1096, to express the sense of the Senate on treatment options for members of the Armed Forces and veterans for Traumatic Brain Injury and Post Traumatic Stress Disorder.  

Pages S8012, S8062

Inhofe Amendment No. 1101, to strike section 156, relating to a transfer of Air Force C–12 aircraft to the Army.  

Pending:

Merkley Amendment No. 1174, to express the sense of Congress regarding the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.  

Page S8012

Feinstein Amendment No. 1125, to clarify the applicability of requirements for military custody with respect to detainees.  

Pages S8012, S8025–26

Feinstein Amendment No. 1126, to limit the authority of the Armed Forces to detain citizens of the United States under section 1031.  

Pages S8012, S8025–26, S8036–45, S8048

Franken Amendment No. 1197, to require contractors to make timely payments to subcontractors that are small business concerns.  

Page S8012

Begich Amendment No. 1114, to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retiree pay but for age, widows and widowers of retired members, and dependents.  

Page S8012

Shaheen Amendment No. 1120, to exclude cases in which pregnancy is the result of an act of rape or incest from the prohibition on funding of abortions by the Department of Defense.  

Page S8012

Collins Amendment No. 1105, to make permanent the requirement for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities.  

Page S8012

Collins Amendment No. 1155, to authorize educational assistance under the Armed Forces Health Professions Scholarship program for pursuit of advanced degrees in physical therapy and occupational therapy.  

Page S8012

Collins Amendment No. 1158, to clarify the permanence of the prohibition on transfers of recidivist detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities.  

Page S8012

Inhofe Amendment No. 1097, to eliminate gaps and redundancies between the over 200 programs within the Department of Defense that address psychological health and traumatic brain injury.  

Pages S8012–13

Inhofe Amendment No. 1099, to express the sense of Congress that the Secretary of Defense should implement the recommendations of the Comptroller General of the United States regarding prevention, abatement, and data collection to address hearing injuries and hearing loss among members of the Armed Forces.  

Pages S8013

Inhofe Amendment No. 1100, to extend to products and services from Latvia existing temporary authority to procure certain products and services from countries along a major route of supply to Afghanistan.  

Pages S8013

Inhofe Amendment No. 1093, to require the detention at United States Naval Station, Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long-term.  

Pages S8013

Casey Amendment No. 1139, to require contractors to notify small business concerns that have been
included in offers relating to contracts let by Federal agencies.

McCain (for Cornyn) Amendment No. 1200, to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

McCain (for Ayotte) Amendment No. 1068, to authorize lawful interrogation methods in addition to those authorized by the Army Field Manual for the collection of foreign intelligence information through interrogations.

McCain (for Brown (MA)/Boozman) Amendment No. 1119, to protect the child custody rights of members of the Armed Forces deployed in support of a contingency operation.

McCain (for Brown (MA)) Amendment No. 1090, to provide that the basic allowance for housing in effect for a member of the National Guard is not reduced when the member transitions between active duty and full-time National Guard duty without a break in active service.

McCain (for Brown (MA)) Amendment No. 1089, to require certain disclosures from post-secondary institutions that participate in tuition assistance programs of the Department of Defense.

Udall (NM) Amendment No. 1153, to include ultralight vehicles in the definition of aircraft for purposes of the aviation smuggling provisions of the Tariff Act of 1930.

Udall (NM) Amendment No. 1154, to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure.

Udall (NM)/Schumer Amendment No. 1202, to clarify the application of the provisions of the Buy American Act to the procurement of photovoltaic devices by the Department of Defense.

McCain (for Corker) Amendment No. 1171, to prohibit funding for any unit of a security force of Pakistan if there is credible evidence that the unit maintains connections with an organization known to conduct terrorist activities against the United States or United States allies.

McCain (for Corker) Amendment No. 1173, to express the sense of the Senate on the North Atlantic Treaty Organization.

Levin (for Bingaman) Amendment No. 1117, to provide for national security benefits for White Sands Missile Range and Fort Bliss.

Levin (for Gillibrand/Portman) Amendment No. 1187, to expedite the hiring authority for the defense information technology/cyber workforce.

Levin (for Gillibrand/Blunt) Amendment No. 1211, to authorize the Secretary of Defense to provide assistance to State National Guards to provide counseling and reintegration services for members of reserve components of the Armed Forces ordered to active duty in support of a contingency operation, members returning from such active duty, veterans of the Armed Forces, and their families.

Merkley Amendment No. 1239, to expand the Marine Gunnery Sergeant John David Fry scholarship to include spouses of members of the Armed Forces who die in the line of duty.

Merkley Amendment No. 1256, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Merkley Amendment No. 1258, to require the timely identification of qualified census tracts for purposes of the HUBZone program.

Leahy Amendment No. 1087, to improve the provisions relating to the treatment of certain sensitive national security information under the Freedom of Information Act.

Leahy/Grassley Amendment No. 1186, to provide the Department of Justice necessary tools to fight fraud by reforming the working capital fund.

Wyden/Merkley Amendment No. 1160, to provide for the closure of Umatilla Army Chemical Depot, Oregon.

Wyden Amendment No. 1253, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life.

Ayotte (for Graham) Amendment No. 1179, to specify the number of judge advocates of the Air Force in the regular grade of brigadier general.

Ayotte (for Heller/Kirk) Amendment No. 1137, to provide for the recognition of Jerusalem as the capital of Israel and the relocation of the United States Embassy in Israel.

Ayotte (for Heller) Amendment No. 1138, to provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya.

Ayotte (for McCain) Amendment No. 1247, to restrict the authority of the Secretary of Defense to develop public infrastructure on Guam until certain
conditions related to Guam realignment have been met.

Ayotte (for McCain/Ayotte) Amendment No. 1249, to limit the use of cost-type contracts by the Department of Defense for major defense acquisition programs.

Ayotte (for McCain) Amendment No. 1220, to require Comptroller General of the United States reports on the Department of Defense implementation of justification and approval requirements for certain sole-source contracts.

Ayotte (for McCain) Amendment No. 1248, to expand the authority for the overhaul and repair of vessels to the United States, Guam, and the Commonwealth of the Northern Mariana Islands.

Ayotte (for McCain) Amendment No. 1118, to modify the availability of surcharges collected by commissary stores.

Sessions Amendment No. 1182, to prohibit the permanent stationing of more than two Army Brigade Combat Teams within the geographic boundaries of the United States European Command.

Sessions Amendment No. 1184, to limit any reduction in the number of surface combatants of the Navy below 313 vessels.

Sessions Amendment No. 1274, to clarify the disposition under the law of war of persons detained by the Armed Forces of the United States pursuant to the Authorization for Use of Military Force.

Levin (for Reed) Amendment No. 1146, to provide for the participation of military technicians (dual status) in the study on the termination of military technician as a distinct personnel management category.

Levin (for Reed) Amendment No. 1147, to prohibit the repayment of enlistment or related bonuses by certain individuals who become employed as military technicians (dual status) while already a member of a reserve component.

Levin (for Reed) Amendment No. 1148, to provide rights of grievance, arbitration, appeal, and review beyond the adjutant general for military technicians.

Levin (for Reed) Amendment No. 1204, to authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships.

Levin (for Reed) Amendment No. 1294, to enhance consumer credit protections for members of the Armed Forces and their dependents.

Levin Amendment No. 1293, to authorize the transfer of certain high-speed ferries to the Navy.

Levin (for Boxer) Amendment No. 1206, to implement common sense controls on the taxpayer-funded salaries of defense contractors.

Chambliss Amendment No. 1304, to require a report on the reorganization of the Air Force Materiel Command.

Levin (for Brown (OH)) Amendment No. 1259, to link domestic manufacturers to defense supply chain opportunities.

Levin (for Brown (OH)) Amendment No. 1261, to extend treatment of base closure areas as HUBZones for purposes of the Small Business Act.

Levin (for Brown (OH)) Amendment No. 1263, to authorize the conveyance of the John Kunkel Army Reserve Center, Warren, Ohio.

Levin (for Leahy) Amendment No. 1080, to clarify the applicability of requirements for military custody with respect to detainees.

Levin (for Wyden) Amendment No. 1296, to require reports on the use of indemnification agreements in Department of Defense contracts.

Levin (for Pryor) Amendment No. 1151, to authorize a death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive duty training.

Levin (for Pryor) Amendment No. 1152, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law.

Levin (for Nelson (FL)) Amendment No. 1209, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

Levin (for Nelson (FL)) Amendment No. 1236, to require a report on the effects of changing flag officer positions within the Air Force Material Command.

Levin (for Nelson (FL)) Amendment No. 1255, to require an epidemiological study on the health of military personnel exposed to burn pit emissions at Joint Base Balad.

Ayotte (for Blunt/Gillibrand) Amendment No. 1133, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty.

Ayotte (for Murkowski) Amendment No. 1286, to require a Department of Defense Inspector General report on theft of computer tapes containing protected information on covered beneficiaries under the TRICARE program.
Ayotte (for Murkowski) Amendment No. 1287, to provide limitations on the retirement of C–23 aircraft.

Ayotte (for Rubio) Amendment No. 1290, to strike the national security waiver authority in section 1032, relating to requirements for military custody.

Ayotte (for Rubio) Amendment No. 1291, to strike the national security waiver authority in section 1033, relating to requirements for certifications relating to transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities.

Levin (for Menendez/Kirk) Amendment No. 1414, to require the imposition of sanctions with respect to the financial sector of Iran, including the Central Bank of Iran.

During consideration of this measure today, Senate also took the following action:

By 88 yeas to 12 nays (Vote No. 212), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill.

A unanimous-consent agreement was reached providing for further consideration of the bill at 11:00 a.m., on Thursday, December 1, 2011; that Levin Amendment No. 1293 (listed above), be the pending amendment; and that all time during adjournment and morning business count post-cloture on the bill.

**Payroll Tax Relief—Cloture:** Senate began consideration of the motion to proceed to consideration of S. 1917, to create jobs by providing payroll tax relief for middle class families and businesses.

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, December 2, 2011.

Subsequently, the motion to proceed was withdrawn.

**House Messages:**

**Federal Courts Jurisdiction and Venue Clarification Act:** Senate concurred in the amendment of the House of Representatives to the amendment of the Senate to H.R. 394, to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts.

**Appointments:**

**National Commission for Review of Research and Development Programs of the United States Intelligence Community:** The Chair, on behalf of the Republican Leader, after consultation with the Vice Chairman of the Select Committee on Intelligence, and pursuant to provisions of Public Law 107–306, as amended by Public Law 111–259, announced the appointment of the following individual to serve as a member of the National Commission for Review of Research and Development Programs of the United States Intelligence Community: John J. Young of Virginia.

**Nominations Received:** Senate received the following nominations:

Marie F. Smith, of Hawaii, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2016.

Arunava Majumdar, of California, to be Under Secretary of Energy.

Frederick D. Barton, of Maine, to be an Assistant Secretary of State (Conflict and Stabilization Operations).

Frederick D. Barton, of Maine, to be Coordinator for Reconstruction and Stabilization.

Timothy S. Hillman, of Massachusetts, to be United States District Judge for the District of Massachusetts.

Robin S. Rosenbaum, of Florida, to be United States District Judge for the Southern District of Florida.

Robert J. Shelby, of Utah, to be United States District Judge for the District of Utah.

42 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

4 Coast Guard nominations in the rank of admiral.

Routine lists in the Air Force, Army, and Navy.

**Nomination Discharged:** The following nomination was discharged from further committee consideration and placed on the Executive Calendar:

Michael E. Horowitz, of Maryland, to be Inspector General, Department of Justice, which was sent to the Senate on July 29, 2011, from the Senate Committee on Homeland Security and Governmental Affairs.

**Messages from the House:**

**Measures Referred:**

**Measures Read the First Time:**

**Executive Communications:**

**Additional Cosponsors:**

**Statements on Introduced Bills/Resolutions:**

**Additional Statements:**

**Amendments Submitted:**
Notices of Intent:  
Authorities for Committees to Meet:  
Privileges of the Floor:  
Record Votes: One record vote was taken today. (Total—212)  

Adjournment: Senate convened at 10 a.m. and adjourned at 7:40 p.m., until 9:30 a.m. on Thursday, December 1, 2011. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S8075.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS
Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Ajit Varadaraj Pai, of Kansas, who was introduced by Senators Roberts and Moran, and Jessica Rosenworcel, of Connecticut, both to be a Member of the Federal Communications Commission, after the nominees testified and answered questions in their own behalf.

BALANCED BUDGET AMENDMENT
Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights and Human Rights concluded a hearing to examine a balanced budget amendment, focusing on constitutionalizing the budget debate, including H.J. Res. 2, proposing a balanced budget amendment to the Constitution of the United States, S.J. Res. 5, proposing an amendment to the Constitution of the United States requiring that the Federal budget be balanced, S.J. Res. 23, proposing an amendment to the Constitution of the United States relative to balancing the budget, and S.J. Res. 24, proposing an amendment to the Constitution relative to requiring a balanced budget, after receiving testimony from Robert Greenstein, Center on Budget and Policy Priorities, Alan B. Morrison, George Washington University Law School, Douglas Holtz-Eakin, American Action Forum, and Diana Furchtgott-Roth, Manhattan Institute for Policy Research, all of Washington, D.C.; and Robert Romasco, AARP, Burke, Virginia.

MENTAL HEALTH CARE
Committee on Veterans’ Affairs: Committee concluded a hearing to examine Veterans’ Affairs mental health care, focusing on addressing wait times and access to care, after receiving testimony from Mary Schohn, Director, Mental Health Operations, Antonette Zeiss, Chief Consultant, Office of Mental Health Services, Janet Kemp, National Director, Suicide Prevention Program, and Michelle Washington, Coordinator, PTSD Services and Evidence Based Psychotherapy, VA Medical Center, Wilmington, Delaware, all of the Veterans Health Administration, Department of Veterans Affairs; Barbara Van Dahlen, Give an Hour, and Colonel Charles W. Hoge, USA (Ret.), both of Bethesda, Maryland; and John Roberts, Wounded Warrior Project, Washington, D.C.

ANTIPSYCHOTICS IN NURSING HOMES
Special Committee on Aging: Committee concluded a hearing to examine the human and taxpayers’ cost of antipsychotics in nursing homes, after receiving testimony from Daniel Levinson, Inspector General, and Patrick Conway, Chief Medical Officer and Director, Office of Clinical Standards and Quality, Centers for Medicare and Medicaid Services, both of the Department of Health and Human Services; Jonathan M. Evans, American Medical Director Association (AMDA), Columbia, Maryland; Tom Hlavacek, Alzheimer’s Association of Southeast Wisconsin, Milwaukee; and Toby S. Edelman, Center for Medicare Advocacy, Inc., and Cheryl Phillips, LeadingAge, both of Washington, D.C.

House of Representatives

Chamber Action
Public Bills and Resolutions Introduced: 12 public bills, H.R. 3521–3532; and 1 resolution, H.J. Res. 91 were introduced.  
Additional Cosponsors:  
Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein he appointed Representative Brooks to act as Speaker pro tempore for today.  

Recess: The House recessed at 11:05 a.m. and reconvened at 12 noon.  

Chaplain: The prayer was offered by the guest chaplain, Reverend Jay Therrell, Cape Coral First United Methodist Church, Cape Coral, Florida.
Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed:

Designating room HVC 215 of the Capitol Visitor Center as the “Gabriel Zimmerman Meeting Room”: H. Res. 364, to designate room HVC 215 of the Capitol Visitor Center as the “Gabriel Zimmerman Meeting Room”. Pages H7943–49

Terminating taxpayer financing of presidential election campaigns and party conventions and terminating the Election Assistance Commission; Regulatory Flexibility Improvements Act of 2011; and Regulatory Accountability Act of 2011—Rule for Consideration: The House agreed to H. Res. 477, the rule that is providing for consideration of H.R. 3463, to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission; H.R. 527, to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules; and H.R. 3010, to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, by a recorded vote of 239 ayes to 178 noes, Roll No. 871, after the previous question was ordered by a yea-and-nay vote of 239 yea to 184 nays, Roll No. 870. Pages H7949–57, H7986–87

Workforce Democracy and Fairness Act: The House passed H.R. 3094, to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act, by a recorded vote of 235 ayes to 188 noes, Roll No. 869. Pages H7957–86

Rejected the Sutton motion to recommit the bill to the Committee on Education and the Workforce with instructions to report the same to the House forthwith with an amendment, by a recorded vote of 185 ayes to 239 noes, Roll No. 868. Pages H7984–85

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 an original bill for the purpose of amendment under the five-minute rule. Page H7972

Rejected the Moore motion that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken by a recorded vote of 176 ayes to 241 noes, Roll No. 863. Pages H7979–81

Rejected:

Bishop (NY) amendment (No. 1 printed in H. Rept. 112–291) that sought to give the Board authority to impose sanctions on a party for presenting a frivolous or vexatious filing during pre-election proceedings (by a recorded vote of 187 ayes to 228 noes, Roll No. 864); Pages H7973–74, H7981

Boswell amendment (No. 2 printed in H. Rept. 112–291) that sought to prevent employers that have paid any executive compensation bonuses in excess of 10,000 percent of the annual compensation of the average employee from engaging in open-ended litigation. Such parties are required to state their issues or positions at the outset of pre-election hearings, and prohibited from raising new, frivolous issues as a dilatory tactic (by a recorded vote of 181 ayes to 239 noes, Roll No. 865); Pages H7974–76, H7981–82

Walz amendment (No. 3 printed in H. Rept. 112–291) that sought to prevent this Act from applying to businesses that have been cited for violating labor laws in the past year against employees who are veterans of the Armed Forces (by a recorded vote of 200 ayes to 221 noes, Roll No. 866); and Pages H7976–77, H7982–83

Jackson Lee amendment (No. 4 printed in H. Rept. 112–291) that sought to strike a section of the bill to ensure that employers would not be able to unnecessarily delay an election (by a recorded vote of 188 ayes to 236 noes, Roll No. 867). Pages H7977–79, H7983

H. Res. 470, the rule providing for consideration of the bill, was agreed to on November 18th.

Quorum Calls—Votes: One yea-and-nay vote and eight recorded votes developed during the proceedings of today and appear on pages H7980–81, H7981, H7981–82, H7982–83, H7983, H7985, H7985–86, H7986–87, H7987. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 7:40 p.m.

Committee Meetings

KEEPING COLLEGE WITHIN REACH

Committee on Education and the Workforce: Subcommittee on Higher Education and Workforce Training held a hearing entitled “Keeping College within Reach: Discussing Ways Institutions Can Streamline Costs and Reduce Tuition.” Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Full Committee continued markup of the following: H.R. 1633, the “Farm Dust Regulation Prevention Act of 2011”; and H.R. 1173, the “Fiscal Responsibility and Retirement Security Act of 2011”. Both bills were ordered reported, as amended.
MISCELLANEOUS MEASURES

Committee on Financial Services: Full Committee markup of the following: H.R. 2682, the “Business Risk Mitigation and Price Stabilization Act of 2011”; H.R. 2779, to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall; H.R. 2586, the “Swap Execution Facility Clarification Act”; and H.R. 3512, to amend the Abraham Lincoln Commemorative Coin Act to adjust how surcharges are distributed. The following were ordered reported without amendment: H.R. 2682 and H.R. 3512. The following were ordered reported, as amended: H.R. 2586 and H.R. 2779.

MISCELLANEOUS MEASURES

Committee on Foreign Affairs: Subcommittee on Asia and the Pacific held a markup of H. Res. 376, calling for the repatriation of POW/MIs and abductees from the Korean War. The resolution was forwarded, as amended.

REPUBLIC OF PALAU

Committee on Foreign Affairs: Subcommittee on Asia and the Pacific held a hearing entitled “Compact of Free Association with the Republic of Palau: Assessing the 15-year Review.” Testimony was heard from James L. Loi, Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State; Thomas Bussanich, Director of Budget, Office of Insular Affairs, Department of the Interior; Brigadier General Richard L. Simcock, II, Principal Director, South and Southeast Asia, Office of the Deputy Under Secretary of Defense; Department of Defense; and David B. Gootnick, Director, International Affairs and Trade, Government Accountability Office.

PRESERVING PROGRESS IN IRAQ

Committee on Foreign Affairs: Subcommittee on the Middle East and South Asia held a hearing entitled “Preserving Progress in Iraq, Part III: Iraq’s Police Development Program.” Testimony was heard from Brooke Darby, Deputy Assistant Secretary, International Narcotics and Law Enforcement, Department of State; Stuart W. Bowen, Jr., Inspector General, Office of the Special Inspector General for Iraq Reconstruction; and Glenn D. Furbish, Assistant Inspector General for Audits, Office of the Special Inspector General for Iraq Reconstruction.

BOKO HARAM—EMERGING THREAT TO THE U.S. HOMELAND

Committee on Homeland Security: Subcommittee on Counterterrorism and Intelligence held a hearing entitled “Boko Haram—Emerging Threat to the U.S. Homeland.” Testimony was heard from Lauren Ploch, Africa Analyst, Congressional Research Service; and public witnesses.

COMMITTEE FUNDS OF THE 112TH CONGRESS

Committee on House Administration: Full Committee held a hearing entitled “Review of the Use of Committee Funds of the 112th Congress.” Testimony was heard from Chairman Lucas; Rep. Peterson; Chairman McKeon; Rep. Smith of Washington; Chairman Ryan of Wisconsin; Rep. Van Hollen; Chairman Kline; Rep. George Miller of California; Chairman Upton; Rep. Waxman; Chairman Bonner; Rep. Linda T. Sánchez of California; Chairman Barrassus; Rep. Frank of Arizona; Chairman Ros-Lehtinen; Rep. Berman; Chairman King of New York; Rep. Thompson of Mississippi; Chairman Smith of Texas; Rep. Conyers; Chairman Hastings of Washington; Rep. Markey; Chairman Issa; Rep. Cummings; Chairman Dreier, Rep. Slaughter; Chairman Hall; Rep. Eddie Bernice Johnson of Texas; Chairman Graves; Rep. Velázquez; Chairman Mica; Rep. Rahall; Chairman Miller of Florida; Rep. Filner; Chairman Camp; Rep. Levin; Chairman Rogers of Michigan; and Rep. Ruppersberger.

SALES TAXES E-COMMERCE

Committee on the Judiciary: Full Committee held a hearing entitled “Constitutional Limitations on States’ Authority to Collect Sales Taxes in E-Commerce.” Testimony was heard from John Otto, Texas House of Representatives; and public witnesses.

SECURE COMMUNITIES

Committee on the Judiciary: Subcommittee on Immigration Policy and Enforcement held a hearing entitled “Is Secure Communities Keeping Our Communities Secure?” Testimony was heard from Gary Mead, Executive Associate Director, Enforcement and Removal Operations, Immigration and Customs Enforcement, Department of Homeland Security, and public witnesses.

DOT’S PROPOSED BILLION DOLLAR SERVICE RULE

Committee on Oversight and Government Reform: Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending held a hearing entitled “The Price of Uncertainty: How Much Could DOT’s Proposed Billion Dollar Service Rule Cost Consumers this Holiday Season?” Testimony was heard from Anne S. Ferro, Administrator, Federal Motor Carrier Safety Administration, Department of Transportation; and public witnesses.

DRUG SHORTAGE CRISIS

Committee on Oversight and Government Reform: Subcommittee on Health Care, District of Columbia,
Census and the National Archives held a hearing entitled “Drug Shortage Crisis: Lives are in the Balance.” Testimony was heard from public witnesses.

**STIMULUS OVERSIGHT**

Committee on Science, Space, and Technology: Subcommittee on Investigations and Oversight held a hearing entitled “Stimulus Oversight: An Update on Accountability, Transparency, and Performance.” Testimony was heard from Frank Rusco, Director, Natural Resources and Environment Team, Government Accountability Office; Michael Wood, Executive Director, Recovery Accountability and Transparency Board; Gregory Friedman, Inspector General, Department of Energy; Todd Zinser, Inspector General, Department of Commerce; Allison Lerner, Inspector General, National Science Foundation; and Gail Robinson, Deputy Inspector General, National Aeronautics and Space Administration.

**FOSTERING QUALITY SCIENCE AT EPA**

Committee on Science, Space, and Technology: Subcommittee on Energy and Environment held a hearing entitled “Fostering Quality Science at EPA: Perspectives on Common Sense Reform.” Testimony was heard from public witnesses.

**DISASTER ASSISTANCE**

Committee on Small Business: Full Committee held a hearing entitled “Disaster Assistance: Is SBA Meeting the Recovery Needs of Disaster Victims?” Testimony was heard from James Rivera, Associate Administrator, Office of Disaster Assistance, Small Business Administration; and William Shear, Director, Financial Markets and Community Investment, Government Accountability Office.

**MISSOURI RIVER FLOOD**


**SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CERTIFICATION PROCESS**

Committee on Veterans’ Affairs: Subcommittee on Oversight and Investigations; and Subcommittee on Economic Opportunity held a joint hearing on the U.S. Department of Veterans Affairs Service-Disabled Veteran-Owned Small Business Certification Process. Testimony was heard from Thomas J. Leney, Executive Director, Small and Veteran Business Programs, Office of Small and Disadvantaged Business Utilization, Department of Veterans Affairs; Gregory D. Kutz, Forensic Audits and Investigative Service, Government Accountability Office; and Ralph O. White, Managing Associate General Counsel for Procurement Law, Office of General Counsel, Government Accountability Office.

**Joint Meetings**

No joint committee meetings were held.

**NEW PUBLIC LAWS**

(For last listing of Public Laws, see DAILY DIGEST, p. D1268)

H.R. 3321, to facilitate the hosting in the United States of the 34th America’s Cup by authorizing certain eligible vessels to participate in activities related to the competition. Signed on November 29, 2011. (Public Law 112–61)

S. 1637, to clarify appeal time limits in civil actions to which United States officers or employees are parties. Signed on November 29, 2011. (Public Law 112–62)

**COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 1, 2011**

(Committee meetings are open unless otherwise indicated)

**Senate**

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine continuing oversight of the “Wall Street Reform and Consumer Protection Act”, 10 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine spurring job growth through capital formation while protecting investors, 10 a.m., SD–538.

Committee on Foreign Relations: to hold hearings to examine United States strategic objectives towards Iran, 10 a.m., SD–419.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine the financial and societal costs of medicating America’s foster children, 10:30 a.m., SD–342.

Full Committee, to hold hearings to examine insider trading and congressional accountability, 2:30 p.m., SD–342.
Committee on Indian Affairs: to hold an oversight hearing to examine deficit reduction and job creation, focusing on regulatory reform in Indian country, 2:15 p.m., SD–628.

Committee on the Judiciary: business meeting to consider S. 1792, to clarify the authority of the United States Marshals Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sexual offenders and missing children, S. 671, to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sexual offenders, S. 1886, to prevent trafficking in counterfeit drugs, S. 678, to increase the penalties for economic espionage, and the nominations of Jacqueline H. Nguyen, of California, to be United States Circuit Judge for the Ninth Circuit, Gregg Jeffrey Costa, to be United States District Judge for the Southern District of Texas, David Campos Guaderrama, to be United States District Judge for the Western District of Texas, and Kathryn Keneally, of New York, to be an Assistant Attorney General, Department of Justice, 10 a.m., SD–226.

House

Committee on Agriculture, Subcommittee on Department Operations, Oversight, and Credit, hearing to review updates on USDA Inspector General audits, including SNAP fraud detection efforts and IT compliance, 10 a.m., 1300 Longworth.


Committee on Financial Services, Full Committee, hearing entitled “Perspectives on the Health of the FHA Single-family Insurance Fund.” 10 a.m., 2128 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled “Oversight of the Federal Housing Finance Agency.” 2 p.m., 2128 Rayburn.

Committee on Foreign Affairs, Full Committee, hearing entitled “Democracy Held Hostage in Nicaragua: Part I.” 10:05 a.m., 2172 Rayburn.

Committee on the Judiciary, Full Committee, markup of the following: H.R. 2572, the “Clean Up Government Act of 2011;” and H.R. 1433, the “Private Property Rights Protection Act of 2011”. 10 a.m., 2141 Rayburn.


Committee on Oversight and Government Reform, Full Committee, hearing entitled “HHS and the Catholic Church: Examining the Politicization of Grants.” 9:30 a.m., 2154 Rayburn.

Committee on Rules, Full Committee, hearing on H.R. 10, the “Regulations from the Executive in Need of Scrutiny Act of 2011.” 3 p.m., H–313 Capitol.

Committee on Science, Space, and Technology, Full Committee, markup of H.R. 3479, the Natural Hazards Risk Reduction Act of 2011, 10 a.m., 2318 Rayburn.


Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, hearing entitled “Protecting U.S. Sovereignty: Coast Guard Operations in the Arctic.” 11 a.m., 2167 Rayburn.

House Permanent Select Committee on Intelligence, Full Committee, markup of the “Cyber Intelligence Sharing and Protection Act of 2011.” 3 p.m., HVC–304.
Next Meeting of the SENATE
9:30 a.m., Thursday, December 1

Senate Chamber
Program for Thursday: After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will continue consideration of S. 1867, Department of Defense Authorization Act.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, December 1

House Chamber
Program for Thursday: Consideration of H.R. 3463—To reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission (Subject to a Rule). Begin consideration of H.R. 527—Regulatory Flexibility Improvements Act of 2011 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

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