Senate

The Senate was not in session today. Its next meeting will be held on Monday, December 5, 2011, at 2 p.m.

House of Representatives

FRIDAY, DECEMBER 2, 2011

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

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

Compassionate and merciful God, we give You thanks for giving us another day. As this House comes together at the end of the week, bless the work of its Members. Give them strength, fortitude, and patience. Fill their hearts with charity, their minds with understanding, their wills with courage to do the right thing for all of America. As it is so often easy for all of us to focus on what separates one from another, may our understanding that You have created us as one people remind us of the values that bind us all together as Americans in the human family. May that reminder empower the Members of this House to act courageously in the work they have to do for all Americans. May all that is done this day be for Your greater honor and glory. Amen.

THE JOURNAL

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

PLEDGE OF ALLEGIANCE

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

Mr. NUNNELEE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

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

GOVERNOR WALLER

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

Mr. NUNNELEE. Mississippi experienced a great loss this week with the death of Governor Bill Waller. He served as our Governor from 1972 to 1976, and he provided steady leadership during tumultuous times in our State. He believed that Mississippi should be a place of liberty and justice for all. Under his leadership, we had the largest pay raise for teachers in our State’s history up to that point and the most significant investment in infrastructure and highways up to that point, all while leaving our State with the largest surplus in its history up to that point. Mississippi is a better place because of Governor Waller’s leadership; and this week, we mourn his passing.

THE ELECTION PREVENTION ACT

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

Ms. PINGREE of Maine. Mr. Speaker, this week I voted against H.R. 3094, the so-called Workplace Democracy and Fairness Act, or, as it has become known, the Election Prevention Act. This bill’s sole purpose is to delay and prevent workers from voting in workplace elections. It proposes a 35-day mandatory waiting period before a union election can be held. It encourages frivolous suits to be filed against union formation, and it allows companies to handpick union voters.

In Maine we have a tradition of incredibly hardworking people who are essential to the health, education, and safety of our families. Collective bargaining has been at the heart of American labor since the rise of trade unions during the 19th century. Thanks to strong unions and thousands of workers, over the years we have enacted child labor laws, laws for maternity leave, and we don’t have to fear unemployment if we get sick.

I am proud to stand here today with organized labor and with the NLRB, which has served our workers so well.

PULSE OF TEXAS—JOHN ON ENERGY

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

Mr. POE of Texas. Mr. Speaker, I rise today to talk about the importance of energy independence, which is why I am strongly supporting H.R. 3856, the Pulse of Texas Energy Act. This legislation will provide a comprehensive approach to energy independence and address the critical need for reliable, affordable, and clean energy in the future.

I believe that investing in American energy resources will create jobs, reduce our dependence on foreign oil, and enhance our national security. I urge my colleagues to support this bill and work together to ensure that America remains a global leader in energy innovation and production.

In conclusion, we must take bold action to secure our energy future and protect our nation’s economic and national interests. I thank you for your attention and your support for H.R. 3856, the Pulse of Texas Energy Act.

Thank you.
Mr. POE of Texas. Mr. Speaker. I recently received this email from John of Houston, giving the pulse of Texans:

"As one of the 9.2 million people whose livelihoods is supported by America's oil and natural gas industry, I am troubled by recent calls to tax our industry—one of the few bright spots in the American economy.

"Despite an economic slow-down, the oil and natural gas industry is creating jobs and can create many more.

"As Washington focuses on improving our struggling economy, Congress has an opportunity to take our economy in a new direction—one that leads to economic growth and energy security.

"By promoting policies that encourage domestic oil and natural gas production, we can create 1.4 million much needed jobs and generate $300 billion in additional government revenue by 2030.

"Mr. Speaker. John, a person who works for a living, understands better than Washington elites that our God-given natural resources should be used to create jobs for Americans.

"Time to stop sending American money and jobs to Middle Eastern oil sheikhs. The time is now.

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and inject millions of dollars into local economies. Instead, the Canadian Prime Minister announced Canada will sell its oil to China.

Mr. Speaker, I’ve proudly supported numerous bills that will create American jobs and promote American energy production. Putting the Gulf of Mexico Back to Work Act, Restarting American Offshore Leasing Now Act, Reversing President Obama’s Offshore Moratorium Act—these three bills will all promote American energy production and American jobs, and yet they’re sitting in the Senate without action.

Let’s pass these bills. Let’s get them through the Senate. Mr. President, sign these bills and promote American energy production, American energy security, and American jobs.

GOP NO JOBS AGENDA

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

Mr. DEUTCH. Mr. Speaker, we’ve entered the 12th month of the Republican majority in this House, and if the past 11 are any indication, December will be a continuation of the GOP’s no jobs agenda.

My colleagues in the majority have shown no interest in tackling America’s real economic challenges, no interest in the fact that small business owners say that weak sales, not government regulation, are the main sources of their trouble.

No interest in the fact that it is tax relief for middle class families, not tax giveaways to corporations and to billionnaires that our economy needs to boost consumer demand, and no interest in preventing the expiration of unemployment benefits for millions of struggling families and the havoc it would wreak on our economy. Mr. Speaker the majority’s interest seems focused on other things: an election still nearly a year away.

Americans want Congress to work for them. It’s time we stand up for the middle class. Working families need us to work for them.

REGULATORY ACCOUNTABILITY ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 477 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3010) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, with Mr. Womack in the chair.

The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Employers across America face an avalanche of unnecessary Federal regulatory costs.

Federal regulations cost our economy $1.7 trillion every year, over $15,000 for each household, according to the Small Business Administration. Yet the Obama administration seeks to add billions more to that cost.

The administration’s record-setting issuance of major regulations is particularly troubling. By its own admission, the administration’s 2011 regulatory agenda is one that typically will affect the economy by $100 million or more every year.

For employers, the people who create jobs and pay taxes, the impact of these costly regulations is clear. Government regulation often become a barrier to economic growth and job creation. Faced with huge, new, regulatory burdens and uncertainties about what will come next, employers slow down hiring, stop investing, and wait for a bill from the Obama administration.

What enables the administration to issue so many new regulations with so little regard for their costs is the outdated Administrative Procedure Act. Enacted in 1946, the APA’s minimal limitations on rulemaking have hardly changed in decades and do nothing to control costs.

The Regulatory Accountability Act fixes this problem by bringing the APA up to date. Under its commonsense provisions, agencies are required to assess the costs and benefits of regulatory alternatives. Unless interest of public health, safety, or welfare requires otherwise, agencies must adopt the least-costly alternative that achieves the regulatory objectives Congress has established.

The Regulatory Accountability Act has bipartisan support in both the House and the Senate, including from a number of House Democrats who have cosponsored the bill. In large part, this is because its provisions are modeled on the Executive orders that presidents Reagan, Clinton, Bush, and Obama have issued to compensate for the APA’s weaknesses.

Opponents of the act claim that it requires the benefits of all new regulations to exceed their costs. They argue that as a result the act will prevent Federal agencies from issuing important new public health, safety, and welfare regulations. This is false.

The Regulatory Accountability Act only requires agencies to adopt the lowest cost regulatory alternative that achieves the agency’s statutory objectives. It assures that agencies will achieve all of those objectives but with much lower costs.

Opponents also assert that the act’s new procedural requirements will halt all Federal rulemaking, but the act primarily codifies existing Executive order principles and practices under which agencies have been able to issue regulations for years.

The act’s few additional requirements are all streamlined. They will improve the quality and lower the cost of regulations, but they will not unduly delay them. The act increases the transparency of the rulemaking process with more advance notices of proposed rulemaking, more opportunities for public comment, and more opportunities for public comment, and more opportunities for public comment, and more opportunities for public comment, and more opportunities for public comment, and more opportunities for public comment, and more opportunities for public comment, and more opportunities for public comment, and more opportunities for public comment, and more opportunities for public comment, and more opportunities for public comment, and more opportunities for public comment, and more opportunities for public comment.

The Regulatory Accountability Act provides the greatest opportunity yet for Republicans and Democrats to join together to lower the cost of regulations. And it allows costs to be lowered while it assures that all of Congress’ regulatory objectives are, in fact, obtained.

The bill also provides a clear opportunity for the votes of Democrats in Congress to match President Obama’s words on regulatory reform. In his State of the Union address, the President said that “to reduce barriers to growth and investment, when we find rules that put an unnecessary burden on businesses, we will fix them.”

In Executive Order 13563, the President said that “our regulatory system must promote economic growth, innovation, competitiveness, and job creation; must allow for public participation and an open exchange of ideas; must identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends; and must take into account benefits and costs.”

The President was right. And the Regulatory Accountability Act does all those things.

I urge all of my colleagues to support the Regulatory Accountability Act.

H8081
The study was never intended to be used as a decisionmaking tool. Who says this? They said it as a preface to the study itself. And for the benefit of the 333 other Members besides myself and the chairman, I am going to put this in the RECORD and also make it available to all of our colleagues on the Judiciary Committee.

The Crain study was never intended to be used as a decisionmaking tool, and the Congressional Research Service, our own operation, criticized much of the study's methodology and noted that the authors of the Crain study themselves told the Congressional Research Service that their analysis was not to be a decision-making tool for lawmakers or Federal regulatory agencies to use in choosing the right level of regulation. So every time somebody mentions this study again on the floor, I am going to refer them to the Congressional Research study, which has never been disputed or declared incorrect. In no place in any of the reports do we imply that our reports should be used for this purpose—that’s the Crain study people themselves. That’s not the Congressional Research study; that’s the Crain and Crain Research study that I would like to introduce into the RECORD at this time.

* * *

**SUMMARY**

Some policy makers have expressed an interest in measuring total regulatory costs and benefits (e.g., the Congressional Office of Regulatory Affairs and Sunset Review Act of 2011, H.R. 214, 112th Congress), and estimates of total regulatory costs have been cited in support of regulatory reform legislation. However, Crain and Crain’s estimate that federal regulations cost $1.75 trillion in 2008 has been cited as evidence of the need for regulatory reform legislation. However, Crain and Crain told us that their study was meant to be a decision-making tool for lawmakers or federal regulatory agencies to use in choosing the ‘right’ level of regulation. In no place in any of the final reports did they say that our reports should be used for this purpose. (How could we recommend this use when we make no attempt to estimate the benefits?)

As Crain and Crain suggest, information on regulatory costs alone, whether for individual rules or for all rules in the aggregate, provides only one piece of information that Congress and other policymakers can use in determining how to proceed. For example, even if federal budget deficits did cost $1.75 trillion in 2008 (which at least some commentators believe may not be correct), if the monetized benefits of those regulations were determined to be greater than those costs, then policymakers may conclude that those costs were (in the words of Executive Order 12896) “justified.” On the other hand, if the monetized benefits of those regulations were estimated to be less than the estimated costs, policymakers may reach another conclusion, or may decide to examine any non-monetized costs and benefits of
Mr. SMITH of Texas. Mr. Chairman, I yield myself 30 seconds.

Here is another poll that I’m going to cite that will support what this administration’s own Small Business Administration has found about the cost of these regulations. This is an article by the Gallup Poll. The article is dated October 24, 2011, just a few weeks ago. Here’s the headline on the article: “Government Regulations at Top of Small-Business Owners’ Problem List. One in three small business owners are worried about going out of business.” The article was written by Dennis Jacob, chief economist.

Here’s the first line and the finding of the Gallup Poll: “Small-business owners in the United States are most likely to say complying with government regulations, 22 percent, is the most important problem facing them today; followed by consumer confidence in the economy, 15 percent; and lack of consumer demand, 12 percent.”

Mr. Chairman, arguably, the administration is responsible for every one of these problems because of the administration’s policies.

I will now yield 5 minutes to the gentleman from North Carolina (Mr. COBLE), who is the chairman of the House Administration Committee.

Mr. COBLE. I thank the gentleman from Texas (Mr. SMITH) for yielding.

Mr. Chairman, I rise in support of H.R. 3010. I reiterate what I said yesterday regarding regulatory legislation, that when critics accuse those of us who support it and furthermore accuse us of business-friendly thinking, and health and safety standards: not guilty. But we are guilty of trying to reduce the number of redundant, excessive regulations—bad, onerous regulations. To that, I do plead guilty.

As I meet with representatives from industries in my congressional district and other districts here in Washington, one message is imminently clear: our regulatory process is out of control. 

There’s enormous uncertainty over what actions agencies will take, there’s uncertainty over which agencies have jurisdiction, and there’s concern about the actions of independent agencies.

It is important to note that these provisions are part of a larger campaign to discredit the Republican or Democratic agendas. They highlight a growing perception that our government is simply out of touch. The process is missing checks and balances, which are the cornerstone of our democracy, while regulators have virtually limitless resources and power.

The result has enabled special interests to impose their will on certain areas of our regulatory system after clearing few hurdles. This was not the intent of the Administrative Procedures Act and explains a legacy of executive orders requiring that agencies issue narrowly tailored, less costly alternatives that began with the Reagan administration.

Other costs continue to hit close to home, Mr. Chairman. They drive businesses to other countries, costing thousands of jobs. Many will argue that regulation creates jobs, but I believe this article will be true of good, sound regulations; but ask many of the employers who have relocated their manufacturing facilities, and they will tell you it’s in large part due to our regulatory government. Every industry is concerned about our regulatory regime, and there is little doubt that bad regulations have driven American jobs to other countries.

A regulatory solution is not more regulation, Mr. Chairman. It’s better and more effective regulation, which is exactly what H.R. 3010 is intended to create, much like H.R. 527, the small business regulatory reform bill that we approved yesterday.

When the Administrative Procedure Act was implemented, few imagined that our government would issue a regulation that would threaten the viability of an entire industry. Today, unfortunately, many would say this has become the routine practice. Prime examples are the EPA Cement MACT rule, OSHA’s Noise Guidance, and HHS’s grandfather plan rule. Some describe them as misguided. Others would say they’re downright reckless.

H.R. 3010 addresses the situation by implementing new requirements that would give stakeholders a legitimate opportunity to improve regulations as they are proposed, promulgated, and ultimately implemented. In fact, most of the reforms included in this legislation simply codify President Obama’s Executive Order 13563, Improving Regulation and Regulatory Review.

The overwhelming view from my congressional district is that Federal regulations are driving American ingenuity and opportunity to other countries. Improving our regulatory process may be one of the most significant legislative considerations that we can provide.
to help preserve our safety and provide economic opportunity for future generations.

Mr. Chairman, we continue to hear, jobs, jobs, jobs, echoed from shore to shore, border to border. This is a good piece of legislation, and I urge my colleagues to support it.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee, STEVE COHEN, the ranking member of the Subcommittee on Courts, Commercial and Administrative Law.

Mr. COHEN. I want to thank the ranking member for the time.

I have a nice speech that was written by a fantastic staffer that I'm not going to use today because I've used it in the past. Most of the speeches today have been used—or parts of them—on the other bills we've had.

Because of the long week and the wonderful gentlemen on the opposite side—Mr. SMITH and Mr. COBLE are two great, wonderful people who I think dearly of. They just have different philosophies than I have. Different perspectives.

These bills have been bills to basically be anti-government bills. That's what this Congress has been about. It's been about being anti-government, and it's been about defeating the President of the United States. These bills which we've got would destroy the Administrative Procedure Act and destroy the whole process of government that we've known for decades.

The other side that it's not the Pres. Bush had as many, if not more, rules than Pres. Obama; but we didn't hear from the other side anything about the nefarious rulemaking process, the need for reform, the jobs that could be created by eliminating the rulemaking authority or stifling it and changing it, until President Obama became the President. We heard this morning from the other side that it's the administration that's at fault because of all the rules that have been passed. And now they say some of rules can change. They say the administration is at fault for all the rules they passed. They made fewer rules than President Bush made. And there was silence on the other side. Silence.

All of a sudden there's a roar. This whole week, when we need jobs, when our economy needs jobs, when our people need unemployment compensation, unemployment insurance continued for the 99 percent, and now they say of some rules can change. They say the administration is at fault for all the rules they passed. They made fewer rules than President Bush made. And there was silence on the other side. Silence.

In an emergency, the government can't even respond to clean up the mess. That's what they're talking about. It's all phrased in the tones of small business, small business, small business. Small business is wonderful. We do a lot with small business. Small business is a jobs creator. But this affects big business as well. And it's big business who is behind this, not small business. Small business is the front line used to help the polluters, the tobacco companies, and the others that don't want to see regulations that protect the American public's food, air, water, transportation, and other areas.

The issue of judicial review has come up, and in this bill we give the courts more power than they otherwise had. The other side usually talks about the importance of a legal branch simply being an equal partner; but in this position, the judicial branch could review any rule and regulation and make its own determination of cost-benefit analysis without expertise that the agencies have, and it would be the judiciary that had the final say. So it would give more power to the courts and more power, in fact, to the administration. The OIRA office in the White House would have much less power. It's not good ever. So it's antithetical to much of which the other side argues about.

This is not a good bill. It's not good government. And I would ask that we all vote against it and we get back to the jobs bills that we should be for—creating jobs for the American people and getting us out of this deep, dark, long recession.

Mr. SMITH of Texas. Mr. Chairman, I yield myself 1 minute.

Unfortunately, we hear a lot of words that are really irrelevant to the bill that we are considering here today. Once again, let me repeat that the Regulatory Accountability Act only requires agencies to adopt the least-cost regulatory alternative and it doesn't authorize the agency's statutory objectives. It therefore assures that in all instances agencies will achieve those objectives, whether to protect public health, safety, or welfare or to satisfy some other statutory purpose.

The RAA's key contribution is to require that, once agencies have identified means to achieve their statutory objectives, they will simply choose the means that impose the lowest cost. I don't know how anyone could object to this. This creates a positive cycle in which agencies and regulated entities compete to identify innovative, least-cost means to achieve statutory objectives while they simultaneously produce the most benefits.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am pleased to yield such time as he may need.

The polls would love this. The destroyers and plunderers of our environment, they'd love it, because war, Olly, Olly, in free, we can do whatever rules we want, we want, if we want, if we want, Olly, Olly, in free, we can do whatever rules we want, regardless of the rules, and regulations would go and die and never be seen again and just disappear.

Well, that's not the way government is supposed to work or should work. And if we had that, how could we work half time under President Perry? We'd have to be working time-and-a-half. And we know there's not enough money for overtime. And President Perry doesn't want us to do that. He wants us to get a separate job when we go home. We go back to San Antonio, we serve half time as a Congressman and half time we work at Walmart. That's what he's suggesting.

Who would really love this bill? The tobacco companies wouldn't. It wouldn't be great if we didn't have rules and regulations on tobacco and we didn't put little notices on tobacco that smoking can kill you; smoking can cause damage to infants; that pregnant women shouldn't drink or smoke; Tobacco companies would love that. Those rules and regulations, very burdensome, giving notice to people about the dangers of tobacco, which Europe has been doing forever and we need to put an end to because it costs us so much in medical costs and the lost of precious lives.

The polluters would love this. The destroyers and plunderers of our environment, they'd love it, because war, Olly, Olly, in free, we can do whatever rules we want, regardless of the rules, and regulations would go and die and never be seen again and just disappear.

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The issue of judicial review has come up, and in this bill we give the courts more power than they otherwise had. The other side usually talks about the importance of a legal branch simply being an equal partner; but in this position, the judicial branch could review any rule and regulation and make
of the idea of protecting workers in the workplace to make sure we have the most effective means possible to protect those workers.

It wasn’t the dust standards that killed the textile industry in the southeastern United States. It was the dust standards that were invoked in 1978—that were railed against by the textile industry—in fact extended the life of the textile industry by making it more efficient by bringing in a new general knowledge to that industry. What killed those textile industries were free trade agreements. They were among the most efficient mills in the world. They just couldn’t stand up against the unfair competition from the Chinese and the textile industry.

So let’s understand what’s happening here. This bill would change the standard of providing the most protective standard that is feasible to providing a standard that picks the least costly approach. The least costly approach to protecting your hearing is to cover your ears, to cover your ears while you’re working on a ramp at an airline factory, cover your ears while you’re putting down airplanes, cover your ears; that’s the least costly. Eye protection: close your eyes, cover your eyes; that’s the least costly. That doesn’t work in the workplaces of America and the employers know it. The employees know it.

What do you say to an ironworker working on a bridge? What do you say to an ironworker working on a skyscraper? Hold on tight? Hold on tight? We saw what happened when they went to the boardroom in Las Vegas. They were killing them—a record rate of killing construction workers—but it was the least costly. They didn’t think they should have to string floors down to catch the workers as they fell; they just chose another method, the least costly. That’s the Republican answer to safety in the workplace, stick your fingers in your ear? What do you do about breathing toxins? Get yourself a paper mask?

When we started changing the vinyl chloride standards, not only did it make the workplace more efficient, it protected the workers. It created a byproduct that had great commercial value and expanded the industry by making them more efficient. What they used to waste and injure workers they used to waste, they now sell. What made them more efficient. What value and expanded the industry by making the vinyl chloride standards, not only did it make the workplace more efficient, but it also created a by-product that had great commercial value.

When we started changing the vinyl chloride standards, not only did it make the workplace more efficient, but it also created a by-product that had great commercial value. We would look out for these workers, we would go in a different direction.

This legislation imposes—if you want to do something right, it’s just delay for delay’s sake. And the chairman has pointed that out and Mr. COHEN has pointed that out, how you just turn this over to a litigation process before you ever get around to the question of protecting your workers.

This legislation makes the workplace that our family members go to, that our neighbors go to, that our friends go to, to less safe than it is today.

I worked on the tankers going out to sea, and I saw workers fall face down in the bottom of those huge oil tanks that we were cleaning out because they had no respiratory gear, because they were the other side. They knew what it was like to have casualties, and they knew that that doesn’t work. They know they can’t stand. You can bankrupt the companies with black lung today and cotton dust.

I think for most industries they’re going to ignore that because they’ve been doing it all along. You know what we used to do. We used to waste and injure workers—we used to waste, they now sell. What makes them more efficient. What value and expanded the industry by making the vinyl chloride standards, not only did it make the workplace more efficient, but it also created a by-product that had great commercial value.
day it was when they came out of those tanks after cleaning them. I saw workers fall into vats in the canneries when I worked in the canneries. I saw workers on construction jobs get into accidents and I worked on a construction job. This isn’t speculation. This is what happens to people all across this country every day they go to work.

And yet we stand here, in the Congress of the United States, and we say we want to make sure when a member of your family goes to work, that they return home safely every day. That’s not what this legislation does. This legislation makes it more likely that they’re not going to return home safely and they’re not going to return home at all.

We ought to reject this legislation and understand how far back in the past it takes us. It’s against the best business practices of this Nation. It’s against the best practices that we’re making the workplace safe for the workers and safe for the employers and safe for the profit measure.

Mr. CONYERS. Mr. Chairman, I yield myself 30 seconds.

The Chair. Mr. Conyers has backed up what the ranking member, Mr. MILLER, of Education and Labor has said. They warn that H.R. 3010 would spend more than 40 years of labor, health, safety and environmental laws, and threaten new needed protections. It would cover more than 99% of all employers. It would increase the regulatory process and make protecting workers and the public secondary to limiting costs and impacts on business and corporations.

American Federation of Labor and Congress of Industrial Organizations,

Washington, DC, November 28, 2011.

Dear Representative: When the Congress returns from Thanksgiving break the House is expected to vote on three “regulatory reform” bills—H.R. 10, the Regulatory Accountability Act (H.R. 3010); H.R. 10 and H.R. 527, the Regulatory Flexibility Improvements Act, and H.R. 527, the Regulatory Flexibility Improvements Act. Each of these bills would up-end the entire regulatory system making it impossible for the government to protect workers and the public from workplace hazards, dirty air and water, unsafe drugs, tainted food and Wall Street abuses. The AFL-CIO strongly urges you to oppose each of these bills.

The Regulatory Accountability Act (RAA)—H.R. 3010—is a particularly harmful measure. It would change the Administrative Procedure Act (APA), but it goes far beyond establishing procedures for rulemaking. The RAA acts as a “supermandate” overriding the requirements of landmark legislation such as the Occupational Safety and Health Act and Mine Safety and Health Act. The bill would require agencies to adopt the least costly rule, instead of the most protective rule as is now required by the OSH Act and MSHA. It would make protecting workers and the public secondary to limiting costs and impacts on business and corporations.

The RAA will not improve the regulatory process; it will cripple it. The bill adds dozens of new analytical, procedural, and judicial review to the rulemaking process, which will add years to the process.

The development of major workplace safety rules already takes 6-10 years; the RAA will further delay these rules and cost workers their lives.

The RAA substitutes formal rulemaking for the current procedures for public participation for high impact rules and for other major rules upon request. These formal rulemaking procedures make it more difficult for workers and members of the public to participate, and give greater access and influence to business groups that have the resources to hire lawyers and lobbyists to participate in this complex process. For agencies that already provide for public hearings, such as OSHA and MSHA, the bill would substantially alter the procedures for the development of all new rules, overriding the effective public participation processes conducted by these agencies.

H.R. 3010 would subject all agencies—including independent agencies like the Securities and Exchange Commission, the National Labor Relations Board (NLRB), Consumer Product Safety Commission (CPSC), and the Consumer Financial Protection Bureau (CFPB) to the new analytical and procedural requirements. It would be much more difficult for agencies to develop and issue new analytical requirements that will make it even more difficult for agencies to enforce the rules they have to develop and issue new analytical requirements that will make it even more difficult for agencies to take action to protect workers and the public. While the REINS Act created a先天 proposal to have even a guidance document designed to help a business comply with a rule could be subject to a lengthy regulatory process. While the RAA generally requires agencies to adopt less costly alternative justifying their costs, and the agency is acting to protect the interest of public health, safety or welfare that are within the scope of the regulatory provisions that authorize this action.

As a result, many workforce safety, Clean Air Act, Clean Water Act and other public health, safety and welfare regulations on the books still could have been adopted under the bill, and may not have been the least costly alternatives.

The difference is agencies would have done a better job of assessing whether those regulations really were the best ones to adopt and would have had a greater incentive to look harder for the alternatives that achieved the most benefits for the lesser costs.

Further, the bill does not invite courts to immerse themselves in the weeds of whether agencies have satisfied whether they want to do so in the least costly manner, and they do not have to perform a cost-benefit analysis. Instead, it asks the courts to enforce the bill’s least-cost standard, and allows the courts to defer to agency cost-benefit analyses that comply with guidelines from the Office of Information and Regulatory Affairs.

As the DC circuit most recently demonstrated in Business Round Table v. SEC, the courts know well how to enforce requirements that agencies weigh the economic costs of regulation without immersing themselves in endless arguments over every fine point of economic analysis. So the bill will actually decrease litigation.

Mr. Chairman, this bill is really just a litmus test for all Members of the House as to, not whether they want to implement regulations or not, but whether they want to do so in the least costly manner possible. Again, I don’t see how anyone can rationally oppose the objective of this bill.

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

Mr. CONYERS. I continue to reserve the balance of my time.
Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. PETERSON), who is the ranking member of the Agriculture Committee.

Mr. PETERSON. I thank the gentleman from California (Mr. COSTA), also a member of the Ag Committee.

Mr. COSTA. I don't think that I can give you a specific on a health regulation. I think that we're really talking about here is the impact of risk assessment versus risk management to ensure that we provide the best protection for health and safety when we implement regulations.

Mr. CONYERS. So you don't have any complaint against FDA at the present time? Mr. COSTA. The current proposed rule I mean some work better than others. Some are implemented better than others.

Mr. CONYERS. But you're okay with them? Mr. COSTA. I think the current point that you made earlier about the proposed issue with regards to certain commodities show that the current regulatory system is working.
Mr. CONYERS. So you don’t want to improve it?

Mr. COSTA. No. I want to ensure that we meet good standards and good tests, and this legislation, I think, does that.

Mr. CONYERS. I thank the gentleman for yielding.

The CHAIR. The gentleman has reclaimed his time.

Does the gentleman from Michigan now yield to the gentleman from Georgia?

Mr. CONYERS. Yes, sir.

The CHAIR. The gentleman from Georgia is now recognized for 1¼ minutes.

Mr. JOHNSON of Georgia. Thank you, Mr. Chairman. I rise in opposition to this bill, the Regulatory Accountability Act.

Instead of creating jobs, the Tea Party Republicans are assaulting the very regulations that keep us safe and promote fairness to consumers. I’m disturbed by this assault on regulations that protect health, safety, and well-being, and the financial well-being of 99 percent of Americans.

This majority, the Tea Party Republicans who, having been elected as a result of all the secret money received from the Wall Street corporations during the 2008 elections, beyond any reasonable doubt are now clearly doing the bidding of these Wall Street corporate interests. They’re doing the bidding of them by this kind of legislation that would remove the kinds of regulations that protect the health, safety, and well-being of 99 percent of the American people.

It’s not fair. It’s not right. No jobs are being created. This bill is a travesty.

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

Our troubled economy forces many Americans to tighten their financial belts as they enter this holiday season. It is especially frustrating that the typical American worked more than 2 months, about 77 days, this year to pay for the cost of government regulations alone.

For the unemployed, the news is even worse. Official unemployment has hovered around 9 percent all year. When the unemployed and underemployed and those who no longer seek employment are counted, the effective unemployment rate reaches almost 16 percent.

But rather than add much-needed jobs to the economy, the Obama administration has only added job-killing regulations that burden businesses and stifle economic growth.

The administration counted 410 new major rules in its regulatory agendas for 2010 and 2011. Mr. Chairman, that is four times the number of major rules than during the first 2 years of the previous administration. In addition, the White House has reported to Congress that, for most new major rules issued in 2010, the government failed to analyze both the costs and the benefits. Many more major regulations are now in the works, and there is no assurance that the administration will adequately consider their costs and benefits either.

The Regulatory Accountability Act provides the cure for this epidemic of regulatory costs. It is a bipartisan, bicameral piece of legislation that requires agencies to do a better job of determining whether new regulations are really warranted. If regulations are necessary, it requires agencies to find the lowest cost alternative to achieve its goals. In other words, you can still achieve the goals but in the least costly way possible.

Mr. CONYERS. I thank the chairman for yielding to me because we want to acknowledge the committee’s parliamentsman, Allison Halataei, on her last day of service to the committee.

Allie has been an expert on House and committee rules, has ruled fairly on all matters of legislation that fall within the committee’s jurisdiction, and has been valued by all the members on both sides of the aisle. We’ve come to rely on her excellent judgment and experience.

On behalf of the Democratic members of the committee, we wish her well in her future endeavors.

Mr. SMITH of Texas. Mr. Chairman, reclaiming my time, I will add that Allie Halataei has also served us well on the Judiciary Committee for 6 years. She has been on my personal staff for 2 and a half years. She has also been a deputy chief of staff for the full Judiciary Committee in addition to having served previously on the Immigration Subcommittee.

We value all of her expertise, her talents, her dedication, and her conscientiousness. All of those wonderful attributes are going to be missed, but we do wish her well in her next position.

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

Mr. CARDIZA. Mr. Chairman, I rise today to speak in support of this important legislation that will ensure that regulations governing the businesses in our communities are fair and reasonable.

H.R. 3010 will provide a number of benefits for businesses in our communities. In my home state, protecting public health and safety. It ensures greater transparency in the regulatory process and greater scrutiny of the economic effect of regulation.

We all know how regulations are implemented can have a significant impact on our communities. For example, in my home district, there is a utility company that owns a percentage of a power plant in New Mexico that is subject to a standard on regional haze.
than a regulatory action, that sets forth a policy on a statutory, regulatory or technical issue or an interpretation of a statutory or regulatory issue.

(”DD”) major guidance means guidance that the Administrator of the Office of Information and Regulatory Affairs finds is likely to lead to—

(a) an annual cost on the economy of $100,000,000 or more, adjusted annually for inflation;

(b) a major increase in costs or prices for consumers, individual industries, Federal, State, local or tribal government agencies, or geographic regions;

(c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

(d) significant impacts on multiple sectors of the economy;

(’19) the ‘Information Quality Act’ means section 515 of Public Law 106–554, the Treasury and General Government Appropriations Act for Fiscal Year 2001, and guidelines issued by the Administrator of the Office of Information and Regulatory Affairs or other agencies pursuant to the Act; and

(”20) the ‘Office of Information and Regulatory Affairs’ means the office established under section 353 of title 5, United States Code, and the Director of the Office of Information and Regulatory Affairs. If the agency determines to propose the rule, the agency shall publish advance notice of proposed rule making in the Federal Register. In publishing such advance notice, the agency shall—

(1) include a written statement identifying, at a minimum—

(A) the potential costs and benefits associated with the rule, including data and other evidence and information on which the agency expects to rely for the proposed rule;

(B) the legal authority under which a rule may be proposed, including whether a rule making is required by statute, and if so, whether by a specific date, or whether the agency has discretion to commence a rule making;

(C) preliminary information available to the agency concerning the other considerations specified in subsection (b); and

(D) in the case of a rule that involves a novel legal or policy issue arising out of statutory mandates, the nature of and potential reasons to adopt the alternative decision position upon which the agency may base a proposed rule;

(2) solicit written data, views or argument from interested persons concerning the information and issues addressed in the advance notice; and

(3) provide for a period of not fewer than 60 days for interested persons to submit such written data, views or argument;

(”21) the ‘REGULATORY IMPACT ANALYSIS’ prepared or described by the agency under subsection (b) and includes—

(1)(D) to be included in a notice of proposed rule making and a description of the alternative response the agency determined to adopt.

(”22) if in its determination of other agency course the agency makes a determination to amend or rescind an existing rule, the agency need not undertake additional proceedings under subsection (c) before it publishes a notice of proposed rule making to amend or rescind the existing rule.

All information provided to or considered by the agency, in connection with its determination of other agency course, including but not limited to any preliminary risk assessment or regulatory impact analysis prepared by the agency and all other information that would be required to be prepared or described by the agency under paragraph (1)(D) if the agency had determined to publish a notice of proposed rule making and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the proposed rule and made accessible to the public by electronic means and otherwise for the public’s use when the notice of proposed rule making is published.

(”22A) if the agency undertakes procedures under subsection (c) and determines thereafter not to propose a rule, the agency shall, following consultation with the Office of Information and Regulatory Affairs, publish a notice of determination of other agency course. A notice of determination of other agency course shall include information required by paragraph (1)(D) to be included in a notice of proposed rule making and a description of the alternative response the agency determined to adopt.

(’23) after notice of proposed rule making required by this section, the agency shall provide interested persons an opportunity to participate in the rule making through written data, views, or arguments with or without opportunity for oral presentation, except that—

(1) a hearing is required under paragraph (4)(E)(ii); and

(’24) in subsection (b), an opportunity for oral presentation shall be provided pursuant to that requirement; or

(”25) if so, whether or not the agency proposes to amend or rescind any such rules, and why.

All information provided to or considered by the agency, and steps to obtain information by the agency, in connection with its determination to propose the rule, including any preliminary risk assessment or regulatory impact analysis prepared by the agency and all other information that would be required to be prepared or described by the agency under subsection (b), and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the proposed rule and made accessible to the public by electronic means and otherwise for the public’s use when the notice of proposed rule making is published.

(’26) if in its determination of other agency course the agency makes a determination to amend or rescind an existing rule, the agency need not undertake additional proceedings under subsection (c) before it publishes a notice of proposed rule making to amend or rescind the existing rule.

All information provided to or considered by the agency, in connection with its determination of other agency course, including but not limited to any preliminary risk assessment or regulatory impact analysis prepared by the agency and all other information that would be required to be prepared or described by the agency under paragraph (1)(D) if the agency had determined to publish a notice of proposed rule making and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the determination and made accessible to the public by electronic means and otherwise for the public’s use when the notice of determination or other agency course is published.

(’27) after notice of proposed rule making required by this section, the agency shall provide interested persons an opportunity to participate in the rule making through written data, views, or arguments with or without opportunity for oral presentation, except that—

(1) a hearing is required under paragraph (4)(E)(ii); and

(’28) in subsection (b), an opportunity for oral presentation shall be provided pursuant to that requirement; or

(”29) if so, whether or not the agency proposes to amend or rescind any such rules, and why.

All information provided to or considered by the agency, and steps to obtain information by the agency, in connection with its determination to propose the rule, including any preliminary risk assessment or regulatory impact analysis prepared by the agency and all other information that would be required to be prepared or described by the agency under subsection (b), and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the proposed rule and made accessible to the public by electronic means and otherwise for the public’s use when the notice of proposed rule making is published.

(’30) if in its determination of other agency course the agency makes a determination to amend or rescind an existing rule, the agency need not undertake additional proceedings under subsection (c) before it publishes a notice of proposed rule making to amend or rescind the existing rule.

All information provided to or considered by the agency, in connection with its determination of other agency course, including but not limited to any preliminary risk assessment or regulatory impact analysis prepared by the agency and all other information that would be required to be prepared or described by the agency under paragraph (1)(D) if the agency had determined to publish a notice of proposed rule making and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the determination and made accessible to the public by electronic means and otherwise for the public’s use when the notice of determination or other agency course is published.

(’31) after notice of proposed rule making required by this section, the agency shall provide interested persons an opportunity to participate in the rule making through written data, views, or arguments with or without opportunity for oral presentation, except that—

(1) a hearing is required under paragraph (4)(E)(ii); and

(’32) in subsection (b), an opportunity for oral presentation shall be provided pursuant to that requirement; or
“(B) when other than under subsection (e) of this section rules are required by statute or at the discretion of the agency to be made on the record after opportunity for an agency hearing, sections (b) through (f) shall apply, and paragraph (4), the requirements of subsection (e) to receive comment outside of the procedures of sections 556 and 557, and the petition procedures of sections 553 and 557 shall apply. The agency shall provide not fewer than 60 days for interested persons to submit written data, views, or argument (or 120 days in the case of a proposed major or high-impact rule).”

“(4)(A) Within 30 days of publication of notice of proposed rule making, a member of the public may petition for a hearing in accordance with section 553(b) whether any additional benefits or other information upon which the agency bases the proposed rule fails to comply with the Information Quality Act.

“(B) The agency may, upon review of the petition, determine without further process to exclude from the rule making the evidence or other information that is the subject of the petition and, if appropriate, withdraw the proposed rule. The agency shall promptly publish any such determination.

“(C) There shall be no judicial review of the agency’s disposition of issues considered and decided under paragraph (B) of this subparagraph until judicial review of the agency’s final action. There shall be no judicial review of an agency’s determination to withdraw a proposed rule under subparagraph (B)(i) on the basis of the petition.

“(D) Failure to petition for a hearing under this subparagraph shall not preclude judicial review of any claim based on the Information Quality Act under chapter 7 of this title.

“(e) HEARINGS FOR HIGH-Impact RULES.—Following publication of notice of a proposed rule making, the rule must comply with paragraphs (1) through (4), and additional benefits of the more costly rule exceed the additional costs of the more costly rule.

“(5) Whether the evidence and other information upon which the agency bases the proposed rule meets the requirements of the Information Quality Act.

“(6) Upon petition by an interested person who has participated in the rule making, other issues relevant to the rule making, unless the agency determines that consideration of the issues would not advance consideration of the rule or would, in light of the nature of the need for agency action, unreasonably delay completion of the rule making. An agency shall publish a notice under this paragraph within 30 days of its receipt of the petition.

“No later than 45 days before any hearing held under subsection (d)(4), the agency shall publish in the Federal Register a notice specifying the proposed rule to be considered at such hearing, the issues to be considered at the hearing, and the time and place for such hearing, except that such notice may be issued not later than 15 days before a hearing held under subsection (d)(4).”

“(f) FINAL RULES.—(1) The agency shall adopt a rule only following consultation with the Administrator of the Office of Information and Regulatory Affairs to facilitate compliance with applicable rule making requirements.

“(2) The agency shall adopt a rule only on the basis of the best reasonably obtainable scientific, technical, economic, and other evidence and information available for, consequences of, and alternatives to the rule.

“(3)(A) Except as provided in subparagraph (B), the agency shall adopt the least costly rule that achieves the objectives of the rule (including all costs and benefits to be considered under subsection (b)(6)) that meets relevant statutory objectives.

“(B) The agency shall not adopt a rule that is more costly than the least costly alternative that would achieve the relevant statutory objectives only if the additional benefits of the more costly rule exceed the additional costs of the more costly rule.

“(3)(A) The agency shall publish in the Federal Register a concise, general statement of the rule’s basis and purpose.

“(B) The agency’s reasoned final determination of need for a rule to address the problem the agency seeks to address with the rule, including a statement of whether a rule is required by statute and a summary of any final regulatory impact analysis prepared by the agency;

“(C) The agency’s reasoned final determination that the benefits of the rule meet the relevant statutory objectives and justify the rule’s costs (including all costs to be considered under subsection (b)(6));

“(D) The agency’s reasoned final determination in paragraph (3)(B) but the agency shall not be required to issue supplemental notice other than to complete full compliance with subsection (d). No less than 270 days from publication of the interim rule, the agency shall complete rule making under subsections (d) through (f) of this section before the issuance of an interim rule.

“(E) The agency’s reasoned final determination in paragraph (3)(B) that compliance with subsection (c), (d), or (e) or requirements to render final determinations under subsection (f) of this section before the issuance of an interim rule shall be impracticable or contrary to the public interest, including interests of national security, such subsections or requirements to render final determinations shall not apply to the agency’s adoption of an interim rule.

“(F) If, following compliance with subparagraph (A) of this paragraph, the agency adopts an interim rule, it shall commence proceedings for the final rule as provided under paragraph (1) of this section immediately upon publication of the interim rule, shall treat the publication of the interim rule as publication of a notice of proposed rule making and shall not be required to complete full compliance with subsection (d).

“(G) Other than in cases involving national security, upon the agency’s publication of a notice of an interim rule without compliance with subsections (c), (d), or (e) or requirements to render final determinations under subsection (f) of this section, an interested person may seek an expedited judicial review under chapter 7 of this title of the agency’s determination to adopt such interim rule. The record on such review shall include the information and documents and any additional information considered by the agency and any additional information presented by a party that the court determines necessary to consider the act of the party.”
that notice and public procedure thereon are unnecessary, including because agency rule making is undertaken only to correct a de minimis technical or clerical error in a previously issued rule. For noncontroversial purposes, the agency may publish a rule without compliance with subsections (c), (d), (e), or [(f)(1)-(3) and (f)(4)(B)-(F)]. If the agency receives significant comments before adoption of a rule, the agency shall comply with such comments before adoption of a rule. After publication of the rule, it shall treat the notice of the rule as a notice of proposed rule making and complete rule making in compliance with subsections (d) and (f).

(h) ADDITIONAL REQUIREMENTS FOR HEARINGS.—When a hearing is required under subsection (c) or is otherwise required by statute or rule, the agency shall provide notice and public procedure thereon. In the rule, the agency shall comply with the requirements of sections 556 and 557 in addition to the requirements of subsection (f) in adopting the rule and in providing notice of the rule's adoption.

(i) DATE OF PUBLICATION OF RULE.—The required publication or service of a substantive final or interim rule shall be made not less than 30 days before the effective date of the rule, except—

(1) a substantive rule which grants or recognizes an exemption or relieves a restriction;

(2) interpretive rules and statements of policy;

(3) as otherwise provided by the agency for good cause found and published with the rule.

(j) RIGHT TO PETITION.—Each agency shall give an interested person the right to petition the agency, or the President or the Administrator of the Office of Information and Regulatory Affairs, to review information or rule making from such uncertainty.

(k) RULE MAKING GUIDELINES.—(1)(A) The Administrator of the Office of Information and Regulatory Affairs shall establish guidelines for the assessment, including quantitative and qualitative assessment, of the costs and benefits of proposed and final rules and other economic issues that may affect the risk that an agency undertakes to rule making under this title. The rigor of cost-benefit analysis required by such guidelines shall be commensurate, in the Administrator's determination, with the economic impact of the rule.

(B) To ensure that agencies use the best available techniques to quantify and evaluate anticipated present and future benefits, costs, other economic issues, and risks as accurately as possible, the Administrator of the Office of Information and Regulatory Affairs shall establish guidelines for the assessment, including quantitative and qualitative assessment, of the costs and benefits of proposed and final rules and other economic issues that may affect the risk that an agency undertakes to rule making under this title. The rigor of cost-benefit analysis required by such guidelines shall be commensurate, in the Administrator's determination, with the economic impact of the rule.

(2) The Administrator of the Office of Information and Regulatory Affairs shall also issue guidelines for the conduct of rule making, harmonization and agency rules during the rule making process and otherwise. Such guidelines shall ensure that each agency avoids regulations that are inconsistent or incompatible with, or duplicative of, its other regulations and those of other Federal agencies and drafts its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

(3) To ensure consistency in Federal rule making, the Administrator of the Office of Information and Regulatory Affairs shall—

(A) issue guidelines and otherwise take action to ensure that rule making conducted in whole or in part under procedures specified in provisions of law other than those of subchapter II of this title conform to the fullest extent allowed by laws related to risk that are relevant to rule making under this title.

(B) issue guidelines for the conduct of hearings under subsections 553(d)(4) and 553(e) of this title to assure a reasonable opportunity for cross-examination. Each agency shall adopt regulations for the conduct of hearings consistent with the guidelines issued under this subsection.

(4) The Administrator of the Office of Information and Regulatory Affairs shall issue guidelines pursuant to the Information Quality Act to apply in rule making proceedings under sections 553, 556, and 557 of this title. In all cases, such guidelines, and the Administrator's specific determination that agencies comply with such guidelines, shall be entitled to judicial deference.

(l) INCLUSION IN THE RECORD OF CERTAIN DOCUMENTS.—(A) The agency shall include in the record for a rule making, and shall make available by electronic means and otherwise, all documents and information prepared or considered by the agency in the rule making proceedings, including, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, documents and information provided by the Office during consultation with the Agency.

(MONETARY POLICY EXEMPTION.—Nothing in subsection (b)(6), subparagraphs (F) and (G) of subsection (d)(1), subsection (e), section (f)(3), and subparagraphs (C) and (D) of subsection (f)(5) shall apply to rule makings that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

SEC. 4. AGENCY GUIDANCE, PROCEDURES TO ISSUE MAJOR GUIDANCE; PRESIDENTIAL AUTHORITY TO ISSUE GUIDELINES FOR ISSUANCE OF GUIDANCE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553 the following new section:

553a. Agency guidance; procedures to issue major guidance; authority to issue guidelines for issuance of guidance.

(1) Before issuing any major guidance, or guidance that involves a novel legal or policy issue arising out of statutory mandates, an agency shall—

(A) make and document a reasoned determination; and

(B) describe the evidence and data on which the agency will base the guidance.

(2) The agency shall identify the costs and benefits (including all costs to be considered during a rule making under section 553(b) of this title) of conducting such guidance and assures that such benefits justify such costs; and

(3) describe such guidance and their costs and benefits (including all costs to be considered during a rule making under section 553(b) of this title) and explains why the agency rejected material that was not considered.

(2) In proceeding on a rule making under section 553(d)(4) or 553(e), the record for decision shall also include any information that is part of the record of proceedings under section 553.

Section 706 of title 5, United States Code, is amended by adding at the end the following:

SEC. 6. ACTIONS REVIEWABLE.

Section 704 of title 5, United States Code, is amended—

(1) by striking "Agency action made" and inserting "(a) Agency action made"; and

(2) by adding at the end the following:

"Denial by an agency of a correction request or, where administrative appeal is provided for, denial of an appeal, under an administrative policy described in subparagraph (B)(2) of the Information Quality Act, or the failure of an agency within 90 days to grant or deny such
The amendments made by this Act to—

(1) sections 555, 556, and 704 of title 5, United States Code; and

(2) in subsection (b) of section 707 of such title; and

(3) paragraphs (2) and (3) of section 706(b) of such title;

shall not apply to any rule makings pending or completed on the date of enactment of this Act.

The CHAIR. No amendment to the committee amendment that shall be in order except those printed in part B of House Report 112-296. Each such amendment may be offered only in the order 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 subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. MOORE

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 112-296.

Ms. MOORE. Mr. Chairman, I have an amendment in the nature of a substitute.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, after line 20, insert the following and redesignate provisions accordingly:

"(4) Whether the problem the agency may address with agency action disproportionately impacts certain vulnerable subpopulations including individuals whose income is below 200% of the poverty line, individuals who are aged 65 and older, and individuals who are veterans, and whether that impact would be mitigated through new agency action.

The CHAIR. Pursuant to House Resolution 477, the gentleman from Wisconsin (Ms. MOORE) and a Member opposed each support legislation that protects the least of these.

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

Mr. SMITH of Texas. Mr. Chairman, I rise to oppose the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I am prepared to close; so I reserve the balance of my time.

The CHAIR. The gentleman is recognized.

Ms. MOORE. Thank you.

President Obama has really curtailed more regulations than George W. Bush, so it is really mistaken that this President has not taken into account the needs of industry; but I think that when you get to a point at which you just want to abolish all regulations in favor of the so-called bottom line, then someone has to draw the line. I think that this amendment draws the line at subjecting those people who are particularly vulnerable—seniors, veterans, and those of low-income—to air pollutants.

I yield back the balance of my time.

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

This amendment, regrettablly, seeks special consideration in rulemaking for a handful of groups; but the bill seeks to declare no favorites and gives no special policy treatment to any group. Instead, the bill creates an even-handed procedural reform that benefits all groups with greater transparency, accountability, and public participation in rulemaking.

Perhaps this amendment is motivated by a concern that regulatory outcomes not shortchange the needs of seniors, veterans, and lower income families; but the bill already assures that these groups and all others will obtain the protection they need.

The bill always allows agencies to achieve the regulatory objectives that Congress has set. Generally, if an agency can reach the goal with a lower cost...
regulation, though, of course it should; but if a costlier regulation is needed to protect the public health, safety, or welfare, including protecting seniors, veterans, and low-income families, the agency can adopt that regulation.

The agency just needs to show that the benefits justify the additional costs and the interests protected fall within the scope of the statutory provision that authorizes the rule.

In this reasonable, balanced way, the bill guarantees statutory objectives will be met while we at least achieve real regulatory cost control. That is a win/win solution for everyone in every group.

The Federal Government does not always need to do something more costly for special groups. It needs to always do something more cost-effective for everyone. I urge my colleagues to oppose this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The amendment was agreed to.

The CHAIR. The amendment was agreed to.

The amendment was agreed to.

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prior to having it published in the Federal Register. My friends, there is no doubt that rulemaking is complex, but in many times rulemaking requires quick action. All my amendment does is put back in the discretion of the agency to determine whether they can have a 90-day notice. The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment. The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I am prepared to close; so I reserve the balance of my time.

Mr. Chairman. The CHAIR. The CHAIR recognizes the gentlemanwoman from Texas.

Ms. JACKSON LEE of Texas. Let me just expand on this point regarding President Obama. This administration has approved fewer regulations than the predecessor, George W. Bush, at this same point in his presidency. Bloomberg finds that the average annual cost of regulations under President Obama is about $7 billion to $10 billion is close to the average around the costs from 1981 to 2008.

This GOV bill kills rulemaking in favor of special interests. Sixty new analytical steps, can you imagine? You will be bogged down spending money and using government time and using the taxpayers’ dollars to keep from protecting them; to keep from protecting this innocent child; to keep from protecting children with asthma; to keep from protecting people who need to have clean water; to keep from protecting those who need to have, if you will, a food safety requirement that keeps them from being impacted by E. coli.

How unsensible.” If I can use a word in quotes, is that? As the Coalition for Sensible Safeguards says, which includes Consumer Federation of America, this bill will make it virtually impossible for Federal agencies to ensure that American families are protected from tainted food, unsafe drugs, predatory financial schemes, dirty air and water, and dangerous workplaces.

Give us a break. Let us follow in the footsteps of President Bush, President Reagan, and our predecessors. President Bush and realize that this regulatory scheme is broken.

Pass the Jackson Lee amendment and save lives, and let’s celebrate that unemployment is going down and find a way to create jobs.

Mr. Chair, I rise today in support of my amendment to H.R. 3010 the “Regulatory Accountability Act of 2011,” which would amend the Administrative Procedure Act. This bill would require all agencies to adopt the least costly rule by formally codifying the cost benefit analysis process. The bill also overrides existing statutory standards in laws such as the Clean Air Act, Clean Water Act, and the Occupational Safety and Health Act. In addition, this measure will significantly slow the regulatory process, increase costs, and burden an already taxed judicial system.

My amendment would allow a federal agency to use their discretion to determine whether to provided advanced notice, not later than 90 days, of a proposed rule prior to it being published in the Federal Register. As it has not been found that agencies have been dilatory in using their discretion. And in fact, there are times when it would be unnecessary.

My colleagues on the other side of the aisle have no solid justification for the bill’s inflexible mandates that would require an agency to issue an advance notice of proposed rulemaking, ANPRM, as part of the rulemaking proceeding for any major rule or high-impact rule. Agencies are in the best position to be able to determine the relative benefits and burdens of utilizing ANPRMs. I ask will this new rule create jobs?

As my Republican colleagues are often raising concerns about the never ending bureaucracy in Washington. This bill adds more than 60 new procedural and analytical requirements to the agency rulemaking process. This would include currently nonexempt rulemaking. In addition, the bill extends the timeframe required to complete legal consideration of an agency proposed rule. This measure is a blatant attempt to delay the rulemaking process and the final implementation of agency rules. Well if as many jobs were created as red tape will be created by this piece of legislation then every American would have a job and one waiting in reserve.

This measure calls for Judicial Review of every significant Executive Branch activity and functions. I have been serving as member of this governing body since 1995, and oversight of the Executive Branch is exactly what Congress does. In fact, one of the primary functions of a Congressional Committee is to provide oversight.

If the Judicial Branch were required to proactively approve every federal rule, it would be extremely time consuming. The Administrative agencies are made up of experts in their respective fields. Many of the regulations that administrative agencies create are very specific and require a high level of familiarity with the minute details of certain issues. The time it would take members of the Judiciary to become adequately acquainted with each issue being proposed by each Federal agency would certainly be more productive if channeled into efforts to effect the change that Americans want.

As we consider this rule, it is important that we not forget that federal agencies have their own oversight process in place to ensure that rules and regulations are well thought out. For every proposed regulation, agencies are required to issue a notice of proposed rulemakings to the industry and market over which they regulate. Those entities then comment on the rules, and they go through many rounds of changes before a final order is enacted.

Rulemaking takes years, and input from all relevant stakeholders is regularly solicited and received. Delays during the rulemaking process are already created by stakeholders and other branches of government. The reality is that the rulemaking process is already hampered by those whose sole intent is to water down or prevent rules they oppose. Additional delays only hurt Americans.

Furthermore, rules enacted by Federal agencies are subject to Congressional oversight and review, and must meet standards of Judicial review. Arguably, rules and regulation issued by Federal agencies go through just as much, if not more, review as bills considered and passed by this body.

Implementing this rule would create an expanded use of formal rulemaking that would effectively prevent needed public health and safety rules, in addition to an expanded and less deferential judicial review process that will lead to endless litigation without enhancing due process. Instead of debating about oversight authority that Congress already has, we should be focusing on the issues that most concern the American people, particularly, creating jobs.

Collectively, the procedural and analytical requirements added by this bill would be enormously burdensome. The task of deliberating on, seeking consensus on, and drafting the numerous recitals that would be added to the rulemaking process would draw heavily on agency resources—a matter that should be of special concern at the present moment, when agencies are facing and will continue to face severe budget pressures. Increasing the time needed to accomplish rulemaking would not only be costly but also would tend to leave stakeholders (including businesses large and small) less able to plan effectively for the future. Not only new regulations, but amendments or rescissions of rules could be deterred by the additional expense and complexity that would be added to the process.

Enforcement of these requirements on judicial review is available to regulatory proponents and regulatory opponents alike, adding to the burden of defensive lawyering agencies must carry. Thus, both affirmative regulation and deregulation may be impeded. As our country rebounds from one of most severe economic downturns in our history, we are imperative that we make decisions that will enable our economy to grow and, most importantly, create jobs.
We should be using our judgment in a manner that would create American jobs by comprehensively reforming our broken immigration system. We should be working to implement an orderly process for immigration that eases the burden on employers, improves document compliance, and strengthens our enforcement efforts to make them more effective.

Healthy market competition not only protects consumers, but will help our economy to prosper. Congress should be examining the consolidation taking place in certain industries to ensure competition is alive and thriving. America is a free enterprise society, and small businesses are part of the backbone of our economy, employing a vast portion of Americans. We should be ensuring that any consolidation taking place in the marketplace does not push out small businesses and render them unable to compete.

In the last couple of years, some sweeping mergers and acquisitions have taken place. Just recently, it was reported that 500 jobs are being cut as a result of last year’s United—Continental merger. As we face a high unemployment rate, and Americans struggle to make ends meet, every job counts. We should be investigating the outcomes of mergers such as United—Continental, amongst others, to ensure that no more precious jobs are being lost.

Many of my colleagues on the other side of the aisle have stood up here and emphasized the importance of jobs for American workers—especially in the context of immigration debates. However, one of the largest contributors to the lack of employment opportunities here in America is the outsourcing of jobs to other countries where the labor is less expensive. We should be focusing our efforts on ways to return outsourced jobs to American soil.

In addition to jobs, the safety of the American people should be a priority. We should be spending time ensuring our prisons are safe. According to the Federal Bureau of Prisons, federal prisons now house more convicted federal offenders than the Guantanamo Bay detainment camp. To ensure the safety and security of our prisons, the ratio of employees to inmates is key. Hiring freezes within the Federal Bureau of Prisons coupled with rising inmate populations has the potential to affect this critical ratio, and therefore threaten the safety and security of our prisons. By addressing the employee to inmate ratio, we are securing our Nation and creating more jobs for America.

Both branches have a large responsibility. They carry on their shoulders the needs of the American people. We should not further burden the judiciary with the work that an entire branch of government has already been commissioned to do, especially since Congress still has oversight authority.

For each one of us, the needs of the constituents in our districts should be our priority. The needs of the American people as a whole should be our priority. And for these reasons, I urge my colleagues to support my amendment to H.R. 3010.

I yield back the balance of my time.

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

One problem in rulemaking is the practice of agencies to negotiate regulations behind closed doors with a few interested parties, then propose and adopt a predetermined rule.

To help cure this problem, the bill requires advance notice of major and high-impact rules that agencies may propose. These are the rules that cost $100 million or $1 billion or more respectively.

The advance notice requirement ensures that those who bear the costs of these high-cost regulations have an opportunity to shape agency decisions before they become entrenched in predetermined rulemaking proposals. It also dramatically increases the transparency of the entire agency rulemakings; and, of course, if emergency rules were needed, advance notice may be waived.

The amendment, on the other hand, makes advance notice discretionary, and therefore threatens the safety and security of the American people. We should be investigating the outcomes of mergers such as United—Continental, amongst others, to ensure that no more precious jobs are being lost.

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For each one of us, the needs of the constituents in our districts should be our priority. The needs of the American people as a whole should be our priority. And for these reasons, I urge my colleagues to support my amendment to H.R. 3010.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Ms. JACKSON LEE).

The question was taken; and the amendment was agreed to.

Mr. SMITH of Texas. Mr. Chairman, I yield back the balance of my time.

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Both branches have a large responsibility. They carry on their shoulders the needs of the American people. We should not further burden the judiciary with the work that an entire branch of government has already been commissioned to do, especially since Congress still has oversight authority.

For each one of us, the needs of the constituents in our districts should be our priority. The needs of the American people as a whole should be our priority. And for these reasons, I urge my colleagues to support my amendment to H.R. 3010.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the amendment was agreed to.

Mr. SMITH of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the amendment was agreed to.

Mr. SMITH of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the amendment was agreed to.

Mr. SMITH of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the amendment was agreed to.

Mr. SMITH of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the amendment was agreed to.

Mr. SMITH of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the amendment was agreed to.

Mr. SMITH of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the amendment was agreed to.

Mr. SMITH of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the amendment was agreed to.

Mr. SMITH of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the amendment was agreed to.

Mr. SMITH of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the amendment was agreed to.

Mr. SMITH of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the amendment was agreed to.

Mr. SMITH of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the amendment was agreed to.

Mr. SMITH of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the amendment was agreed to.

Mr. SMITH of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the amendment was agreed to.
Mr. SMITH of Texas, Mr. Chairman, I rise in opposition to the amendment. The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. The amendment carves out of the bill essential sectors or regulation and guidance. These include all regulations and guidance documents on food safety, workplace safety, consumer product safety, clean water, and clean air. In many cases, these are precisely the agency actions that impose the most cost without producing enough benefits. A good example is the Environmental Protection Agency’s recent proposal to control mercury emissions from coal- and oil-fired power plants. EPA estimated that the rule would cost $11 billion annually to achieve; at most, just $6 million in total mercury reduction benefits. That’s a cost-to-benefit ratio of almost 1,200:1.

Proponents of regulation have nothing to fear from the bill’s provisions to prevent excessively costly rules like this. The bill always allows agencies to achieve the statutory objectives Congress has set. Those objectives include protection of food, workplace, and consumer safety, as well as clean air and clean water. All the bill requires is that agencies consider the cost and benefits of regulatory alternatives and, wherever possible, adopt the least-cost regulation that achieves that goal.

If a costlier rule’s benefits justify its additional cost and the rule is needed to protect public health, safety, and welfare, the agency may adopt it. The agency just needs to show that the public health, safety, and welfare interest it seeks to protect are within the scope of the statutory provision that authorizes the regulation itself. That is balanced reform that protects public health, safety, and welfare and the American economy and the American taxpayers and the small business owners of America.

I urge my colleagues to oppose the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY). The amendment has been agreed to; and the Chair announced that the ayes appeared to have it. Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. Under the provisions of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. NADLER

The CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 112–296, offered by Mr. NADLER. 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 34, insert after line 20 the following, and redesignate provisions accordingly:

SEC. 9. EXEMPTION FOR CERTAIN RULES AND GUIDANCE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553a (as inserted by section 4 of this Act) the following new section:

"§ 553b. Exemption for certain rules and guidance

"Sections 551, 553, 556, 701(b), 704, and 706, as amended by the Regulatory Accountability Act of 2011, and section 553a shall not apply in the case of any proposed rule, final rule, or guidance made by the Nuclear Regulatory Commission under the Atomic Energy Act (42 U.S.C. 2011, et seq.). Sections 551, 553, 556, 701(b), 704, and 706, as in effect before the enactment of the Regulatory Accountability Act of 2011, shall apply to any proposed rules, final rules, or guidance, as appropriate."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following new item:

"§ 553b. Exemption for certain rules."

The CHAIR. Pursuant to House Resolution 477, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The CHAIR. The gentleman is recognized from New York.

Mr. NADLER. Mr. Chairman, I yield myself 4 minutes.

My amendment would exempt rules proposed by the Nuclear Regulatory Commission from the new impediments to the regulations in this bill.

Mr. Chairman, they go again. The right-wing Republican House majority is practicing more voodoo economics. This time it’s the belief that overregulation is the cause of our slow economic growth and high unemployment rate.

There is no evidence to support this position—none. In actuality, according to the Economic Policy Institute, “economy-wide studies do not find a significant decline in employment from regulatory policies.” And some regulations actually create jobs during regulatory comment periods.

More broadly, findings from the Office of Management and Budget in both Republican and Democratic administrations show the benefits of regulations far outweigh their costs. Most recently, OMB found that the benefits from major rules issued between 2001 and 2010 yielded benefits ranging from $136 billion to $651 billion and imposed costs of between $44 billion and $62 billion.

Despite these facts, the right-wing Republican House leadership presses ahead with what it calls regulatory reform. Today’s bill, H.R. 3010, in the name of so-called reform, adds over 60 new procedural and analytical hoops agencies and departments must jump through before a regulation can be issued. The result is to impede, obstruct, and delay the attempt of government to accomplish one of its most basic functions—protecting the health and welfare of our people. As people who care about protecting public safety, health, and the environment, such as the Natural Resource Defense Council, Public
Citizen, Defenders of Wildlife, and U.S. PIRG, oppose this bill. According to the Coalition for Sensible Safeguards, which represents a coalition of many such groups, this bill “will grind to a halt the rulemaking process” and “is nothing less than an attempt to roll back safeguards to promote industry interests ahead of protecting American citizens.”

Americans should rightfully be scared that this bill will put their health and safety at risk. One example that highlights this is the subject of this amendment—nuclear power. The risks and dangers of nuclear power were made all the more clear this year. In Japan, we all watched in horror as the onerous new requirements for rule-making imposed by this bill. With this amendment, the Nuclear Regulatory Agency’s ability to regulate will not save one job, but it might save millions of lives in the event of a disaster. Sadly, this bill makes the ability to regulate nuclear power plants all but impossible.

For me, this concern hits close to home. A nuclear power plant at Indian Point about which many people, including myself, have had concerns for years lies less than 40 miles from the center of New York City, in my district. There are 20 million people living within a 50-mile radius around the plant. It was used by the NRC as the basis for the evacuation recommended after the Fukushima disaster. Indian Point sits near two earthquake fault lines and according to NRC, is the most likely nuclear power plant in the country to experience more damage due to an earthquake.

To keep my constituents and, indeed, all Americans safe, I’m offering this amendment today. It would exempt the Nuclear Regulatory Commission from the onerous new requirements for rule-making imposed by this bill. With this amendment, the NRC would have the ability to safeguard public health and safety as it should. We must pass this amendment so that rulemaking for nuclear disaster is not impeded.

I urge the passage of this amendment, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Chairman, does the gentleman from New York have any time remaining?

The CHAIR. The gentleman has 1 minute remaining.

Mr. SMITH of Texas. I am prepared to close; so I reserve the balance of my time.

The CHAIR. The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, the argument for this amendment is very simple. This bill would make it almost impossible—by putting 60 new requirements in the way of agencies to make new rules, would make it almost impossible for rulemaking and, in fact, especially for emergency or safety rulemaking in the event that we perceive the necessity for such a thing.

At least for nuclear power plants, the potential for a potential for killing mass numbers of people, we have seen. We’ve seen it at Chernobyl. We’ve seen it at Three Mile Island. We’ve seen it at Fukushima. At least for that situation, allow the government rulemaking agency to continue to have the power to protect our people.

A vote for this amendment is a vote to continue to have the government have the power to protect our people. A vote against this amendment and for this bill is a vote to put the lives of all our people at risk and to prevent the government from protecting the lives of our people, and it would be almost an immoral vote.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

The amendment creates a special carve-out from the legislation’s requirements for regulations and guidance of the Nuclear Regulatory Commission. Regulation of the nuclear power industry, however, should go through the same rulemaking process as other regulations. In this way, all interested parties will have the best opportunity to make informed assumptions about nuclear power and nuclear waste. Perhaps the amendment is motivated by a concern that the legislation could prevent the Nuclear Regulatory Commission from issuing emergency rules and guidance or rules that adequately protect public safety. That concern, however, is unfounded. The legislation preserves agencies’ ability to make interim-final rules for “good cause.” This exception certainly would cover emergency rules from the Commission.

The amendment would make it almost impossible for agencies to adopt alternatives to least-cost regulations if interests of public health, safety, or welfare require costlier rules. Only two conditions need to be satisfied: First, the costlier rule must produce benefits that justify the additional cost; second, the benefits must serve public health, safety, or welfare within those conditions. I urge my colleagues to oppose the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

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

Mr. SMITH of Texas. Mr. Chairman, I demand the record.

The 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. 7 OFFERED BY MS. JACKSON LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 112–296. Ms. JACKSON LEE of Texas. 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 34, insert after line 20 the following:

SEC. 9. EXEMPTION FOR CERTAIN RULES AND GUIDANCE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553a (as inserted by section 4 of this Act) the following:

"§ 553b. Exemption for certain rules and guidance

"Sections 551, 553, 556, 701(b), 704, and 706, as amended by the Regulatory Accountability Act of 2011, and section 55a shall not apply in the case of any proposed rule, final rule, or guidance made by the Secretary of Homeland Security. Sections 551, 553, 556, 701(b), 704, and 706, as in effect before the enactment of the Regulatory Accountability Act of 2011, shall apply to such proposed rules, final rules, or guidance, as appropriate."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following new item:

"553b. Exemption for certain rules.
"

The CHAIR. Pursuant to House Resolution 477, the gentleman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Ms. JACKSON LEE of Texas. I thank the chairman very much.

I think it’s important to reinstate to our colleagues that many of us are on the floor of the House this morning as these bills have come through the Judiciary Committee, and I am just struck
by the fact that I’m trying to reflect on the vast reach that these bills have taken up. We even have another bill just like this next week. And I’m, for the life of me, trying to reflect on where the data is that these bills are going, or that this is a problem. And that is what the task of the Members of the United States Congress is. This body and the other body, we are to come as part of the people’s House and solve problems.

For example, I am going to be calling for hearings on the heinous actions of sexual abuse against our children in institutions such as Penn State and Syracuse and places around this country that are probably yet uncovered and yet undiscovered. That is a problem, our children being abused, sexually abused, and the vilness of the coverup.

We’re sent here to solve problems. And frankly, I am concerned that H.R. 3010 does not solve a problem. I’d rather be addressing the vilness of sexual abuse against our children across this Nation. But today we are here with a regulatory bill and no evidence that anybody has been disturbed by the regulations that have been put in place to save the lives of the American people. So this is a simple one again. Having been on Homeland Security since its origins—meaning the committee—and before the Department was even created as a member of the Select Committee on Homeland Security, Ground Zero, and as I reflect the smoke still billowing from the ashes and looking at the rescue and recovery teams—they had not yet stopped seeking to recover those who tragically were in the midst of this hellish quagmire of terrorism. How can you not see the reason in waiving this bill or exempting all rules promulgated by the Department of Homeland Security? It is the newest department. It has the greatest scrutiny of the kinds of regulations that are involved.

Since the creation of the Department of Homeland Security in 2002, we have overhauled the government in ways never done before. Steps have been taken to ensure that the communication failures that led to 9/11 do not happen again. The Department of Homeland Security has helped push the United States forward in being innovative in protecting our Nation. Don’t still tricklock us from seeing Times Square bombers and shoe bombers and Christmas day bombers that would impact the American people. Don’t stop us from helping the Coast Guard do its duty, dealing with the travels of the waterways of America, the many huge ports that would open their doors to heinous acts with cargo. That’s what they’re telling us to do by making sure homeland security, securing the Nation has to be subjected to these amendments.

I know about the vulnerabilities in security firsthand. We see these all the time. There are 350 major ports. They need to do their work. They don’t need to be stifled by a legislative scheme that puts in place 60 new provisions to get a regulation out. How insane. Help us secure America. I’m asking my colleagues to support my amendment. I reserve the balance of my time.

Mr. SMITH of Texas, Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I am prepared to close; so I reserve the balance of my time.

The CHAIR. The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. What does my amendment do? It simply says that if it is a regulation dealing with the securing of the American people, it is exempted from 60 barriers, look-sees, delaying tactics, long-windedness that would prevent that regulation from coming through to help the likes of the Coast Guard do its job, Customs and Border Patrol do its job, ICE do its job, the TSA, dealing with aviation security, do its job.

How clearer do we need to be? With cities and towns across the Nation facing threats today, assuring the security of the homeland requires the interaction of multiple departments and agencies as well as operational collaboration across Federal, State, local, tribal and territorial governments, nongovernmental organizations, private sectors. How in the world can we do our job and protect the American people? How can we provide small businesses with the opportunity for new technology procurement by layering and layering their ability to get this done?

I ask my colleagues to stand with me in supporting the homeland and Homeland Security. Vote for the Jackson Lee amendment that exempts Homeland Security regulations. But once and for all, let’s be bipartisan on securing and protecting the American people.

Mr. Chair, I rise today in support of my amendment to H.R. 3010 the “Regulatory Accountability Act of 2011,” which would amend the Administrative Procedure Act. This measure would require that all agencies default to the least costly rule unless it can demonstrate that the additional benefits of the more costly rule justify the additional costs, and the agency offers a public health, safety, environmental, national security, or other fundamental interest clearly drawn from the authorizing statute.

The Regulatory Accountability Act of 2011 (RAA) formally codifies the cost-benefit analysis process. The bill overrides existing statutory standards in laws such as the Clean Air Act, Clean Water Act, and the Occupational Safety and Health Act. In addition, this measure will significantly slow the regulatory process, increase costs, and burden an already taxed judicial system.

As a Senior Member of the Homeland Security and Ranking Member of the Transportation Security Committee, I am concerned about any legislation that would hinder the Department of Homeland Security’s ability to respond to an emergency, which is why the Department of Homeland Security (DHS) should be exempt from this legislation. This bill delays the promulgation of federal regulations, and delays a federal agency’s ability to issue regulations when responding to an emergency and grants the Small Business Administration (SBA) Office of Advocacy additional authority to intervene in agency rulemaking, without providing additional funding. Further, H.R. 3010 repeals an agency’s authority to waive regulatory analysis during an emergency. The bill would add new review requirements to an already long and complicated process, allowing special interest lobbyists to second-guess the work of respected scientists and staff through legal challenges, sparking a wave of litigation that would add more costs and delays to the rulemaking process, potentially putting the lives, health and safety of millions of Americans at risk.

The Department of Homeland Security simply does not have the time to be hindered by the constantly changing threat landscape, especially when the safety and security of the American people are at risk.

According to a study conducted by the Economic Policy Institute, public protections and regulations “do not tend to significantly impede job creation,” and furthermore, over the course of the last several decades, the benefits of federal regulations have significantly outweighed their costs.

There is no need for this legislation, aside from the need of some of my colleagues to protect corporate interests. This bill would make it more difficult for the government to protect its citizens, and in the case of the Department of Homeland Security, it endangers the lives of our citizens.

In our post 9/11 climate, homeland security continues to be a top priority for our nation. As we continue to face threats from enemies foreign and domestic, we must ensure that we are doing all we can to protect our country. The Department of Homeland Security cannot continue to make advances in Homeland Security and intelligence is the best way to combat the threats we still face.

Hindering the ability of DHS to make changes to rules and regulations puts the entire country at risk. As the Representative for the 15th District of Texas, I do my job, Customs and Border Patrol do its job, ICE do its job, the TSA, dealing with aviation security, do its job.

Since the creation of the Department of Homeland Security in 2002, we have overhauled the government in ways never done before. Steps have been taken to ensure that the communication failures that led to 9/11 do not happen again. The Department of Homeland Security has helped push the United States forward in how to protect our nation. Continuing to make advances in Homeland Security and intelligence is the best way to combat the threats we still face.

More than 220 million tons of cargo moved through the Port of Houston in 2010, and the port ranked first in foreign waterborne tonnage for the 15th consecutive year. The port links Houston with over 1,000 ports in 203 countries, and provides 785,000 jobs throughout the State of Texas. Houston’s maritime ports are centers of trade, commerce, and travel along our nation’s coastline, protected by the Coast Guard, under the direction of DHS.
If Coast Guard intelligence has evidence of a potential attack on the port of Houston, I want the Department of Homeland Security to be able to protect my constituents, by issuing the regulations needed without being subject to the constraints of this bill.

The Department of Homeland Security serves as an exemption not only because they may need to quickly change regulations in response to new information or threats, but also because they are tasked with emergency preparedness and response.

These changes encourage our communities face when we are confronted with a catastrophic event or a domestic terrorist attack. It is important to people that we understand that our capacity to respond to a terrorist attack in Texas or New York, an earthquake in California, or a nationwide pandemic flu outbreak is crucial to the security of the American people.

On any given day the City of Houston and cities across the United States face a widespread and ever-changing array of threats, such as terrorism, organized crime, natural disaster, and accidents.

Cites and towns across the nation face these and other threats. Indeed, every day, ensuring the safety of the homeland requires the interaction of multiple Federal departments and agencies, as well as operational collaboration between Federal, State, local, tribal, and territorial governments, nongovernmental organizations, and the private sector. We can hinder the Department of Homeland Security's ability to protect the safety and security of the American people.

This bill expands the review that agencies must conduct before issuing new regulations and the review they must conduct of existing regulations to include an evaluation of the "indirect" costs of regulations, and grants the SBA authority to intervene in agency rulemaking. The measure also expands the ability of small businesses and other small entities impacted by an agency's regulations to challenge those rules in court.

Under current law, the process already takes as long as eight years to complete. Given the nature of its mission, the Department of Homeland Security is the last agency that needs to be subject to more levels of regulation and scrutiny. Some advocates groups have also expressed concern that by extending the rule-making process, regulatory uncertainty could increase, which may make it more cost effective for agencies to seek enforcement through the courts, and thereby reduce the public's ability to participate in the process.

These costs add to the cost of doing business with the Department of Homeland Security, and as a result, our members of Congress at the profit of our businesses, particularly our small businesses which often are not as equipped to absorb additional costs. Moreover, many businesses dealing with national security have higher costs because of expensive equipment, and as such are already working with lower profit margins.

The prolonged or indefinite delay of these life saving regulations threaten the security, stability, and the delivery of vital services to the American people. I cannot speak for my colleagues on the other side of the aisle, but I certainly do not want to slow the promulgation of regulations to a drip.

I have offered this amendment to mitigate the uncertainty regarding federal laws and rulemaking in the area of national security because of the increased urgency when dealing with these often sensitive matters. The Department of Homeland Security is the newest federal agency, and as such already is subject to pioneering levels of oversight and scrutiny.

I urge the Committee to make my amendment in order to ensure that the saving regulations promulgated by the Department of Homeland Security are not unnecessarily delayed by this legislation.

I yield back the balance of my time.
Ms. HERRERA BEUTLER and Mr. GOODLATTE changed their vote from "aye" to "no."

So the amendment was rejected. The result of the vote was announced as above recorded.

Stated for: Mr. FILNER, Mr. Chair, on rollcall 882, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT NO. 3 OFFERED BY MS. JACkSON LEE OF TEXAS

The Acting CHAIR (Mr. BASS of New Hampshire). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed on and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—aye 162, no 260, not voting 21, as follows:

<table>
<thead>
<tr>
<th>Aye</th>
<th>No</th>
<th>Not Voting</th>
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</thead>
<tbody>
<tr>
<td>162</td>
<td>260</td>
<td>21</td>
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[Vote Results]

RECORDED VOTE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were postponed on and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.
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The Clerk will redesignate the amendment.
Congressional Record - House

December 2, 2011

The Clerk will redesignate the amendment.
The Clerk redesignated the amendment.

RECORDED VOTE
The Acting CHAIR. The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 247, not voting, as follows:

ROUNDED VOTE

The Acting CHAIR. A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 247, not voting, as follows:

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Brito (FL)
Brooks (GA)
Brown (IL)
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Brown (NC)
Brown Jr. (OH)
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December 2, 2011

CONGRESSIONAL RECORD—HOUSE

H8103

of New Hampshire) having assumed the chair. Mr. WESTMORELAND, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3010) to reform the process by which Federal agencies and formulate new regulations and guidance documents, and, pursuant to House Resolution 477, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT

Mr. BOSWELL. Mr. Speaker, I have a motion to recommit the bill.

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

Mr. BOSWELL moves to recommit the bill H.R. 3010 to the Committee on the Judiciary with instructions to report the same back to the House forthwith, with the following amendment:

Add at the end of the bill the following:

SECTION 2. GUARANTEEING THE LOWEST PRESCRIPTION DRUG PRICES FOR SENIORS.

This Act and the amendments made by this Act shall not apply to new regulations or the revision of existing regulations that reduce costs or increase coverage for pharmaceuticals and other health services for seniors, or efforts by the Secretaries of Health and Human Services, Veterans Administration, and Defense to negotiate lower prescription drug prices.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 5 minutes.

Mr. BOSWELL. Thank you, Mr. Speaker.

My motion to recommit will provide both parties with the opportunity to come together to save hundreds of millions of dollars, rein in Federal spending, and support America’s seniors, America’s troops, and America’s veterans.

Let me be clear. The passage of this amendment will not prevent the passage of the underlying bill. If it’s adopted, my amendment will be incorporated into the bill and the bill will be immediately voted upon.

The amendment is direct and incredibly important. Simply put, it will prevent the underlying bill from creating regulatory hurdles for low-cost drugs. Day in and day out, we talk about spending in this country and, particularly, in this Congress. Well, my amendment gives the Chamber the chance to rein in one of the greatest culprits of our out-of-pocket spend—health care.

Today, health care spending is more than 17 percent of our Nation’s GDP, a number so massive that a 5-point reduction would save Americans $760 billion. Amendment D covers 23.3 million Medicare beneficiaries. So how do we pay for prescription drugs? Eighty-three percent of Medicare part D funds come from our Nation’s general revenue, and CBO has estimated that America’s Medicare part D spending will total approximately $53 billion in 2012. That’s quite an incentive to pay for drugs wisely and efficiently.

This amendment helps us do just that.

First, it protects current and future regulations that reduce the cost of pharmaceuticals from being hindered by the underlying bill. We have done too much to support America’s seniors and improve health care today to let regulations increase costs on our citizens or jeopardize their access. Nationwide, we have provided greater access to health services for Medicare beneficiaries and reduced their costs by allowing access to discounted drugs in Medicare part D. We sent checks to seniors in the part D doughnut hole, and we made a commitment to close it by 2020. We must continue to aid our seniors and reduce the cost of their medicine, but we must also reduce this cost for our Nation.

The second part of the amendment ensures that this bill will not prevent the Secretaries of Defense, Veterans Affairs, or Health and Human Services from negotiating for lower drug prices. Military health care covers the needs of more than 9 million individuals, thousands from active duty, their families, and veterans. Fortunately, the Secretaries of the Department of Defense and the VA have the authority to negotiate with companies on the price of drugs. We must protect their ability to serve the millions of needs of military members—active duty and retired—and their families who have served our Nation.

Not only will this amendment defend the right of these agencies to ensure the best prices for our veterans and military families, it will protect any future provision that would provide the Secretary of Health and Human Services that same power to serve nearly 30 million Medicare part D beneficiaries and make medicine more affordable.

Our constituents know what a driving force health costs are in our Nation’s spending crisis. They feel it every day in their own homes and do all they can to get by. My constituent, Jan, in Des Moines, recently wrote to tell me that she is “concerned about the prices of medicine in our country, as it’s often the biggest part of most citizens’ out-of-pocket health care costs.”

Echoing her concerns in a small town, Donna wrote, “Countless Americans can’t afford to buy medications in the U.S. and yet cannot afford to go without them.”

These constituents and many more told me that if we could pass legislation to lower the cost of medicine that “it would be extremely popular with your constituents, and it would be easy to garner bipartisan support.”

I agree with my constituents. We should do this. I hope that you will support this, bring it back, and let’s pass it, and let’s be sure that we do the best we can to help our seniors, our military with military families, and our veterans.

I yield back the balance of my time.

Mr. GRIFFIN of Arkansas. Thank you.

Eleven months ago on the floor of this House, the President of the United States promised the American people to “reduce barriers to growth and innovation. When we find rules that put an unnecessary burden on businesses, we will fix them.”

Those are the words of the President of the United States in this body. I couldn’t agree more. That very month, the President issued an Executive order that said, “Our regulatory system must promote economic growth, innovation, competitiveness, and job creation.”

I couldn’t agree with the President more. The President said our regulatory system “must identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends,” and that it “must take into account benefits and costs.”

I couldn’t agree with the President more. He was right. The President’s words were correct. He was right when he spoke here. When our regulatory system doesn’t meet this standard—the President’s supposed standard—it kills jobs, suppresses economic growth, and locks us ever further into stagnation.

We see the evidence all around us. I recently hosted a jobs conference in Little Rock. In my district, at the President Clinton Library, which brought together a diverse group of over 60 private sector job creators. They were there to discuss how Federal policies affect their ability to succeed in the marketplace. The job creators that I heard from in Little Rock that day overwhelmingly agreed and were of one voice, almost unanimous: the Obama administration’s over-regulation of the private sector injects uncertainty into the market, which stifles job creation.

One of my constituents, Susan Gunaca, a constituent of mine who owns a number of International House
of Pancakes restaurants, said this, "As a business owner today, I am in a constant posture of defense."

Let me be more specific. Some of the jobs conference participants worked for companies that provide low-cost electricity to Arkansas families and businesses. A line of power is being cut to the American public and free businesses from unnecessary shackles on job creation, we hear a different tune.

When it’s time to really take action to help America’s job creators, many of my colleagues and I have fought for and stood up for those very same families from whom they are taking money. And it makes no sense because our bill addresses the precise issue of reducing drug costs raised by the minority.

Indeed, this legislation compels agencies to use the best available science. It calls on agencies to consider the benefits of their actions before they regulate. And this political motion to recommit is laid on the table in an attempt to assure that the President doesn’t have to do what he promised. And it makes no sense because our bill addresses the precise issue of reducing drug costs raised by the minority.

So what did we do? We will not sit idly by and watch as electricity costs will go up and more jobs will be lost.

We will adopt this legislation. It’s time for the President to match his actions to his words by signing this bill. When we have the opportunity to pass regulatory reform, President Obama shows his true colors: All talk, and no action. What a shame.

And this motion to recommit is before us in an attempt to assure that the President doesn’t have to do what he promised. And it makes no sense because our bill addresses the precise issue of reducing drug costs raised by the minority.

The SPEAKER pro tempore. Without objection, the previous question is ordered to the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit. The question was taken; and the SPEAKER pro tempore announced that the noes appeared to have it.

Mr. BOSWELL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the chair will reduce to 5 minutes the minority ant to clause 9 of rule XX, the chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 186, noes 233, not voting 14, as follows: [Roll No. 887]

AYES—186

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Hochul

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Mr. MATHESON changed his vote from "aye" to "no." So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for: Mr. FILNER. Mr. Speaker, on rollcall 887, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye." The SPEAKER pro tempore. The question is on the passage of the bill. The question was taken; and the motion to recommit was reconsidered; and the motion to table was withdrawn. The result of the vote was announced as above recorded.

PERSONAL EXPLANATION
Mrs. HARTZLER, Mr. Speaker, today, I was unable to vote due to a conflicting obligation in my district. Had I been present, I would have voted as follows: On rollcall No. 883, "no"; on rollcall No. 885, "no"; on rollcall No. 887, "no"; on rollcall No. 886, "no"; on rollcall No. 887, "aye." Stated against: Mr. FILNER. Mr. Speaker, on rollcall 888, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no." Mr. HASTINGS of Florida. Mr. Speaker, I mistakenly cast a vote in favor of H.R. 3010, the Regulatory Accountability Act. I would like the Record to reflect that my intent was to vote against this bill.

PERSONAL EXPLANATION
Mr. BRALEY of Iowa. Mr. Speaker, I regret missing floor votes on Friday, December 2, 2011. Had I registered my vote, I would have voted: "aye" on rollcall 882, On Agreeing to the Amendment to H.R. 3010—Moore of Wisconsin Amendment; "aye" on rollcall 883, On Agreeing to the Amendment to H.R. 3010—Jackson Lee of Texas Amendment; "aye" on rollcall 884, On Agreeing to the Amendment to H.R. 3010—Connolly of Virginia Amendment; "aye" on rollcall 885, On Agreeing to the Amendment to H.R. 3010—Nadler of New York Amendment; "aye" on rollcall 886, On Agreeing to the Amendment to H.R. 3010—Jackson Lee of Texas Amendment; "aye" on rollcall 887, On Motion to Recommit with Instructions, Regulatory Accountability Act; and "no" on rollcall 888, On Passage Regulatory Accountability Act.

IN MEMORY OF CONGRESSMAN CARLOS MOORHEAD

[Table of votes and explanations]

[Personal explanations of Members of Congress]

[Names of Members of Congress, with details of their actions on various rollcall votes, including "aye," "no," and "present" votes, along with explanations where applicable.]
of Glendale. Carlos was a gentleman in every sense of the word—kind, thoughtful, and absolutely dedicated to serving his constituents.

When I was first running for office early in my career and met Carlos, he was always gracious, even during, taking me aside to give me advice and counsel, though we were in different parties. He was at all times hard-working and ethical. I never remember Carlos saying an ill word about anyone. He was able to disagree about policy without making it personal, and he provided a great example for another generation that has gotten away from that kind of civility.

Carlos served the communities in his district ably and effectively throughout his years in Congress. He served as ranking member on both the Judiciary and Energy and Commerce Committees during his tenure. He was particularly known for his expertise on energy policy and intellectual property.

Carlos was survived by his wife, Valerie; three children; six grandchildren; a sister; three nieces; and nephews.

MOMENT OF SILENCE

I would ask you all to join me in a moment of silence in memory of Carlos Moorhead.

Thank you, Mr. Speaker.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for one minute.)

Mr. HOYER. Mr. Speaker, I yield to my friend from Virginia, the majority leader, for the purpose of inquiring about the schedule for the week to come.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday the House will meet at noon for morning hour and 2 p.m. for legislative business. However, no votes are expected in the House.

On Tuesday and Wednesday, the House will meet at 10 a.m. for morning hour and noon for legislative business.

On Thursday the House will meet at 9 a.m. for legislative business. We currently expect last votes for the week no later than 3 p.m. on Thursday, but Members are advised to keep their plans flexible as we continue to work towards adjourning for the first session.

Similarly, Members were informed yesterday that we now expect to be in session and voting the week of December 12. The exact voting schedule is not known and will depend on the progress of our legislative business.

Next week the House will consider a number of bills under suspension of the rules on Monday and Tuesday. A complete list of these bills will be announced by the close of business today.

For the remainder of the week, the House will consider two bills which are part of the House Republican jobs agenda: H.R. 10, the REINS Act, sponsored by Representative GEOFF DAVIS of Kentucky; and H.R. 1633, the Farm Dust Regulation Prevention Act, sponsored by Representatives KRISTI NOEM of South Dakota and ROBERT HURT of Virginia.

In addition, we may be able to go to conference on a couple of year-end items, and we may consider legislation related to expiring provisions of existing law.

Mr. HOYER. I thank the gentleman for his information.

If I can clarify, and I understand that we are coming up to the end of the year. There is a lot of business which needs to be done in the time remaining, and so I understand his urging to be flexible.

My Members have asked me. I’m sure Your members have as well. Friday the 9th is scheduled on the calendar to be a nonwork day, as a matter of fact, the 8th was the target date. Either side very rarely meets its target. But in our plan on a five-day week at least for the following week.

Members the following week, the week of the 12th, that undoubtedly we’re going to be here. But can you give them some sort of confidence level with respect to the 9th, or is that not possible?

I yield to my friend.

Mr. CANTOR. Mr. Speaker, as I’ve said earlier, it is our intention to finish legislative business for the week next Thursday at 3 p.m. and again to remain as flexible as we can with the progress of all of the discussions going on with the gentleman’s side of the aisle, both in this Chamber and the one across the way.

Mr. HOYER. Reclaiming my time, thank you for that.

Let me posit a possibility here. Thursday at 3 o’clock we clearly, I don’t believe, aren’t going to finish the business that we need to finish before we leave. Therefore, my presumption is that we will be back on the 9th.

Therefore, Friday would not be the last day and therefore we could do whatever we have to do on a Monday, Tuesday, Wednesday, Thursday and we should plan on a five-day week at least for the following week.

Is that correct?

Mr. CANTOR. Mr. Speaker, I would say to the gentleman again the request is for Members to leave their schedules flexible. As I indicated we do expect to be in session by the week of December 12 but the exact voting schedule is unknown at this time and will depend upon the discussions surrounding the issues that we need to address prior to the Christmas holiday.

Mr. HOYER. Further on the schedule, just so our Members monitor the progress of the week of the 9th, which is the following week, can you give me some thought on what you are advising your Members with respect to the week of the 19th?

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I say to the gentleman I join with the Speaker in saying that we want to be out of here by the 16th. And it will all depend on whether we get the work done. It is not our desire to be here the week running up to Christmas. And I would say to the gentleman that it is my hope that we can finish our business by the end of the week of the 12th.

Mr. HOYER. I want to tell my friend that there is overwhelming bipartisan agreement on the gentleman’s hope; but for the purposes of my Members, I will say that I would hope our Members would take the flexibility beyond the week ending on the 16th and make sure, at least on the 19th and 20th and 21st, that they’re flexible as well. I think none of us want to be meeting that week, but we have a lot of work to do, as the gentleman knows.

The gentleman has announced that we may go to conference next week on the MiCon bill that was passed by the House and the Senate. It is the only bill that, I think, is in that status.

Do you anticipate other bills being added in that conference? Of course, we all know there are nine appropriations bills which still remain unpassed, a number of which have not passed the Senate and some of which have not passed the House, itself.

Will the gentleman clarify the situation that may result or may be effective as it relates to such a conference with respect to the other appropriations bills.

Mr. CANTOR. The gentleman is asking about the shape or form of an appropriations package and what it is we’ll be voting on. As the gentleman knows, the committee on both sides of the aisle is engaging in discussions to try and finish up our work, and I look forward to that happening, again, within the time frame in which both of us would like to see it happen.

Mr. HOYER. That doesn’t clarify it very much, but I understand the gentleman’s problem with respect to what is being done. Let me ask the gentleman:

If we can’t get agreement, in light of the gentleman’s focus on the 16th as the date of adjournment, is the gentleman saying that we might consider a CR for some period of time, either a balance-of-the-year continuing resolution or a continuing resolution for some other time?

Mr. CANTOR. Our hope is, again, to be able to avoid that so that we can have a full appropriations package to dictate the priorities that we can agree upon for spending in the rest of the year.

Again, as the gentleman knows, we are operating within the context of the Budget Control Act, the agreement that was put into law at the end of the debt ceiling discussions at the beginning of August of this year. The amount of spending reductions is not within for many of us on our side of the aisle and perhaps may not be enough or too much on his side of the aisle; but we are operating under the
deal that was agreed upon, and the hope is to try and finalize all bills; and we're working towards that end at this point.

I thank the gentleman for the question.

Mr. HOYER. I thank the gentleman for that information.

I am pleased to hear that he is going to be sticking with the level of funding that we agreed upon. I think the gentleman's observation is correct; there are those on my side who believe that is lower than necessary to meet the responsibilities they would like to see met, and on your side it's too much in terms of the fiscal situation that confronts us; but I am pleased to hear that we're going to be consistent with the 1.9 trillion discretionary number that was set forth in the Budget Control Act.

My friend knows that, in the Budget Control Act, we also provided for some headroom for emergency spending as a result of disasters. The gentleman well knows our region in the Northeast was hit very hard by a hurricane. We've had an earthquake. We've had tornadoes and other natural disasters. That gave $11 billion of headroom.

Will we continue to honor that part of the agreement as well?

Mr. CANTOR. As I said earlier to the gentleman, our intention is to operate and abide by the terms of the Budget Control Act.

Mr. HOYER. I thank the gentleman for that.

I was profoundly disappointed that the so-called supercommittee, or the special committee on deficit reduction, either was unable to reach an agreement on at least a $1 trillion agreement to reduce our deficit or, as I had urged individually, to extend its life for a period of time, 60 to 90 days, which would have allowed us further opportunity to reach such a deal.

I think that is absolutely essential for our country. I think it would be an extraordinary plus for our economy if we were to reach such an agreement. I think it would raise the confidence of the American people and raise the confidence of the international community and, not inconsequently, that of the rating agencies as well. We didn't reach an agreement. We didn't extend the life of that commission. I would like to see us set up another process which gives us accelerated consideration of such an agreement.

Having said that, we built into the Budget Control Act a disciplinary consequence of that failure, which was the sequester—a $1.2 trillion across-the-board cut, divided equally between defense and non-defense discretionary spending. The Speaker had said that we are morally bound to accept the defense cuts if the supercommittee failed. I wonder if you support the Speaker in that?

Mr. CANTOR. I'd say to the gentleman that I don't know the quote from which the gentleman pulls as to the Speaker's statement. I know that I share with the Speaker a commitment towards fiscal discipline and that there will be the requisite cuts to go along with the increase in the debt ceiling that will occur by law at the end of this year.

It is my hope that we can act in a bipartisan way to find a way to implement cuts that can replace the across-the-board cuts that will do what, I believe, is irreparable damage to the Defense Department and our ability to defend this country.

If I could, I'd quote, from Secretary Panetta, who said as recently as Monday, "If Congress fails to act over the next year, the Department of Defense will face devastating, automatic, across-the-board cuts that will tear a seam in the Nation's defense."

He went on to say, "The half-trillion in additional cuts demanded by sequester would lead to a hollow force incapable of sustaining the missions it is assigned." Furthermore, "the Pentagon's ability to provide support for U.S. troops and their families also would be jeopardized if the automatic cuts," as designed, "are allowed to go into effect."

Mr. Speaker, he ended his statement by saying, "Our troops deserve better and our Nation demands better."

I'd say to the gentleman that it is my hope that we can work in a bipartisan fashion to try and do that which eluded the supercommittee and the other efforts along the way this year to try and come up with the requisite cuts. Again, I hope that we could do so and make sure the cuts are there, not avoid the cuts, but also not allow them to eviscerate our ability to defend this country.

Mr. HOYER. I thank the gentleman for his comments, and I appreciate Mr. Panetta's quote. I believe Mr. Panetta's quote is an accurate quote and, I believe, substantively correct.

Let me give the gentleman another quote from the former chairman of the Joint Chiefs of Staff, Admiral Michael Mullen. I know the gentleman knows Admiral Mullen, who served so ably as the Chairman of the Joint Chiefs of Staff.

He said, "The most significant threat to our national security is our debt." He went on to say, "And the reason I say that is because the ability for our country to resource our military—and thereby our ability to provide benefits and support for U.S. troops and their families also would be jeopardized if the automatic cuts," as designed, "are allowed to go into effect."

Mr. Speaker, I'd like to see us reach a bipartisan agreement on what's necessary to fix the real problem. And so if we've been there—and the President, himself, has said that there may be some issues that have to be disposed of or resolved in next year's election, but it doesn't mean we can't make some incremental progress.

I disagree with the gentleman, Mr. Speaker, that somehow if we make some progress, that that somehow takes away from our ability to solve big problems. We have already demonstrated around here the bar is pretty low when it comes to fixing big problems, and that's unfortunate, but it doesn't mean that we can't work incrementally together to address priorities.

I'm with the gentleman. I know that the response from the markets and otherwise are not going to be as positive if we don't fix the problem through a so-called big deal. But the point of contention is, one, the unwillingness to fix the problem at hand, which is the majority that have put forward the only fix, long term, as CBO would say; and then the other point of contention
is we don’t believe that now is the time to raise taxes on small business men and women.

And it’s not the millionaires and billionaires; that’s not the point. We don’t believe that when you want to grow the economy, when you want to create jobs, you should be putting a higher burden on the small business people of this country to create the jobs we want.

So if we know that there’s that dividend—already seen it play out for 8 or 9 months—let’s try to put it together incrementally in a bipartisan way, the way most people do that have differences, come together where you can set aside the differences.

Mr. HOYER. I thank the gentleman for his comments.

I think that both sides have shown some flexibility in some respects. Certainly a number of Republicans and Democrats showed flexibility on the Bowles-Simpson Commission.

Now, some of the House Members on the Republican side showed that flexibility, for reasons that I’ve heard them articulate. I understand they had reasons. But, unfortunately, we didn’t get to the 14 votes in a bipartisan way on the Commission because we didn’t know I was not on the Commission, but I supported the Commission’s report, would have voted for the Commission’s report, as did Mr. DURBIN, the majority whip in the Senate.

Let me say to the gentleman, with respect to small business, nobody wants to put taxes on small business. As a matter of fact, we want to reduce taxes for small business. We offered that on the floor in the United States Senate yesterday. Every Democrat but one voted for that yesterday. Unfortunately, it did not pass. Your side, as you know, offered an alternative, an alternative which didn’t even enjoy the support of the majority of your party.

So we did get to bipartisan support, but I wish the gentleman would, when we talk about trying to ask some of the wealthiest people in America to pay a little more—not a lot more, but a little more—to meet the obligations so our country is fiscally sound, would not keep putting forth this, what I believe to be, windmill of small business.

We are for small business. This tax cut would reduce substantially taxes on small business. Your party, the majority, is against it in the United States Senate. It hasn’t been brought to the floor.

We would hope that we would extend the tax cut for middle class working people and not restore that tax, and that that would affect both individuals and, as the gentleman knows, small business. So we have a tax cut that we’re recommending. The President has gone all over the country and talked about it, but it hasn’t been brought to the floor. We think that’s regrettable. We would hope you would do that.

Furthermore, frankly, the millionaires’ tax, the billionaires’ tax is, as you know, a net taxable income level. It’s not going to hurt small business at all. It’s not going to hurt job creators at all. And, very frankly, I will tell my friend, we continue to follow an agenda which I don’t think you can quote me an economist that will tell me that you start with the bills that we’ve been spending time on, day after day, week after week—which I know sounds good to your people. We need regulatory reform. We need regulatory simplification. We need to make it in America. And I think one of the key things is so is make it profitable to make it in America. I agree with that 100 percent. But I don’t have any economist who has told me that that’s going to create jobs. As a matter of fact, Bruce Bartlett, an economist for the Reagan administration and Bush administration, said specifically it will have little, if any, effect.

Do you have an economist who said that that’s going to grow jobs? I yield to my friend.

Mr. CANTOR. Mr. Speaker, let me respond to some of the gentleman’s questions, first about Bowles-Simpson.

I think maybe some of the position that was taken by the House Members on the Bowles-Simpson reflects the fact that it didn’t fix the real problem. Again, it didn’t fix the entitlement problem we have in this country given the demographics, and so that’s the real problem.

And so you don’t fix the real problem and you go raise taxes, which the Bowles-Simpson plan suggested and gave you options to do, it’s like throwing good money after bad. And I think the American people are tired of it. We have to fix the problem, and that’s what we want to do.

And as far as the sequester is concerned, I want to reiterate that we’re not talking about, and I’m not suggesting, on not doing all the cuts, because you know good and this is the change that we put in place here when we became the majority. We believe you shouldn’t be raising the credit limit of the country without turning things around and stopping the spending.

So we’re not talking about or not suggesting not doing all of the cuts. What I am saying is we need to work together to find the commensurate cuts that aren’t those that disproportionately affect the defense of our country. And I think the gentleman agrees with me; a priority is the defense of our country.

That’s why if we can’t see our way clear to even finding $1.2 trillion through the Joint Select Committee process, then let’s look to see how we come together in an incremental way. But I think the American people are looking for some progress here.

But I want to tell the gentleman, again, I don’t believe that raising taxes pays for a good deal, and need to the gentleman continues to talk about balanced deals, and that is a euphemism for saying raising taxes.

But, look, if we disagree on that, if the gentleman thinks it’s good to raise taxes, then we have a disagreement. So let’s, instead, focus on areas where we can actually find common ground, and the common ground should be, as the gentleman suggests, on small business.

Mr. HOYER. I thank the gentleman for his comments.

And I will tell my friend, I’m glad to see you come to the point where we’re going to pay for our taxes. As the gentleman knows, we’re collecting revenues at a far lesser rate than your budget asked to spend, than
your budget, the Ryan budget, which, as you well know, did not balance the budget within the next 20 years and was all on the cut side, and the gentleman well knows was not a viable document. It did pass the House of Represent-atives; it did. I'm not sure it would have passed the Senate if the Republicans had been in control of the Senate.

But notwithstanding that, let me give you a quote from Ben Bernanke because I agree with you—and you and I have talked about this privately, and we're now talking about it publicly. We ought to come together. We ought to sit down. We ought to reason together. We ought to be courageous together. We ought to have the will to address the extraordinarily dangerous fiscal crisis that confronts us.

Ben Bernanke said this: We aim to push our elected leaders to face the Nation's long-term fiscal challenges with civility, honesty, and a willingness to sacrifice their own reelection. This means nothing to kicking the can anymore. That's why, if we abandon the sequester, that will be kicking the can. If we abandon trying to get a big deal, that will be kicking the can. This means—as he said—means reaching a deal on debt, revenue, and spending long before the deadline arrives this fall. Well, it came and it went and we failed. It means considering all options from entitlement programs, and the gentleman knows a number of speeches I've made that there was never any coalescence on the part of the Democrats as to a way to come to some solution.

So I'm for the courage, but seemingly, after looking at the three processes, but the gentleman mentioned entitlements. I've given on numerous occasions on this floor and in other fora around the country. What I'm asking him is, does he also agree—that proposition was adopted by all three of the bipartisan commissions, personnel levels, strategies to correct. And I would tell you that, of course, I'm not sure that every Republican agreed to it, maybe the gentleman well knows was not a viable proposition that, and it has not been proposed, as the gentleman knows. But I would tell my friend that paying for things—

As the gentleman knows, but there was—Mr. Speaker, let's fix the problem. If you don't fix the problem and then you want to raise taxes, especially on small businesses, you are throwing good money after bad and you're aggravating the crisis that is gripping this country right here and now as well, which is the jobs crisis.

So, again, Mr. Speaker, I would say, let's agree to work towards common ground. We have laid out very well several times where differences are, but it's time for us to really work towards common ground and see where we can come together. We've done it. We've done it in the House on the trade agreements. We've done it in the House on the 3% withholding bill. We've done it in the House when it comes to the veteran hiring bill. We can do this. Now, yes, it's not everything that all of us want, and I share the gentleman's frustration.

The gentleman has been here a lot longer than I have. But I will tell you I think the gentleman's career has been built on progress. So let's work towards progress again. That's all.

Mr. HOYER. I thank the gentleman. I didn't get an answer to my question, however. He's gotten an answer to his "solve the problem" issue. And what he means by solving the problem is we have to deal with the sustainability of entitlement programs. I've adopted that premise myself in speeches that I've given on numerous occasions on this floor and in other fora around the country.

What I'm asking him is, does he also agree—that proposition was adopted by all three of the fora that we have discussed—does he also agree, as Mr. Bernanke points out, that revenues, or taxes, however you want to call it, resources to pay for what we believe are priorities—for instance, the gentleman correctly believes we need to invest in our national security. I feel very strongly about that.

For 30 years I have voted on behalf of the national security of this Nation—to pay for it and to pursue weapons systems, personnel levels, strategies to assure our national security. So I have no qualms with saying that is a priority. If it is a priority, if it is important, it is important to pay for it. Paying for it is through revenues. If we don't fix the problem and then you want to raise taxes, especially on small businesses, you are throwing good money after bad and you're aggravating the crisis that is gripping this country right here and now as well, which is the jobs crisis.

Let me clarify, because I want to make sure in terms of coming together and reaching some progress; you mentioned the—Mr. Speaker, I think our side has dem-onstrated—we've put forward a number of plans, both in these processes that we're talking about and in the joint select commit-tee, as well as with our budget. And I think we come from the perspective, Mr. Speaker, let's fix the problem. If you don't fix the problem and then you want to raise taxes, especially on small businesses, you are throwing good money after bad and you're aggravating the crisis that is gripping this country right here and now as well, which is the jobs crisis.
world, but particularly those two. That’s important. That’s important to do. He and I agree. But I think it’s important to pay for it and not have my children and grandchildren pay for it, who are going to have to pay for their security in their time. And if we leave them in the hole, they will not be able to do so. That is an immoral policy, in my opinion, as well as a fiscally irresponsible policy.

So I ask my friend, I understand we’ve got to fix the problem. What you’ve got to do is make sustainable entitlements. But does the gentleman agree that a component of the solution has to be dealing with revenues as well?

Mr. CANTOR. We’ve always said, certainly, there needs to be more revenue. But we need to be focused on how we can have a sustainable revenue flow, and that’s from a growing economy.

The gentleman asked me before whether we have economists that will endorse our Republican jobs-creator agenda. And, yes, the Speaker, as he knows, has issued a letter with 132 economists listed on that letter. And I’m going to ask the gentleman before so he can be reminded yet again that, yes, there are plenty of economists who embrace the notion that if we take away the impediments that Washington has put in place, that we can see a growing economy and produce more revenues.

I would say to the gentleman about his assertion about fixing the problem, he’s correct, we need more revenues. We believe we need more revenues. Let’s first see if we can fix the problem, because just paying for things by raising taxes doesn’t fix the problem.

We know the demographics of this country. We know 10,000 people every day turn 65 and become eligible for Medicare. We know that Medicare is supported by premiums and taxes paid in. And those revenues cover only a little over half the cost of the program. We know that means that every day times 10,000, you’re 50 percent in the hole. You cannot tax your way out of that. You can’t grow your way out of that. You’ve got to fix the problem.

Back to my original notion. We’re the only ones that have put a real fix on the table to that problem. And so what the gentleman says is, No, no, no, we don’t fix the problem; we just want to tax people more until sometime, somewhere we come up with a solution to fix the problem. That’s like throwing good money after bad. And raising taxes on small business people is going to get in the way of getting more revenues into Washington because you’re not going to spur the economy into a growth mode.

Again, Mr. Speaker, we have been over and over this for months. We know only a legacy of deep debt, they will not be able to do so. That is an immoral policy, in my opinion, as well as a fiscally irresponsible policy.

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January 5, 2011, the gentleman from Georgia. Is there objection to the request of the gentleman from Georgia?

There was no objection.

ENERGY INDEPENDENCE

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 5, 2011, the gentleman from Georgia (Mr. WOODALL) is recognized for 60 minutes as the designee of the majority leader.

Mr. WOODALL. Mr. Speaker, I thank you for the time.

You know, for folks who aren’t accustomed to seeing what you and I just saw, this is quite a treat. It’s about—what does it turn out to be? In about 45 minutes, we’ve had the majority leader for the Republicans and the minority whip for the Democrats lay out in intricate detail the differences that we’re facing here as well as the commonalities that we’re facing here. That hasn’t happened in a little while. It was a little more spirited today than it sometimes is as they come down on Friday afternoons to share with each other the schedule will be going forward, but that’s always a treat to see, and I hope folks enjoyed being able to be a part of that.

What I have on my mind today is twofold. We’re talking about jobs. All day, every day in this body we’re talking about jobs. And much like you saw the majority leader and the minority whip lay out competing opinions, competing views of what America should look like going forward, we have competing views about what creates American jobs. And I will tell you that, Mr. Speaker, we sometimes spend too much time talking about the creation side that we ignore the destruction side. Because it’s absolutely about creating jobs, but it’s so much easier to stop the why is because of U.S. oil production.

Well, look out there. Look right out there. Well, look out there. Look right out there, 1977, a peak year for our imports across the world. Mr. Speaker, who is it who decides the United States government wouldn’t give them a single permit to drill? Why? Why, Mr. Speaker, would a U.S. oil producer, the largest in the country, declare bankruptcy when the price that we’re getting for a barrel of oil is among the highest in world history?

I’ll give you the answer: Because the United States government wouldn’t give them a single permit to drill. Hear that.

Folks, look at the Gulf of Mexico. Look at the Gulf of Mexico. Mr. Speaker, you know as I do, as you are from that part of the world, that America’s largest shallow water oil drilling company declared bankruptcy in the midst of some of the highest costs per barrel of oil that the world has ever seen. Why? Why, Mr. Speaker, would a U.S. oil producer, the largest in the country, declare bankruptcy when the price that we’re getting for a barrel of oil that we’re getting for a barrel of oil.

Mr. Speaker, you know, as I do, we have been blessed. There are countries around this world that don’t have access to energy, but we do. There are countries around this world that don’t have access to beaches and to mountains and to waterways, and we do. There are countries around this globe that don’t have access to energy, but we do.

Mr. Speaker, who is it who decides that we can’t harness U.S. energy? Who is it? Is it some sort of natural law of economics that says we can’t harness U.S. energy?

No. It’s the folks who sit in these chairs. It’s the folks who sit in these
chairs day in and day out who decide, no, no, you cannot harness American energy. You know where you ought to get your energy? Get it from overseas. Get it from overseas.

Now, you might ask, where is it we have to go overseas to get our energy? And I think that’s a fair question, something that we don’t talk about very much when we talk about free trade. You know, every single nation that America has had a free trade agreement with, we have a manufactured goods surplus. We talk so much, Mr. Speaker, about the trade deficit that we have with the world. You’ve heard it. You hear it all the time, a trade deficit that we have with the world.

Why? It’s energy. It’s importing energy that creates the trade deficit. Those jobs we talk about, manufacturing jobs, good, high-paying manufacturing jobs, in everybody’s district in the country, we have a trade surplus with every single nation with which we have a free trade agreement. What we don’t have is an energy surplus.

These are the top oil-producing countries in the world, top oil-producing countries in the world. Our green line up top there is former Soviet Union. That’s where we are seeing changes over to Russia. You see it’s right up there at the top even as we enter 2010.

This beige line is Saudi Arabia. It is also up there at the top as we enter 2010.

Down here you see the next biggest oil producers, China in purple, and Iran in blue. You tell me if that’s who you want to import our energy resources from.

And here, in red, is the United States of America. This is production in millions of barrels per day. This line should be going up. This line should be going up, and this line is going down, and the question is, why? Why?

Look over to the seats in this room, Mr. Speaker. Look again to the policymakers in this country. Bill after bill after bill we have passed in this Chamber, Mr. Speaker, that would free up the American energy production that would create jobs, not tomorrow, not a week from tomorrow, not a year from tomorrow, but today, that would create jobs today, and those bills languish in the Senate.

Do not tell me that regulations don’t impede job creation. Asking the question, does an economist agree that regulation removal would create jobs, folks, we don’t need an economist. We need any mom or dad in the country. We could get a sixth grader to come and say what’s going to happen. If regulations put people out of business, removing those regulations will let them come back in.

Largest oil-producing countries in the world, Russia, Saudi Arabia, Iran and China and the United States of America—we’re in good company. We are in good company, Mr. Speaker, in the top five oil-producing countries in the world; but we’re going down while every other country is going up. We are producing less, while folks with whom we have fundamental disagreements about a world view, their production goes up.

And so who do we get our oil from, Mr. Speaker? Are we able to find enough oil in this global market to buy only from our friends? No, we’re not. We buy from anybody who’ll sell to us. And I don’t need to speculate on what they do with the dollars we give them. I think we all have suspicions of our own oil fields.

This chart, Mr. Speaker, is American oil production, U.S. field production of crude oil. We had a slow start back in the 1800s. We didn’t know how powerful it was going to be. I’m not going to fault us for that.

We started to sort out the technology, Mr. Speaker; we started to put it to good use. You see that spike running right up into the 1970s when President Carter was giving his speech. In fact, he said in this chart here, Mr. Speaker. You can’t see it, but oil production went down, and Jimmy Carter gave a speech. He said, we are going to find domestic sources for American energy. We are not going to be able to sell our oil in the world for the price of a barrel of oil. We are going to do it ourselves. And so you see an uptick.

President Carter, you know, he’s known for oil, oil embargoes, this energy speech. But really solar energy for which I would say I remember President Carter most fondly. He began that huge push for alternative sources of energy, and he was focused on that throughout this time. But his commitment to energy independence was every bit as large as his commitment to solar energy, and we began to produce more oil.

Now, follow that line, Mr. Speaker, from 1990 straight down through 2010. Straight down. It’s not that we’re not blessed with energy, Mr. Speaker. It’s that we’re also blessed—I’ll use the word loosely—with a Congress that believes, or at least believed before this freshman class got here, that they’re the smartest folks in the room, and if only the rest of America will do what they want to do, America will be better off.

Mr. Speaker, the decisions in my community about what makes the families of my district more energy efficient are made around the family dinner table, not 640 miles away in Washington, D.C. The decisions about how to make ends meet are made around that dinner table, not 640 miles away in Washington, D.C. The decisions about the environment, about transportation and about jobs are happening at that local level until we destroy that opportunity from Washington, D.C.

We have the oil. We could turn this chart around today; but, regulatorily, we won’t allow it to happen.

Next time, Mr. Speaker, someone talks about a jobs proposal, I hope you’ll direct them to jobs.gop.gov. Because you know as I know, Mr. Speaker, at jobs.gop.gov you will find the list of more than 20 pieces of legislation that we have passed in this Chamber that sit idle in the Senate that will create jobs, again, not tomorrow, not next week, not next year, but today.

Where’s an economist that believes reducing regulation creates jobs? Folks, that’s not the question. The question is, is there a family in America that doesn’t know for a fact that regulation destroys jobs? We’re not talking about thwarting clean air. I sniff out of the same spigot everybody else does. We’re not talking about thwarting clean air.

Mr. Speaker. Look again to the policy-makers in this country. Bill after bill after bill we have passed in this Chamber, Mr. Speaker, about jobs are happening at that local level until we destroy that opportunity from Washington, D.C. The decisions about the environment, about transportation and about jobs are happening at that local level until we destroy that opportunity from Washington, D.C.

Is there an environmental issue when it comes to energy production? You bet there is. But I propose this, Mr. Speaker. Give us energy independence. Give us energy independence in this country. Mr. Speaker, by whatever means necessary, by hook, by crook, by drill, you dig it, you put them on the roof. Do whatever you have to do. Give us energy independence today. And I’ll be glad to have the discussion that the President from my great State of Georgia started in the late 1970s about having enough alternative energy sources to fund this country.

Folks, who doesn’t love green? Green’s wonderful. I saw a study the other day that said it’s the most soothing color for children. Green’s wonderful.

Green’s not what we get when we have to bargain with Russia, with Saudi Arabia, with China, and with Iran to get the lifeblood that keeps the American economy going. Green is not what we get.

Folks, drill, dig, do whatever you have to today to achieve energy independence to reduce this imported number. Twice as much oil being imported today as we were when President Carter gave his speech that it would never rise again.

We can do it, Mr. Speaker. We’re Americans. We’re the greatest engineers on this planet. We have the hardest working workforce on this planet. We have folks who are willing to save and sacrifice like the solar panels on this planet. We can do it. The question is, Mr. Speaker, are we in the U.S. House, in the United States Senate, down at 1600 Pennsylvania Avenue in the White House, are we going to free the American people to pursue solar panels on this planet.
protecting the freedom of folks back home, because if you've not been down to the seventh district of Georgia, Mr. Speaker, I'll tell you you're going to find some of the smartest folks in the land right down there. It's kind of the north mete suburbs of Atlanta. And folks from this country from which the decisions they make every day of the week.

We don't need a Federal law that tells you whether to buy a Snickers or a Twix. I'm sure we could have a spiritleed debate that here in this Chamber. But we don't need a law to do it because folks just make that decision every day. Are there enough peanuts in Snickers, Mr. Speaker? Do you think we should have them add some more?

You know, those are the kinds of things we decide we're going to regulate out of this body in the name of making everybody happy. The children, when they get their trick or treat bags on Halloween, I don't have the peanuts in Snickers in there, how much happier would they be if each of those mini-Snickers bars had eight peanuts in them instead of just seven? They'd be so much happier. And it would help peanut farmers in Georgia. It would be a home State jobs creation initiative. We should regulate that from Washington, DC. No. Because families regulate that. If you don't like the peanuts on the Snickers, you're going to get a Payday bar. But there are not enough peanuts in Payday, you're going to go on to the next one.

We as Americans, Mr. Speaker, not as congressmen, as Americans, we sort out these decisions a thousand times a day. How do we get more freedom then, Mr. Speaker, back into individuals' hands?

We're talking about jobs, and that's, again, energy independence. It's a national security issue. It should be the focus of what we do in this House because it's a national security issue. If you don't believe we would make different foreign policy decisions, Mr. Speaker, if we were not dependent on people who hate us to fuel this economy with their oil, I'd have to disagree because I'm absolutely certain of it. We would make better foreign policy decisions if we produced our own energy resources—and we can.

We're the Saudi Arabia of coal, for Pete's sake. What has this body over the past seven years been trying to regulate right out of existence? Coal. The one resource that we have in abundance more than anyone else on the planet. And folks in their wisdom have decided that it would be better not to harvest our coal and instead import oil from people who hate us.

Folks, that's not freedom. That's decisionmaking going on right here. And I promise you we'll get it right in the Seventh District of Georgia more often than not. And when folks believe they're the brightest people in the room, they start to make mistakes.

That brings me to the FairTax.

Oh, Mr. Speaker. You know the FairTax is a tax bill, but at its heart, it's a freedom bill. What the FairTax is, Mr. Speaker, if you haven't looked at it recently, it's a fundamental change in the way we tax America. Today we tax income, and of course, the power to tax is the power to destroy.

I ask young people when I go to schools to speak, I say, Who wants to come to work for me? I'm going to work you hard, and I'm going to work you cheap. If you want to get paid you $10 an hour. I get a couple of hands that go up. Apparently $10 an hour is not as much today as it was back in my day. I would have jumped at $10 an hour. But I get hands that go up for $10 an hour. Then I say but I'm going to have to tax you $9 of that so you're only going to be able to take home $1. Now who wants to come work long hours for me? All of the hands go down.

The power to tax productivity is the power to destroy income. Why? Why do we want to destroy that which makes this country great?

So the FairTax shifts that paradigm. Instead of taxing what people produce, we want to tax what people consume. A consumption tax. You've all seen it. It's in your sales tax. Back home in your State you get taxed on what you consume. And we could do it.

I'll tell you FairTax is a jobs program, because when we stop taxing productivity, we get more of that. That creates jobs. I'll tell you, the FairTax is about transparency.

You know, Mr. Speaker, the payroll tax, that 15.3 cents out of every dollar that comes out of your paycheck, that FICA line that you see, now 7.65 percent comes from the employee, the other 7.65 is hidden as an employer tax, but it's a 15.3 percent payroll tax. How do you know, that 80 percent of American families pay more in the payroll tax than they do in the income tax? Eighty percent of American families pay more in the payroll tax than they do in the income tax.

Now, I just got back from Thanksgiving. I've got doctors in my family, I've got teachers in my family, I've got all sorts of folks so I can assure you, Mr. Speaker, I got an earful throughout the entire Thanksgiving dinner. It was an earsational to me. Different sides of the family coming into town, and I got lots of good advice about how we should do things differently up here.

But you know not one person mentioned the payroll tax. The income tax was a hot topic. But nobody mentioned the payroll tax, and it's the biggest tax that 80 percent of Americans pay. Why? Because the payroll tax is hidden in every single paycheck that you get. You don't feel it. The government gets it without you knowing second. You don't feel it go away unless, Mr. Speaker, you're one of the self-employed folks in America. And instead of paying the 15.3 percent payroll tax, you pay the equivalent 15.3 percent self-employment tax. And then you feel the bite of that tax each and every day. You know that's the biggest tax that you pay.

The FairTax, instead of allowing all of those taxes to be hidden, hidden in business taxes, hidden in income taxes, hidden in payroll taxes separated out so you don't feel the pain, the FairTax takes your entire Federal tax burden and sticks it into one rate, a sales tax on everything that you buy, the one rate.

Now, that rate would have to be 23 percent. That's a big number. Twenty-three percent is what the sales tax rate, the FairTax rate would need to be in order to replace Federal income taxes on businesses, on individuals, Federal payroll taxes on businesses, on individuals, the gift tax, the death tax, the capital gains tax, the dividend tax, all of those Federal taxes on income, the FairTax could replace them all with a transparent one rate, a sales tax at the cash register.

And you'd see it, Mr. Speaker. Can you imagine? Today I can just raise an excise tax here, raise a quarter of a percent on income tax there. I can do lots of funny math as they like to do in Washington, DC, because folks can't feel the pain. They always think it's not going to tax me. It's going to tax somebody else. Yes, I vote "yes" because it's going to tax him instead of me. The FairTax puts us all in the same boat and lets us see how much the United States Government costs us.

I'm a cost-conscious shopper, Mr. Speaker. I brought a marker down here with me today in case I had to write any big red marks on my chart. This was free with rebates at Office Max last week. I don't know if anybody else got it. Free with rebates for this marker. Dollars and cents matter. We make different decisions in our personal purchasing life when we experience those costs.

Transparency lets you know how much your government is costing you.

Does everybody want a free marker? Yes. Does everybody want to pay the $6.95 it would have been if it weren't free with a rebate? I think not.

It puts the entire cost of government out where you can see it. Most importantly, the FairTax is about individual freedom.

Folks, have you thought about how the Tax Code manipulates your life?

It doesn't matter whether you sit on the right over here with the Republicans or if you sit on the far left over there with the Democrats. Sometimes something happens when you show up in Washington, DC—and you do. You believe you're the smartest person in the room. Everybody tells you how wonderful you are. You think your ideas are so great. Then you decide— you know what?—that I should reward people for doing this behavior and that
I should punish them for doing that behavior, and if I do it, they'll be happier and America will be better.

So what am I going to do? I'm going to put a tax on gasoline because I don't want people driving to work. Then I'm going to put a tax credit on electric vehicles—right?—because that's green. We were talking about green earlier, Mr. Speaker. I'm going to put a tax credit on electric vehicles. So I'm going to punish those people who buy oil at the community gas station, and I'm going to reward those people who go out and buy these $60,000, $70,000, $80,000 electric vehicles.

I don't actually think that's very good tax policy, but we have the power to do that. We can manipulate your behavior every day of the week by changing how the Tax Code touches your pocketbook. I was talking about that electric vehicle tax credit. That wasn't just an example. That wasn't just something I made up.

Do you remember when this President passed his energy bill? It included in it a tax credit of $6,500 for everyone who would go out and buy an electric vehicle. Well, again, the Volt was not on the market at the time in those days, and the only vehicles out there were in the $80,000-$90,000 range. But Americans are industrious, which is why, if you leave America to Americans, we're going to be just fine. Americans are industrious.

What they found out was, if they put brake lights on their golf carts, as well as some side view mirrors, some good seatbelts up front, some headlights and windshield wipers, that the Department of Transportation would certify those golf carts as road-ready vehicles, and they could get the $6,500 tax credit. Ah. Now it turns out you can't buy an American-made golf cart for $6,500. Our golf carts are a little more expensive than those in China because our engineers design golf carts so that they could claim this tax credit. Free golf carts for all.

Did anybody get one, Mr. Speaker? Did you get that free golf cart? Don't tell me if you did. I know some folks who did. I'm not proud of it, but I know some folks who did. Free golf carts for all from the United States Tax Code.

Folks, when we bring all that power and all that authority here, it gives us the power to manipulate your life, and we don't always manipulate it for the powers of good. I would tell you, even when we're trying to manipulate it for the powers of good, as the President was trying to manipulate it for the powers of good in his energy bill, we run afool. Why do we need to pay people to engage in behavior? We make those decisions each and every day.

The FairTax abolishes the income tax code so that no longer can people who think they're the smartest people in the room in Washington tell you how to live your life. It's not just a crazy conservative, Republican idea. No. We have that idea from folks on the other side of the aisle, too.

Let me quote President Obama: You've got too many companies ending up making decisions based on what their tax director says instead of what their engineer designs or what their factories produce, and that puts our entire economy at a disadvantage.

You were here, Mr. Speaker, when the minority whip asked: Is there any economist who believes that regulations destroy jobs or that removing regulations would create jobs? We don't need an economist. We've got the President of the United States:

Too many companies make decisions based on what their tax director says, based on tax regulation, instead of what their engineer designs or what their factories produce, and that puts our entire economy at a disadvantage.

President Barack Obama.

We'll go more:

We need to make America the best place on Earth to do business. A barrier government can remove is a burdensome corporate tax code with one of the highest rates in the world.

The minority whip asked: Where is the economist who believes that repealing regulation is going to create jobs? It's the President of the United States:

A barrier that government can remove is a burdensome corporate tax code with one of the highest rates in the world.

We can do that. We don't need world approval. We don't need to shop that around for a decade. We could do that here, and we have legislation drafted to make it so.

I'll quote Senate Majority Leader Harry Reid:

Our tax system is broken, and it needs to be fixed.

I probably could have quoted any American and would have gotten that same sentence. I don't think there is anybody who disagrees with that, Mr. Speaker. Our tax system is broken, and it needs to be fixed. Where are the ideas to fix it? I tell you they are here in this House, Mr. Speaker—the FairTax. The FairTax, this personal consumption tax, that I'm talking about, has more cosponsors on it—more Members of Congress who have added their names to the bill who have said they want to be a part of that—but any fundamental tax reform legislation in either the House or the Senate. It has the most Members in both bodies. We have proposals to fix it.

Let me quote House Minority Leader Nancy Pelosi:

Any tax reform and closing of loopholes, which is really important for us to do as a sense of fairness, must also reduce the deficit.

The minority leader knows we've got to cut out these loopholes, these tax breaks, these deductions, these exemptions. We hear that down here, Mr. Speaker, and you've heard me go on about it in the Rules Committee. Folks come down here, and they say, Oh, I hate this tax break or I hate that tax loophole, this loophole is unfair or that loophole is unfair.

Folks, every loophole is unfair. Don't just pick on the oil companies because you don't like oil companies. Don't just pick on the solar panel companies because you don't like companies. Every loophole is unfair.

Every thing that advantages your business over another business is unfair. Everything that advantages your family over another family is unfair. There is no secret spot that we go to here in the Congress to get money to pay our bills. There's not one. There's no secret spot. It comes out of American taxpayers' pockets—every penny.

When you put a special break to a special interest, only one of two things is going to happen—they're going to pay less. So either you, the American taxpayer, is paying more, Mr. Speaker, or we, collective America, are borrowing more and passing that bill on to our children and grandchildren.

Why? Why do we give the special tax breaks and the loopholes? Who elected us, Mr. Speaker, to decide who wins and who loses? My people sent me here to try to put their ideas into law. I'm not going to decide who wins and who loses by the sweat of their brow and by the power of their ideas. They didn't send me here to choose.

The Tax Code is not supposed to be about picking winners and losers. It's supposed to be collecting whatever revenue there is that we need to run this country. You can't run a country for nothing. I'm not a guy who says let's abolish all taxes. We've got a social contract in this country, and we have to collect dollars to pay for national defense. We have to collect dollars to pay for homeland security. We don't need to dispense favors from the Tax Code.

I challenge you, Mr. Speaker, to help me challenge our colleagues. If you want a special favors for that special interest in your district, don't hide it in the Tax Code. Bring it down here as a spending bill. Let's debate it. It's not about saying, Oh, my favorite special interest back home, I want to give you a 50 percent tax break—instead of that, why not just come to the House floor and say, Hey, I just want to write you a check for 50 percent on your tax bill—because that's what it is. That's all it is—every single tax break, every single tax loophole, deduction, exemption, on and on.

We call it part of the Tax Code; it's just the government writing you a check. Folks we're broke, 15 trillion in debt that we're passing on to our children and our grandchildren. We can't write those checks.

The FairTax does away with that. All the exceptions and exemptions make...
the Tax Code transparent for people to understand. Now, one of the things I hear these days in this tough economic time—and it is a tough economic time—folks say, but, Rob, if we had a consumption tax like what you’re proposing, people are consuming less in these tough times and so they aren’t going to have enough money to run the government.

Well, folks are right. We are absolutely consuming less in these tough times, and I encourage you to consume even less because going forward, tighten the belt. Think about that next purchase. Make those decisions. Tighten it as much as you can. Saving is the virtue.

For far too long, we’ve celebrated consumption as the virtue. We have a chance right now, and it’s only right now, Mr. Speaker. We haven’t had this chance in almost 100 years. America used to produce what the rest of the world wanted. America used to be the exporting giant that sent the world the goods that it needed and the middle class prospered as a result.

Well, we’ve gotten out of that habit. We’ve gotten out of the production business. We’re putting more businesses out of business every day with the rules that we’ve talked about earlier. Now we’re in the importing business; now we’re in the borrowing business.

But, Mr. Speaker, we have a once-in-a-lifetime opportunity right now. Why? Because there are a billion new middle class Chinese consumers coming online today, and they want what we make. There are a billion new Indian middle class consumers coming online today, and they want what we make. We do not have to buy everything from the world. We can produce everything for the world.

Consumption is not to be celebrated. Production is to be celebrated, which is why I want to take the tax off production and put it on consumption.

This chart represents—the blue is personal consumption through the years, the last decade. The red is personal income. And what you’ll see is the red line drops below the blue in bad times and above the blue line in good times. What does that mean?

The red line is income. The blue line is consumption. Yes, it’s true that in bad economic times we consume less, but we earn even less than that.

Is there less personal consumption going on today, Mr. Speaker? There is, but also less personal income going on today. Folks don’t have jobs. When you tax income, you tax one thing and one thing only and that’s the production that you had and so on.

When you tax consumption, you tax, perhaps production from today, also savings from yesterday and also borrowing from tomorrow. It’s a much more stable income stream for the government. And let me tell you why that’s important.

Mr. Speaker, you know, we’ve only been in this House 11 months now, part of the biggest freshman class this body has seen in a generation. But in just this period of time, we have learned that it’s hard to cut spending, hard to find agreement. It takes 218 votes to cut spending. I’m having a hard time finding those 218 votes on programs I want to trim. It’s hard.

But because income drops lower in tough economic times than consumption, and because income rises higher in good economic times than consumption, what happens is in the bad times, when we have an income tax, we end up borrowing more to pay our bills and in the good times when we have a surplus, how much did we save? Mr. Speaker, do you remember? How much did we save and put out for a rainy day during those 3 years of surplus in the 1990s? A lot? No, it was zero. Oh, but we spent some more. Oh, boy, did we spend.

And by “we,” Mr. Speaker, I know you weren’t here. But, boy, did this Congress spend! That’s why if you send this Congress the money, it’s going to spend it. Don’t send it. Don’t send it. Because the consumption tax flattens out the volatility of the tax receipts in this country so that in bad times we don’t have to borrow as much and in good times we don’t spend as much.

That’s important because that gets multiplied over Congress after Congress after Congress. You know, the FairTax isn’t some sort of amazing record-breaking idea. It just says get the government out of the way. You know, when this Republic was founded, the only way we funded this government was through consumption. That was the only tax we had, a consumption tax.

That’s how we funded the government because our Founding Fathers said, if you have enough money to import china from China and silver from China, then you have enough money to help to keep this country afloat. If you have enough money to spend big, you have enough money to pay taxes big.

But let’s talk about the individual American family for a moment. You know, back when the income Tax Code was 400 pages long, grew 20 fold in the first part of the century.

How many of them came up with the same answer? How many of them do you think came up with the same answer? And by “we,” Mr. Speaker, I know, when this Republic was founded, the only way we funded this government was through consumption. That was the only tax we had, a consumption tax.

That’s how we funded the government because our Founding Fathers said, if you have enough money to import china from China and silver from China, then you have enough money to help to keep this country afloat. If you have enough money to spend big, you have enough money to pay taxes big.

But let’s talk about the individual American family for a moment. You know, back when the income Tax Code started in the 20th century, the Tax Code was 400 pages long, 400 pages long. Now, I read a lot of legislation around here, Mr. Speaker, as you do, and 400 pages is a lot of pages to get through, but I can get through that. By World War II, 1945, the Tax Code grew to 8,000 pages long, grew 20 fold in the first part of the century.

By 1984, its was 26,000 pages long, and, Mr. Speaker, we’re getting past the amount of pages that I can digest. Folks can’t get past the amount of pages that I can sort out on my own. I’m having to hire professional help now. I’ve got to hire staff like I.S. Dunklin here in order to sort through all of this Tax Code. That’s 1984—26,000 pages; 2004—68,000 pages; 2011—72,000 pages, Mr. Speaker.

Who is it? Which is that American family that has so much extra time on their hands today they’ve sorted through 72,000 pages of Tax Code to figure out what the tax bill is. It makes a criminal out of all of us, out of all of us.

Did you see the article in Money Magazine? They brought in about 20 different tax preparers, gave them average, middle class family incomes and deductions and credits, you know, their life, of 20 different tax preparers who looked at this one family’s circumstances. How many of them do you think came up with the same answer? How much of them came up with the same tax bill? Zero.

Twenty different tax preparers, 20 different answers about what this middle class American family would owe. You can’t sort through 72,000 pages; and, why, this is the thing about the FairTax, Mr. Speaker. We have inherited this Tax Code. This Congress has inherited this Tax Code from those who have gone before us, but we don’t have to take that on. That’s what’s so great about America. We get to choose; we get to decide.

We could erase the Tax Code today. Instead of 72,000 pages, we could have this. We could have a blank page, and we could begin anew to decide what we want the American Tax Code to look like.

Folks, I don’t mind paying taxes. I just don’t want to pay someone to help me pay the taxes. I don’t mind paying taxes myself. I don’t want to take the risk of getting arrested because I didn’t do it right. I only spent 60 hours trying to sort it out, and it should have taken 70 hours.

Folks, if you have to pay the government, if the government has to get the money before your family gets the money, why can’t we make it easy? And I’ll tell you that we can. Making it easy is what it’s about for the American family, but making it easy also helps on jobs.

You know, don’t think for a minute that we don’t live in a global economy. Why, it hasn’t always been true. Back in the 1970s we were a little more insular. As a Nation, we could make some different choices.

But today money can leave this country with the click of a mouse. One click of a mouse and you can transfer a trillion dollars from here to Zurich. And guess what, the big CEOs can get up and fly to Zurich and a trillion dollars from here to Zurich too. And guess what, the folks who live in Zurich they want jobs too. Everything that has to do with the prosperity of this country can get up and leave, except for the American worker.

You and I are here. You and I aren’t going anywhere. So we are invested in making sure that those people who provide the jobs for us stay here too.

Look at the average effect of tax rates. This is effective tax rates. I have got some other charts that talk about the statutory rate, because the statutory rate for business taxes in America is the single highest statutory rate in the world. Again, you can create a
company with a click of a mouse. You can move your trillions with a click of a mouse.

Where are you going to move them? You are going to move them to the country that has the highest rate in the world, as America does, or you are going to move them somewhere that has a lower tax rate.

Folks, as the minority whip was asking if we had an economist, we don’t need to sort that out. Every high school student who has had a semester in economics knows if somebody is taxing here and somebody is taxing there, the money is going to go to the low tax jurisdiction. That’s the marginal tax rate.

But look at the effective tax rate, because you might be thinking, but, Ron, you just told me about all of the loopholes and the exemptions and the credits. I bet that’s how America stays competitive. We just give away all of these freebies kind of under the table to all of our businesses, and that keeps them afloat? No and no.

The effective rate is the rate that folks are paying after you factor in all of the loopholes and exemptions, United States, 27.7 percent. The 58 other countries in the OECD, that group of economically developed countries from around the world, those people who are competitors in a global marketplace, their average rate, 19.5, 19.5. Our friends in the European Union, you have probably been following them. They have got this breed of socialism that’s been pervasive over there. It’s putting their business out of business one by one by one by one.

You probably think they’ve got the really big tax rate. No, no, they’re just 21.9. The big tax rate belongs to the land of the free and home of the brave. Folks you don’t need an economist to sort this out.

Mr. Speaker, if we change employers more to stay here, they’re going to do what? Leave. And if we charge employers less in America, they’re going to do what? They’re going to stay, and more importantly, they’re going to come. They’re going to come. The Tax Code is a business opportunity. It does not have to be a burden. We have simply made it a burden in this country.

This map shows you what the global map looks like. We’re here in orange in the 30 to 39 percent rate. We’re actually at 39. So we’re the highest of the orange countries. Look here who is in 10–19. Here we are, we’re up here around 40 in America. Look at our friends to the north. Anybody been to Canada recently? It’s not an easy place. They’ve got good schools, good energy infrastructure. Wars don’t break out there very often. Nobody’s out to get them. It’s pretty pleasant. They charge businesses about half of what we charge for them to have the pleasure of doing business there.

Now, I’m just asking, Mr. Speaker, you see the young people that come through this Capitol. Ask them, where would you start your business? Would you start it in the country that has the 40 percent tax rate or would you start it in a country that has a 20 percent tax rate? Businesses don’t pay taxes. Consumers pay taxes. Congress pays taxes. We burden our businesses; we not only reduce the number of jobs that are available in this country, but we reduce the competitiveness of our goods overseas, and that’s where the American competitive future lies. We must become the exporter of the world, and we cannot do it when we hide taxes in the price of everything we pay.

Have you ever walked up to a Coke machine? I’m from Atlanta, as you know. Mr. Speaker, and we’re the home of Coca-Cola, and I like to say wonderful things about Coca-Cola, and I do on a regular basis. But when I walk up to a vending machine out here on Independence Avenue, and there’s a Coke machine there and there’s a Pepsi machine there, and whatever you pay, the same whether you want to buy a Coke or Pepsi. Why is that? Why is the price the same? Why doesn’t Coke decide they just want to make a whole lot of money and they’re going to charge $2 on us? And Pepsi? Even better, why doesn’t Coke charge $5, while Pepsi is charging $1? And the answer is competition.

There comes a time when you cannot sell your product because the price is too high. These world-removed Nations are raising the price of those products. The green Nations are lowering the price of their products. Look at the green: it’s our neighbors in Canada, it’s our neighbors in Europe. We cannot compete today with this Tax Code. And who gets to change it? How hard is it, Mr. Speaker? Where do we have to go to find the wisdom to change the Tax Code? Oh, good news, it’s right here, right here with us in this body. We can erase the code and start fresh tomorrow.

Mr. Speaker, people talk about these things as if they’re unattainable. The income tax hasn’t always been in this country. It started in the early part of the 19th century. We can stop it just as effectively as they started it. We get to choose.

Looking at the top 75 countries—you’re going to have a tough time reading it, Mr. Speaker. These are 75 Nations. Folks, it’s not how hard. These world-removed Nations are easy it is for businesses to pay taxes in those countries, ranked by the ease of tax compliance. Let’s see, we’ve got a lot of smart guys in America. Maybe we’re up here at number one? No. There’s Hong Kong at number three. That’s a thriving economy. Ireland here at number five. We’ve got Canada here. We knew they were going to do well. Denmark, Switzerland. No, there’s America, over in column number four at number 69. Mr. Speaker, it’s the easiest countries by ease of paying your tax bill, America is number 69. There are dictators in these other countries that write the tax codes. There are monarchs in these countries that write the tax code. We’re the land of the free and home of the brave. We write our Tax Code, and you want to know where the jobs have gone, Mr. Speaker? We have run the jobs off one by one by one. Stop the nonsense about the jobs being given away. You got new jobs and you’re still running jobs out. Keep the jobs we’ve got and the new jobs will come. We can fix this.

Sixty-nine out of 183 countries America is in, and in terms of the level of the corporate income tax, the level, 131 out of 183. People wonder, they ask the question all the time, why are jobs leaving America? I don’t think government can stop it. Government stopping it? Government’s causing it. Get that: Government’s causing it, and we can stop it, and we must.

But you might be thinking, well, good news, Rob. At least if we’ve got this terribly burdensome Tax Code and at least if we’ve got the highest corporate rates in the world, then if we’re doing things more stringently than anyone else on the planet is doing them, we must be getting a lot of money for it; businesses must just be paying tons here. Oh, no. No. Revenues are down at 2.4 percent of GDP, you see the U.S. down there in red. Here is the OECD, the average. We’re down there at the bottom.

For all the pain and suffering that we put businesses through to make them higher, the price for that is that we lose in this country because businesses know it’s too complicated to do business here, we don’t get much for it.

Interesting sideliner, Mr. Speaker: If you go over to the former Soviet bloc countries, you’ll find most of them have flat taxes these days. The flat tax, consumption tax, sales tax, all of these taxes that we know generate job growth. We can’t get one in America, but the former Soviet bloc countries did. They all did. Why? Because they were starting new countries where they could start from scratch and do it any way they wanted to. And when you start from scratch, you end up with a flat tax. You end up with a consumption tax. You end up with something that’s going to grow your economy instead of punish it. We’re punishing our economy, and we’re not getting a thing for it.

Mr. Speaker, H.R. 25 is the FairTax. Harvard fellows can find it at thom- as.loc.gov. That’s the Library of Congress’ Web site that does all of the legislation, posted for all Americans to see and read. It’s only about 115 pages long. It’s a short read, not 75,000 but 115 pages long. Talking about what we could do if we had the will to do it. I think we do have the will. We have more cosponsors of the FairTax than any other tax bill in the House. The Senate, the Senate version of the FairTax, more cosponsors on the Senate’s version of FairTax than any other fundamental tax reform bill in the Senate. We can do it, Mr. Speaker, but it’s a heavy lift.
And if folks have suggestions, Mr. Speaker, if you would encourage folks, if it’s about the FairTax, if they know how we can get this country back on track, they can send an email to fairtax@mail.house.gov and you will be able to see it. If it’s about energy independence and how we can reclaim all of the bounty with which God has bestowed this country, energyindependence@mail.house.gov,

Mr. Speaker, folks can send their ideas to about how we can get this going forward, because I am certain as I am that the sky is blue that the best ideas for saving America in this time of crisis, Mr. Speaker, they are more likely to come from the family dinner table back home than the committee hearing room here.

That’s who we are here. We’re just folks who used to be at the family dinner table back home, and we’ve spent 2 years out of our lives to come up here and be a part of a larger discussion, but the good ideas still come from back home. Mr. Speaker, if folks would send in their ideas, we can begin to change this Chamber at a time. We can begin to effect this process one.

Members of Congress don’t change their minds or change their votes because of lobbyists on Capitol Hill. No, they change their minds and change their votes because of lobbyists back home, and that lobbyist is named Sally the pharmacist, and that lobbyist is named Steve who works at the foundry. Those lobbyists are the individual voters back home. That’s what effects change in this place. That’s what causes change to happen in Washington, DC.

The American people still run this Republic. I see it every day, and Mr. Speaker, American people would reclaim this House, reclaim this House by reclaiming their Representatives, by pushing forward those commonsense ideas—we don’t need an economist to tell us, we know it to be true—we can reclaim this country.

I’m not telling you it can happen overnight. I’m not telling you it’s going to be easy. But if there is one thing I am certain about America, Mr. Speaker, is in times of crisis we get the job done. If there’s one thing I know about the American family, it’s if you tell the American family they can’t, then they will. We can do it, Mr. Speaker. 300 million Americans together can do this, but their ideas have to be heard.

This bill is a freshman class, I would argue, doing a better job of making the families’ hopes and dreams heard on Capitol Hill than we’ve seen in my lifetime. But we can still do better. Fairtax@mail.house.gov and energyindependence@mail.house.gov.

We yield back the balance of my time.

MESSAGE FROM THE SENATE

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

H.R. 2192. An act to exempt for an additional 4-year period, from the application of the measures of the energy independence and national security in this country, how we can reclaim all of the bounty with which God has bestowed this country. A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

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ENERGY POLICY

The SPEAKER pro tempore (Mr. GOSAR). Under the Speaker’s announced policy of January 5, 2011, the gentleman from Maryland (Mr. BARTLETT) is recognized for 30 minutes.

Mr. BARTLETT. Mr. Speaker, on the 8th day of March, 1956, a scientist, geologist by the name of M. King Hubbert spoke to an audience in San Antonio, Texas. The audience was a bunch of oil people.

He gave what I think is going to be recognized as the most important speech. Essentially, it was a speech that was really a very audacious speech. At that time, the United States was King of Oil. We produced more oil, we sold more oil, and we consumed more oil than any nation in the world.

Mr. Speaker, M. King Hubbert told that group of oil geologists and company executives that in just 14 short years the United States would reach its maximum oil production, that no matter what they did after that their oil production would decline. This was an incredible speech. Essentially no one believed it because, as I say, at that time the United States was King of Oil, producing more, shipping more, consuming more than any other nation in the world.

For a number of years, M. King Hubbert was a pariah. Nobody believed him. He was kind of relegated to the lunatic fringe. In 1980, 10 years after his prediction that the United States would reach its maximum oil production, you could look back, and what you saw is shown on this chart. This, of course, goes out beyond that year. What you see is what happened then.

The United States did reach its maximum oil production in 1970. After that, the oil production declined. As we found and used more and more natural gas, the natural gas liquids increased. That’s not gas in your gas tank. That’s propane and butane and things like that.

This is something that could have hardly been believed. About 10 years worth of energy independence and national security in this country, how we can reclaim all of the bounty with which God has bestowed this country.

Mr. Speaker, I’m grateful to you for yielding back the balance of my time.

Then you have natural gas liquids on the top. As we found and used more and more natural gas, the natural gas liquids increased. That’s not gas in your gas tank. That’s propane and butane and things like that.

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made out of green cheese and the Earth isn’t made out of oil. It is finite. One day it will run out. And so it is obvious that one day one will have to come to grips with this. You will have to find alternative energy sources. Just when is that time for our world?

What are we, running out of our ability to produce more oil when we wanted more oil in 1970. But the United States was the first great industrialized Nation and so we would expect that we would reach that point before the rest of the world. The point at which the rest of the world reach that point?

I love this statement: “Fossil fuels resemble capital in the bank. A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living and care not one whit about how his offspring will fare.”

I have 10 children, 17 grandchildren, and two great-grandchildren. Particularly my great-grandchildren and some of my grandchildren will look back and they will say to themselves, how could they have done it? How could they have gone on feverishly looking for and drilling for oil when it was obvious that it was finite, when it was obvious that there would come a time when we would have to transition from oil to alternative sources of energy?

Now, this is a warning from the past, but that wasn’t the only warning that we were going to have because your government has paid for four separate studies of this problem. And the phenomenon is called “peak oil.” That’s the time at which you reach your maximum production capability; and after that, no matter what you do, production will fall off. As we saw earlier, that happened in the United States in 1970, by the way. By 1980 it was painfully obvious that M. King Hubbert was right, because looking back those 10 years, we say, gee, we really did peak in 1970, didn’t we? And we’re tipped over and starting down the other side now.

Your government paid for four studies. Why four? Because they didn’t like what the first one said, and so they ordered another one and didn’t like what that one said, so a third and then a fourth. I have quotes here from two of those studies.

The first of those studies was a study by SAIC, and the primary author of that study was Robert Hirsch, and it’s usually referred to as the “Hirsch Report.” It was issued in 2005. These are just a couple of quotes from that: World production of conventional oil will reach a maximum and decline thereafter. That maximum is called the peak. A number of confident forecasters project peaking within a decade. Not so, I said, and there will be a delay. Prediction of the peaking is very difficult because of geological complexities, measurement problems, pricing variations, demand elasticity, and political influences. Peaking will happen, but the timing is uncertain.

The world, they said, has never faced a problem like this. Without massive mitigation, more than a decade before such peaking occurs, the problem will be progressive and will not be temporary. We had a temporary problem with the Arab oil embargo in the seventies. This will not be temporary. Previous energy transitions—wood to coal and coal to oil—were gradual and evolutionary. Oil peaking will be abrupt and revolutionary, the report said.

We were very comfortable living in this “golden age”—as it is referred to by the father of our nuclear submarine, Hyman Rickover. He noted that the incredible amount of energy and oil permitted us to live a very high-quality life, as compared to our ancestors who had not yet found how to tap into the enormous riches of fossil fuels. When I first heard that, I was stunned. And I said to myself, it can’t be true. One barrel of oil—that’s 42 gallons—one barrel of oil has the energy equivalent of 25,000 man-hours of effort. That’s 12 people working all year. A barrel of oil has the energy equivalent of 12 people working all year long. Wow, that seems incredible, doesn’t it?

And then I thought, I drive a Prius and it takes me about 50 miles on a gallon of gasoline, not very big, a gallon of oil could buy me Prius that 50 miles, but it would take me a long time. With the come-alongs and the chains and hooking to the guardrails and trees, I could get the Prius that 50 miles. Wow, I said, maybe there are 25,000 man-hours of work in one barrel of oil.

Now, it wasn’t very long ago that oil was worth $12 a barrel. That means that you could buy the life-enhancing effects of having a full-time servant work for you all year long. A couple, 3 years ago when the price of oil was $12 a barrel. And we’ve been doing that now for right at 150 years.

And so here we are now. And what they show in this chart is the total liquid fuels—that’s the line up here—has been plateaued. You can see it’s flat there at $4 million barrels a day. We’ve been stuck there for 5 years now.

We’re in a recession worldwide. We aren’t using as much oil as we might use. And still oil hovers near $100 a barrel. A couple, 3 years ago when the world’s economy, including ours, kind of had a momentary collapse, the oil prices dropped down to $40 a barrel. But the reality of the supply compared to the demand, the prices steadily rose until oil is right at $100 a barrel now.

What this chart showed was a fairly significant drop-off in the production of our conventional oil field. This is following the same curve, you note, that was followed by the United States after 1970. So our 1970 plateau is the world’s plateau that occurred—what?—’05 to ’09, something like that, when roughly when their curve occurred. The world makes no contributions to our liquid fuels. The top on here is natural gas liquids, and you saw that in the previous chart. That’s
propane and butane and liquids like that. The green one under it is non-conventional oil. That is growing, and that will grow. That’s oil from places like the oil sands of Alberta, Canada, where they have a lift there, a shovel that can lift 300 tons at a time. It dumps it into a truck that holds 40 tons, and then they haul it to a big cooker, and they heat it up so that the oil will flow. It won’t flow otherwise.

They have a large amount of what we call stranded natural gas. Stranded natural gas is a gas that is underground, but you don’t have very many people. And since it can’t be moved—it’s not a liquid. It’s a gas, and it’s difficult to move long distances, so it’s cheaper when it’s stranded, and so they’re using this stranded natural gas as an energy source to warm this oil up so that it will flow.

The next little wedge there, a dark wedge, really is a part of the dark blue one down here. It’s enhanced oil recovery. Additional oil we get by pumping live steam down there or pumping seawater down there, or pushing CO₂ down there to push it out. Enhanced oil recovery, that is growing. That will grow because we’re finding more of that. When they show two wedges to keep this production line going up, because they think it should go up, and so we’ll just find some oil so that it will go up. The light blue here is oil from the fields that we found but are too difficult to develop, like the field in the Gulf of Mexico that is under 7,000 feet of water and—what?—30,000 feet of rock. It’s way down there. As the price of oil goes up, why, more and more of these fields will be feasibly economically developed.

The bright red wedge there is a wedge of fields yet to be discovered because they, predictably, cannot get enough oil from the fields that we have discovered. They’re too difficult to develop now, so we’ll need to find some new fields.

Notice that by 2030 they have predicted that we would rise from our current 64 million barrels of oil a day to about 106 million barrels of oil a day. Now, this same organization, the IEA, issued another chart 2 years later, in ’10, and this chart is pretty different. It shows, of course, the same plateau. Actually, they show a little dip here. It’s having down there too. That is simply an illustration at the plateau.

They have reversed the top two categories and given them different colors, but they’re the same thing. This is natural gas liquids, the purple one, and the yellow one is nonconventional oil production.

Notice that they don’t show the little wedge here for enhanced oil recovery. They have included it where it ought to be, simply as a part of the production from the current oil fields. And notice this chart goes out to ’35 rather than ’30 in this chart. They go out 5 years further, and they show a really precipitous reduction in the amount of oil that we’re going to get from the fields that we’re presently pumping.

And so, to keep this curve going up, because it must go up if the world is going to have any opportunity for a growing economy, to keep the curve going up, there must be two huge wedges that will come from the fields that we have now discovered: the too difficult to develop and fields yet to be discovered.

There is little confidence that these propositions will occur. The United States could not do this. We are the most creative, innovative society in the world, and we could not reverse the decline of oil production in our country. And most of those who are serious students in this area do not believe that these two wedges will occur. So it is very probable that what the world is going to do is what the United States has done, and that is that it will tip over and there will be ever less and less oil, harder and harder to get, and more and more expensive.

The next chart kind of puts this in a global perspective. This is a chart which shows what the size of the countries of the world would look like if their size were relevant to the amount of oil reserves they have. And you notice here that Saudi Arabia dominates the world. That’s because Saudi Arabia may—we aren’t really sure because they won’t open their books. Saudi Arabia may have 22 percent of all the reserves in the world. You may remember, oh, 6 weeks or a couple months ago, there was a WikiLeaks expose that said that maybe the Saudis had overestimated their oil reserves by as much as 40 percent. So the map might not look quite like this, but relatively like this.

Now, why would they overestimate their reserves? When OPEC couldn’t produce more oil than they were producing and they were anxious for more revenues, OPEC decided that they would limit their production so as to keep the price of oil up. And so they permitted each of the countries to pump a percentage of their reserves.

And so if you look back at the history of this, you will see that, without finding any new fields, their reserves could go up 50 percent, sometimes their reserves doubled. It was kind of a contest amongst liars, because the more you lied, the more you could pump because you could pump a percentage of your reserves were. So we really aren’t sure what these reserves are because they will not open their books, but it’s roughly like this. Certainly, the largest reserves of all the oil are in Saudi Arabia.

Look at those countries around them, Iran and Iraq and Kuwait. Little Kuwait, that looks like a province of Saudi Arabia, that’s the same thing. Gulf of Mexico, the United Arab Emirates. You can hardly find them on a map.

Now, I want you to look for the countries on the map that have the largest economic activity, and that’s the United States. We represent a fourth of all the economic activity in the world. We’re one person out of 22, and we have a fourth of all the good things in the world.

It’s really interesting to ask yourself: How come? What is so different about the United States that this one person out of 22 has a fourth of all the good things in the world?

That is a subject for another time, and we will come and talk about that, but it’s an interesting way of looking. Why? Look at the United States here. We have only 2 percent of the reserves of oil in the world, and we use 25 percent of the oil in the world.

Now look at Europe. It’s hard to find them on this map, isn’t it? Europe, collectively, is economically a bit bigger than the United States, and they’re even in worse shape than we are as far as having oil reserves. They are almost totally dependent on oil which is shipped in.

And now look to find the two countries that have between them better than 4 billion people, 7 billion people in the world, China and India. See them over here? Tiny, tiny. They have very small reserves of oil.

Last year the Chinese bought 13 million cars. We struggled to sell 12 million cars. China is the world’s largest polluter. They just passed us. We’re number two in that category. China’s economy is growing very rapidly. Their demands for oil are increasing rapidly. I do not have the chart here, but China is buying up oil all over the world.

I asked the State Department why would China buy oil. We have only 2 percent. We use 25 percent. We’re not buying oil anywhere. I said why would China buy oil. You see, you get your oil today by going to the global oil auction and if you have the money—it’s dollars today: let’s hope it stays that. If it turns to yen or euros, we’re going to be in a heap of trouble. And if you have the money, you get the oil. So you’re not benefited at all by owning oil today.

The State Department’s answer was, I’m not sure China understands the marketplace. Wow. A country at that time growing at 14 percent. I think China understands the marketplace. I think they understand that there is such a thing as peak oil. Well, do they understand that?

Five years ago, I led a codel to China, this holiday season. I was in Shanghai on New Year’s Eve. Nine of us went to talk about energy. China began their discussion of energy by talking about post-oil. Of course there will be a post-oil world. It’s not today.

We’re not running out of oil. That’s not what we’re running out of. There is 35 trillion oil left. There could be less than all of the oil we have used in all of the world’s history up to now. What we’re running out of is our ability to
produce that oil at the increasing rate to meet increasing demands. We’re not running out. There will be oil for another 150 years. Ever less and less, more and more expensive, harder and harder to get.

Our time is running out. If you have only one chart to look at, this would be the chart.

This is when we discovered oil way back there. Huge amounts of oil. This dark place—there are 5 billion barrels in our condition of oil. You need to kind of thank the Arabs or their Arab oil embargo. If they hadn’t had that in the seventies, look where this curve would be. It would have gone off the top of the chart. That woke us up. Your air conditioner now is probably three times as efficient as your air conditioner was then.

Well, we will return to talk about what can we do about this. Today, we talked only about the problem. It’s a huge problem. We’re equal to that problem. We’ll be back and talk about how we respond to the problem.

I yield back the balance of my time.

**BUDGETARY AND OTHER CONCERNS**

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMIERT) is recognized for 30 minutes.

Mr. GOHMIERT. Thank you, Mr. Speaker.

We’re in a time of massive over-spending, a time when some want to raise taxes, creating more of an economic problem. But it’s been shocking that after the biggest wave election since the 1930s, 80-plus brand-new Republican conservative Members coming into this House, it’s been nearly a year, and we really haven’t cut much of anything.

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**CONGRESSIONAL RECORD — HOUSE December 2, 2011**

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Security, have to pay AARP or somebody else’s Medigap insurance or wrap-around insurance or supplemental insurance? Do you want to have to keep paying precious dollars?

Or would you like the alternative of having the Federal Government buy you basically the best private insurance you could have with a high deductible—of $3,500, $5,000, whatever we want to say, whatever ends up being the most cost-effective—and we would give you a health savings account that you’d control with your own debt card, where you’d make the decisions? The only restriction is it would have to be for health care. You couldn’t use that money for anything else. Give people a shot at the ownership insurance, if they want to quit buying Medigap insurance.

I know, as wonderful as AARP is, 2 years ago, I think, they cleared over $400 million in clear profit from their supplemental Medigap insurance. You hate to cut in on a charitable institution like AARP’s massive profits like that off people who can’t afford to buy the product. But gee, let’s give sensible choices.

Then, of course, we would need to give incentives to young people. Put your own money into a health savings account. It would be your money, but it could only be used for health care. You can’t pull it out for something that’s not health care. You can gift it to other people’s health savings accounts. When you pass away, if you’ve got money in there, you can pass that on and have someone inherit that from you. Give people’s HSA, but once it’s committed as health savings account money, it has to be spent on health care.

Yet we’ve been told if that happens, then the vast majority of young people in their twenties and thirties would have so much massive amounts of money built up by the time they’d be eligible for Medicare, not only would they not want Medicare, they wouldn’t need it. They’ve got plenty of money to do what they wished.

Now, that would get us off this road to the dustbin of history, because we have bankrupted ourselves on entitlement programs. At the same time, what an incredible deal—you’d get better health care; you’d get more control; you’d put patients back in control; you’d put patients and doctors back making the decisions.

I’m big guardian of health insurance, but the trouble is for a number of years now we haven’t had health insurance in America; we’ve had health management. I’m very concerned that, unless health insurance companies get back on balance sheets of health insurance instead of health management, then there will be some bill that ends up running them out of business.

It, of course, will be ObamaCare if it’s not repealed. Then it will be the government controlling things—a massive takeover.

As I’ve said before, ObamaCare is kind of like the cap-and-trade bill.

They’re all about the same thing. It’s all about the GRE—the Government Running Everything. That’s what it’s about.

We could save money and return freedom to people who have not had it in the area of health care, and they would control their destinies. But there are some people here in Washington who genuinely, honestly believe they need to be making the personal decisions for people across America because, gee, they’re smarter, and they would make better personal decisions for people who haven’t done so well on their own.

Thinking like that caused the original Revolution. They didn’t want some king who thought he knew more about what they should do with their lives making the decisions about their personal lives. Some have drawn the parallel that there is a correlation between the American Revolution and the French Revolution when compared to the Tea Party movement and the Occupy Wall Street movement, because the American Revolution was about one thing: It was about liberty.

There were people who signed and pledged their lives, their fortunes, their sacred honor. They were all at stake. And many who signed, pledging their lives, their fortunes, their sacred honor, lost their lives and their fortunes—but their sacred honor was intact when they died.

The Declaration of Independence says we are endowed by our Creator with certain unalienable rights and that among those are life, liberty, and the pursuit of happiness.

Nobody is guaranteed happiness. Yet the Founders knew that we were endowed by our Creator with these rights. But like any endowment, like any inheritance that’s passed on from a loving father, if you’re not willing to fight for it to the death, if necessary, you will not keep your inheritance. If you make stupid decisions with your endowment, with your healthcare inheritance, you’re going to lose it; you won’t keep it.

Many countries have suspected they were endowed by their Creator with unalienable rights, but they didn’t fight to preserve them. They never fought to grasp them to begin with, they never had them. They’ve never had them. They’ve squandered, to act like intellectuals, they have to try to tell the world that they believe the equation nobody plus nothing equals everything.

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Some have had them and squandered them. We have been given such a gift by our Creator and by those who were willing to defend our inheritance so that we could enjoy that incredible endowment. Of course, we find out that some of those who had it on third base and have gone through life thinking they hit a triple. Well, they haven’t, and they need to be grateful for the people that got them to third base, but they’re not.

We can get spending under control, but we’ve got to get back to a moral Nation. As the Founders said, this government was never intended to work as a government for immoral people. For a people who did not grasp and understand the gift from their Creator, and that they had a Creator.

We know that there are those who, in the history of our country, are at least some who have the freedom to do that, and that’s fine. They have the freedom of religion, but the late Bob Murphy from Nacogdoches, Texas, used to say, you know, I used to feel sorry for atheists, he said. I do, I feel sorry for atheists because they have to tell the world, while they’re trying to act like intellectuals, they have to try to tell the world that they believe the equation nobody plus nothing equals everything.

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There were people who signed and pledged their lives, their fortunes, their sacred honor. They were all at stake. And many who signed, pledging their lives, their fortunes, their sacred honor, lost their lives and their fortunes—but their sacred honor was intact when they died.

The Declaration of Independence says we are endowed by our Creator with certain unalienable rights and that among those are life, liberty, and the pursuit of happiness.

Nobody is guaranteed happiness. Yet the Founders knew that we were endowed by our Creator with these rights. But like any endowment, like any inheritance that’s passed on from a loving father, if you’re not willing to fight for it to the death, if necessary, you will not keep your inheritance. If you make stupid decisions with your endowment, with your healthcare inheritance, you’re going to lose it; you won’t keep it.

Many countries have suspected they were endowed by their Creator with unalienable rights, but they didn’t fight to preserve them. They never fought to grasp them to begin with, and they’ve never had them.
And yet what has been this administration’s position in response to the biggest oil find in modern history in North Dakota, Slawson Exploration Co. of Wichita, Kansas, was charged under the Migratory Bird Treaty Act for killing what—they are not endangered species, they’re migratory birds, like mallard ducks—after landing, allegedly landing in oil waste pits in western North Dakota.

So our Justice Department, which abandoned prosecution of funding of terrorism around the world against the United States and our friend Israel, it has abandoned that responsibility, they are purging their training records of any reference to radical Islam. They are refusing to go after the people that want to bring down this country. They’re appointing people on the Homeland Security Advisory Council who have glowingly talked about Aytollah Khomeini, or the Holy Land Foundation that funneled money to terrorism, they’re putting people like that on the Homeland Security Advisory Council, giving them secret clearance and letting them peruse our classified documents. That’s what this administration has been doing.

But these energy resources could make us energy independent, and what are they doing? They’re putting their foot on the throat of anybody that tries to produce them to the point that they will ignore the tens of thousands of birds that have been killed by windmills and go after the biggest oil find in modern history in America and charge them criminally because maybe there were 12 ducks that got into some of their oil.

It’s incredible what this administration is doing—they think to help America. But, clearly, just as clearly in retrospect as President Carter hurt this country, hurt those who love liberty by recognizing the Aytollah Khomeini as a man of peace, proudly proclaiming his coming back to Iran, and thousands and thousands and thousands of people have died because such a man was encouraged to come to power.

Just like this administration did in Egypt, like this administration has done in Libya, without really knowing who we were helping, and now the Muslim Brotherhood that is devout in pursuing an international caliphate that would put the lovers of liberty in this country shackled by the shackles of following sharia law, it’s a disgrace.

There is so much damage that this administration has been doing; the Justice Department going after people because they believe there is a God. I will just close with what Ben Franklin said in the Constitutional Convention, 1787, toward the end of June:

How has it happened that we have not once thought of humility applying to the Father of lights to illuminate our understanding? In the beginning of the contest with Great Britain when we were sensible of danger, we had daily been from those whom we propound to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

H.R. 249. An Act making continuing appropriations for fiscal year 2012, and for other purposes.

H.R. 2832. An Act to extend the Generalized System of Preferences, and for other purposes.

H.R. 3078. An Act to implement the United States-Colombia Trade Promotion Agreement.

H.R. 3090. An Act to implement the United States-Panama Trade Promotion Agreement.

H.R. 2553. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

August 3, 2011:
H.R. 3383. An Act to temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by individuals enrolled in the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs before the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, and for other purposes.

August 5, 2011:
H.R. 2353. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

August 12, 2011:
H.R. 2715. An Act to provide the Consumer Product Safety Commission with greater authority and discretion in enforcing the consumer product safety laws, and for other purposes.

September 16, 2011:
H.R. 1249. An Act making continuing appropriations for fiscal year 2012, and for other purposes.

H.R. 2853. An amendment to part B of title IV of the Social Security Act to extend the child and family services program through fiscal year 2016, and for other purposes.

H.R. 2943. An Act to extend the program of block grants to States for temporary assistance for needy families and related programs through December 31, 2011.

October 5, 2011:
H.R. 2239. An Act to authorize certain Department of Veterans Affairs major medical facility projects and leases, to extend certain expiring provisions of law, and to modify certain authorities of the Secretary of Veterans Affairs, and for other purposes.

October 12, 2011:
H.R. 771. An Act to designate the facility of the United States Postal Service located at 1061 Eibel Road in Schertz, Texas, as the “Sergeant Chris Davis Post Office”.

H.R. 1632. An Act to designate the facility of the United States Postal Service located at 1900 West Avenue G in San Angelo, Texas, as the “Sergeant Chris Davis Post Office”.

H.R. 398. An Act to amend the Immigration and Nationality Act to toll, during active
duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.

H.R. 3447. An Act to grant the congressional gold medal to the Montford Point Marines.

November 29, 2011:

H.R. 3321. An Act to facilitate the hosting in the United States of the 34th America’s Cup by inviting eligible vessels to participate in activities related to the competition, and for other purposes.

SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills (of the Senate) of the following titles:

July 26, 2011

S. 1103. An Act to extend the term of the incumbent Director of the Federal Bureau of Investigation.

August 2, 2011:

S. 365. An Act to provide for budget control.

September 23, 2011:

S. 846. An Act to designate the United States courthouse located at 80 Lafayette Street in Morgantown, June 22, 2009, as the Christopher S. Bond United States Courthouse.

November 9, 2011:

S. 891. An Act to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

November 12, 2011:

S. 1487. An Act to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

November 21, 2011:

S. 1280. An Act to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of a sexual assault policy, the establishment of an Office of Victim Advocacy, the establishment of a Sexual Assault Advisory Council, and for other purposes.

November 23, 2011:

S. 1412. An Act to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the “Officer John Maguire Post Office”.

November 29, 2011:

S. 1637. An Act to clarify appeal time limits in civil actions to which United States officers or employees are parties.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. EMERSON (at the request of Mr. CANTOR) for today on account of attending her son’s ceremony at Fort Stewart, Georgia.

Mr. SCHILLING (at the request of Mr. CANTOR) for today on account of attending a funeral in the district.

ADJOURNMENT

Mr. GOMHERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o’clock and 10 minutes p.m.), under its previous order, the House adjourned until Monday, December 5, 2011, at noon 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:

4088. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the AGENCY’s final rule — Fenamidone; Pesticide Tolerances [EPA-HQ-OPP-2010-0866; FRL-9325-3] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4089. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the AGENCY’s final rule — Polylethylene glycol; Tolerance Exemption [EPA-HQ-OPP-2011-0606; FRL-9682-1] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4090. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the AGENCY’s final rule — Prohexadione Calcium; Pesticide Tolerances [EPA-HQ-OPP-2010-0780; FRL-9599-4] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4091. A letter from the Under Secretary, Department of Agriculture, transmitting a notice that the Department’s Fiscal Year 2011 Agency Financial Report will be published electronically; to the Committee on Armed Services.

4092. A letter from the Principal Deputy, Department of Defense, transmitting a report on Determination of Incapacitated Dependents of Retired and Deceased Members of the Armed Forces; to the Committee on Armed Services.

4093. A letter from the Director, Directorate of Enforcement Programs, Department of Labor, transmitting the Department’s final rule — Procedures for the Handling of Research Under Section 806 of the Sarbanes-Oxley Act of 2002, as Amended [Docket Number: OSHA-2011-0126; Docket No.: OSHA-2011-0126; RIN: 1218-AC33] received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4094. 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; Delaware; Amendments to the Control of Volatile Organic Compounds: Off-Road Liquefied Petroleum Gas Engines; Lithographic Printing and Letterpress Printing [EPA-R03-OAR-2011-0933; FRL-9490-1] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4096. 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; West Virginia; Determination of Clean Air Act Nonattainment Areas for Sulfur Dioxide; [EPA-R03-OAR-2011-0941; FRL-9499-3] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4097. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the AGENCY’s final rule — Approval and Promulgation of Implementation Plans, and Designation of Areas for Air Quality Planning Purposes; North Carolina; Redesignation of the Hickory-Moganton-Leon County Annual Fine Particulate Matter Nonattainment Area to Area to Attainment [EPA-R04-OAR-2009-1010-201158; FRL-9499-4] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary, H.R. 2471. A bill to amend section 12 of the Balanced Budget and Emergency Deficit Control Act of 1985; to clarify that a video tape service provider may obtain a consumer’s informed, written consent on an ongoing basis and that consent may be obtained through a uniform amendment (Rept. 112-312). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. TERRY (for himself, Mr. UPTON, Mr. WHITFIELD, Mrs. BLACKHURST, Mr. LATTA, Mr. MURPHY of Pennsylvania, Mrs. McCOMB, Mr. BUIE, Mr. HARRIS, Mr. PITTS, Mr. SULLIVAN, Mr. SHIMkus, Mr. SCALISE, Mr. OLSON, Mr. HIGGINS, Mr. LIPinski, Mr. KINZINGER of Illinois, Mr. BOUTFY, Mr. GRIMM, Mr. BURGESS, Mr. THORNberry, Mr. CARTER, Mr. NEUHAUSER, Ms. GRANIER, Mr. CULBERSON, Mr. SMITH of Texas, Mr. BARLETTA, Mr. MARINO, Mr. KELLY, Mr. SCHOck, Mr. LATOURETTE, Mr. MCFEETERS, Mr. BOYD of Kentucky, Mr. TURSHEN of Ohio, Mr. PEACER, Mr. GIBBS, Mr. MILLER of Florida, Mr. FORBES, Mr. MANZUZLO, Mr. BARTON of Texas, and Mr. SHUSTER):

H.R. 3552. A bill to extend the additional duty on ethanol; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Mr. GRIJALVA, Ms. LEE of California, Mr. MORAN, Mr. POLIS, Ms. PINGER of Maine, Ms. SLAUGHTER, Ms. SPEIER, Mr. STARK, Mr. THOMPSON of California, Ms. WELLS, and Mr. YOUNG of Alaska):

H.R. 3553. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Insecticide, Fungicide, and Rodenticide Act, and the Pesticide Product Inspection Act to require that food that contains a genetically engineered material, or that is produced with a genetically engineered material, be labeled accordingly; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. GRIJALVA, and Mr. STARK):

H.R. 3554. A bill to prohibit the open-air cultivation of genetically engineered pharmaceutical and industrial crops, and to prohibit the use of common human food or animal feed as the host plant for a genetically engineered pharmaceutical or chemical, to establish a tracking system to regulate the growing, handling, transportation, and disposal of pharmaceutical and industrial crops and their by-products, and to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of genetically engineered foods, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. GRIJALVA, and Mr. STARK):

H.R. 3555. A bill to provide additional protections for farmers and ranchers that may be harmed economically by genetically engineered seeds, plants, or animals, to ensure fairness for farmers and ranchers in their dealings with biotech companies that sell genetically engineered seeds, plants, or animals, to assign liability for injury caused by genetically engineered seeds, plants, or animals to the company that sold such seeds, plants, or animals, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HIGGINS (for himself, Mr. HOCHUL, Mr. OWENS, Mrs. MALONEY, Mr. HANNA, Mr. ENGEI, Mr. ACKERMAN, Mr. ISAIAH, Mr. GIbson, Mr. MEEK, Mr. CROWLEY, Mr. RANSM, Mr. KING of New York, Ms. HAywood, Mr. REED, Mr. TON, Mr. BISHOP of New York, Ms. CLARK, Mrs. LOWREY, Mrs. McCARTHY of New York, Mr. NADLER, Mr. Serrano, Mr. TOWNS, Ms. VELAZQUEZ, Mr. GIвл, Mr. BURR, Mr. SLAUGHTER, and Mr. TURNER of New York):

H.R. 3556. A bill to designate the new United States courthouse in New York, as the “Robert H. Jackson United States Courthouse”; to the Committee on Transportation and Infrastructure.

By Mr. KING of New York (for himself, Mr. GOMERIT, Mr. ROSS of Florida, and Mr. COHLE):
By Mr. RANGEL:
H. Res. 483. A resolution calling for immediate full consular services to be provided by the United States Consulate in Erbil, the capital of the Kurdistan Region of Iraq, to the Committee on Foreign Affairs.

By Mr. CARTER:
H. R. 3540.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the United States Constitution.

By Mr. BACHUS:
H. R. 3549.
Congress has the power to enact this legislation pursuant to the following:

Sections 5 and 8 of Article I of the United States Constitution.

By Mr. LANDRY:
H. R. 3551.
Congress has the power to enact this legislation pursuant to the following:

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. RANGEL:
H. R. 3552.
Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8

By Mr. KUCINICH:
H. R. 3553.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause III of the Constitution.

By Mr. KUCINICH:
H. R. 3554.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause III of the Constitution.

By Mr. KUCINICH:
H. R. 3555.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause III of the Constitution.

By Mr. HIGGINS:
H. R. 3556.
Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of this legislation lies in the power Congress of its own proper discretion to regulate Commerce with foreign Nations, and among the several States.

By Mr. KING of Iowa:
H. R. 3557.
Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 4 of the United States Constitution.

By Mr. LANCE:
H. R. 3558.
Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule X, sponsors were added to public bills and resolutions as follows:

H. R. 100: Mr. LONG, Mr. SIMPSON, Mr. AIN, and Mr. MILLER of Florida.
H. R. 104: Mr. BRADY of Pennsylvania.
H. R. 139: Mr. ACKERMAN.
H. R. 157: Mr. FLATTS and Mr. RIBBLE.
H. R. 178: Mr. AMODEI.
H. R. 187: Mr. YOUNG of Indiana.
H. R. 210: Ms. HAHN.
H. R. 374: Mrs. NOEM.
H. R. 376: Mr. FRANK of Massachusetts.
H. R. 451: Mr. FRANKS of Arizona.
H. R. 487: Mr. GRIJALVA.
H. R. 507: Mr. UPTON.
H. R. 529: Mr. PRICE of North Carolina.
H. R. 721: Mr. BASS of New Hampshire.
H. R. 790: Mr. WALDING.
H. R. 827: Mr. STEPHEN SMITH of Washington.
H. R. 835: Mr. GONZALEZ.
H. R. 886: Mr. SMITH of Texas.
H. R. 920: Mr. MARRIN.
H. R. 933: Mr. STRONG.
H. R. 935: Mr. SCHUMER.
H. R. 997: Mr. FENCE.
H. R. 1058: Mr. CRAYAACK.
H. R. 1116: Mr. HAHN.
H. R. 1148: Mr. JOHNSON of Arkansas.
H. R. 1149: Mr. JOHNSON of Georgia.
H. R. 1386: Mr. BARTLETT.
H. R. 1537: Mr. HAIN and Mr. MURPHY of Connecticut.
H. R. 1567: Mr. CLAY.
H. R. 1609: Mr. AUSTIN Scott of Georgia.
H. R. 1696: Mr. WIZEL and Mr. MULVANEY.
H. R. 1735: Ms. ZOE LOFLOREN of California.
H. R. 1744: Mr. AMASH.
H. R. 1781: Ms. WILSON of Florida.
H. R. 1834: Mr. ADAMS and Mr. TIPTON.
H. R. 1895: Mr. GENE GREEN of Texas.
H. R. 1909: Ms. RICHARDSON, Mr. LUEKTMEYER, and Mr. CLAY.
H. R. 1981: Mr. AMODEI, Mr. RIECHERT, Mr. NUGENT, Ms. HERRERA BRUTLER, Mr. MILLER of Florida, Mr. WILSON of South Carolina, and Mr. JORDAN.
H. R. 2059: Mr. HAWORTH.
H. R. 2062: Mr. KIND.
H. R. 2088: Mr. HAHN.
H. R. 2106: Mr. RENNICK.
H. R. 2122: Mr. KLINE.
H. R. 2152: Ms. MCCOLLUM.
H. R. 2180: Mr. SCHAROWSKY.
H. R. 2182: Mr. BROWN of Georgia.
H. R. 2198: Mr. DUFFY.
H. R. 2234: Mr. HINOJOSA.
H. R. 2238: Mr. HANABUSA.
H. R. 2264: Mr. THOMPSON of Mississippi.
H. R. 2313: Mr. MARCHANT, Mr. DAVIS of Kentucky, Ms. FOXX, Mr. GARDNER, Mr. KING of Iowa, Mr. WALSH of Illinois, Mr. CRAVAACK, Mr. BURTON of Indiana, Mr. MULVANEY, Mr. GIBSON, Mr. THOMPSON of Pennsylvania, Mr. PRICE of Georgia, Mr. ASCOTT of Connecticut, Mr. ROHRABACHER, Mr. ROYCE, and Mr. YOUNG of Alabama.
H. R. 2377: Mr. PASCHELL.
H. R. 2407: Ms. ZOE LOFLOREN of California.
H. R. 2453: Mr. REED and Mr. RIVERA.
H. R. 2459: Ms. JENKINS.
H. R. 2462: Mr. GONZALEZ, Mr. CAPUANO, Mr. LYNCH, Mr. MURPHY of Connecticut, Mr. MAST, Mr. BURTON of Indiana, and Mr. THOMPSON of California.
H. R. 2509: Mr. PASCHELL.
H. R. 2514: Mr. TIPTON.
H. R. 2672: Mr. MARCHANT.
H. R. 2717: Mr. SCHRADER, Mr. DUNCAN of Tennessee, Mr. KILDEE, Ms. SCHWARTZ, Mr. TERRY, Mr. JONES, Ms. EDWARDS, Mr. MILLER of North Carolina, H. RESOLUTION, Mr. HENSCHY, Mr. CHABOT, Mr. RAHALL, Mr. CROWLEY, Mr. FLEISCHMANN, and Mrs. ELLMERS.
H. R. 2770: Mr. GARDNER.
H. R. 2796: Mr. MORAN and Mr. NADLER.
H. R. 2834: Mr. BUCHANAN.
H. R. 2862: Mr. PAYNE.
H. R. 2942: Mr. AKIN and Mr. YODER.
H. R. 2945: Mr. FLAKE.
H. R. 2948: Mr. PRICE of North Carolina.
H. R. 2966: Ms. WASSERMAN SCHULTZ.
H. R. 3067: Mr. BARKOW, Mr. OLSON, Mr. CARNEY, Mr. WALZ of Minnesota, Mr. WOLF, Mr. ISRAEL, Ms. VELAZQUEZ, Mr. PETRI, Mrs. SLAUGHTER, Mr. HOLT, Ms. WATERS, Mr. GARAMENDI, Mr. KING of New York, Mrs. SCHMIDT, and Ms. HAYWORTH.
H. R. 3125: Mr. GALLAGHER.
H. R. 3138: Mr. HOLT.
H. R. 3142: Mr. DUNCAN of Tennessee and Mr. COLE.
H. R. 3205: Mr. CULBERSON.
The amendment to be offered by Representative Sessions, or a designee, to H.R. 10, the Regulations From the Executive in Need of Scrutiny Act of 2011, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.
ANNOUNCING RECIPIENTS OF THE INAUGURAL CONGRESSIONAL VETERAN COMMENDATION FOR THE THIRD DISTRICT OF TEXAS—PAUL M. SIMEON, JR.

HON. SAM JOHNSON
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. JOHNSON of Texas. Mr. Speaker, it is a privilege to announce before my colleagues in the United States House of Representatives the names of eleven distinguished military veterans and community servants who call the Third District of Texas home. For their selfless service and dedication to their neighbors and nation, the following individuals have been selected as recipients of the inaugural Congressional Veteran Commendation:

United States Marine Corps Sergeant Paul M. Simeon, Jr. is a veteran of Operation Enduring Freedom. He deployed to Afghanistan with the 1st Combat Engineer Battalion in 2002. During his years as an active duty Marine, Sergeant Simeon earned a Global War on Terrorism Service Medal, Navy Meritorious Unit Commendation, Certificate of Commendation, Sea Service Deployment Ribbon, National Defense Service Medal, and Meritorious Mast and Marine Corps Good Conduct Medal.

Upon his exit from the Marine Corps, Simeon became a patrol officer for the New York City Police Department. He put his military training to good use keeping the streets of Brooklyn safe. During his tenure as an officer, Simeon was awarded the Excellent Police Duty Commendation for outstanding service.

In 2010, Simeon moved to Frisco, Texas, where he now resides. With the ultimate goal of becoming a doctor, Simeon has returned to school where he serves as president of the Collin College chapter of Student Veterans of America. He works day in and day out to ease the transition for returning warriors from military service to academic life. In the words of Sergeant Simeon, “If one of us fails, we all fail. We leave no one behind.”

Always faithful, Simeon continues to exemplify the Marine Corps Motto by serving his peers.

Therefore, it is my pleasure to name Paul M. Simeon a recipient of the inaugural Congressional Veteran Commendation for the Third District of Texas.

RECOGNIZING MS. JESSIE FRANKLIN WILLIAMS FOR HER SERVICE TO THE COMMUNITY AND HER COMMITMENT TO EDUCATION

HON. BENNIE G. THOMPSON
OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable parent and an outstanding public servant, Ms. Jessie Franklin Williams. Ms. Williams has devoted her entire life to education and service. She was born on January 4, 1944 to Mr. and Mrs. L.A. Franklin in Greenville, Mississippi. She is the eldest of ten children and the widow of the late Mr. Albert Joe Williams. She is also the proud mother of four daughters: Sharon, Kyshea, Albetha and Jessica and grandmother of seven beautiful grandchildren.

Ms. Williams attended Coleman High School in Greenville, Mississippi; Mississippi Valley State University in Itta Bena, Mississippi and Delta State University in Cleveland, Mississippi. She is a student of history and dedicated her 38-year career to teaching the subject of Social Studies in the Shaw, Mississippi School District.

She has trained with the Office of Innovative and School Improvement and completed studies through the File Management for Educators program. Her additional instruction includes: The Praxis Series Validation and Standard Setting Professional Assessments for Beginning Teachers, Strategies and Tools for Improving Student Learning and Achievement and Preps Subject Area Training.

She was appointed by former Governor of Mississippi and current Secretary of the Navy, the Honorable Ray Mabus, to serve on the State Health and Human Services Board. Ms. Williams has also served on the Washington County (MS) Election Commission and evaluated high schools for the Southern Association of Colleges and Schools (SACS). She has served as a member of the Greenville Pride Committee and served on the Board for Project Weed and Seed of Greenville, Mississippi. She also sings with the Soulful Temps Gospel Group.

Ms. Williams has lived through major periods in American History. She journeyed with America through times of both segregation and integration, being the first African American teacher to integrate the public schools in the Mississippi Delta. She was chosen Star Teacher and Teacher of the Year several times in her School District.

She serves as church announcer and president of the New Mt. Bethel Choir. She has served as President of the Elegant Ebonetts’ Social and Civic Club, and worked with the Excellence Groups; which is a group of teachers and students dedicated to improving proficiency in the classroom.

She is passionate about education and has a consecrated love for her students. She has sponsored mock trials, mock elections, oratorical contests, and pageants all with the intent of promoting academic excellence and diversity among her students. Her motto is: “Good habits produce good conduct, long life and prosperity.”

Mr. Speaker, I ask that you and my colleagues join me in recognizing Mrs. Jessie Franklin Williams for her dedication and commitment to education and empowering America’s next generation.

HON. DENNIS J. KUCINICH
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Team 4Mil as they continue their mission to inspire, invigorate, and support wounded veterans through rehabilitative cycling programs and competitions.

Team 4Mil is a volunteer, non-profit 501(c)(3) public charity comprised of veterans from all branches of the United States military. This group of athletes has joined together to produce a cycling team which competes annually in Race Across America, RAAM, in order to generate support and promote the Wounded Warrior Project. This cycling competition is among the most strenuous acts of endurance. A three thousand mile course, which stretches from coast to coast, is travelled twenty four hours a day and takes about a week to complete, pushing even the most elite athletes to their limits. For Team 4Mil, this act of endurance is a commemoration to those who have so bravely served our country.

By participating in this highly regarded competition, Team 4Mil hopes to raise funds and spread awareness of the Wounded Warrior Project, which aims to ensure that injured veterans returning from service are successfully and fully adjusted back to civilian life. The Wounded Warrior Project enables fellow veterans such as Team 4Mil to support and aid those who have sustained serious injury while serving their country.

Mr. Speaker and Colleagues, please join me today in honoring Team 4Mil as they continue their journey of extraordinary determination and manifest their duty to those who have bravely served our country.

CONGRATULATING THE CARSONVILLE-PORT SANILAC FOOTBALL TEAM ON WINNING THE INAUGURAL 8-PLAYER MICHIGAN STATE CHAMPIONSHIP

HON. CANDICE S. MILLER
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mrs. MILLER of Michigan. Mr. Speaker, it is my distinct privilege to recognize a special achievement recently accomplished by the Carsonville-Port Sanilac (C-PS) Tigers High School Football Team. C-PS capped off a remarkable and extremely memorable season by taking home to Sanilac County the first ever Michigan High School Athletic Association (MHSAA) 8-Player State Championship.

After the necessary 20 high schools announced they would be fielding teams in 2011, the MHSAA was able to implement an official playoff schedule. This was more than welcomed news to CP-S since they had gone...
With Head Coach Tim Brabant entering his second season in charge, the Tigers played strong-hard nosed football focusing on the basic fundamentals and taking each play one at a time. This meant players executing their designated assignments and beating the man in front of him. This also included playing sound defense, the backbone and an implementing offense scheme that would make an NFL playbook look elementary. The Tigers kept constant pressure on their opponents forcing them to commit untimely errors and more importantly capitalizing on those mistakes.

After making the eight hour trek to Marquette in the Upper Peninsula to face-off against their opponent, the Rapid River Rockets, in the finals at the Superior Dome, the team brushed aside any potential distractions and solely focused on winning. Despite the best efforts of Rapid River, C-PS would not be denied. Tigers had the proper preparation and were eager to seize the day.

Jumping out front quickly in the first quarter to a 27–6 lead, the Tigers saw that margin reduced by halftime to a 39–20 score. One important note is that unlike 11-man football, a 19 point lead is anything but safe. Similar to arena football, points can come quick and they can come often. But once again, the Tigers were up to the challenge and simply closed the door on the Rockets by shutting them out in the second half. This amazing feat is rarely accomplished in 8–player football. There is an old adage in sports which I think holds true for the Tiger’s season, “Offense wins games, but defense wins championships.” I am proud to say the Tigers capped off this outstanding season with a 59–20 win and an overall record of 12 wins and only one defeat.

The Tigers throughout the year exhibited the intangible ingredients which make up a winning football team: heart, discipline and a positive attitude. As legendary Hall of Fame Green Bay Packers’ Coach Vince Lombardi once said, “A man can be as great as he wants to be. If you believe in yourself and have the courage, determination, the dedication and the competition drive and if you are willing to sacrifice the little things in life and pay the price for the things that are worthwhile, it can be done.”

I applaud these young men for remaining undefeated the previous year winning an “unofficial” title. But with this new opportunity on the horizon, C-PS demonstrated what real team work is to reach the pinnacle of this historic season.

Way to go Tigers!

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UNIVERSITY OF MICHIGAN

AUGUST 28, 2014

Dr. Khidir M. Al-Rawi

In a statement published today following the beating of a middle-aged Iraqi man with a棒球棍 (bat) and a macana (knife) by a group of young people in front of the University of Baghdad this afternoon, Dr. Khidir M. Al-Rawi, acting Vice-Chancellor of the University of Baghdad, said: “We deplore these acts of violence which are contrary to the values of our society and the principles of our education system. We call on all members of the community to condemn these acts and to work together to prevent them from occurring in the future.”

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IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. GOMEZ. Mr. Speaker, today we honor our colleague, the late Representative Lamar Smith, who lost his life in a plane crash in Texas earlier this year. Lamar was a dedicated public servant who served his constituents with distinction and a commitment to public service. He was a true leader in Congress and a friend to many of us. Lamar’s dedication to public service, his commitment to his community, and his unwavering belief in the principles of our country will be remembered for years to come. He will be missed by all who knew him.

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IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. COOK. Mr. Speaker, I yield to the gentleman from Georgia (Mr. TARRASON) for an explanation of his bill.

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IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. MURATET. Mr. Speaker, today I am pleased to introduce the student debt relief bill, which would provide immediate and comprehensive relief to hardworking students and their families. This legislation would eliminate interest rates on student loans and forgive up to $50,000 in outstanding student loan debt for those who have been unemployed for at least six months due to the current economic crisis. The bill would also establish a new earnings-based repayment plan to help students who are struggling to make ends meet while paying off their loans. I urge my colleagues to support this important piece of legislation and help ensure that hardworking students have the opportunity to pursue their dreams without the fear of drowning in debt.
Washington and run his re-election when I was still recovering from cancer surgery. No one has such a legacy and he continues to shape our future.

I especially want to thank Joe Carbone, who came to play the same role as me as chief-of-staff to the mayor and who knew my Dad and believes his generation was touched by Teddy. We became my Dad's main home from the supply house and saying, "Lou, the Carbones just had twin boys, Billy and Joey." And to this day, Joe will visit Luisa and me and ask if his two grandkids are doing so much joy in recounting the old political stories—Dick Lee, Arthur T., John Golden—and the exploits of so many neighborhood kids but she will tick off name by name, tale by tale.

I have to thank the Italian Societies who organized the reception for today's unveiling and who played a major role in the neighborhood. They forged a path in America centered in this neighborhood and now shape our future through at least three generations. My family's story is just a thread in that fabric of history. And this memorial is just a moment in that living history.

So many hands took such care and contributed to this project. My Dad, for instance, was always there for me; Rheta Debenedit

St. Catello, Irene Flynn
St. Trofemia—Julia Niceforo
Sam Russo—Ruby Proto
Darren Antolini at Fusco Corp and everyone who was part of the construction and installation—Barry Svigals at Svigals Partners; Anthony Capasso and Gary DiTullio at Sign Lite; Start Community Bank; Bruce Alexander and Yale Press. I can see the love of their work in this table.

... to encourage the female members of this organization to take a more active part in its work.

We have all been shaped by what our families brought with them from Amalfi, Scafati, Minori. They forged a path in America centered in this neighborhood and now shape our future through at least three generations. My family's story is just a thread in that fabric of history. And this memorial is just a moment in that living history.

So many hands took such care and contributed to this project. My Dad, for instance, was always there for me; Rheta Debenedit
and engaged in the Battle of the Marshall Islands, the Battle of Saipan, and the Battle of Tinian. On August 9, 1944, while compassionately trying to convince Japanese citizens in Saipan not to jump off a suicide cliff, Reed was shot in the back of the head by a sniper. Evacuated to Guadalcanal and then Pearl Harbor with a Purple Heart pinned to his robe, Reed would not stay down for long.

In February 1945, with Tinian as a launching point, Reed and his fellow Marines stormed Iwo Jima. The mission of the 23rd Marines was to capture Motoyama Airfield No. 1 within 24 hours of landing. However, after three days they had not reached their objective and lost a third of their men. Fortunately, the 3rd Division came ashore as support and together they pushed through to the airfield. The next objective was even tougher. In their trek toward Motoyama Airfield No. 2, the Marines fought uphill through ravines and over cliffs while the Japanese fired at them from tunnels and fortresses built into the land. After 10 days of fighting, only 15 remained of Reed's company of about 250 men. Reed had again been wounded, earning him his second Purple Heart. This ended Jim Reed's war.

A favorite speaker at Veterans Day events, Mr. Reed selflessly shares his story with all generations of Americans and serves veterans-support organizations around North Texas, including the Daughters of WWII.

It is an honor and privilege to name Jim Reed a recipient of the inaugural Congressional Veteran Commendation for the Third District of Texas.

Mrs. Speaker, I ask that you and my colleagues join me in celebrating Ms. Ethel Lee Howard for her unwavering commitment to civil justice and equality.

PERSONAL EXPLANATION

HON. BETTY SUTTON
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Ms. SUTTON. Mr. Speaker, on rollcall No. 880, a vote on H.R. 527, I inadvertently and mistakenly voted “aye” on passage of the bill, when I intended to vote “nay.” I have always stood by our working families to defend critical regulations that protect our environment and public safety, and believe that a “no” vote on final passage properly reflects my record and the priorities of my district.

A TRIBUTE TO THE HONORABLE LYDIA Y. KIRKLAND

HON. ROBERT A. BRADY
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor the Honorable Lydia Y. Kirkland. For 25 years, Judge Kirkland has served on the Philadelphia Municipal Court, and November 4, 2011 she celebrated her retirement after decades of service to her community. Judge Kirkland’s roots run deep in Philadelphia. During the difficult days of American segregation, her grandparents and great grandparents were among the most accomplished business persons and clergy in Philadelphia. Indeed, her grandfather, Reverend Doctor James E. Kirkland pastored the Union Baptist Church, the congregation which gave the magnificent Marian Anderson to the world. Judge Kirkland’s father, Rev. Joseph Kirkland was a renowned cleric and civil rights leader in his own right, having graduated Crozer Theological Seminary in my district.

Judge Kirkland received both her Bachelor of Science and Juris Doctorate Degrees from Howard University in Washington, DC in 1974 and 1977 respectively. In 1978 she was admitted into the Pennsylvania Bar. Judge Kirkland was an associate in the Law Office of retired City Councilwoman Augusta A. Clark from 1978–1980. She was an advocate for civil rights for more than 50 years. She joined the fight for civil rights in the early 1960s when the movement first came to Claioborne County, Mississippi. She began her efforts by frequenting meetings held at St. Peter’s African Methodist Episcopal Church hosted by the National Association for the Advancement of Colored People—an organization she soon after became a member.

During the civil rights era, Ms. Howard fought vigilantly for civil rights. She was among the first to send her daughter, Jessie, to a predominantly white school in Mississippi during the 1960s and when First Baptist Church of Port Gibson was fired upon with gunshots by police and other law enforcement officials, Ms. Howard, the voice reigning high among all those who stood firmly to echo the sounds against injustice.

To this day, Ms. Howard still serves as a faithfull member of the National Association for the Advancement of Colored People and actively attends many of its community functions and meetings. In 2007, she was honored as Mother of the Year for the NAACP during a ceremony at the First Baptist Church in Port Gibson, Mississippi.

Mr. Speaker, I ask that you and my colleagues join me in celebrating Ms. Ethel Lee Howard for her unwavering commitment to civil justice and equality.
community. Mr. Speaker, I ask that you and my other distinguished colleagues join me in thanking Judge Kirkland for her work and congratulate her on the occasion of her retirement.

PERSONAL EXPLANATION

HON. MARTIN HEINRICH
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. HEINRICH. Mr. Speaker, I unfortunately missed a vote yesterday afternoon, specifically rollcall vote 879. If I had been present, I would have voted in support of rollcall vote 879, the Democratic Motion to Recommit H.R. 527.

RECOGNITION OF THE ST. LOUIS BALLET IN ST. LOUIS, MISSOURI

HON. W. TODD AKIN
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. AKIN. Mr. Speaker, I rise today to recognize the St. Louis Ballet located in St. Louis, Missouri.

For over ten years, Gen Horliuchi has served as the artistic director of the St. Louis Ballet. His international reputation with major choreographers throughout the world has enabled the St. Louis Ballet to bring original productions to the St. Louis region.

The St. Louis Ballet has played a vital role in community development by facilitating culture and arts in the St. Louis area. The ballet has been involved in community outreach to foster children in offering free private lessons and to Senior Assisted Living facilities in making the art of ballet and ballet performances more accessible.

Ballet truly is an artistic skill that embodies the American spirit as much as it embodies young people to push limits and succeed in whatever they chose to do. The St. Louis Ballet School does just that as it produces many fine dancers that demonstrate high degrees of teamwork, care for others, respect, and discipline. Mr. Horliuchi’s ballet is constantly transitioning and evolving, allowing for greater expression and freedom to explore and to advance. It is traits like these that Americans are hungry for in this current time in our history.

I congratulate the St. Louis Ballet’s exemplary example of the leadership St. Louis and in Missouri as a whole. I am pleased to honor them in their continued endeavor to bring art and culture to the St. Louis region.

HONORING PFC. THEODORE B. RUSHING

HON. DANIEL WEBSTER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. WEBSTER. Mr. Speaker, on behalf of the people of Florida, I rise today to honor the life, service, and sacrifice of Pfc. Theodore B. Rushing. Pfc. Rushing was killed in action in Afghanistan on Veterans’ Day, November 11, 2011.

Growing up in Central Florida, Rushing graduated from Altamonte Christian School. After earning his associates degree from Seminole State College, Rushing chose to enlist in the U.S. Army, with plans to follow his father’s footsteps and join the Orlando Police Department. Known to his friends as Teddy, Pfc. Rushing had an adventurous spirit and loved being outdoors. He was known for being gregarious and outgoing.

After graduating boot camp in June 2011, Rushing continued his training at the Calvary Scout School at Fort Knox in Kentucky and was assigned to the 10th Mountain Division, 71st Cavalry and stationed in Ft. Drum, NY. Rushing was deployed to Afghanistan in August and served in Kandahar province. On November 11, Rushing’s unit was attacked and Rushing was killed in combat.

Rushing’s medals and awards include the Purple Heart, Bronze Star, and the Afghanistan Campaign Medal. Pfc. Rushing is survived by his father, Rick; his mother, Ann; and his sister, Stacy. His life, service, and sacrifice are remembered by all.

ANNOUNCING RECIPIENTS OF THE INAUGURAL CONGRESSIONAL VETERAN COMMENDATION FOR THE THIRD DISTRICT OF TEXAS—ELIZABETH MCCORMICK

HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a privilege to announce before my colleagues in the United States House of Representatives the names of eleven distinguished military veterans and community servants who call the Third District of Texas home. For their selfless service and dedication to their neighbors and nation, the following individuals have been selected as recipients of the Inaugural Congressional Veteran Commendation:

Chief Warrant Officer Elizabeth McCormick served our country in the U.S. Army from 1994 to 2001. After Basic Training at Fort Jackson, South Carolina, McCormick decided to forego Officer Candidate School, instead heading to the Warrant Officer Flight Training Program to increase her chances of fulfilling her dream—serving as a Blackhawk helicopter pilot.

She graduated first in her class and was soon assigned to Fort Drum, New York flying Command & Control and VIP Missions. Upon promotion to Chief Warrant Officer 2, McCormick was transferred to Katterbach Army Airfield in Germany where she served as Rear Detachment C Company Commander during peacekeeping operations in Kosovo.

For her excellent service, McCormick was awarded the Army Commendation Medal, Army Achievement Medal, National Defense Service Medal, Humanitarian Service Medal, Army Service Ribbon, and Army Aviator Badge.

Though an injury incurred in Germany forced McCormick into medical retirement, she maintained her spirits and searched for new goals. She moved to Dallas, Texas where she built a business as a Longaberger Consultant. McCormick is now active in the local community, participating in several Chambers of Commerce and serving as President of the Firewheel Chapter of Women of Visionary Influence. Each year she also participates in an Armed Forces Day Barbeque where she collects boxes of dry foods and goods for overseas troops.

It is my pleasure to name Elizabeth McCormick a recipient of the inaugural Congressional Veteran Commendation for the Third District of Texas.

RECOGNIZING MR. CARL WATLEY FOR HIS SERVICE AND COMMITMENT TO THE COMMUNITY

HON. BENNIE G. THOMPSON
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to recognize a remarkable man and steward of the Cary, Mississippi community, Mr. Carl Watley. Mr. Watley is a lifelong resident of Cary, Mississippi, where he has devoted much of his time to serving as a positive male influence for the children of Cary. For years he has devoted himself to serving not only as guardian but as a role model for his niece and nephew, who were left without a parent after the untimely death of his sister. Mr. Watley is also admired and adored by the children of Sharkey and Issaquena Counties, many of which see him as a father figure and role model as well.

Mr. Watley has served his region for several years by providing community activities to the children of the area with his own personal resources. During the summer months, Mr. Watley sponsors activities for more than 140 children. He is currently working to secure funds to build a community house that will provide recreational alternatives for the children of Cary, Mississippi. He has organized a number of events for the children of Cary, including community clean-up field days and bible study for the young men of the community. Mr. Watley is also working with community leaders of Cary to establish a park in the Maiden Addition community.

Mr. Watley is an active member of the Parents for Public School Leadership and is certified under the National Certification in Fatherhood Leadership. He is a member of Mount Zion Missionary Baptist Church where he serves as the Youth Leader, a musician and a deacon.

Mr. Speaker, I ask that you and my colleagues join me in expressing my sincere gratitude to Mr. Carl Watley of Cary, Mississippi for being a champion of children and a pillar of the community.

THE EMPTY CHAIR

HON. TED POE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. POE of Texas. Mr. Speaker, on Thanksgiving, millions of Americans will sit down to a decorated table filled with turkey and all the
trimmings such as mashed potatoes and pumpkin pie to celebrate the Thanksgiving holiday. They will tell stories, laugh and enjoy conversation with their loved ones. But there are other homes around the nation where the dining room table will be accompanied by an empty chair. In that chair once sat a husband, father, brother, sister, son or daughter. It was a graduate, a friend and a United States warrior. It is now an empty reminder of a courageous American hero who gave his or her life for this country. Today we say a prayer for those families with the empty seat at the table, and we remember them for their sacrifice to this country. At Thanksgiving, Americans must be thankful for the heroes—and the families that they leave behind—that volunteer to fight 365 days of the year all across the world so that the rest of us can be free.

Thanksgiving is about more than a turkey and sitting around a dinner table. It is about giving thanks to God for all of the blessings we enjoy, including our troops and our freedom.

Where did Thanksgiving come from? In 1620, the Pilgrims landed at Plymouth Rock in Plymouth, Massachusetts. Fleeing religious persecution, they vowed to make a better life for all in North America. The Pilgrims, unaccustomed to the Massachusetts winter, would not have survived their first winter without the help of the Indians, who brought them food, saving them from starvation. During the following year, the Pilgrims’ conditions improved in Massachusetts, leading to a productive harvest season. To celebrate and give thanks to God for the harvest, the Pilgrims invited the Indians who had helped them the previous winter, and held a three-day feast. This feast was the birth of what is today known as Thanksgiving.

A common misconception about Thanksgiving is that it was annually celebrated following 1621. Actually, for the next 150 years, the American colonists would only celebrate Thanksgiving when there was cause to do so. In 1789, President George Washington declared a National Day of Thanksgiving for the American colonists. In his Presidential Proclamation of Thanksgiving, he stated: “It is the duty of all nations to acknowledge the Providence of Almighty God . . . to be grateful for His benefits, and to (request) his protection and favor. I, President Washington, recommend to the people of the United States, a day of public thanksgiving and prayer . . . to show the many favors of the Almighty and especially the opportunity for this form of government.”

President Washington's belief in a National Day of Thanksgiving was not widely agreed upon or accepted throughout the colonies. For the next 50 years a day of Thanksgiving was not routinely held. During the early 1800s, however, a female magazine editor named Sarah Josepha Hale began a 40-year campaign to institute a National Day of Thanksgiving. In November 1863, President Abraham Lincoln, agreeing with Sarah Hale, proclaimed a National Day of Thanksgiving for the last Thursday in November. Thus began the tradition of Thanksgiving Day. But, it was not until 1941, under President Franklin Delano Roosevelt, that Thanksgiving was declared an official national holiday by Congress.

No matter what Thanksgiving traditions have always been about giving thanks to God for what we have and thinking of others who may not have what we do. This Thanksgiving Day, I invite this great nation to not lose sight of the true meaning of Thanksgiving and to do as the Pilgrims did before us: Offer a prayer of thanks to God for all of the gifts that he has bestowed. And that’s just the way it is.

PERSONAL EXPLANATION

HON. VICKY HARTZLER
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Friday, December 2, 2011

Mrs. HARTZLER. Mr. Speaker, on Thursday, December 1, I was unable to vote due to a conflicting obligation in my district. Had I been present, I would have voted as follows:
- On rollcall No. 872, “nay”;
- On rollcall No. 873, “aye”;
- On rollcall No. 874, “no”;
- On rollcall No. 875, “no”;
- On rollcall No. 876, “no”;
- On rollcall No. 877, “no”;
- On rollcall No. 878, “no”;
- On rollcall No. 879, “no”;
- On rollcall No. 880, “aye”;
- And On rollcall No. 881, “aye.”

OPPOSITION TO H.R. 3010 AND H.R. 527

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, December 2, 2011

Mrs. MALONEY. Mr. Speaker, I rise today to oppose H.R. 3010 and H.R. 527, bills that would create unnecessary requirements and hurdles to federal rulemaking. These bills seriously hinder the ability of federal agencies to protect our public health, including the safety of our food, our drinking water, the toys our children play with, and the quality of the air we breathe. These bills would create excessive delays for important regulations that help provide workplace safety, consumer protection, support for small businesses, and veterans’ assistance. Both these bills would add a cost to the taxpayers—H.R. 3010 would impose enormous costs by requiring a cost-benefit analysis of even the most minor of rules and CB0 estimates H.R. 527 would cost $80 million just in the next few years. By expanding judicial review H.R. 3010 will favor well funded special interests, a blatant attempt to impede an agency’s factfinding process. Such processes will create greater and extended amounts of uncertainty, making it harder for businesses small and large to plan for the future. I urge my colleagues to vote No on these over-reaching and onerous bills.

HONORING TONY STEWART

HON. MIKE PENCE
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Friday, December 2, 2011

Mr. PENCE. Mr. Speaker, I rise to congratulate one of Columbus, Indiana’s most famous sons, the 2011 NASCAR Sprint Cup Champion, Tony Stewart. Indiana has long been known as the world’s capital of auto racing and Hoosiers are proud of our home-grown NASCAR champ.

In a season finale that went down to the last lap, Tony drove what he called the greatest race of his life. His victory at Homestead-Miami Speedway clinched the season championship and cemented his status as one of stock car racing’s all-time greats.

Tony’s racing career began like many other aspiring young racers—behind the wheel of a go-kart. In 1983, at the age of twelve, Tony won his first championship. By 1989, he had moved from go-karts to open-wheel machines and captured the National Midget championship in 1994. The next year, he won the United States Auto Club’s Triple Crown. In 1996, Tony demonstrated his prowess for racing at the Brickyard by capturing Rookie of the Year honors at the Indianapolis 500 and followed up with an IndyCar championship a year later.

After becoming a full-time NASCAR driver in 1999, Tony won three races en route to becoming NASCAR’s Rookie of the Year. Three seasons later, he won his first NASCAR championship. In 2005, Tony won the Brickyard 400 before a hometown crowd and went on to win the championship. In 2005, Tony won the Brickyard 400 before a hometown crowd and went on to win the championship.

The 2011 season will long be remembered for Tony’s historic run in the Chase for the Sprint Cup. As a testament to the tenacity and poise of the entire Stewart-Haas Racing team, Tony brought the number fourteen to victory lane five of the ten races that make up the Chase.

Mr. Speaker, Hoosier race fans like myself have come to know Tony Stewart as a tremendous competitor. Whether he is racing the short tracks and dirt ovalson across Indiana, or at our famous Brickyard, Tony Stewart is a true champion.

ANNOUNCING RECIPIENTS OF THE INAUGURAL CONGRESSIONAL VETERAN COMMENDATION FOR THE THIRD DISTRICT OF TEXAS—PETER W. MALIK

HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Friday, December 2, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a privilege to announce before my colleagues in the United States House of Representatives the names of eleven distinguished military veterans and community servants who call the Third District of Texas home. Their selfless dedication to our nation and to their neighbors and nation, the following individuals have been selected as recipients of the inaugural Congressional Veteran Commendation:

Colonel Peter W. Malik of McKinney, Texas serves in the United States Army Reserve as Commander of the 90th Sustainment Brigade in Little Rock, Arkansas. Malik has deployed in support of both Operation Iraqi Freedom and Operation Enduring Freedom. He also provided critical logistical support for a rescue mission of American hostages in Colombia while assigned to U.S. Army South. During his 2005 tour of duty in Afghanistan, a volunteer assignment, Malik ran several
AMERICANS NEED A HEALTHCARE RULING ACT—INTRODUCTORY STATEMENT

HON. LEONARD LANCE OF NEW JERSEY IN THE HOUSE OF REPRESENTATIVES Friday, December 2, 2011

Mr. LANCE. Mr. Speaker, the United States Supreme Court’s recent decision to hear arguments on the fate of President Obama’s Affordable Care Act sets the stage for an important ruling next summer that I believe will bring much-needed regulatory certainty to our economy.

However an obscure tax provision enacted into law by Congress in 1867 could delay a final ruling on the constitutionality of health care reform until 2015.

The court agreed to consider four key questions concerning the constitutionality of the health care law including whether Congress had the authority to require individuals to buy health insurance by 2014 or pay a tax penalty.

Legal scholars differ over whether the health care law adds a “tax” for those who lack insurance or instead imposes a “penalty” that must be paid to the Internal Revenue Service. Yet under a law known as the Anti-Injunction Act of 1867, judges are barred from deciding on tax cases until the tax has been paid.

Therefore if the justices find themselves divided on the issue the court could invoke the Anti-Injunction Act and put off a decision until 2015, when the first taxpayer pays a penalty for not having insurance.

Waiting for a decision on the constitutionality of the health care law until 2015 could be disastrous for U.S. businesses and our economy by continuing to deny regulatory certainty in this important area.

That is why today I am introducing the Americans Need a Healthcare Ruling Act. This legislation would waive the Anti-Injunction Act as it applies to the Affordable Care Act. Passage of this bill will help ensure a decision on the issue next year.

RECOGNIZING MS. DOROTHY MAE JORDAN FOR HER SERVICE TO THE COMMUNITY

HON. BENNIE G. THOMPSON OF MISSISSIPPI IN THE HOUSE OF REPRESENTATIVES Friday, December 2, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Ms. Dorothy Mae Jordan. Ms. Jordan is the loving mother of five children. She has devoted much of her life to improving the lives of others and is a true friend to her community.

Ms. Jordan is the epitome of selflessness. At the age of 50, she commits herself to the needs of others with little to no accolades. She spends her time and resources to being a reliable, caring, and passionate friend for those in need. Ms. Jordan is a beacon of hope and inspiration to those she encounters.

Mr. Speaker, I ask that you and my colleagues join me in recognizing Ms. Dorothy Jordan for her steadfast devotion in serving and giving back to her community.

HONORING THE CONTRIBUTIONS OF LOCAL LAW ENFORCEMENT

HON. FRANK R. WOLF OF VIRGINIA IN THE HOUSE OF REPRESENTATIVES Friday, December 2, 2011

Mr. WOLF. Mr. Speaker, I rise today to recognize the following law enforcement officers who have been honored by the Horse Shoe Curve Benevolent Association for their service to their communities and continued willingness to put their lives on the line to protect public safety:

Virginia State Police Trooper Pamela M. Neff serves the citizens of Clarke, Frederick, and Warren counties. Trooper Neff has done an outstanding job of removing intoxicated drivers from the road during her tenure with the force and has received much notoriety for her efforts. Trooper Neff has also provided invaluable guidance and instruction to newer troopers and has consistently made sound decisions with regard to violations enforcement. Furthermore, her excellent investigative skills and her knowledge of the laws of Virginia enhance her ability to effectively communicate with the community.

Virginia State Police Trooper Daniel J. Scott serves the citizens of Frederick County. Trooper Scott has served the Virginia Department of State Police as a trooper, breath alcohol operator and field training officer. Trooper Scott provides critical guidance to less seasoned troopers. In addition, his investigative skills have also been recognized by his fellow officers. Trooper Scott’s service to the community is a true testament to his dedication to this important work.

Corporal Officer Franklin D. Garris Jr. serves as a housing unit security officer with the Northwestern Regional Adult Detention Center. Officer Garris is responsible for more than 50 inmates on a regular basis. Over the past several years, Officer Garris has demonstrated himself to be among the most disciplined and conscientious officers on the staff and has been serving as a field training officer. Officer Garris has performed superbly and is recognized by his peers as an exceptional officer.

Officer Stephen Hossack serves the Mount Weather Police Department. Officer Hossack is a knowledgeable and professional police officer, displaying a strong dedication to the mission. Officer Hossack’s dedication to the department’s explosive K-9 program has enabled its teams to improve critical training. Officer Hossack is well informed and has the knowledge and skill to handle this complex work.

Detective Lisa Hyde serves the Winchester Police Department. Detective Hyde has been instrumental in the development, implementation and successful completion of the Winchester Police Department’s Timbrook Youth Reporting Center. Detective Hyde has designed and implemented the standard operating procedures for the program. Detective Hyde has an undeniable love for the community’s youth and this is reflected in her ability to carry out such a long and painstaking process as the development of the Timbrook Youth Reporting Center. In addition to maintaining this program, Detective Hyde also manages a criminal case load as a Winchester Police Department Detective and serves as a team leader on the Winchester Police Department’s Crisis Intervention Team.

Deputy Allen Mason serves the Clarke County Sheriff’s Office. Deputy Mason began working for the sheriff’s office in communications and has advanced to the rank of deputy. Deputy Mason has also worked as a school resource officer. Recently, Deputy Mason responded to a call regarding an elderly lady wandering around a rural area of the county. He was able to find and return the lady to the safety of her family who expressed deep appreciation for Deputy Mason’s kindness and professionalism.

Corporal Tim Bristol serves the Berryville Police Department. Corporal Bristol has taken an active leadership role within the department and constantly looks for ways to improve and motivate members of the department. Corporal Bristol has been involved in the reorganization of the department’s field training program and worked tirelessly to make sure those coming into the department are professionally mentored and equipped with the tools and resources necessary.

Deputy Steve Alger serves the Winchester Sheriff’s Office. In August 2010 Deputy Alger was assisting mall security apprehend several subjects who had repeatedly stolen comforts and home furnishings when a fight began. The subject was able to climb into a vehicle and when Deputy Alger continued his pursuit, he
announcing recipients of the inaugural congressional veteran commendation for the third district of Texas—Allen Goehring, Jr.

HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Friday, December 2, 2011

Mr. JOHNSON of Texas. Mr. Speaker, it is a privilege to announce before my colleagues in the United States House of Representatives the names of eleven distinguished military veterans and community servants who call the Third District of Texas home. For their selfless service and dedication to their neighbors and nation, the following individuals have been selected as recipients of the inaugural Congressional Veteran Commendation:

United States Army Staff Sergeant Allen Goehring, Jr. has honorably served our country since 1986. During his distinguished military career, Goehring spent time with a number of Army units including the 302nd Military Police Company and Detachment 1 of the United States Pacific Command.

Most recently, Goehring deployed to Iraq as a Criminal Investigations Division Special Agent with the 1149th Military Police Detachment of the Texas Army National Guard. Back in 2002, he also deployed to Afghanistan with the 345th Psychological Operations Company in support of Operation Enduring Freedom. When home, Goehring works for the Richardson Police Department. He started in 1997 as a patrol officer, Field Training Officer, and member of the Special Weapons and Tactics (SWAT) Team. During that time he obtained the highest certification available to an officer—Master Peace Officer. He now serves in the Investigations Division as a Crimes Against Persons and Sex Crimes Detective. During his time with the Police Department he has received forty-two citizen and Departmental commendations. He has also been selected for assignment to the Joint Terrorism Taskforce in the Dallas area.

For his heroic military efforts, Goehring was awarded the Joint Service Commendation Medal, Army Commendation Medal, Army Achievement Medal, and National Defense Service Medal, to name a few. It is my pleasure to name Allen Goehring a recipient of the inaugural Congressional Veteran Commendation for the Third District of Texas.

Congressional Record — Extensions of Remarks
December 2, 2011

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Friday, December 2, 2011

Mr. KUCINICH of Ohio. Mr. Speaker, I rise today in honor of Mr. Rick Case and in acknowledgement of his 50th anniversary as the owner and founder of the Rick Case Automotive Group, located in Northern Ohio, South Florida and Atlanta, Georgia.

Mr. Case began his work with automobiles while in high school by selling cars from his parents' yard. The business has grown from a local Ohio dealership to 16 dealerships in three different states. Rick Case founded the Rick Case Automotive Group in 1962 in Northeast Ohio and expanded to South Florida and Atlanta in 1986. Today, the Rick Case Automotive Group employs more than 900 people. Rick Case Automotive Group has been honored with many awards over the years. It was presented with the Honda President's Award in 2009 and in 2011, the Rick Case Automotive Group was the recipient of the Ernst & Young Entrepreneur of the Year Award. Mr. and Mrs. Case have also received the title of “Business Leaders of the Year” from the Florida Sun Sentinel and “Humanitarians of the Year” by Nova Southeast University.

Beyond running a successful business, Mr. and Mrs. Case founded local non-profit programs such as Bikes for Kids program to provide bicycles for the less fortunate children in their community. Mr. Speaker and colleagues, please join me in honoring Rick Case and the Rick Case Automotive Group’s 50th anniversary.

Personal Explanation

HON. ROBERT T. SCHILLING
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Friday, December 2, 2011

Mr. SCHILLING. Mr. Speaker, on Friday, December 2, 2011, I attended the funeral of Pfc Adam E. Dobereiner in Rock Island, Illinois. Pfc Dobereiner died on November 18, 2011 in the Kandahar Province of Afghanistan while serving his country. Our nation owes Pfc Dobereiner and his family a debt of gratitude for their sacrifice. We must always remember the service of heroes both past and present.

Honor the contribution of your favorite veterans through a letter to the editor or by speaking at local government meetings. Let's show our appreciation for these brave men and women who gave so much.

Mr. Speaker, Pfc Dobereiner was a hero. He was the son of Mr. and Mrs. Nick Dobereiner of East Rock Island. He was a graduate of East Rock Island High School and was a member of the Army National Guard. Pfc Dobereiner was deployed to Afghanistan in support of Operation Enduring Freedom.

Mr. Speaker, I am preparing a letter to the Rock Island Morning Star, a local newspaper, to honor Pfc Dobereiner. I believe it is important to honor and recognize our veterans, especially those who gave the ultimate sacrifice.

I would like to read an excerpt from the letter:

"In memory of Pfc Adam E. Dobereiner, who was killed in action while serving in Afghanistan. He was a brave soldier and a true hero. His sacrifice will not be forgotten. We honor his service and remember his name."

Mr. Speaker, please join me in honoring Pfc Dobereiner and all of our brave men and women who serve our country with honor and distinction. Let us honor their sacrifice and remember them always.

Thank you, Mr. Speaker.
Commission under the Atomic Energy Act—All federal regulations must be examined for their effect on health, public welfare, the economy and jobs. The NRC should not be carved out of this review. Therefore, I would have voted "No".

For Roll No. 886, which would exempt all rules promulgated by the Department of Homeland Security—All federal regulations must be examined for their effect on health, public welfare, the economy and jobs. The DHS should not be carved out of this review.

Therefore, I would have voted "No".

For Roll No. 892, which would have reauthorized the bill so that it would “not apply to new regulations or the revision of existing regulations that reduce costs or increase coverage for pharmaceuticals and other health services for seniors, or efforts by the Secretaries of Health and Human Services, Veterans Administration, and Defense to negotiate lower prescription drug prices”—Because the whole point and intent of the underlying bill is to lower costs, including the costs of prescription drugs, I would have voted “Yes.”

When it comes to vital health services for our seniors, it is vital that we keep the promise of both Medicare and Social Security. I have voted to do exactly that since coming to Congress eleven months ago. We also must continue to work to preserve these programs for our children and their children.

For Roll No. 888, the Regulatory Accountability Act of 2011, which would reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, I would have voted “Yes”.

We must ensure that the regulations put forth by the federal government—more specifically the 4,000 final rules that federal agencies issue each year—are truly needed and necessary for the public welfare. This includes public health and our economy. I truly believe that our economic recovery is being held back because of overregulation and uncertainty coming from the government. My number one priority as a representative is fostering job creation to strengthen our economy so that American families can pursue the American Dream. H.R. 3010 promotes increased public participation when it comes to considering regulations, stresses that lower cost regulations should be pursued, and provides more certainty to our businesses which represent the key to growing jobs in America.

It is an honor to serve the people of the 17th Congressional District of Illinois.

IN HONOR OF JUDGE JOHN HENRY LAND
HON. SANFORD D. BISHOP, JR.
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. BISHOP of Georgia. Mr. Speaker, it is with a heavy heart and solemn remembrance that I come to the House Floor today to pay tribute to one of Columbus, Georgia’s most renowned and respected public figures, the late Judge John Henry Land. Judge Land served on the Superior Court bench in the six-county Chattahoochee Judicial Circuit for nearly 25 years, died on Wednesday, November 30, 2011 at the age of 93 years old. His funeral will be on Monday, December 5, 2011 at the Striffter-Hamby Mortuary’s Macon Road Chapel, followed by a committal service in Park-Hill Cemetery.

His many years of dedicated public service and steadfast commitment to mentoring young lawyers, District Attorneys, and Judges are just two of the many reasons as to why Judge Land was such an influential and respected pillar in Georgia legal circles.

A Columbus native, Judge Land was born on June 1, 1918, the son of Aaron Brewster and Mattie Miller Land. He is a graduate of Columbus High School and the University of Georgia. As a student at the University of Georgia, he epitomized the true meaning of a young and inspiring legal scholar by finishing a five-year law degree program in four years.

Following his exemplary collegiate career, Judge Land was engaged in the private practice of law before being drafted into the Army in 1941, eventually rising to the rank of Major before being honorably discharged after World War II.

After the war, Judge Land resumed his legal career and was subsequently elected to public office. He served in the Georgia State Senate from 1949 to 1950 and in 1955 he was appointed by Governor Marvin Griffin to serve as District Attorney.

Following his service as State Senator and District Attorney, Judge Land was elected in 1964 to the Muscogee County Superior Court, a position in which he served until his retirement in 1988. As a Superior Court judge, he was lauded and respected for his high legal acumen, disciplined adherence to the rule of law and his stern, non-nonsense judicial temperament.

Mr. Speaker, Judge Land possessed the intellect, courage, and fortitude necessary to grow as a lawyer and jurist and become one of our state’s most renowned judges and preeminent judicial scholars. And, I will always respect him for his many outstanding professional achievements, substantive contributions to our community and his sage advice and counsel to me as I entered the Georgia political arena. But what I will remember most about Judge Land is his strength of character, his integrity, and his fidelity.

My wife Vivian and I would like to extend our prayers and condolences to Judge Land’s wife, Mary, and his four surviving children, John H. Land III, Martha Christensen, Jeffrey Land, and Jere Land.

Though he will be greatly missed by his loving family and his many diverse friends of long standing, we can all be grateful that we had the opportunity to know, love, and have our lives touched by this exceptional human being! Mr. Speaker, I ask my colleagues to join me today in celebrating the life of a great American and Georgia public figure of giant proportions—the late Judge John Henry Land of Muscogee County, Georgia.

HONORING JOHN J. DINTINO
HON. PATRICK MEEHAN
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. MEEHAN of Pennsylvania. Mr. Speaker, I rise today to honor Collingdale Borough Councilman John J. Dintino. After 37 years of honorable service, he will retire on December 5, 2011. Having served continuously since joining the Borough Council on January 5, 1975, John’s service has left immeasurable contributions on the community. For many years he was the Chairman of the Public Safety Committee and is the current Chairman of the Highway and Sanitation Committee. Through hard work and tremendous commitment, John has helped make the Borough of Collingdale a great place to work, live, and raise a family.

ANNOUNCING RECIPIENTS OF THE INAUGURAL CONGRESSIONAL VETERAN COMMENDATION FOR THE THIRD DISTRICT OF TEXAS—SCOTT BRADLEY

HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a privilege to announce before my colleagues in the United States House of Representatives the names of eleven distinguished military veterans and community servants who call the Third District of Texas home. For their selfless service and dedication to their neighbors and nation, the following individuals have been selected as recipients of the inaugural Congressional Veteran Commendation:

United States Army Sergeant First Class (ret.) Scott Bradley served our country from 1984–2007. During his distinguished military career, Bradley spent one year in Seoul, Korea as part of the Customs Inspection Team and participated in multiple deployments to Central America to assist with aid efforts after devastating natural disasters swept the region.

In June of 2004, Bradley was transferred to the 228th Combat Support Hospital (CSH) in San Antonio. When his unit deployed to Iraq in support of Operation Iraqi Freedom, Bradley’s task was to secure and detain all insurgents coming through the hospital. He also ran general security for the facility.

For these and other heroic efforts, Bradley has been awarded the Meritorious Service Medal, three Army Commendation Medals, and two Army Achievement Medals. He also received the Army Good Conduct Medal, National Defense Service Medal, two Overseas Service Ribbons, the Armed Forces Reserve Medal with “M” Device, the Global War on Terrorism Service Medal, and the Iraq Campaign Medal.

After leaving the Army Reserve in 2007, Bradley was elected to the City Council in Murphy, Texas. In his role on the Council, Bradley is an active community leader and public servant.

It is my pleasure to name Scott Bradley a recipient of the inaugural Congressional Veteran Commendation for the Third District of Texas.
RECOGNIZING MR. JOHN JACKSON FOR HIS COMMITMENT TO THE COMMUNITY

HON. BENNIE G. THOMPSON
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Friday, December 2, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor entrepreneur and faithful exponent of his community, Mr. John Jackson. Mr. Jackson has owned and operated his own farm in Leake County, Mississippi for the past twenty years.

Mr. Jackson comes from a long line of entrepreneurs and community servicemen. He is the son of a blacksmith and grandson and son-in-law of farmers. Even after years of witnessing his family undergo oppression, Mr. Jackson still rose to become one of Leake County’s leading servicemen.

He served as president of the Thomastown Attendance Center Booster Club for four years; trustee on the Leake Memorial Hospital Board for two years; and is an active member of the Leake County Voters League. Mr. Speaker, I ask that you and my colleagues join me in recognizing Mr. John Jackson for his dedication to serving the Leake County community.

HONORING DR. EDWARD WAITE MILLER

HON. LYNN C. WOOLSEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, December 2, 2011

Ms. WOOLSEY. Mr. Speaker, I rise in sadness today to honor my friend, Dr. Edward Waite Miller, who passed away October 27, 2012, at the age of 92. He was a prominent surgeon and writer in Marin County, California, as well as a loving family man.

Born in Oyster Bay, New York, in 1919, Dr. Miller studied at Union College in Schenectady and at Cornell Medical School with an internship at Boston City Hospital. He then served at the US Naval Hospital in Corpus Christi and in the South Pacific during WWII. He was awarded the American Theatre, Asiatic-Pacific, and Victory Medals. Reactivated in 1953, his service varied from making training films in the California desert to witnessing nuclear testing at the Bikini Atoll. He then received the Korean Service, United Nations, and National Defense Medals.

Dr. Miller also had a distinguished medical career. While working as a research fellow at the Cleveland Clinic with Dr. Wilem Koff in the 1950s, he published some seminal studies on the angiography of the heart that led to research in the new practice of coronary bypass surgery. He later worked as a surgeon in Marin General Hospital in Greenbrae, CA, and Children’s Hospital in San Francisco, CA, and as a physician at Novato Community Hospital in Novato, CA.

In retirement Dr. Miller became well known in the community and around the world for his writing in the Coastal Post newspaper, a Marin County newspaper that gave him free rein to speak out on issues he was passionate about. From advocacy for peace and human rights to his sometimes controversial pro-Palestinian stance, he penned opinion pieces that reflected his deeply held beliefs and his great knowledge of world events.

I had many conversations with Ed Miller about these issues, and, although I sometimes didn’t agree with him, I always enjoyed our time together and appreciated his commitment and his compassion. He loved discussing everything from politics to poetry (which he quoted from memory) with friends and family.

A long-time resident of the Lucas Valley area, Dr. Miller enjoyed landscaping his yard, and he was a board member and President of the Lucas Valley Homeowners’ Association. Dr. Miller is survived by his wife Fusae Ito Miller; his children and stepchildren, Trudy Vriehoff, Susan Ray, Lori Callahan, Jeffrey Miller, Grace Bransford, and Robert Fleming and their spouses; and 5 grandchildren.

Mr. Speaker, I always looked forward to seeing Ed Miller and will miss our lively discussions. Please join me in offering condolences to his family and friends.

HONORING MARY LEE SPENCER

HON. HENRY C. “HANK” JOHNSON, JR.
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Friday, December 2, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, reaching the age of 93 years is a remarkable milestone; and

Whereas, Mrs. Mary Lee Spencer was born on August 28, 1918 and is celebrating that milestone; and

Whereas, Mrs. Spencer has been blessed with a long, happy life, devoted to God and credits it all to the Will of God; and

Whereas, Mrs. Spencer is celebrating her 93rd Birthday with her family members, church members and friends here in DeKalb County, Georgia on August 28, 2011; and

Whereas, the Lord has been her Shepherd throughout her life and she prays daily and is leading by example a blessed life; and

Whereas, we are confident that she is celebrating the milestone of her 93rd birthday in the 4th District of Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mrs. Mary Lee Spencer for an exemplary life which is an inspiration to all. Now Therefore, I, Henry C. "Hank" Johnson, Jr. do hereby proclaim August 28, 2011 as Mrs. Mary Lee Spencer in the 4th Congressional District of Georgia.

Proclaimed this 28th day of August, 2011.

TEMINATING PRESIDENTIAL ELECTION CAMPAIGN FUND AND ELECTION ASSISTANCE COMMISSION

SPEECH OF
HON. MAZIE K. HIRONO
OF HAWAII
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 1, 2011

Ms. HIRONO. Mr. Speaker, yesterday the House passed H.R. 3463, a bill terminating the Election Assistance Commission and the Presidential Election Campaign Fund. I voted “no”.

I also opposed the House-passed legislation in January to eliminate the Presidential Election Campaign Fund (H.R. 359), as well as the previously unsuccessful attempt in June to pass a bill eliminating the Election Assistance Commission (H.R. 672). H.R. 3463 combined these previously considered bills to pay for the cost of the two bills the House considered yesterday and today (H.R. 527 and H.R. 3010). I also voted against those bills because they reduce the ability of federal agencies, such as the Environmental Protection Agency (EPA), to implement regulations to protect public health, workers, and the environment.

The Election Assistance Commission was established in 2002 as part of the Help America Vote Act. That legislation was enacted because of the widespread irregularities and controversy surrounding the 2000 presidential elections. The commission’s immediate role was to oversee payments to states to help them replace punch card and lever voting systems and to develop statewide voter databases. The commission also operates a federal voting system testing and certification program and maintains an election administration information clearinghouse. State and local governments rely on the services provided by the Commission. One year before another presidential election, now is not the time to eliminate the Commission.

The Presidential Campaign Fund was created to establish a system and spending limits for publicly financed presidential elections, providing opportunities for greater competition and transparency. The law that created the Fund in 1972 clearly needs some updating, but it should not be repealed.

The Davis Family Goes the Extra Mile in Honoring Our Nation’s Wounded Heroes

HON. C.W. BILL YOUNG
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Friday, December 2, 2011

Mr. YOUNG of Florida. Mr. Speaker, I rise to recognize Mr. and Mrs. Dano Davis, the rest of the Davis Family, and the staff and volunteers of the D-Dot Ranch in Jacksonville, Florida. For the past five years, the D-Dot Ranch has semi-annually hosted four wounded and injured military returnees from Iraq, Afghanistan and other conflicts, for a three-day respite at the D-Dot Ranch.

This respite has included food and lodging in their spectacular bunk house lodge and one of a kind special Florida outdoor experience. Participants have included heroes who have lost eyes, arms and legs, as well as other physical and mental impairments. These respite visits have helped many highly-deserving individuals to realize they can still enjoy the great outdoors in spite of their impairment challenges. Personnel at Walter Reed, Bethesda and other military healthcare facilities have reported significant therapeutic benefit for these participants.

Mr. Speaker, it is my hope that my colleagues will join me in saying thank you to the Davis Family and the staff at the D-Dot Ranch for a job well done. America owes our wounded heroes a debt of gratitude that we can
repay and this is one way that we can show our appreciation and admiration for their service.

ANNOUNCING RECIPIENTS OF THE INAUGURAL CONGRESSIONAL VETERAN COMMENDATION FOR THE THIRD DISTRICT OF TEXAS—ROBERT “BOB” KINNE

HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Friday, December 2, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a privilege to announce before my colleagues in the United States House of Representatives the names of eleven distinguished military veterans and community servants who call the Third District of Texas home. For their selfless service and dedication to their neighbors and nation, the following individuals have been selected as recipients of the inaugural Congressional Veteran Commendation:

Robert “Bob” Kinne retired as a United States Air Force Lieutenant Colonel in 1973 after 21 years of honorable service. A distinguished fighter pilot of exceptional skill, Kinne flew numerous combat missions over Vietnam. During one run in 1966, he was involved in a midair collision over Hanoi. When several surface to air missiles were launched at Kinne and his wingman, the wingman lost sight of Kinne’s F-4 and collided with him at 8,000 feet. The plane was heavily damaged, but Kinne was able to recover after falling to about 2,000 feet. Against all odds, he made it back to Da Nang Air Base safely. For these and other missions Kinne has received three Distinguished Flying Crosses, eight Air Medals, a Bronze Star, and two Meritorious Service Medals.

Upon his retirement in 1973, Kinne joined the business jet community working his way up to head of aviation for the Associates First Bank in New York. He moved to Texas in 1978 to become president of SEG Group where he worked for the next 30 years, and eventually retired to McKinney, Texas. A member of the Red River Valley Fighter Association, Kinne is an advocate for veterans and is a member of the Red River Valley Fighter Association. Kinne contributes to our community by sharing his love of aircraft and flying with the next generation. He also assists numerous Boy Scouts with their badges, Eagle Scout projects, and those with plans for future military service.

It is my pleasure to name Bob Kinne a recipient of the inaugural Congressional Veteran Commendation for the Third District of Texas.

HONORING THE LIFE OF MR. EDDIE CHARLES BROWN, JR., HUMAN RIGHTS ACTIVIST AND WORLD CITIZEN

HON. BENNIE G. THOMPSON
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Friday, December 2, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to recognize Mr. Eddie Charles Brown Jr., a consummate organizer, community activist and civil rights advocate. Mr. Eddie Brown Jr. began working in the areas of human and civil rights in the 1960s. Often working on behalf of others, Mr. Brown devoted his life to making a difference in society.

A native of Vicksburg, Mississippi, Mr. Brown was born on August 19, 1941, in New Orleans and raised in Baton Rouge, Louisiana, to Thelma Warren and Eddie Charles Brown, Sr. He is survived by his wife, Valinda, and three sons.

Mr. Brown’s history is filled with efforts to fight segregation and all forms of oppression as well as to empower Black people started in 1960 as a student at Louisiana’s Southern University. He and 16 other classmates confronted the University and staged a sit-in to protest the prevalent racial segregation that existed in Louisiana. After he and the others were arrested, expelled and banned from enrolling in any university in Louisiana, Eddie Brown’s life would be defined by his fight for justice, equality and human dignity on behalf of politically and socially marginalized communities.

The expulsion from Southern University led Mr. Brown to Howard University in Washington, D.C. in 1961, where he landed on the frontline of the Civil Rights Movement. At Howard University, Mr. Brown became a leader in the Student Nonviolent Coordinating Committee (SNCC). He fought to win constitutional rights for Blacks and all disenfranchised people. Mr. Brown never held a job that was not directly concerned with human advancement. Highly regarded in white political and philanthropic circles for a selfless incorruptibility, he helped bridge the gap between both communities and was able to direct very significant financial resources into poor black communities.

As a staffer at the Citizen’s Crusade Against Poverty in Washington, D.C., in 1965, Mr. Brown developed information networks among community-based organizations to support anti-poverty legislation. In 1967, he organized efforts to improve the political and economic conditions of Blacks in the Mississippi Delta as the Executive Director and founder of the Mississippi Action for Community Education (MACE) and The Delta Foundation in Greenville, Mississippi. At MACE, he developed community-based organizations in Fine Vines blue jeans and establishing catfish farms in the Delta. In 1974, Mr. Brown raised funds and helped organize the Sixth Pan African Congress held at the University of Tanzania with delegates representing 52 independent African nations who formed movements in America, the Caribbean, and other people of African descent.

As Executive Director of the New Orleans Area Development Project in 1976, he organized advocacy efforts for reform by organizing communities to fight police brutality and creating parent-teacher committees for education reform. Mr. Brown went on to serve as President and CEO of the Southern Agriculture Corporation in the 1980s where he worked to organize capital funding for small Black southern farmers. In the 1990s as Executive Director of the Voter Education Project in Atlanta, he continued his tireless efforts to register Blacks and poor people to vote and to fight legislation restricting poor and disenfranchised people of all color from voting.

From the 1990s through 2006, Mr. Brown shifted his focus to nations outside the United States. As a senior consultant to the National Democratic Institute, Mr. Brown designed and implemented civic and voter education programs to prepare for national elections in Ethiopia, Namibia, Zambia, Nigeria, and Zimbabwe. As an international election observer for The Jimmy Carter Center, Eddie worked in Ghana, Zaire, and the Dominican Republic. As a human rights activist in corporate board rooms, Eddie served on the World Council of Churches and Emergency Fund for Southern Africa raising funds for humanitarian relief; at the Center for National Security Studies monitoring American defense policies and budgets; and with the American Friends Service Committee, United States Department of Agriculture Citizens Advisory Committee Equal Opportunity and Atlanta Council for International Cooperation.

Mr. Speaker, I ask that my colleagues join me in honoring the life and legacy of Mr. Eddie Charles Brown Jr., a global citizen and activist who found his lifework in the work that he loved.


HON. CHRIS VAN HOLLEN
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Friday, December 2, 2011

Mr. VAN HOLLEN. Mr. Speaker, the current House rule provides for consideration of three separate pieces of legislation: H.R. 3463, the Terminate Election Assistance Commission and Presidential Election Campaign Fund Act, H.R. 3010, the Regulatory Accountability Act and H.R. 527, the Regulatory Flexibility Improvements Act. I opposed these three bills, because they weaken our democracy by giving powerful special interest influence at the expense of the public. We should be focusing on legislation to create jobs today and these bills do nothing to create jobs or improve the sluggish economy.

The first bill, H.R. 3463, eliminates the Presidential Election Campaign Fund, which was established as part of landmark political reforms following the Watergate scandal. The fund is critical in ensuring that wealthy donors and corporations are not able to monopolize the political process. Critics of the Presidential Election Campaign Fund contend that it is outdated and fails to provide enough money for candidates to run modern campaigns. I recognize that the fund needs to be modernized, but strongly oppose its elimination. Instead, I introduced H.R. 414, the Presidential Funding Act, with Rep. David Price to reform the presidential public financing system and again make it an attractive and viable option for candidates. Our bill would bring available funds into line with the high cost of campaigns, enhance the role of small donors, adjust the process to today’s front-loaded primary calendar, and end the public financing of party conventions. Presidential campaigns should not be limited to candidates who can raise the most
money from corporations and the super wealthy.

H.R. 3463 also eliminates the important Election Assistance Commission, which was created in the wake of the 2000 presidential election to help states update their voting systems. This commission provides voting system testing and certification programs to ensure that every qualified citizen’s vote is counted. Since the commission was created, it has greatly improved the accessibility and reliability of voting machines. The commission works to provide states with financial and informational resources to upgrade their voting and registration systems, train their poll workers, and improve access to voting machines for more than 37 million voters with disabilities. The Republican bill to turn back the clock on fair elections is opposed by a wide-range of public interest groups dedicated to protecting voting rights—including the League of Women Voters, Democracy 21, Common Cause, Americans for Campaign Reform, Brennan Center for Justice, Campaign Legal Center, People for the American Way, Public Campaign Citizens for Responsibility and Ethics in Washington (CREW), Public Citizen, and U.S. PIRG. Congress should assist the commission with additional resources; it should not eliminate it.

The Republican leadership combined H.R. 3463 in a rule to pay for two other flawed bills, the misnamed Regulatory Accountability Act and the Regulatory Flexibility Improvements Act. In contrast to their nice-sounding titles, these bills create unnecessary delays and additional red tape in federal rulemaking. These delays could be detrimental to public health and safety.

It is important to recognize that President Obama has implemented reforms to the rulemaking process. In January 2010, the President signed an Executive Order that required agencies to determine if the benefits of proposed rules are justified considering their cost to society. He also directed agencies to consider input from affected public and private stakeholders and experts when developing rules and regulations. President Obama required the commission providing federal rulemaking to conduct a five-year review of repetitive rules and regulation between agencies that may prevent innovation in the private sector. In response to concerns from small business owners, President Obama requested departments and agencies to decrease unjustified economic burdens on small businesses through increased flexibility. This increased flexibility can include postponing compliance deadlines for small businesses, establishing different requirements for small firms and large firms, and providing partial or total exemptions for small businesses that I believe that the steps taken by the Obama Administration address many of the problems these bills seek to fix without creating additional layers of unnecessary bureaucracy and legal uncertainty.

In 1980, Congress passed the Regulatory Flexibility Act to require that federal agencies consider the potential economic impact of federal regulations on small businesses. The current law has worked well, but the Regulatory Flexibility Improvements Act creates excessive requirements in federal rulemaking by subjecting 50 additional federal agencies to conduct five-year review processes and additional costly analyses. The bill would create major delays in important rules. These delays could adversely impact rules that would protect families from fraudulent practices in the mortgage industry or safeguard children from toxic toys among other things.

The so-called Regulatory Accountability Act adds more than 60 new requirements in the federal rulemaking process. These new requirements would prevent government agencies from reducing costs from additional health, consumer protections, environmental standards, workplace safety and financial malfeasance and many other important actions. The new requirements contained in these bills could prevent federal agencies from fulfilling their core missions under the law. If federal requirements are overly burdensome, Congress already has the oversight responsibility to address the problem. I stand ready to work with my colleagues to eliminate any outdated unnecessary regulations that are not cost-effective.

CELEBRATING THE 20TH ANNIVERSARY OF THE HARLEM DOUBLE DUTCH CLASSIC

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, December 2, 2011

Mr. RANGEL. Mr. Speaker, I rise today to celebrate the 20th Anniversary of the Harlem Double Dutch Classic, which competition takes place every year at the world famous Apollo Theater. I also would like to recognize the National Double Dutch League and my good friend Mr. David A. Walker who passed away in 2008, and the rise of director Ms. Lauren Walker, Mr. Walker’s daughter.

David A. Walker, the founder of the National Double Dutch League made Double Dutch into the game it is today. Together with Ulysses Williams, whom he met while working for the New York City Police Community Affairs division, were able to make the game into a competitive team sport that quickly gained momentum as a World Class Sport. By 1974 Double Dutch had gained enough popularity to have the first tournament of fifth through eighth graders, in which almost 600 students participated.

Double Dutch has since become a citywide, national and international sport. Community centers and school throughout the nation have thousands of students compete to be champions of this wonderful sport. For 18 years, Walker served the American Double Dutch League as president, and later went on to form the International Double Dutch Federation, the National Double Dutch League, which we helped establish, and the Dynamic Diplomats of Double Dutch team. Walker managed to create an approach to the sport that has spread throughout the world as the default method to compete. Double Dutch has risen and fallen in popularity over the years, but Double Dutch has found a way to stand the test of time and rise once again in its full glory.

Mr. Speaker, I urge my colleagues to educate themselves on this important sport that has changed the lives of young girls and boys throughout the nation and the world. We must honor the spirit and commitment our children’s energies into safe pass times such as this, and David A. Walker was that man. I know that his daughter will carry on his legacy and keep this incredible sport alive and thriving.

ANNOUNCING RECIPIENTS OF THE INAUGURAL CONGRESSIONAL VETERAN COMMENDATION FOR THE THIRD DISTRICT OF TEXAS—RICHARD D. OLIVER

HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Friday, December 2, 2011

Mr. SAM JOHNSON of Texas, Mr. Speaker, it is my privilege to announce before my colleagues in the United States House of Representatives the names of eleven distinguished military veterans and community servants who call the Third District of Texas home. For their selfless service and dedication to their neighbors and nation, the following individuals have been selected as recipients of the inaugural Congressional Veteran Commendation:

Specialist Richard D. Oliver served our country in the United States Army from 1980 to 1983. During his distinguished military career, Oliver trained to perform decontamination of field units in the event of a combat nuclear exchange. He served with the 2nd Armored Division, 1st and 2nd Infantry. Later, he was stationed in Korea as a Demilitarized Zone Guard.

Having served with great distinction, Oliver was awarded the Army Service Ribbon, Overseas Ribbon, Army Achievement Medal, Good Conduct Medal, and Drivers Badge.

After leaving the Army, Oliver served as a volunteer firefighter for the City of Sachse, Texas for 10 years. He now serves Sachse as a Police Officer. The recipient of four Life Saving Awards, Oliver most recently put his skill and strength to work when he rescued a woman who was trapped in her burning vehicle.

He is the current Vice President and State Trustee of the Fraternal Order of Police, also representing that organization at the local Chamber of Commerce. With the support of his fellow officers, he is the driving force behind the annual Christmas food and toy drive for needy families. Oliver fights for families who need assistance with home repairs and maintenance through the Sackse Shares project. Last year, Oliver was honored by his hometown as outstanding citizen of the year when he was presented with the Spirit of Service Award.

It is my pleasure to name Richard D. Oliver a recipient of the inaugural Congressional Veteran Commendation for the Third District of Texas.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Friday, December 2, 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 $15,088,441,787,407.62. We've added $10,287,036,612,113.34 dollars to our debt in 16 years. This is $10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

FAIRNESS FOR HIGH-SKILLED IMMIGRANTS ACT OF 2011

SPÉECH OF
HON. JEFF FLAKE
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 29, 2011

Mr. FLAKE. Mr. Speaker, I am pleased to support H.R. 3012, the Fairness for High-Skilled Immigrants Act.

I congratulate my colleague from Utah and my colleague, the esteemed chair of the Committee on the Judiciary, for moving this bill through the committee process and bringing it to the floor. I am pleased to be a cosponsor.

This bill will eliminate per-country limits on employment-based immigration, which limit the total employment-based immigration from any one country to just seven percent of the overall number of visas allowed.

While there may have been a rationale for per-country limits in the past, currently they have created a bottleneck for those seeking to legally emigrate from high population countries. These high population countries also happen to be countries from which a large percentage of high-skilled workers come.

Simply put, H.R. 3012 will reform our employment-based immigration such that our economy will have better access to the best and the brightest in the world.

The value of foreign-born, high-skilled talent simply cannot be overstated.

For example, researchers at Duke University and University of California—Berkeley found that, from 1995 to 2005, more than a quarter of engineering and technology companies started in the U.S. had at least one foreign-born founder and in 2006 these companies employed 450,000 workers and produced $52 billion in sales.

Facilitating U.S. industry having access to the best and the brightest from around the world is crucial to ensuring that we stay on the leading edge of global innovation.

Given the economic realities we face, these reforms could not come at a better time and this legislation has received support from CompeteAmerica, the Information Technology Industry Council, TechAmerica, and Immigration Voice.

This bill is the right policy at the right time and it is my hope that it moves through the legislative process and ultimately lands on the President's desk expeditiously.

In addition, Congress can and should continue to look for fixes to our current approach to legal immigration that will benefit our economy.

For example, there is a growing consensus that steps should be taken to ensure that we are able to retain foreign-born graduates with advanced degrees in science, technology, engineering, and math, as opposed to losing them to countries with which we compete.

I look forward to working with the Chairman and my colleagues on commonsense reforms that can help the U.S. retain its competitive edge and remain at the forefront of the global marketplace.

RECOGNITION OF MAJOR ALISON HAMILTON

HON. NIKI TSONGAS
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Friday, December 2, 2011

Ms. TSONGAS. Mr. Speaker, I rise today to recognize and pay tribute to Major Alison Hamilton, United States Army, on the occasion of her departure from the Army House Liaison Office to deploy to Afghanistan in support of Operation Enduring Freedom.

I, and many other members of this chamber, have had the pleasure of working with her as she has served as a part of the U.S. Army Office of Legislative Affairs, and prior to that, when she served as a Congressional Fellow in my office.

In 1999, while still a West Point cadet, Major Hamilton was awarded the Soldier’s Medal—the Army's highest peace-time award for bravery—for heroism above and beyond the call of duty following the terrorist bombing of the U.S. Embassy in Nairobi, Kenya, on August 7, 1998 when she risked her life to rescue others.

Following her graduation from West Point, Major Hamilton was commissioned a second lieutenant in the United States Army. During her 13-year career, she has served as platoon leader for companies of Military Police in Germany and Kosovo and as the Battalion S-1 for the 709th Military Police Battalion. For 19 months, she commanded the 212th Military Police Detachment stationed in Fort Belvoir, VA before deploying to Arifjan, Kuwait to serve as the theatre operations officer in the only strategically deployable Field Army headquarters in the U.S. Army. Upon redeployment, Major Hamilton went on to share her field experience with cadets at the Valley Forge Military College where she served as the Battalion S-3 and Assistant Professor of Military Science.

In 2010, she joined my personal office as a Congressional Fellow tasked with assisting me in my work on the House Armed Services Committee and quickly became an integral part of our team, demonstrating the same level of leadership, maturity, dedication, insight and intelligence that have been the hallmarks of her career. Alie took initiative to help me pursue several legislative initiatives and served as a valuable resource to me and my staff. Her warm personality and even temperament mixed with her thorough attention to details and intelligence made her a reliable and trusted member of our team. Even after her yearlong commitment was completed, she remains a regular visitor to my office but we miss her daily presence.

Following her time with the Army, Major Hamilton was assigned to the Army House Liaison Office as a Legislative Liaison where she continued her dedicated service to the Congress and to the Army. Throughout her assignment to the House of Representatives, Major Hamilton has been a superb representative of Army values.

It is my great honor to congratulate Major Alison Hamilton on her service to the Army and our Nation and I ask my colleagues to join me in recognizing the remarkable accomplishments of this soldier, citizen, and friend. We wish her a safe and successful deployment and a speedy return home.

HONORING OLD MISSION SANTA BARBARA ON ITS 225TH ANNIVERSARY

HON. LOIS CAPPS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, December 2, 2011

Mrs. CAPPS. Mr. Speaker, I rise today to commemorate the 225th anniversary of the Old Mission Santa Barbara in Santa Barbara, California. This is a momentous occasion. Founded by Father Fermon Lasuon on the Feast of St. Barbara on Dec. 4, 1786, the Old Mission Santa Barbara has been administered by the Franciscan Order since its founding, making it the oldest continually operating church in California.

The Old Mission is an exceptional example of both neo-classical architectural design with Mexican, Spanish and native Indian influence, and a rare, lasting example of Chumash sculpture and craftsmanship. Throughout the Santa Barbara Mission's 225 year history, it has served as the signature building of the Santa Barbara community.

In past years, the Old Mission has alternatively served as a mission, a boarding school, a bishopric, a theological seminary, a museum, a private residence, a retreat center, and a parish church. After the devastating earthquake of 1925, which destroyed much of the towers of the mission, the community rallied in support of the Old Mission by collecting pennies and holding benefit concerts all to fund the Mission's restoration.

Old Mission Santa Barbara, a National Historic Landmark, and known as the “Queen of the Missions,” continues to serve our community by hosting the Old Mission Arts and Crafts shows, I Madonnari Festival, the world famous Old Spanish Days Fiesta, the blessings of the animals, and the Christmas nativity creche, as well as other historic celebrations and community gatherings.

Mr. Speaker, I urge my colleagues to join me in commemorating the 225th anniversary of the Old Mission Santa Barbara and the central role it continues to play as a cultural and historic landmark in the city of Santa Barbara.

COMMEMORATING WORLD STROKE DAY

HON. ZOE LOFGREN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, December 2, 2011

Ms. LOFGREN of California. Mr. Speaker, I rise today to commemorate World Stroke Day, which was observed on October 29th. Although I was unable to commemorate this day when it occurred, it’s never too late to raise awareness about this devastating disease.

On average, a stroke occurs every 40 seconds in America, and it’s the fourth leading cause of death in our country. A stroke is essentially a “brain attack” that occurs when
blood flow is interrupted to the brain, either by a blood clot or the breaking of a blood vessel. I urge my colleagues and constituents to learn about the risks and warning signs associated with stroke, and to join me in honoring the seven million stroke survivors, their caregivers and families in recognition of this World Stroke Day.

HONORING RYAN HOSFORD

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself a pause to commend Ryan Hosford of the Boy Scouts of America. Ryan 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 395, and earning the most prestigious award of Eagle Scout. Ryan has been very active with his troop, participating in many scout activities. Over the many years Ryan 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, Ryan has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Ryan Hosford for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

ANNOUNCING RECIPIENTS OF THE INAUGURAL CONGRESSIONAL VETERAN COMMEMORATION FOR THE THIRD DISTRICT OF TEXAS—GEORGE “ROBBIE” ROBINSON

HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. JOHNSON of Texas. Mr. Speaker, it is a privilege to announce before my colleagues in the United States House of Representatives the names of eleven distinguished military veterans and community servants who call the Third District of Texas home. For their selfless service and dedication to their neighbors and nation, the following individuals have been selected as recipients of the inaugural Congressional Veteran Commendation:

Captain George “Robbie” Robinson spent a 20-year career serving our nation in the U.S. Navy. After graduating from the NROTC program at Princeton University, Robinson received a four-year Marshall Scholarship from the United Kingdom where he obtained a Ph.D. in civil engineering. He put the degree to good use with the Navy Civil Engineer Corps from 1961–1981.

During these years, Robinson was responsible for the planning, construction, and maintenance of 51 U.S. Naval bases in the Pacific and Indian Oceans. He also received the Navy Commendation Medal with Combat V for his leadership of a Seabee Company in Vietnam which supported the U.S. Marines. Robinson later assumed command of a Seabees Battalion of over 1,200 men, the only such battalion to be commended by the U.S. Congress.

In 1974, Robinson became the third Naval Officer ever to be named a White House Fellow. Upon his retirement, he was honored with the Legion of Merit.

Robinson went on to have a distinguished career as a corporate executive, planner and engineer. He has maintained an active presence in the community by participating in a wide range of civic, professional and religious organizations. Among his many achievements in the community are leadership positions within the American Cancer Society, Plano Economic Development Foundation, Plano Junior League, Plano Symphony Orchestra, and University of Texas at Dallas. For his extraordinary leadership, Robinson’s hometown of Plano, Texas has honored him as Citizen of the Year.

It is my pleasure to name Robbie Robinson a recipient of the inaugural Congressional Veteran Commendation for the Third District of Texas.

IN HONOR OF MR. JOHN A. PESTOVIC, SR.

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Friday, December 2, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Mr. John A. Pestovic, Sr., who is being honored by the Polish Legion of American Veterans at the 52nd Annual Veteran and Women of the Year Recognition Banquet.

Mr. Pestovic was born on November 28, 1940 in Cleveland, Ohio. He attended Lawn Elementary and Tremont Elementary Schools. After graduating from Lincoln High School in 1958, Mr. Pestovic joined the Army. Mr. Pestovic joined the 86th Engineer Battalion at Fort Dix New Jersey once he was a properly trained electrician. In 1959, he was deployed to Seoul, Korea with the Area Engineers of Headquarters Detachment Seoul. Mr. Pestovic spent a year abroad and then returned to Missouri to lead a group of electricians handling fire ranges. February 12, 1962 marked the end of Mr. Pestovic’s service; he left service with the rank of Specialist E-5.

From the early sixties until his retirement in May of 2000, Mr. Pestovic worked at AT&T and Ohio Bell. Mr. Pestovic has been an active member of Post # 30 of the Polish Legion of American Veterans.

Since 1963, Mr. Pestovic has been married to Marenke Skufca. They are the proud parents of two sons, Edward and John Jr. John Jr. served America, like his father, in the U.S. Navy and now works at the Pentagon. Edward is an architect in Texas.

Mr. Speaker and colleagues, please join me in congratulating Mr. John A. Pestovic as he is being honored at the Polish Legion of American Veterans’ 52nd Annual Veteran and Women of the Year Recognition Banquet.

TERMINATING PRESIDENTIAL ELECTION CAMPAIGN FUND AND ELECTION ASSISTANCE COMMISSION

SPONSORSHIP OF H. R. 3463

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to express my opposition to H.R. 3463, which would strip funding from the public financing of presidential campaigns and the Election Assistance Commission. I wholeheartedly believe that we should be looking closely at faults in our electoral system, but this bill is a step in the entirely wrong direction.

Make no mistake—our election system is in crisis. Money has a corrupting influence at every level in the process. Candidates must constantly raise more and more money to remain competitive, and large corporations such as Facebook, oil or other special interest groups are able to exert a substantial influence. It is increasingly hard for middle class or low income individuals to have their voices heard.

This bill would only worsen the problem. Matching funds are intended to give small donors a more effective voice by doubling the impact of dollars given by those who can only afford to contribute small amounts of money. It gives presidential candidates a substantial reason to focus on small donations, instead of merely courting big donors. Eliminating matching funds will all but guarantee that candidates focus even more on donors who are able to contribute large amounts of money each cycle. Instead we should be looking at how to make money play less of a role in the system—not more. That is why I am a proud co-sponsor of H.R. 1404, the Fair Elections Now Act. This bill would shift a candidate’s focus to receiving a large number of small donations from constituents in their states or districts. This would level the playing field and give small donors—working families, seniors, and others—as much influence as the 1% and mega corporations. If H.R. 1404 were passed, it would go a long way towards righting what is so wrong about our process today.

Rather than considering H.R. 3463 today, we should be discussing how to stop the avalanche of state laws that will have the effect of suppressing voter turnout—laws promoted under the guise of eliminating voter fraud—a virtually non-existent problem. According to the Brennan Center for Justice, recent changes to voting requirements could result in disenfranchising more than five million legitimate, eligible voters this cycle. That number is more than the margin of victory in two of the last three presidential elections.

The various initiatives proposed—whether they be photo identification requirements, the reduction or elimination of same-day, early or absentee voting options, or placing onerous hurdles on voter registration—all disproportionately impact vulnerable voting populations that we should actively be encouraging to vote. Instead, over and over we see state legislatures doing whatever they can to stop these groups from turning out at the polls.

It is our duty as members of Congress to investigate those practices and ensure that
American citizens are encouraged and able to participate in the electoral process. What agency is similarly tasked with making sure that Americans are given every opportunity to exercise this right? The Election Assistance Commission. I believe its role is fundamental. Disbanding the entire agency is the worst possible solution, given recent changes in voting requirements across the country. Rather, the Commission must be given the tools necessary to ensure that disadvantaged, low-participation and other groups are not disenfranchised by recent changes in state law.

It is by addressing these two key issues—the role of money and how to boost voter participation, that we will meaningfully address some of the most serious problems with the electoral system today. I would encourage my colleagues to vote “no” on this resolution, and instead pursue positive election reform.

IN RECOGNITION OF JIM FOWLER

HON. SANFORD D. BISHOP, JR.
OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES
Friday, December 2, 2011

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to one of our nation’s best known naturalists, accomplished conservationists, and recognizable television personalities, Jim Fowler. This weekend, the city of Albany, Georgia is proclaiming Saturday, December 3, 2011 as “Jim Fowler Day” and presenting him with a key to the city. The ceremony honoring Mr. Fowler will take place during Albany, Georgia’s Celebration of Lights Christmas Parade. I am pleased to say that Mr. Fowler, a native of Albany, will be serving as the Grand Marshall of this year’s Celebration of Lights Christmas Parade.

Jim Fowler’s five decade long career as one of America’s leading wildlife experts began at Earlham College in Indiana, Pennsylvania where he graduated with degrees in zoology and geology. Following his studies at Earlham College, Mr. Fowler conducted the first studies of the world’s largest eagle, the Harpy, in the Amazon Rainforest and later tracked the movement of the Andean Condor bird in Peru. Following his academic pursuits, Mr. Fowler served with Marlin Perkins as co-host and later became host of Mutual of Omaha’s Wild Kingdom television show and also hosted Mutual of Omaha’s Spirit of Adventure. These acclaimed educational television programs received many awards including four Emmys and an endorsement by the National Parent Teacher Association (PTA) for family viewing. He has been a frequent guest on many network news and talk shows and served as the wildlife correspondent for NBC’s Today Show. Mr. Fowler was also prominently featured in a news piece that the Animal Planet network did on the Mutual of Omaha’s Wild Kingdom in 2007.

Jim Fowler serves as president of the Fowler Center for Wildlife Education in New York and serves as the honorary president of the Explorers Club. In 1994, he received the prestigious Explorers Club Medal, the club’s highest honor. He was awarded the degree of Doctor of Laws, honoris causa from Earlham College and in 2003 he was awarded the Lindbergh Award which recognizes individuals for significant contributions toward the balance of technology and nature.

As a world renowned zoologist and leading wildlife expert, Mr. Fowler has dedicated his professional career to educating audiences on the importance of preserving and protecting some of earth’s most precious habitats. He has inspired generations of Americans to pursue the altruistic goals of improving our global ecosystem and maintaining the existence of the world’s wildlife communities.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Mr. Jim Fowler for his many career achievements, outstanding service, and public distinction and most importantly for his unwavering support for the preservation of our world’s natural habitats.

ANNOUNCING RECIPIENTS OF THE INAUGURAL CONGRESSIONAL VETERAN COMMEMRATION FOR THE THIRD DISTRICT OF TEXAS—LENI MARK WILLIAMS

HON. SAM JOHNSON
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Friday, December 2, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a privilege to announce before my colleagues in the United States House of Representatives the names of eleven distinguished military veterans and community servants who call the Third District of Texas home. For their selfless service and dedication to their neighbors and nation, the following individuals have been selected as recipients of the inaugural Congressional Veteran Commendation:

Sergeant Leni Mark Williams served our country from 1942 to 1972 as part of three foreign wars: World War II, the Korean War, and the Vietnam War. At the early age of sixteen, Williams enlisted in the Merchant Marines where he served until 1945. He then joined the U.S. Army as an Interpreter. In the aftermath of World War II, Williams contributed to the Joint Intelligence Objectives Agency’s Operation Paperclip which recruited scientists from Europe. After thirteen years of active service, Williams temporarily left the military to return to school. He soon reentered the Army as a Medic. During the Korean War, he trained as a Parachutist with a Ranger Company and took part in the Battle of Chosin Reservoir. In 1968, Williams was wounded in Vietnam. After 33 months of hospitalization, he was medically discharged.

For his exceptionally heroic efforts, Williams has received the Silver Star, Bronze Star with Valor Device and two Oak Leaf Clusters, Army Commendation Medal, Purple Heart with Oak Leaf Cluster, Good Conduct Medal, and Parachute Badge.

Mr. Williams continues to serve his community as an active member of the Veterans of Foreign Wars Lone Star Post 2150 in McKinney, Texas. He plays an active role in area Memorial Day services and other patriotic events, always downplaying his own accomplishments in order to salute his fellow veterans.

It is my pleasure to name Leni Mark Williams a recipient of the inaugural Congressional Veteran Commendation for the Third District of Texas.
**Daily Digest**

**Senate**

**Chamber Action**

The Senate was not in session and stands adjourned until 2 p.m., on Monday, December 5, 2011.

**Committee Meetings**

No committee meetings were held.

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**House of Representatives**

**Chamber Action**

Public Bills and Resolutions Introduced: 11 public bills, H.R. 3548–3558; and 1 resolution, H. Res. 483 were introduced.

Additional Cosponsors: Pages H8124–26

Report Filed: A report was filed today as follows:

H.R. 2471, to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet, with an amendment (H. Rept. 112–312).

Regulatory Accountability Act of 2011: The House passed H.R. 3010, to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, by a recorded vote of 253 ayes to 167 noes, Roll No. 888.

Rejected the Boswell motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 186 ayes to 233 noes, Roll No. 887.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule.

Agreed to:

Olson amendment (No. 2 printed in part B of H. Rept. 112–296) that clarifies that cumulative costs and benefits and estimated impacts on jobs shall include an estimate of the net gain or loss in domestic jobs.

Rejected:

Moore amendment (No. 1 printed in part B of H. Rept. 112–296) that sought to clarify that an agency shall take into account whether a problem disproportionately impacts certain vulnerable subpopulations (including veterans, low-income individuals and families, and the elderly), and whether such an impact would be mitigated by new agency action (by a recorded vote of 187 ayes to 232 noes, Roll No. 882);

Jackson Lee amendment (No. 3 printed in part B of H. Rept. 112–296) that sought to clarify that the agency would retain the discretion to determine whether to provide advance notice, not later than 90 days, of a proposed rule prior to it being published in the Federal Register (by a recorded vote of 162 ayes to 250 noes, Roll No. 883);

Connolly amendment (No. 5 printed in part B of H. Rept. 112–296) that sought to clarify that regulations to protect public health and safety would not be blocked or repealed by H.R. 3010 (by a recorded vote of 171 ayes to 242 noes, Roll No. 884);

Nadler amendment (No. 6 printed in part B of H. Rept. 112–296) that sought to exempt from the Act actions by the Nuclear Regulatory Commission under the Atomic Energy Act (by a recorded vote of 174 ayes to 247 noes, Roll No. 885); and

Jackson Lee amendment (No. 7 printed in part B of H. Rept. 112–296) that sought to exempt all rules promulgated by the Department of Homeland Security (by a recorded vote of 175 ayes to 247 noes, Roll No. 886).
H. Res. 477, the rule that is providing for consideration of H.R. 3463, H.R. 527, and H.R. 3010, was agreed to on November 30th.

**Moment of Silence:** The House observed a moment of silence in memory of Carlos Moorhead, former Member of Congress.

**Meeting Hour:** Agreed that when the House adjourns today, it adjourns to meet on Monday, December 5th at 12 noon for morning hour debate and 2 p.m. for legislative business.

**Senate Message:** Message received from the Senate today appears on page H8117.

**Quorum Calls—Votes:** Seven recorded votes developed during the proceedings of today and appear on pages H8099–H8100, H8100, H8101, H8101–02, H8102, H8104–05, H8105. There were no quorum calls.

**Adjournment:** The House met at 9 a.m. and adjourned at 3:10 p.m.

## Committee Meetings

### BUSINESS MEETING

Committee on Agriculture: Full Committee held a business meeting to consider the issuance of a subpoena to compel the attendance of a witness at the subsequent hearing to examine the MF Global Bankruptcy. The Chairman was authorized to issue the subpoena.

### KEYSTONE XL PIPELINE

Committee on Energy and Commerce: Subcommittee on Energy and Power held a hearing entitled “Expediting the Keystone XL Pipeline: Energy Security and Jobs.” Testimony was heard from public witnesses.

### LEGISLATIVE MEASURES

Committee on Natural Resources: Subcommittee on Water and Power held a hearing on the following: H.R. 976, to terminate certain hydropower reservations, and for other purposes; and H.R. 3263, the “Lake Thunderbird Efficient Use Act of 2011.” Testimony was heard from Kira Finkler, Deputy Commissioner for External and Intergovernmental Affairs, Bureau of Reclamation; Randy Worden, District Manager, Central Oklahoma Master Conservancy District; and public witnesses.

### LEGISLATIVE MEASURES

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing on the following: H.R. 1038, to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960; H.R. 1237, to provide for a land exchange with the Trinity Public Utilities District of Trinity County, California, involving the transfer of land to the Bureau of Land Management and the Six Rivers National Forest in exchange for National Forest System land in the Shasta-Trinity National Forest, and for other purposes; H.R. 2157, to facilitate a land exchange involving certain National Forest System lands in the Inyo National Forest, and for other purposes; H.R. 2490, to amend the National Trails System Act to provide for a study of the Cascadia Marine Trail; H.R. 2504, the “Coltsville National Historical Park Act”; H.R. 2745 to amend the Mesquite Lands Act of 1986 to facilitate implementation of a multispecies habitat conservation plan for the Virgin River in Clark County, Nevada; H.R. 2947, to provide for the release of the reversionary interest held by the United States in certain land conveyed by the United States in 1950 for the establishment of an airport in Cook County, Minnesota; H.R. 3222, to designate certain National Park System land in Olympic National Park as wilderness or potential wilderness, and for other purposes; H.R. 3452, the “Wasatch Range Recreation Access Enhancement Act”; and S. 684, to provide for the conveyance of certain parcels of land to the town of Alta, Utah. Testimony was heard from Rep. Herger; Rep. McKeon; Rep. Larson of Connecticut; Rep. Cravaack; Rep. Gosar; Rep. Heck; Gregory Smith, Acting Deputy Chief of Staff, Forest Service, Department of Agriculture; Peggy O’Dell, Deputy Director, National Park Service, Department of the Interior; Michael Jensen, Councilman, Salt Lake County Council; Ralph Becker, Mayor, Salt Lake City, Utah; Matt Ryan, Supervisor, Coconino County, Arizona; Pedro Segarra, Mayor, Hartford, Connecticut; and public witnesses.

### UNDERSTANDING AND PREVENTING VETERAN SUICIDE

Committee on Veterans’ Affairs: Full Committee held a hearing on Understanding and Preventing Veteran Suicide. Testimony was heard from Jan E. Kemp, National Mental Health Director for Suicide Prevention, Veterans Health Administration, Department of Veterans Affairs; and public witnesses.

### SOCIAL SECURITY DISABILITY INSURANCE

Committee on Ways and Means: Subcommittee on Social Security held a hearing series entitled “Securing the Future of the Social Security Disability Insurance (SSDI) Program.” The focus of this hearing is the history of the disability insurance program, the income security it provides and its financing challenges. Testimony was heard from Stephen C. Goss, Chief Actuary, Social Security Administration; and public witnesses.

## Joint Meetings

### COMBATING ANTI-SEMITISM IN THE OSCE REGION

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine combating

CONGRESSIONAL PROGRAM AHEAD

Week of December 5 through December 10, 2011

Senate Chamber

On Monday, at 4:30 p.m., Senate will begin consideration of the nominations of Edgardo Ramos, of Connecticut, to be United States District Judge for the Southern District of New York, Andrew L. Carter, Jr., of New York, to be United States District Judge for the Southern District of New York, James Rodney Gilstrap, of Texas, to be United States District Judge for the Eastern District of Texas, and Dana L. Christensen, of Montana, to be United States District Judge for the District of Montana, with votes on confirmation of the nominations at 5:30 p.m.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Banking, Housing, and Urban Affairs: December 6, to hold hearings to examine continued oversight of the implementation of the “Wall Street Reform Act”, 10 a.m., SD–538.

December 7, Subcommittee on Financial Institutions and Consumer Protection, to hold hearings to examine enhanced supervision, focusing on a new regime for regulating large, complex financial institutions, 2 p.m., SD–538.

Committee on Commerce, Science, and Transportation: December 6, Subcommittee on Consumer Protection, Product Safety, and Insurance, to hold hearings to examine contaminated drywall, focusing on examining the current health, housing and product safety issues facing homeowners, 10 a.m., SR–253.

December 7, Full Committee, to hold hearings to examine turning the investigation on the science of forensics, 2:30 p.m., SR–253.

December 8, Full Committee, business meeting to consider pending calendar business, Time to be announced, Room to be announced.

December 8, Full Committee, to hold hearings to examine the Internet Corporation for Assigned Names and Numbers’ (ICANN) expansion of top level domains, 10 a.m., SR–253.

Committee on Energy and Natural Resources: December 8, to hold hearings to examine the nomination of Arunava Majumdar, of California, to be Under Secretary of Energy, 9:30 a.m., SD–366.

December 8, Subcommittee on Water and Power, to hold hearings to examine opportunities and challenges to address domestic and global water supply issues, 2:30 p.m., SD–366.

Committee on Finance: December 6, to hold a joint hearing with the House Committee on Ways and Means to examine tax reform and the tax treatment of financial products, 10 a.m., HVC–210.

December 7, Full Committee, to hold hearings to examine drug shortages, focusing on why they happen and what they mean, 10 a.m., SD–215.

Committee on Foreign Relations: December 8, to hold hearings to examine the nominations of Tara D. Sonenshine, of Maryland, to be Under Secretary of State for Public Diplomacy, and Earl W. Gast, of California, to be an Assistant Administrator of the United States Agency for International Development, 10 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: December 8, to hold hearings to examine barriers facing the long-term unemployed, 9:45 a.m., SD–106.

Committee on Homeland Security and Governmental Affairs: December 6, Ad Hoc Subcommittee on Contracting Oversight, to hold hearings to examine whistleblower protections for government contractors, 10 a.m., SD–342.

December 7, Full Committee, 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, 9:30 a.m., HVC–210.

December 7, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, with the Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs, to hold joint hearings to examine earthquakes to terrorist attacks, focusing on if the national capital region is prepared for the next disaster, 2:30 p.m., SD–342.

Committee on Indian Affairs: December 8, to hold an oversight hearing to examine state and Federal tax policy, focusing on building new markets in Indian country, 2:15 p.m., SD–628.

Committee on the Judiciary: December 6, Subcommittee on Administrative Oversight and the Courts, to hold hearings to examine access to the court, focusing on televising the Supreme Court, 10 a.m., SD–226.

December 6, Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold hearings to examine the Express Scripts/Medco merger, 2:30 p.m., SD–226.

December 7, Full Committee, to hold hearings to examine reauthorizing the EB–5 Regional Center Program, focusing on promoting job creation and economic development in American communities, 10 a.m., SD–226.

December 7, Full Committee, to hold hearings to examine the nomination of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit, 2:30 p.m., SD–226.

December 8, Full Committee, business meeting to consider S.1886, to prevent trafficking in counterfeit drugs, S. 678, to increase the penalties for economic espionage,
S.1821, to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts, and the nomination of Kathryn Keneally, of New York, to be an Assistant Attorney General, Department of Justice, 10 a.m., SD–226.

Select Committee on Intelligence: December 8, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House Committees

Committee on Agriculture, December 8, full Committee, hearing on the Examination of MF Global bankruptcy, 9:30 a.m., 1300 Longworth.

Committee on Financial Services, December 6, full Committee, hearing on H.R. 1148, the “Stop Trading on Congressional Knowledge Act.” 10 a.m., 2128 Rayburn.


December 7, Subcommittee on Oversight and Investigations, business meeting for the purpose of authorizing and issuing a subpoena ad testificandum for the appearance of Jon Corzine in conjunction with the hearing scheduled for Thursday, December 15, 2011, 3 p.m., 2128 Rayburn.

Committee on Foreign Affairs, December 5, Subcommittee on Africa, Global Health, and Human Rights, hearing entitled “Fighting Malaria: Progress and Challenges.” 3 p.m., 2172 Rayburn.

December 7, Subcommittee on Oversight and Investigations; and Subcommittee on Middle East and South Asia; joint hearing entitled “Camp Ashraf: Iraqi Obligations and State Department Accountability.” 2:30 p.m., 2172 Rayburn.


December 6, Subcommittee on Counterterrorism and Intelligence, hearing entitled “Jihadist Use of Social Media—How to Prevent Terrorism and Preserve Innovation.” 2 p.m., 511 Cannon.


Committee on the Judiciary, December 6, Subcommittee on the Constitution, hearing on H.R. 3541, the “Susan B. Anthony and Frederick Douglass Prenatal Non-discrimination Act (PRENDA) of 2011.” 1 p.m., 2141 Rayburn.

December 7, Subcommittee on Intellectual Property, Competition and the Internet, hearing entitled “Oversight of the Antitrust Enforcement Agencies.” 10 a.m., 2141 Rayburn.

December 7, Subcommittee on Immigration Policy and Enforcement, hearing entitled “Visa Waiver Program Oversight: Risks and Benefits of the Program.” 1 p.m., 2141 Rayburn.

December 8, full Committee, hearing on the United States Department of Justice, 9:30 a.m., 2141 Rayburn.

Committee on Natural Resources, December 6, full Committee, hearing entitled “The Endangered Species Act: How Litigation is Costing Jobs and Impeding True Recovery Efforts.” 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, December 7, Subcommittee on Government Organization, Efficiency and Financial Management; and Subcommittee on Health Care, District of Columbia, Census and the National Archives, joint hearing entitled “A Medicaid Fraud Victim Speaks Out: What’s Going Wrong and Why?” 10 a.m., 2154 Rayburn.


Committee on Rules, December 6, full Committee, hearing on H.R. 1633, the “Farm Dust Regulation Prevention Act of 2011” 3 p.m., H–313 Capitol.

Committee on Science, Space, and Technology, December 6, full Committee, hearing entitled “The Next Great Observatory: Assessing the James Webb Space Telescope.” 2 p.m., 2318 Rayburn.


Committee on Transportation and Infrastructure, December 6, full Committee, hearing entitled “The Federal Railroad Administration’s High Speed and Intercity Passenger Rail Program: Mistakes and Lessons Learned.” 11 a.m., 2167 Rayburn.


House Permanent Select Committee on Intelligence, December 8, full Committee, hearing on ongoing intelligence activities, 10 a.m., HVC–304. This is a closed hearing.
Next Meeting of the SENATE
2 p.m., Monday, December 5

Senate Chamber
Program for Monday: After the transaction of any morning business (not to extend beyond 4:30 p.m.), Senate will begin consideration of the nominations of Edgardo Ramos, of Connecticut, to be United States District Judge for the Southern District of New York, Andrew L. Carter, Jr., of New York, to be United States District Judge for the Southern District of New York, James Rodney Gilstrap, of Texas, to be United States District Judge for the Eastern District of Texas, and Dana L. Christensen, of Montana, to be United States District Judge for the District of Montana, with votes on confirmation of the nominations at 5:30 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
12 p.m., Monday, December 5

House Chamber
Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

Akin, W. Todd, Mo., E2167
Bishop, Sanford D., Jr., Ga., E2171, E2177
Brady, Robert A., Pa., E2166
Capito, Lois, Calif., E2175
Coffman, Mike, Colo., E2174
Doyle, Michael F., Pa., E2164
Eshoo, Anna G., Calif., E2164
Flake, Jeff, Ariz., E2175
Graves, Sam, Mo., E2176, E2177
Hartler, Vicky, Mo., E2168
Heinrich, Martin, N.M., E2167
Hirono, Mazie K., Hawaii, E2172
Johnson, Henry C., “Hank”, Jr., Ga., E2172
Johnson, Sam, Tex., E2163, E2166, E2167, E2168, E2170, E2171, E2173, E2174, E2176, E2177
Kucinich, Dennis J., Ohio, E2163, E2170, E2176
Lance, Leonard, N.J., E2169
Lofgren, Zoe, Calif., E2175
Maloney, Carolyn B., N.Y., E2168
Meehan, Patrick, Pa., E2170, E2171
Miller, Candice S., Mich., E2163
Poe, Ted, Tex., E2197
Rangel, Charles B., N.Y., E2174
Schakowsky, Janice D., Ill., E2176
Schilling, Robert T., Ill., E2179
Thompson, Bennie G., Miss., E2163, E2166, E2167, E2168, E2170, E2172, E2173
Tsongas, Niki, Mass., E2175
Van Hollen, Chris, Md., E2173
Webster, Daniel, Fla., E2167
Wolf, Frank R., Va., E2169
Woolsey, Lynn C., Calif., E2172
Young, C.W. Bill, Fla., E2172