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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,

December 7, 2011.

I hereby appoint the Honorable ROBERT E. LATTA to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

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

FLAWED DRAFT ENVIRONMENTAL ASSESSMENT IN PUERTO RICO

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

Mr. GUTIERREZ. Today I'm sending a letter to Colonel Alfred A. Pantano, the commander of the U.S. Army Corps of Engineers in Jacksonville, Florida, the district that oversees, among other things, the permitting process for the construction of a massive gas pipeline that will cross the mountains in Puerto Rico. The 92-mile gas pipeline, which does not make any sense environmentally, economically, or ethically, is moving forward in part because Colonel Pantano's office issued a Draft Environmental Assessment that clearly favors the eventual issuance of the permit.

I would like to read an excerpt from my letter:

''I was intensely angered, but sadly not entirely surprised, when I read the report issued by your office regarding the gasoducto in Puerto Rico. From the start, people in Puerto Rico have been telling me that they suspect all the regulatory oversight is nothing more than show and this process has been assured of passage because of insider cozy relationships between the Army Corps Jacksonville staff and the very industry they are supposed to be overseeing and regulating.

''Further, having sunk millions of dollars in this project already, the ruling party in Puerto Rico's very credibility is at stake on this massive construction project going forward.

''The Draft Environmental Assessment is so slanted and flawed that it adds more evidence to the growing view that there will be no meaningful oversight for this project and no meaningful input from the residents of Puerto Rico.

''I believe your decision, Colonel Pantano, shows a complete disregard for compelling evidence demonstrating little need for the project. It shows disregard for the opinion of other Federal agencies who have looked at the project. The decision disregards evidence of potential safety hazards to the people of Puerto Rico. This woefully slanted decision also gives credence to the suggestion of impropriety in matters related to this project and the inability of the U.S. Army Corps of Engineers to oversee this project.

''I believe this process should begin again in an open and transparent manner, that the process that has led to the decision should be fully investigated, and further efforts should be supervised by new leadership. I ask for a U.S. Army Office of Inspector General investigation immediately into the relationship between the government of Puerto Rico, the Army Corps of Engineers Jacksonville office, and the power companies and its contractors.

''Lobbyists who used to work for the Army Corps of Engineers should not be allowed to line their pockets at the expense of the safety of the people of Puerto Rico. Your boss, President Obama, stated 'the cozy relationship between the regulators and the industry they regulate must come to an end.'

''I strongly support the President and agree with him completely. However, my misgivings about the pipeline project multiplied substantially when the project was abruptly removed from Army Corps' office in Puerto Rico and transferred to the Jacksonville office in Florida.

''There is clearly a cozy relationship between current Jacksonville staff that you supervise and former Jacksonville staff who now supervise and work for the private company consulted by and hired by the government of Puerto Rico to lobby and provide technical assistance for the project.''

The result: The Army Corps of Engineers appears to have adopted all the power company's wholesale argument for moving forward. What a surprise. These include ignoring the advice of other Federal agencies that do not seem to have any cozy connections and relationships to the moneyed interests behind the pipeline, including warnings from the Fish and Wildlife Service—ignored; the Environmental Protection Agency—ignored.

Finally, I point out that it is an insult to the people of Puerto Rico to have released the Army Corps' report in the manner it was released. The report is exclusively in English, whereas the common language in Puerto Rico is

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Spanish. English is a language that hundreds of thousands of Puerto Ricans whose lives will be directly affected by the pipeline do not speak and cannot read. How are they supposed to give advice and consent?

It is also personally insulting that the 30-day comment period occurred during the holiday season when the residents of Puerto Rico are especially focused on their family, and interestingly enough, Congress will be in recess.

The people of Puerto Rico, including those who live humbly in the mountains and those who have derived their livelihoods from the land, deserve a government that protects their interest. They deserve to know when their safety and way of life are threatened, the government will protect them. This case reveals the opposite. It reveals a government agency that ignores the warnings of other government agencies and a wealth of facts regarding safety concerns and environmental impact. It reveals a government agency that responds more to well-connected lobbyists than advocates for the people of Puerto Rico. It reveals a government agency that is doing nothing—not doing the job that it was mandated to do.

Mr. Speaker, I would like to include in the RECORD this petition, on behalf of many individuals and environmental groups from the Legal Assistance Clinic at the Law School at the University of Puerto Rico, to have the environmental assessment translated into Spanish.

ESCUELA DE DERECHO,
UNIVERSADAD DE PUERTO RICO,
San Juan, PR, December 6, 2011.

Re Petition to Translate into Spanish the Draft Environmental Assessment, Statement of Findings, Public Notice, and Joint Permit Application for the Via Verde Natural Gas Pipeline Project, Permit Application No. SAJ 2010–02881 (IP–EWG).

Colonel ALFRED A. PANTANO,
District Commander, U.S. Army Corps of Engineers, Jacksonville District, San Marco Boulevard, Jacksonville, FL.

DEAR COLONEL PANTANO: The United States Army Corps of Engineers (USACE) has recently published a Draft Environmental Assessment and Statement of Findings (collectively, Draft EA) as part of its environmental review process under the National Environmental Policy Act (NEPA) for the Via Verde Natural Gas Pipeline project proposed by applicant Puerto Rico Electric Power Authority (PREPA) under permit application SAJ–2010–2881 (IP–EWG). This project involves the construction of a 92-mile natural gas pipeline that would cross the island of Puerto Rico, starting at the municipality of Peñuelas in the south coast, to Arecibo in north coast and then east to San Juan. According to the Draft EA, the purpose of the pipeline is to supply natural gas to three power plants located in the north coast. The project will have temporary and permanent impacts on 235 river and stream crossings; 1,500 acres of land; 369 acres of wetlands (including various types of important aquatic resources); the biodiversity-rich and underground water-abundant northern karst zone; private and public forested lands; natural reserves; archaeological sites; areas of critical habitat for endangered and/or threatened species; rural areas; densely populated urban areas; and coastal areas. In all, the project may affect over 40 endangered or threatened species, and will put at permanent risk the lives of over 200,000 residents. The majority of the people of Puerto Rico are against this project, as shown by various polls, the 6,000 comment letters your agency has received so far, and the public demonstrations against the project involving tens of thousands of Puerto Rican citizens. In addition, this project has been the subject of vivid presentations on the floor of Congress, as well as hundreds of news articles, including attention from the New York Times, Washington Post, and other national media. Not surprisingly, your agency has acknowledged that this project is one of very high public interest.

We are submitting this letter on behalf of various environmental groups and individuals. The conservation groups include the Puerto Rico Chapter of The Sierra Club; Center for Biological Diversity; Ciudadanos del Karso; Asociación Nacional de Derecho Ambiental; Comité Bo. Portugués Contra el Gasoducto; Comité Utuadeño en Contra del Gasoducto; Sociedad Ornitóloga Puertorriqueñia; Vegabajeñios Impulsando Desarrollo Ambiental Sustentable; Iniciativa para un Desarrollo Sustentable; and Comité Toabajeñio en Contra del Gasoducto. These groups all share a common purpose: to promote the general welfare of the communities they serve through education and capacity building of its residents concerning the adverse impacts of human activities on the ecologic balance of natural systems and the importance of restoring the environment and promoting conditions under which human beings and the environment can exist in harmony to fulfill economic, social and other needs of present and future generations.

Likewise, the individual clients of the environmental law clinics of Vermont Law School, University of Puerto Rico School of Law, and the Inter American University School of Law; and of the Puerto Rico Legal Services, Inc. support this petition as well. These individuals include Juan Cortés Lugo; Sofía Colón Matos; Luis Guzmán Meléndez; Ana Oquendo Andújar; Ivan Vélez González; Francisca M. Montero Colón; Sol María De Los Angeles Rodríguez Torres; Iván Carlos Belez Montero; Aristides Rodríguez Rivera; Ada I. Rodríguez Rodríguez; Alex Noel Natal Santiago; Miriam Negrón Pérez; Francisco Ruiz Nieves; Silvya Jordán Molero; Ana Serrano Maldonado; Félix Rivera González; William Morales Martinez; Trinita Alfonso Vda. De Folch; Alejandro Saldaña Rivera; Dixie Vélez Vélez; Dylia Santiago Collaso; Ernesto Forestier Torres; Miriam Morales González; Fernando Vélez Vélez; Emma González Rodríguez ; Samuel Sánchez Santiago; Raquel Ortiz González; Maritza Rivera Cruz; Virginio Heredia Bonilla; Lilian Serrano Maldonado; Yamil A. Heredia Serrano; Jean Paul Heredia Romero; Pablo Montalvo Bello; Ramona Ramos Dias; Virgilio Cruz Cruz; Cándida Cruz Cruz; Amparo Cruz Cruz; Gilberto Padua Rullán; Sabrina Padua Torres; Maribel Torres Carrión; Hernán Padín Jiménez; Rosa Serrano González; Jesús García Oyola; Sucesión de Ada Torres, compuesta por Carmen Juarbe Pérez, Margarita Forestier Torres y Ernesto Forestier Torres; María Cruz Rivera; Cristóbal Orama Barreiro; Haydee Irizarry Medina; Miguel Baéz Soto; and Gustavo Alfredo Casalduc Torres.

We anticipate that more groups and individual citizens will join this petition in the coming days or weeks.

The purpose of this letter is to formally request that the USACE prepare a Spanish version of Draft EA and other key documents, particularly the most recent Public Notice and Joint Permit Application. In order for the public comment period to provide a meaningful opportunity for public input on a project of tremendous local interest and concern, it is important that these translations are prepared and distributed to the public *before* the commencement of the public comment period. Once the USACE provides an official Spanish version of the Draft EA and other key documents, the USACE should provide a public comment period of at least 60 days in light of the complexity and magnitude of this proposed project. In addition, we respectfully request that the USACE provide public hearings in Puerto Rico with translators available.

There are ample statutory and regulatory provisions as well as executive orders and judicial precedents which support our requests, as discussed further below. Furthermore, compliance with these requests is necessary if USACE intends to provide affected communities and interested individuals throughout the island of Puerto Rico with an adequate opportunity to comment on the project, considering that less than 19% of island residents consider themselves to be bilingual. The residents of these communities often have valuable information about places and resources that they value and the potential environmental, social, and economic effects that the proposed federal actions may have on those places and resources. NEPA and other federal statutes, regulations, and executive orders require USACE to provide concerned citizens and organizations with access to enough information to allow them to provide meaningful comments, and these laws require USACE to take their comments into account. If the key documents to be evaluated remain available only in a foreign language, however, it will be too difficult for the affected and concerned citizens and groups alike to meaningfully and adequately comment on the project. In fact, the Draft EA and other key documents include so much technical and difficult to grasp information that even an English-speaking layperson would have difficulty reading, analyzing, and commenting in just 30 days.

Fundamental principles of environmental justice warrant that the Draft EA for a project of such magnitude must be translated in the Spanish language and that the public comment period be restarted and extended to 60 days once the Spanish version of the EA is available to the public. The USACE is bound to these principles by NEPA, the Council on Environmental Quality Guidelines (CEQ guidelines), the Executive Order on Federal Actions to Address Environmental Justice, the Department of Defense Strategy on Environmental Justice pursuant to the Executive Order, the U.S. Constitution, and other legal authorities and precedents.

Security issues also warrant a translation. The pipeline is a safety risk to various thousands of people who will live, work or commute daily near the pipeline's ROW. The Draft EA recognizes this fact when it states that ''the addition of the pipeline in the community decreases public safety.'' Likewise the value of property might be affected depending on the proximity to the ROW of the pipeline. Basic fundamental principles of justice require that people put in harm's way or whose property, may be affected be able to read and understand the Draft EA which contains the basic findings of the USACE regarding the risks of the proposed action to their lives and property.

NEPA AND CEQ REGULATIONS

The Draft EA for the proposed Via Verde Pipeline project was prepared by the USACE pursuant to an environmental review process

required under NEPA. NEPA's environmental review process has two major purposes: (1) for agencies to make better informed decisions; and (2) for other interested agencies and citizens alike to have an opportunity to participate and provide input in the review process. Courts have repeatedly interpreted the statute as requiring agencies to grant meaningful and adequate participation to the public by disclosing all non-exempted documentation the agency used and by allowing the public to submit comments in a process that guarantees that the agency will take into account the public's comments.

In light of these obligations, USACE has repeatedly promised that it will take into account all the comments submitted by the people of Puerto Rico. A 30-day period is not enough time to give the people of Puerto Rico a meaningful opportunity to read, analyze, evaluate and then comment on this 110-page long Draft EA for this highly complex and controversial project. Moreover, the USACE has overlooked the fundamental fact that Puerto Rico is a Spanish-speaking nation and the Draft EA, a, highly technical document, and other key documents are written in the English language. If affected and concerned citizens are not able to read the key documents under review, their participation will not be meaningful and adequate as the statute requires.

Through NEPA, Congress ordered the Council on Environmental Quality (CEQ) to issue regulations governing federal agency implementation of the NEPA environmental review process. These CEQ regulations are binding on all federal agencies. Section 1506.6 of the CEQ regulations, regarding public involvement, states that agencies shall:

(a) Make *diligent efforts to involve the public* in preparing and implementing their NEPA procedures.

(b) Provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so *as to inform those persons and agencies who may be interested or affected*.

1. . . .

2. . . .

3. In the case of an action with effects primarily of local concern the notice may include:

(i) . . .

(ii) . . .

(iii) Following the affected State's public notice procedures for comparable actions.

(iv) . . .

(c) . . .

(d) Solicit appropriate information from the public.

(e) . . .

(f) Make environmental impact statements, the comments received, and any underlying documents available to the public . . . [emphasis added]

When a Federal provision requires ''diligent efforts to involve the public'', to ''inform those persons [. . .] who may be interested or affected'', and to ''solicit appropriate information from the public'' in a Spanish-speaking nation like Puerto Rico, regarding a project so controversial and of such a scope and magnitude as Va Verde, the only way to comply with the provision is by providing the information' in the common language spoken. Likewise, in the case of an action with effects primarily of local concern, as in the case of Va Verde, section 1506.6 (b)(3)(iii) orders the agency to follow ''the affected State's public notice procedures for comparable actions'' which for Puerto Rico would be a draft EA in the Spanish language.

CEQ regulations offer additional reinforcement in order to guarantee an adequate public participation. For instance, section 1502.8 of the CEQ guidelines state that ''[e]nvironmental impact statements *shall be written in plain language* and may use appropriate graphics so that decisionmakers and the public can readily understand them'' [emphasis added]. Courts have interpreted this ''plain language'' provision as to require Federal agencies to provide the public with comprehensive information regarding environmental consequences of a proposed action and to do so in a readily understandable manner. See *Klamath-Siskiyou Wildlands Center v. Bureau of Land Management*, 387 F.3d 989 (2004), ''While the conclusions of agency expert are entitled to deference, National Environmental Policy Act (NEPA) documents are inadequate if they contain only narratives of expert opinions, and the *documents are unacceptable if they are indecipherable to the public*''; *Earth Island Institute v. U.S. Forest Service*, C.A.9 (Cal.), 442 F.3d 1147 (2006), *certiorari denied* 127 S.Ct. 1829, 549 U.S. 1278, 167 L.Ed.2d 318 (emphasis added), ''A final environmental impact statement (FEIS) *must be organized and written so as to be readily understandable* by governmental decisionmakers and *by interested non-professional laypersons likely to be affected by actions taken* under the FEIS'' [emphasis added]; *Oregon Environmental Council v. Kunzman* 817 F.2d 484 (1987), ''Readability requirement of Council on Environmental Quality regulation mandates that environmental impact statement be organized and written so as to be readily understandable by governmental decision makers and by interested nonprofessional laypersons likely to be affected by actions taken under the environmental impact statement'' [. . .] ''Upon review of environmental impact statement, *parties may introduce evidence concerning reading level of affected public and expert testimony concerning indicia of inherent readability*. National Environmental Policy Act of 1969, §102, 42 U.S.C.A. §4332; □5 U.S.C.A. §706(2)(A, D)'' [emphasis added]. See also *National Resources Defense Council, Inc. v. United States Nuclear Regulatory Comm'n*, 685 F.2d 459, 487 n. 149 (D.C.Cir.1982); *Baltimore Gas & Elec. Co. v. NRDC*, 462 U.S. 87 (1983); and *Warm Springs Dam Task Force v. Gribble*, 78 F.Supp. 240, 252 (N.D.Ca1.1974), aff', 621 F.2d 1017 (9th Cir.1980). These requirements for EISs apply equally to EAs, as indicated in the CEQ regulations' use of the term ''environmental documents'' rather than EISs alone.

In the case of Puerto Rico, a Draft EA that is highly technical and written in the English language is ''undecipherable'' and not ''readily understandable'' in order be properly assessed and commented by lay persons whom in their wide majority are not fluent in the English language.

ATTORNEY GENERAL ERIC HOLDER MUST RESIGN

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

Mr. BOUSTANY. Mr. Speaker, U.S. Attorney General Eric Holder must resign immediately. After months of evading tough questions and giving unclear answers about Operation Fast and Furious, it now appears the Justice Department's top official has contradicted his own testimony given before Congress.

Under Operation Fast and Furious, the Bureau of Tobacco, Alcohol, and Firearms allowed ''straw'' purchasers to buy at least 1,400 weapons, despite the fact it knew that these weapons would likely end up in the hands of violent Mexican drug cartels. The ATF lost track of the guns after they were sold to criminals. Since then, many have been used in hundreds of crimes on both sides of the border, including the murders of a Border Patrol agent in Arizona and an immigration officer at the U.S. embassy in Mexico City.

Why did the Attorney General allow for the transfer of guns across the border without working in conjunction with Mexican authorities when he knew the ATF was unable to trace them? That's a very important question that must be answered. This botched program should never have been authorized in the first place. Attorney General Holder should resign over his failure and his evasive and contradictory testimony to the United States Congress.

THE REINS ACT AND MINE SAFETY

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

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, later today, the House will consider the REINS Act, which is legislation designed to make sure that in a Republican-controlled Congress, no new regulations would be put into effect, whether they deal with clean drinking water, clean air, child safety, the safety of children when they play with their toys, the drugs that so many citizens need to take to maintain their health, or occupational safety at the workplace. All of that would be destroyed under the REINS Act.

You might ask yourself what would society look like? Well, we had a preview of what that society looks like yesterday when the Mine Safety and Health Administration released its report on the Upper Big Branch mine. What that society looked like to these miners and to their families was 29 dead coal miners, because the Massey Corporation was basically allowed by its board of directors to evade the basic regulations that were in place to protect the miners.

Although the miners don't have whistleblower protections, we saw that Massey was able to intimidate the workers every day not to report safety violations, not to write up safety violations, not to report things that needed to be repaired, because the chairman of the board told them the priority was the production of coal, not the safety of the workers.

□ 1010

Produce the coal or get out is what he told them. So they were not able to participate in their own safety when they saw a violation or they saw a problem that caused danger in the mine.

They also were able to circumvent the right of the mine safety inspections

in the mines because they gave advance warnings. They were told if a Federal mine inspector comes onto the property, you must give advance warning to the people in the mine so they can divert the mine inspector away from the problems in the mine, take up their time while we can fix them, or he'll run out of time to inspect the mine. There's regulations against that. There's laws against. They avoided those.

Then they kept two sets of books so that the mine regulators couldn't see the real level of violations in the mines. That's what it looks like when you don't have regulations. That's what it looks like when you don't have enforcement.

And it's the conclusion of the mine safety report that mirrors one that was done by the State government. The conclusion is that the tragic death of 29 miners and serious injuries of two others in the Upper Big Branch mine were entirely preventable—entirely preventable—had regulations been enforced in that mine, had this company not been allowed to go rogue and ignore the regulations that are there to protect the miners' lives.

We must now understand what that means to the American public, what it means to these families.

What could have been contained, what could have been contained as a mine or a coal dust explosion or a localized methane gas explosion became an explosion that traveled 2,000 feet per second—2,000 feet per second. There is no miner that could get out of the way of that act.

And what happens at the end of that world without regulation, where you don't have to put up with paying fines, where you can clog the courts with appeals? When the Massey Company was sold, the board of directors that allowed this to happen, the executive officers that directed this to happen, the officers walked away with $90 million in bonuses; the board of directors walked away with $19 million in bonuses. And Don Blankenship, the CEO of the company that wrote the memo that said it's production of coal or get out, it's not safety, walked away with $86 million.

And now get this: Don Blankenship, the CEO, now wants to go back into the coal business after killing 29 miners. And whether it's the State of Virginia or the State of West Virginia or Kentucky or anywhere else, the suggestion is that they might be able to give him a permit to open up a mine. Twenty-nine miners are dead, violations of law, a criminal corporate culture, and somebody else says that they might be able to go back into the mines.

You will not reignite the American Dream for workers in this country if you take away their rights at work. You will not reignite the American Dream for the middle class if they have no rights at work, if they're subjected to this. For these families who lost the 29 members of their families, they're crushed. They're crushed. But you can't do that by eliminating the regulations. It's the regulations in place that have saved miners' lives; but it's the avoidance of the regulations, the ignoring of the regulations, and it's the failure of this Congress to introduce tough sanctions.

When you obstruct a Federal safety investigation, it should be a felony. Somebody should go to jail. When you obstruct the right of a worker to blow the whistle on an unsafe procedure, there's got to be a strict fine for that. That's how we reignite the American Dream.

We've got a lot of work to do in this Congress, but you can't do it by stopping all regulations that protect our families, that protect our communities, that protect the workers in America today.

PEARL HARBOR

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

Mr. POE of Texas. Mr. Speaker, the sun was lazily rising on the horizon. It was around breakfast time on a stunning Sunday morning. It was quiet, peaceful, calm. People felt secure. There was a small tropical breeze as the American flag was being raised on a nearby flagpole.

It was this day that Luke Trahin, a 22-year-old sailor from southeast Texas, noticed large formations of aircraft darkening the glistening sky. He kept watching in awe until suddenly the aircraft broke formation, dove from the sky, and unleashed a fury of deadly, devastating bombs and torpedoes on a place called Pearl Harbor in the Pacific. It was this day, 70 years ago this morning, when Luke Trahin and his fellow sailors, soldiers, and marines saw war unleashed upon America. It was December 7, 1941.

The Japanese had caught America by surprise and took advantage of an unprepared nation. And after the smoke cleared on that morning of madness, 98 Navy planes and 64 Army aircraft were destroyed. Luke's unit, Patrol Wing One, lost all but three of its 36 aircraft. 2,471 Americans, servicemen, and civilians, were killed by this unwarranted invasion of terror from the skies.

The pride of the United States Navy, the battleships—West Virginia, California, Oklahoma, Tennessee, Utah, Maryland, Nevada, and Arizona—were trapped in the harbor. They made easy targets for the Japanese pilots. The sailors onboard these battle wagons fought with the courage of an entire legion of warriors when they were attacked by a skillful, fanatical, and tyrannical enemy. All of these fierce U.S. Navy battleships were sunk or damaged. Their guns, Mr. Speaker, are now silent.

The hull of the USS Arizona became the sacred graveyard in the peaceful Pacific for more than 1,177 American sailors and marines. I have seen, Mr. Speaker, the oil that still seeps to the surface from the hull of the battleship Arizona.

Luke Trahin and his Navy buddies in Patrol Wing One quickly got organized, prepared, and waited for 2 days for the expected land invasion by the Japanese. It never came. But America was at war. It was World War II, and the war was long. It spread from the Pacific to Europe to Africa to the Middle East to Asia. The Japanese, then the Nazis, seemed undefeatable. But even the Japanese were concerned about the spirit of America. The Japanese commander of the Pearl Harbor invasion remarked that what Japan had done was wake a sleeping giant.

World War II was hard. Millions served in uniform overseas; millions served on the home front; all sacrificed for the cause of America. The Nation woke from a somber sleep of neutrality and, with our allies, defeated the tyrants that would rule over the world. That was a time when Americans put aside all differences and united to defend freedom in our Nation. When the war was won, over 400,000 Americans had given their lives for this nation.

Mr. Speaker, I'm always intrigued by the stories of those war heroes and the folks of that generation. There isn't one of them that cannot recall the exact moment and place they were when they heard the news of Pearl Harbor. Both of my parents, barely teenagers at the time, still talk about what they were doing when they heard on the radio that broadcast that Sunday morning about the invasion.

Until September 2011, this was the deadliest attack on American soil. ''December 7, 1941, a date that will live in infamy.'' Those were the words of President Franklin Roosevelt that became forever embedded in the minds of patriots across our land igniting and launching a nation into the fiery trenches of battle throughout the world.

Those of that Greatest Generation proved that when freedom of this Nation is threatened, our people will stand and fight. They will bring the thunder of God upon our enemies. Defending freedom and liberty was the battle cry of the sailors, marines, and soldiers that died 70 years ago at Pearl Harbor.

We remember December 7, 1941, and the Americans who stood tall and kept the flame of America burning brightly. They were a remarkable bunch of people. They were the Americans.

My friend, Petty Officer Luke Trahin, stayed in the United States Navy for 38 years, either on active or reserve status. He wore his uniform every Memorial Day, every Veterans Day, and spent a lot of time speaking proudly about this country. He died 4 years ago on December 5, 2007. He was 89 years of age.

And that's just the way it is.

UNEMPLOYMENT INSURANCE EXTENSION

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

Ms. FUDGE. Mr. Speaker, I rise to address the urgent need to extend unemployment insurance for struggling Americans. Forty-five percent of all unemployed workers—more than 6 million people—have been out of work for more than 6 months.

Karen, from Cleveland, was laid off in March. She was laid off from a law firm due to budget constraints. She is 62 years old and unable to find a job in this economy. Unemployment insurance is helping her to get by with just the basic necessities. It is allowing her to pay for expensive but necessary prescriptions. She is actively looking for work, but she is afraid that if her unemployment benefits are cut, she will lose her house. Karen's State unemployment benefits can run out at the end of December.

□ 1020

If Congress fails to act to renew the Federal unemployment insurance program, she'll become just another statistic, one of the millions of Americans who identify themselves with the 99 percent. Karen, along with 6 million Americans, will be cut off from emergency lifeline saving resources unless Congress acts.

Sandra, of Cleveland Heights, lost her job in April 2011. It's her third layoff. She is 59 years old. She never thought she would find herself in this position at this age.

Rather than defaulting on her mortgage, she has used up all of her retirement savings. Now she is deeper into debt. When her unemployment funds run out, it's likely she will default. And being an older worker, it makes it even harder.

We see this scenario all too often across this Nation, hardworking Americans getting laid off, using up their savings, and then losing their homes. We've seen foreclosure rates soar, and Americans are falling behind on their mortgage payments at a very rapid rate. In my district, more than 13 percent of homeowners are 90 or more days behind on their mortgage.

In 2010, unemployment benefits kept 3 million Americans, including nearly 1 million children, from falling into poverty. Extending unemployment insurance can prevent the loss of over 500,000 jobs, according to the Economic Policy Institute—500,000 jobs.

You know why? Because UI payments go directly into the economy. They support local businesses. They help create jobs and reduce the demand for public services. If we don't extend unemployment insurance, it would be the equivalent of pulling nearly $90 billion out of the economy in 2012.

There's one more story I'd like to tell you. It's from Molly in Toledo. I tell Molly's story because it embodies the frustration felt by thousands upon thousands of American across this country.

Molly has battled unemployment since October 2008. She wonders how the rich and powerful expect people like her to survive without good-paying jobs. ''Are we just supposed to die,'' she asks? ''Commit suicide? Starve to death while we are homeless and on the streets?''

Molly says: ''The deck really seems to be stacked against ordinary Americans. No one with any real power seems to care, except Warren Buffett.''

''I'm trying to find a good job,'' she says, ''or any job for that matter. We, the unemployed are demonized by the right and discriminated against for being out of work. We're too old or overqualified or underqualified, or we're the wrong color. What has happened to my country?'' she asks.

These are the stories of everyday Americans who are struggling to get by. This is not about Democrats and Republicans. This is about coming together to help millions of unemployed Americans get through the worst economic recession since the Great Depression. It's about helping our economy grow and about creating jobs.

Americans are frustrated with the decline of the middle class and the lack of good-paying jobs. But these honorable citizens haven't given up, and neither can we. We must act now. We must extend unemployment insurance.

WHY ARE WE STILL IN AFGHANISTAN?

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, when we were home during the Thanksgiving break, like all my colleagues, I did as much as I could to be with the people of the Third District of North Carolina. The Third District is the home of Camp Lejeune Marine Base, Cherry Point Marine Air Station, and Seymour Johnson Air Force Base, and over 60,000 retired veterans in the Third District.

Since coming back to Washington, I've done two town meetings by phone. What I heard while I was home during Thanksgiving and the two town meetings: Why are we still in Afghanistan?

When I hear my colleagues in both parties talking about the problems facing the American people—unemployment benefits, extending the tax cuts for middle class America—we all grapple with, both parties, how we are going to pay for it.

Well, there is a man in Afghanistan that is a crook and corrupt, who gets $10 billion a month that he doesn't have to worry about. Poor Americans are out here doing the best they can in a very difficult economy, and we can't help them, but we can help a corrupt leader in Afghanistan. It makes no sense. I hope that this Congress will come together and say to the President, let's not wait till 2014.

How many more American boys and girls will have to die and give their legs in the next 3 years for a corrupt leader? I've asked the Department of Defense, and I wrote Secretary Panetta and asked him that question. Give me your projections of how many more young men and women will have to die and lose their legs. I hope that I get that response soon.

That brings me to the point of a young marine I saw at Walter Reed/Bethesda about 3 weeks ago. There were four marines from the Third District of North Carolina. Three have lost both legs, and the one that had lost only one leg, a corporal, mom sitting in the room, said to me, Sir, may I ask you a question? I said certainly you may. Why are we still in Afghanistan? And I looked at him and I said, I don't know why we're still there.

Mr. Speaker, it makes no sense. The American people and the people of the Third District of North Carolina are saying, we have won; bin Laden is dead; al Qaeda has been dispersed all over the world.

Mr. Speaker, it is time, as we debate these very difficult, complex issues for our Nation, that we get smart with our foreign policy. And smart means, let's don't try to police the world.

History has proven you will never change Afghanistan. It will never change, no matter what we do or any other country tries to do.

So, Mr. Speaker, beside me is a poster with a flag-draped coffin coming off the plane at Dover. And with humility I tell you today, Mr. Speaker, I've signed over 10,400 letters to families and extended families who've lost loved ones in Afghanistan and Iraq.

I thank God that He has allowed me to have a heart large enough to feel the pain of war, because I've never been to war. But when I sign those letters, I feel the pain of the families, and I lick every envelope that I send.

Mr. Speaker, with that, I want to close my comments by asking God to please bless our men and women in uniform, God to please bless the families who've lost loved ones fighting in Afghanistan and Iraq. God, please bless the House and Senate that we will do what's right for the American people. Bless Mr. Obama that he will do what is right for the American people.

And three times I will say, God, please, God, please, God, please continue to bless America.

UNEMPLOYMENT INSURANCE EXTENSION

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

Mr. ELLISON. Mr. Speaker, before I begin my remarks, I want to publicly associate myself with everything WALTER JONES just said. He is absolutely right.

Mr. Speaker, this holiday season Congress has chances, a couple of chances right in front of them to do

what's right for the American people and to side with the overwhelming percentage of Americans suffering out there in this economy.

For an entire year, the majority in the House has not offered a single bill to create a single job. In fact, the only thing that the Congress has been doing is creating an environment where public sector jobs are cut, and where private sector jobs, though they have been growing, are offset by those public sector cuts, leaving us with an unemployment rate which we're happy to have at 8.6 percent, but within the historical context is still a national disgrace and an outrage to have unemployment at 8.6 percent for so very long. But we're happy to have it because it has been as high as 10.

And now we're threatening to leave more than 2 million Americans, including 13,000 in my home State of Minnesota, out in the cold during the holiday season by taking away their unemployment insurance.

Right now, 14 million people are unemployed, and companies really aren't hiring. For most of these people, unemployment insurance is the only thing that's keeping them in their homes and not out on the street.

According to the Census Bureau, unemployment insurance has pulled 3.2 million Americans out of poverty last year. And that's why Congress needs to make sure that all Americans, Mr. Speaker, continue to have this vital lifeline available.

Any credible economist will tell you that unemployment insurance creates jobs. Every dollar invested in unemployment insurance yields a return of $1.52 in economic growth.

At least 200,000 jobs would be lost if Congress fails to pass the extension of unemployment insurance benefits. Congress must not leave Washington for the holidays without extending unemployment benefits that create jobs and put money into the pockets and on the tables of millions of Americans.

□ 1030

Both Democrat and Republican politicians, we together have not passed that jobs bill. While the Republicans are in the majority, and I believe bear the weight of the responsibility, it's a responsibility of every Member of Congress to call for the extension of unemployment insurance benefits and jobs at this critical time.

America can't wait. We shouldn't be leaving hardworking Americans high and dry this holiday season. This holiday season, we can spur economic growth, create jobs, and strengthen the middle class by doing the right thing of extending unemployment insurance benefits.

On behalf of the good people who play by the rules and lost their jobs because of Wall Street greed, and while this majority looked the other way, I urge all of my colleagues to support the extension of unemployment insurance benefits.

AFGHANISTAN

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

Mr. KINZINGER of Illinois. There has been a lot of talk lately about Afghanistan. You hear it every day. You heard it just a little bit ago about why are we in Afghanistan? What are we fighting for? Isn't it time to go home?

I've got to tell you the easy thing to do is to stand up and say let's just declare victory and let's leave, and then whatever happens after we're gone, that's not our fault anymore. It's not our problem. That's the easy thing to do.

You know, the America I grew up in and continue to grow in and live in is not the country that always picks the easy thing. The thing about the American DNA is, I believe we do typically the right thing.

Now, let me tell you, I'm still a pilot in the military. I still fly for the Air National Guard, and I've had the privilege and honor of serving overseas with my fellow men and women in uniform. Although most of my experience was in Iraq, I remember in Iraq a time when Members of this House stood up and said that the war in Iraq is lost, that there is no way to win, and it's time to just come home.

And we see today that now the American troops are coming home from Iraq but under a condition of victory. And while I have concerns about that timetable for withdrawal, I think anybody would agree that that's better than had we just in 2006 and 2007 folded up and taken the easy way.

So let me ask my fellow Members of Congress and let me ask the American people, what is it we're fighting for in Afghanistan?

I have here a very disturbing but a very appropriate picture of what it is that we're fighting for.

The young girl you see on the top, her name is BiBi. BiBi is 17 years old. When BiBi was 12 years old, she was sold to somebody basically as a slave as a result of a member of her family committing a crime and selling her as reparations for that crime. For 5 years she was beaten by her husband until one day she decided to run away to seek freedom.

Well, she was caught. Her husband caught her, drug her back to his house, and the Taliban, as a way to enact justice, forced him, with his brother holding her down, forced him to cut off her nose and to cut off her ears. She then proceeded to basically crawl to her uncle's house, and her uncle ignored her. And somebody finally called the hospital, and they said go to an American forward-operating base. They'll take care of you.

You hear the stories of the major who took care of her talking about how she showed up and talking about the fright that she had in her eyes.

I took a trip to Afghanistan recently and saw a village where I saw a man who was standing on a berm with an AK–47. And I talked to him through a translator, and he informed me that not 2 days ago his daughter fell into a well and drowned. But yet he still believes that his village needs protecting. And he could be sitting at home mourning the loss of his daughter, and I'm sure he mourned the loss, but he was standing out defending his village because he wants what Americans want, what anybody around the world wants. They want security. They want to be able to raise their family. BiBi just wants to live her life without being beaten and sold into slavery.

Today, because of the American presence in Afghanistan and that of our coalition partners, you see the picture at the bottom of this, the best part of this picture, and that is girls in school learning to read and write, learning that there is a world out there, learning that despite where they were raised and born, they, too, can have some of the freedoms and some of the privileges that folks in the rest of the world and especially in the United States have.

So let me say this. It is so easy to stand up and say this is not worth it. But I'm going to tell you the second verse of the Star Spangled Banner has a line that says ''Oh conquer we must, when our cause it is just.''

Ladies and gentlemen, what we're doing in Afghanistan is not extending an empire. It's bringing freedom to millions of people, taking out jihadists that would kill people simply because you believe differently than them, and we are standing up for freedom around the globe. The greatest disinfectant to terrorism is freedom.

Ladies and gentlemen, the fight in Afghanistan, though difficult, is worth it, and I come in today and stand up and say ''God bless you'' to those that have gone over there and put on the uniform, and I say ''thank you'' for your service to your country. The fight is worth it.

TAKING CARE OF THOSE AT HOME

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

Mr. RANGEL. I have been so moved by the preceding gentleman's remarks about the good work that Americans can do, especially when the argument is which side are we on, terrorism or freedom.

I don't know how many cases in the world that the United States of America can intercede in, but I do know that, as we see these horrible examples of what people can do to their own people, that we have thousands of Americans who have volunteered to support our flag and the integrity of the United States who have been killed. And it just seemed to me that when we're talking about the protection of a human body, whether it's losing a limb or your sight or your face, no matter what it is—and especially your life—that if America is going to take this

position, all Americans should be prepared to make the sacrifices as the gentleman before me has.

I think it's so unfair and borders on corrupt when people talk about where our American men and women should be, defending freedom in foreign countries, when America hasn't spoken. Presidents haven't declared war. And we find ourselves talking about volunteers when it's abundantly clear that everybody does not assume the same sacrifices, whether we're talking about taxes or loss of life.

So whether we're talking about Australia, Afghanistan, Iraq, before the people make a decision—and that's what we're for in the House—before they make a decision, at least say that everyone has to participate in that decision and not those who, for economic reasons, find themselves in communities with the highest, the very highest unemployment.

And I laud what happens to all of us who volunteered, because when that flag goes up, you salute the flag. The President becomes the Commander in Chief, and there is only one thing to do. And that's win and protect the integrity of the United States.

But I submit that we have to have a draft that's a part of—what?—the United States, and not a plea for those people, for economic reasons, who will have to protect themselves. I don't think I've ever said this before, but I was thinking that my brother volunteered long before Pearl Harbor, which today we commemorate, and so he was unable to say, nor I, that he volunteered because we were being attacked.

□ 1040

Several years later, in 1948, when the war was over, I volunteered, and that was before the North Koreans invaded South Korea. I would like to walk away by saying how patriotic we both were; but really what motivated me was the excitement my mother would get in receiving a check from my older brother. It wasn't a question of whether she loved him more; it was that she needed it.

I was a teenager—11, 12 years old. The one thing I knew, I wanted to make my mother as happy as my brother did and send her that allotment check. Yet, today, I have medals, and I've been lorded by the Koreans and everyone else; but when I think about it, there were economic reasons that made me a ''hero,'' and there are economic reasons that make the heroes that we have who defend our country and our flag so well.

I didn't expect to talk about that; but in hearing that, 70 years ago, we were attacked and of the American lives that were lost and then of coming back to what has happened in Afghanistan, I am reminded of how unfair this system is for the greatest country in the world and of the hope and division that we're losing and of what separates us from so many other countries in which you can be born into the pits of poverty, and yet you can always dream that, in this great country, you can succeed.

So many Members of Congress and so many members of the Congressional Hispanic Caucus are the first ones who ever went to college—their parents were the first ones in generations who were able to become professionals—and then had the great honor to represent the United States of America in this Congress.

I am sorry to have deviated from why I came to the well. What I can say to other Members is: God bless America. We have to keep fighting for equality and justice for all.

IN HONOR OF THE BLUE STAR MOTHERS OF AMERICA

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

Mr. TIPTON. Yesterday, legislation that I sponsored, along with Senator MICHAEL BENNET from Colorado, passed the House floor. This bill for the Blue Star Mothers of America updated their congressional charter for the modern era.

Mr. Speaker, I am privileged today, particularly on this day as we commemorate the attack on Pearl Harbor 70 years ago, to be able to rise to honor the Blue Star Mothers of America—the people, the women of America, who have been providing much needed assistance to our Nation's active duty servicemen and -women, veterans, and military families since 1942.

Founded during the height of World War II, the Blue Star Mothers are a nonpartisan veterans' service organization, composed of mothers of current and former servicemembers. Today, over 5,000 dedicated women perform a wide variety of important volunteer services for our troops, providing transportation, supplies, food, and emotional support. More than 225 local chapters across the United States carry out the mission of supporting our troops, our veterans, and the families of our fallen heroes, as well as developing individual projects to assist the specific needs of the military in their own communities. Last month alone, thousands of care packages were sent to our troops overseas, and chaplains and commanders across the military received boxes of supplies and gifts to be able to be distributed to the comrades.

The Blue Star Mothers were originally formed to bring their children home, to ensure that they were given the benefits that they deserved, and to provide them with a vast support network upon their arrival. The organization has since expanded to include other forms of assistance, including rehabilitation, family services, and civil defense. This was chartered by Congress in 1960.

Mr. Speaker, it is an honor to be able to recognize the Blue Star Mothers of America, and I rise today to thank these patriotic women for their commitment to serving the needs of America's military community and for making a difference in the lives of those who sacrifice the most.

Several years ago, I had the opportunity to be at the graduation at the United States Air Force Academy. My son-in-law was graduating, and Secretary Gates delivered the commencement address. At that time, he noted that that freshman class was the first to enter the academy after 9/11, knowing full well that they would be putting themselves in harm's way.

We have the finest volunteer military that the world has ever seen. May God continue to bless this country with such men and women who will always stand for freedom.

WALL STREET AND MF GLOBAL

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

Ms. KAPTUR. Mr. Speaker, numerous stories have come out over the last few weeks, all detailing the corruption and outright fraud on Wall Street.

First, there was the recent news about former Secretary of the Treasury Hank Paulson's inappropriately tipping off a few key friends from Goldman Sachs and other Wall Street tycoons about the impending collapse of Fannie Mae and Freddie Mac so that those friends could hedge and make money on that insider knowledge. Then a judge in New York threw out one of the orchestrated settlements between Citigroup, which was a bank at the center of the wrongdoing, and the Securities and Exchange Commission, which allowed that bank to walk away from cases of fraud without admitting any wrongdoing.

This past weekend, ''60 Minutes'' interviewed a former executive vice president at Countrywide Financial, a giant and duplicitous player in the U.S. mortgage business. This woman was in charge of fraud investigations at the company before the financial crisis.

According to her, ''Countrywide loan officers were forging and manipulating borrowers' income and asset statements to help them get loans they weren't qualified for and couldn't afford.'' She went on to say that all of the recycle bins, wherever they looked in that company, were full of signatures that had been cut off of one document and put onto another and then photocopied or faxed. According to her, the fraud she witnessed was systemic, taking place in Boston, Chicago, Miami, Detroit, Las Vegas, Phoenix, and elsewhere. She was fired before she could speak to government regulators about the extent of fraud she had documented.

What is most troubling is that these stories are not isolated. The FBI testified before Congress as early as 2004 that they were seeing an epidemic in white collar crime. They stated the FBI did not have anywhere near

enough agents to investigate major white collar crime like the financial crisis. There are moments when I do wonder if the FBI has the will to prosecute; but still, today, the FBI has nowhere near enough special agents or forensic experts to properly investigate the level of corruption that we know occurred.

Frankly, the Congress has shorted the FBI—some might say purposely—of the resources it needs to do the job. I have a bill, which I invite my colleagues to support, H.R. 3050, the Financial Crisis Criminal Investigation Act, authorizing an additional 1,000 FBI agents to aggressively investigate the kind of fraud that has destroyed the economic future of millions of our people and that has upset the global financial system.

Back when we had the S&L crisis in the 1990s, we had 1,000 agents. Do you know how many were working when this financial crisis started? Forty-five. The others had all been reassigned to terrorism. We're only up a little over 200 agents now investigating white collar crime. Think about that, America. Why do you think these financial wrongdoers aren't in jail? Frankly, this Congress has not taken its responsibility to investigate seriously.

Despite the robust public reporting of misdeeds on Wall Street, it has not been until the MF Global case, one of the top 10 bankruptcies in this country, that Congress has shown some mild interest in the magnitude of the inquiry required. In November, we got an inside look into the stunning misdeeds—and let's be blunt—outright thievery that occurred at MF Global in the days before it declared bankruptcy. The total amount missing from private accounts has fluctuated over the weeks. As much as $1.2 billion could be missing from private customer accounts.

Congress is finally having hearings on this subject tomorrow, and we'll see how seriously an investigation is pursued. Let me say that the public has a right to know on what specific dates throughout 2011 money from customer accounts was wire-transferred in order to meet MF Global's margin calls.

□ 1050

This is the key question. Members should ask, probe, and exact the truth. The public has a right to know on what specific dates through 2011 was money from private customer accounts at MF wire-transferred in order to meet MF's global margin calls.

If Mr. Corzine authorized the taking of those funds, then this body should remind him that no one is above the law, not even someone who was a former Goldman Sachs CEO, former Governor and U.S. Senator. Whichever friends and associates aided his actions in that company should be brought into full sunlight, as well as other companies that were likely involved in those wire transfers.

The fact that hundreds of millions of dollars, if not over a billion dollars, can simply be stolen from a major banking institution from the inside requires full investigation, not just by the Congress, but by the FBI. I'm reminded of that book, written by Professor William Black, ''The Best Way To Rob a Bank is To Own One.'' Well, I wonder how much of that applies in this case.

It's time that Wall Street, white collar crimes, be prosecuted seriously, that this Congress do its job. Let's provide the FBI the resources it needs to fully investigate and prosecute, and the committees of this Chamber use their full authority to do no less. We surely owe this to the American people and the cause of justice toward all.

SUPPORT REINS ACT AND GOP REGULATORY REFORM AGENDA

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

Mr. SMITH of Nebraska. Mr. Speaker, I am pleased to speak today about the Regulations from the Executive in Need of Scrutiny, or the REINS, Act.

This bill, which I have cosponsored, restores accountability to the regulatory process by requiring an up-or-down vote in Congress and the President's signature on any new major rule before it is enforced on the American people.

Over-regulation, Mr. Speaker, is devastating our economy and hindering job growth. Of the current administration's new regulations, 200 are expected to cost more than $100 million each. Seven of those new regulations, however, will cost the economy more than $1 billion each. At the current pace, the current regulatory burden for 2011 alone will exceed $105 billion.

And the Federal Government has created more than 81.9 million hours' worth of paperwork this year alone, costing employers $80 billion just in compliance. It's no wonder a recent Gallup Poll found small business owners citing ''complying with government regulations'' as ''the most important problem'' they face.

Nebraskans have not been immune to the reams of red tape being handed down by Federal regulators. Just yesterday it was reported the city of Grand Island, Nebraska, population 51,000, will be saddled with a $3.2 million compliance cost due to a new Federal emissions regulation. This EPA Cross-State Air Pollution Rule was finalized June 1 and will be enforced January 1.

But this is only one example. There are additional, even more costly rules and unworkable timelines coming down the pike, all of which mean a much longer winter for Americans struggling with high energy costs.

But it doesn't stop there. Recently, the Department of Labor proposed a misguided rule which would restrict youth involvement in agriculture work. Yes, Mr. Speaker, anything from milking cows and feeding calves to hauling and detassling corn would come under fire under the Department's current rule.

Everyone agrees the safety of these young people and workers everywhere is of the utmost importance; but by allowing such heavy-handed thoughtless regulation, we're greatly restricting opportunities for rural youth. These jobs, often seasonal, teach young people responsibility and the value of hard work; and they're able to earn a little spending money in the process.

I'm also a proud cosponsor of the Farm Dust Regulation Prevention Act of 2011, H.R. 1633, which the House is slated to consider later this week. This bill would prevent the EPA from regulating farm dust, or the type of dust which naturally occurs in rural areas.

Farmers and ranchers already are subject to strict Federal and State regulations to control dust. It makes no sense for the EPA to impose costlier requirements on top of the existing standards. While the EPA has backed off without legislative action, nothing certainly prohibits the agency from regulating farm dust in the future.

During a time of economic hardship, keeping the door open for additional regulatory overreach is not the answer. Actually, I'm often reminded of a meeting I had in southeastern Nebraska with representatives from a Federal agency, good people they are. One of them said it had been more than 20 years since he'd ridden on a gravel road.

For me, this meeting certainly emphasized the disconnect between Washington and rural America. These are only a few examples of the regulatory burden and uncertainty facing Nebraskans who recognize economic growth ultimately depends on job creators, not regulators.

Mr. Speaker, I encourage my colleagues on both sides of the aisle to support commonsense regulatory reforms like the REINS Act.

This is yet another step towards increased accountability, improving the regulatory process, and providing certainty for job creators in my home State of Nebraska and in States all across this country.

SMART: MORE SECURITY AT A FRACTION OF THE COST

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

Ms. WOOLSEY. Mr. Speaker, the violence rages on in Afghanistan. Earlier this week, suicide bombers struck in three different cities, in each case targeting Shiite worshipers who are observing a religious holiday.

The death toll is at least 63, according to a news report; and a Pakistani extremist group has claimed responsibility for the attacks. One eyewitness told The New York Times: ''We saw 30 or 40 people on the ground missing arms or legs.'' Another said the Kabul

blast was timed to wreak the maximum havoc, as the bomber detonated at the moment that the crowd was largest, when one group was going into a mosque and another was exiting.

In the 10 years of this war, it's the first attack specifically against Shiites, adding a sectarian angle and religious tension that hadn't previously been prevalent in the Afghanistan conflict.

Mr. Speaker, how can we call our occupation of Afghanistan a success when, after 10 years of attacks like this and making a young woman like BiBi who was talked about on the other side of the aisle earlier this morning, make her victimization and her terrorization commonplace. When this is commonplace, we cannot be having success in Afghanistan.

The truth is our continued military presence is aggravating the violence, not containing it, and certainly not stopping it. I'm not saying that Afghanistan will be magically transformed when the last of our troops leaves; but our best hope for peace, for security and stability there is a swift end to this war.

But here's another important thing, Mr. Speaker. If we do this right and have an end to the war that is meaningful, it would mean the beginning of an even more robust engagement with Afghanistan, an engagement based on the principles of SMART Security, in other words, a peaceful partnership based on mutual respect, assistance to strengthening Afghanistan's democratic infrastructure, not with military force, but with civilian support.

SMART Security would empower the Afghan people investing in their hopes and dreams, instead of bringing further violence to their country. Military redeployment out of Afghanistan can't and won't mean a complete withdrawal from Afghanistan.

So I hope that every single one of my colleagues who has eagerly rubber-stamped war spending year after year, even while complaining about the United States budget deficits, will show the same enthusiasm and the same support for a humanitarian surge in Afghanistan.

I have to shake my head, Mr. Speaker, every time I hear someone say we can't afford such generous foreign aid. Talk about penny wise and pound foolish. Last fiscal year we spent roughly $2.5 billion on development assistance in Afghanistan. Mr. Speaker, we go through that much war spending in Afghanistan every single week. The bottom line is that smart investments provide more security at a fraction of the cost, pennies on the dollar compared to waging war.

Allowing extreme poverty and widespread unemployment to prevail throughout Afghanistan imperils our national security as much as anything else. Where there's hopelessness, that's where insurgents get a foothold. Nothing breeds terrorism like hardship, deprivation, and despair.

□ 1100

Mr. Speaker, because it's the right thing to do and because it's the best way to protect America, let's bring our troops home and make the transition to SMART Security. And let's do it now.

REGS AGENDA

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Dakota (Mr. BERG) for 5 minutes.

Mr. BERG. Mr. Speaker, as I talk with North Dakotans, it's clear we're all frustrated with Washington.

ObamaCare is a disastrous law that 70 percent of North Dakotans do not want. Unemployment remains unacceptably high, making it clear that President Obama's government stimulus did not work. Washington bailed out Wall Street while Main Street continues to suffer. And Washington persistently fails to uphold its responsibility to balance the budget.

Meanwhile, the Obama administration continues to pursue overreaching regulations that create more redtape and uncertainty for North Dakota's families, farms, and small businesses. These burdensome regulations threaten job creation, and they are the biggest challenge facing our economy. We need to take serious steps today to halt the Obama administration's regulatory overreach.

That's why I announced my REGS Agenda: Reduce the redtape; Empower the States; Grow the economy, and Stop President Obama's overreach.

This agenda is the result of talking with North Dakotans and learning about the impact of senseless regulations on North Dakota's farmers, ranchers, and small businessmen.

During my recent regulations tour, I spoke with energy providers who are concerned about the EPA's regional haze requirements that could cost North Dakota over $700 million just to comply. Farmers told me about the forever-changing fuel storage mandates that added new costs. And I heard how the new EPA regulations on gas generators could cost a North Dakota school district a quarter of a million dollars. This cost is not because they are using generators more than allowed; the cost is because the EPA simply doesn't like which hours they're using it.

The REGS Agenda is also the product of feedback I've received from North Dakotans at 10 public town hall hearings I've held this year and through the countless emails, letters, and phone calls. The message was clear: Washington is not the solution, it's the problem.

To get our economy moving again and our country back on track, President Obama and congressional leaders could learn a lot about how we do things in North Dakota. The REGS Agenda is also the product of legislation I've been working on. Last month, I introduced a bill that would rein in the Obama administration's Federal takeover of the State regional haze management, which threatens to create more business uncertainty and stifle job creation. It will also increase the energy costs for American families and small business. And today, I will proudly vote in support of the REINS Act, which is a much-needed measure to rein in this regulatory overreach.

But this agenda is not simply the sum of this past year; it's also a path moving forward to rein in the overreaching, out-of-touch government regulations that burden small business, farms, and ranches each and every day. I will continue to add to this agenda to fight against the job-killing regulations that threaten small businesses' ability to create jobs and grow our economy.

The number one thing we can do to get our economy back on track, to give small business certainty, to grow and create jobs, is to rein in President Obama's overbearing regulations. They're burdening job creation, and it adds more cost and more redtape. Through the REGS Agenda, I'll continue fighting to bring regulatory relief to the American people.

VOTER SUPPRESSION LAWS

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

Ms. LEE of California. Mr. Speaker, first let me take a moment to thank the gentlelady from Ohio, Congresswoman MARCIA FUDGE, for her fearless and tireless leadership in protecting our democracy and the bedrock, of course, of our country, and that is the right to vote. She has done an amazing job keeping us very focused and pointed with all of the information we need to try to address this in a big way.

Once again, I am here today to sound the alarm because, make no mistake about it, the fundamental right to vote which is at the heart of our democracy, it is under attack. Republican legislators and governors are proposing partisan laws that require voters to show government-approved photo IDs before voting.

Now, I came to this floor years ago after the stolen Presidential elections in Florida and in Ohio to protest the results of those two elections that were filled with voter suppression. It worked for the Republicans before, and so legislators in 42 States on this map of shame have doubled down on these strategies to make it harder for certain communities to vote.

These proposals would disenfranchise 21 million Americans. That's over 1 in 10 eligible voters in America who do not have adequate identification. Now, how in the world, for example, would my 100-year-old aunt get her birth certificate to prove who she is to get a government ID to vote? She wouldn't know where to start, nor how to pay

for it. And it's no coincidence that a disproportionate number of these disaffected voters come from communities of color as well as the poor, the elderly, and students.

Fully one in four otherwise qualified African Americans would be unable to vote under these voter-ID laws. Around one in five Asian Americans, Latinos, and young adults between the ages of 18 to 24 would be blocked.

In my home State of California, a voter-ID bill was introduced to suppress voter participation. It would cost $26 just to get the required documents to qualify for a government-issued ID. Now, having been born and raised in Texas, this certainly looks like a poll tax to me, which those of us remember as a way to prevent African Americans from voting. These voter-ID laws have a partisan agenda seeking to disenfranchise and deny specific populations of voters before they have the opportunity to elect their representatives in government. These partisan laws are shameful, and they're a disgrace to our country.

If these Republican lawmakers were truly concerned with fighting voter fraud, they would take on actual documented problems such as distributing fliers with false information meant to trick voters, improperly purging voters, or tampering with election equipment and forms.

Instead, they are pushing laws designed to change election outcomes by reducing voting, repressing turnout, and turning the clock back to the days of Jim Crow. This is the exact opposite of where our country needs to go. With almost 40 percent of eligible voters regularly staying away from voting booths, we need to be expanding participation in our democracy, making the ballot more accessible, not less. We cannot and we must not allow democracy to be undermined, especially while we're promoting democracy abroad.

We must unmask these shameful attempts to disenfranchise voters. Let's stop this partisan effort that strikes at the very core of our country. Let's win this war against voters. We should be about dismantling and reducing barriers so that we can really begin to reignite the American Dream for those who have lost hope.

So I want to thank my colleagues, especially Congresswoman FUDGE, for their calls to protect the right to vote on behalf of all the citizens across this great Nation.

ENTREPRENEUR STARTUP GROWTH ACT

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

Ms. CHU. America doesn't have a small business problem; it has a startup problem. That was the title of a recent Washington Post article. It pointed to the fact that self-employed startup businesses have been the chosen alternative for millions of Americans, but we must do more to help them. Today, one out of every three new jobs is created by self-employed startup businesses.

□ 1110

But we can do better. Compared to other wealthy countries, the U.S. ranks 23rd in new businesses formed per thousand working adults. These entrepreneurs take risks to make it on their own, but they could do better if we help them be competitive. That is why yesterday I introduced the Entrepreneur Startup Growth Act.

One of the most intimidating times of the year for new owners is tax season, as they learn and navigate the different tax standards for businesses. My bill turns this tough time into an opportunity by offering not only affordable business tax assistance but business development services so that these companies can get the advice they need in order to grow.

This bill builds on the Self-Employment Tax Initiative launched by CFED, the Corporation for Enterprise Development, a nonprofit economic opportunity organization. According to CFED, nearly two-thirds of all self-employed people are operating business startups.

Self-employed startups in their first year of existence create an average of 3 million jobs per year. In fact, without business startups, there would be no net job growth in the U.S. economy. Nearly all net job creation since 1980 has occurred in self-employed startups less than 5 years old. They are critical to our economy.

In my bill, community-based organizations, local governments, and higher education institutions are eligible to apply for grants up to $75,000 to operate this program. The IRS will work with the Small Business Administration to ensure that the operators of the program have expertise in both tax assistance and business development assistance.

This is a program that works. With such a modest investment in this assistance, 62 percent of businesses were able to get refundable tax credits such as EITC and Making Work Pay, refunds that they might otherwise have missed out on. The Entrepreneur Startup Growth Act will help businesses grow and help low-income households build the assets that they need in order to survive. They will get the economic security they desire. With this, we will be able to help people climb up that ladder of opportunity and reach for that American Dream.

RAPE AND SEXUAL ASSAULT IN THE MILITARY

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

Ms. SPEIER. I rise again today for the 13th time to talk about a stain on the American people, a stain on the American Government. I'm talking about military assault and rape. I'm talking about the 19,000 soldiers each year who are victims of sexual assault or rape in the military. Those are figures by the Department of Defense. Yet only 13 percent will report because they know that if they do report, they will be summarily removed from service. In fact, 90 percent of them are involuntarily honorably discharged from the military after they report a rape.

So what are we doing about it? Well, I have good news this morning to report. A few weeks ago, not far from here, a nonprofit organization, Protect Our Defenders, was born. It was launched to give voices to survivors of sexual assault in our military. More than 6,000 Americans have signed survivor Terry Odum's petition, whose story I've told here on the floor.

Terry's petition demands Congress take the reporting of sexual assault and rape outside the normal chain of command. I imagine many of my colleagues have received emails and tweets or Facebook messages from their constituents about this issue. This is a movement, and we must address it. Our troops protect us, and we must protect them. Both Republicans and Democrats should be able to agree that we need to fix this system.

Today, I'm going to tell you the story of Petty Officer Amber De Roche. Petty Officer De Roche served in the Navy from December 2000, to December 2005. In August of 2001, Petty Officer De Roche was raped by two shipmates in a hotel while on port of call in Thailand. One assailant ripped off Petty Officer De Roche's clothes and held her down while the other assailant raped her. The assailants repeatedly took turns holding her down while the other would rape her. After they had their way with her, one of the rapists threw her in the shower in an attempt to wash off the evidence. They then kicked her out of the room and onto the unfamiliar streets of Thailand.

The following day, Petty Officer De Roche, with the help of a friend, went to get a medical exam. Petty Officer De Roche was bruised and injured to such a degree during the assault that the physician had to stop the exam and began to cry.

Petty Officer De Roche decided to report her horrific experience to her command. What was her reward? She became the target of severe harassment, was imprisoned in the medical ward, and denied food. I know this sounds unbelievable, but this is going on in our military.

When Petty Officer De Roche was released from the medical ward, her command refused to let her leave the ship and forced her to be on call 24 hours a day without receiving any counseling to help her cope with having been raped. Petty Officer De Roche sought out the ship's chaplain and told him she was suicidal as a result of the rapes and her subsequent mistreatment. Petty Officer De Roche was finally permitted to leave her ship and serve out

the remainder of her duty on another ship.

As if the horrifying assault and subsequent mistreatment of Petty Officer De Roche is not heartbreaking enough, her predators didn't get the punishment they deserved. In fact, something very different. Instead of court-martialing the predators, her command decided to handle the rapes with so-called nonjudicial punishments. The punishment required the rapists to admit their crimes—so they admitted them. They got 6 months docked pay and a reduced rank for only one of the rapists. Both of the rapists were permitted to remain on active duty. When command informed Petty Officer De Roche of the outcome, they also advised her to ''accept the situation'' and refrain from speaking out against the lack of punishment or accountability.

Petty Officer De Roche's story, like many others, highlights a system that is unimaginable to so many of us and a system that is so clearly broken. In the military, a base commander has complete authority and discretion over how a degrading and violent assault under his command is handled. The commander can issue virtually any punishment for any reason. If they don't want a black mark on their record or their friends were accused or if they simply don't know the correct way of dealing with a case, they can issue just a simple slap on the wrist.

My bill, H.R. 3435, the Sexual Assault Training Oversight and Prevention Act, the STOP Act, takes this issue and puts it in the hands of others who can handle it appropriately.

RECESS

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

Accordingly (at 11 o'clock and 17 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

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

PRAYER

Reverend Roger Schoolcraft, Fayetteville, Arkansas, offered the following prayer:

Almighty and most high God, Father, Son, and Holy Spirit, You led our Forefathers to weave Your presence in the fabric of our Nation. Move us also to acknowledge and trust Your presence among us daily. And although we may face many obstacles and adversities, continue to shower us with Your mercy that we may recover.

Today, we thank You for healing our Nation from the attack on Pearl Harbor 70 years ago. We are grateful for all those who sacrifice their lives to preserve our freedom. O Lord, may we not squander it. Bless all wounded warriors, veterans and their families. Fill them and us with Your peace and joy this Christmas season.

Give us wisdom, and lead us by Your Spirit that the choices made here would result in our country united, an economy restored, and hearts grateful for Your loving care through Jesus Christ, our Lord.

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.

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

PLEDGE OF ALLEGIANCE

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

Mr. QUIGLEY led the Pledge of Allegiance as follows:

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

WELCOMING REVEREND ROGER SCHOOLCRAFT

The SPEAKER. Without objection, the gentleman from Arkansas (Mr. WOMACK) is recognized for 1 minute.

There was no objection.

Mr. WOMACK. Mr. Speaker, today it is my privilege to introduce Reverend Roger Schoolcraft of Fayetteville, Arkansas.

Reverend Schoolcraft retired from the ministry in 2008 after nearly 40 years in the ministry, serving congregations in Iowa, Nebraska and, most recently, in northwest Arkansas, where he led St. John's Lutheran Church in Fayetteville, Arkansas.

Reverend Schoolcraft was called to the ministry in 1953 after accepting an invitation from a friend to attend a Sunday school class at St. John's Lutheran Church in Rochester, Michigan.

Mr. Speaker, Reverend Schoolcraft's service extends well beyond the walls of the church. He served as campus pastor of the Lutheran Student Center at the University of Arkansas. He was a circuit counselor for 11 years and was assistant dean and dean for two national campus missionary institutes. Locally, he was president of Cooperative Emergency Outreach, secretary-treasurer of the Fayetteville Ministerial Alliance, and treasurer for the Council of Religious Organizations.

Reverend Schoolcraft is married to Deborah Steen Schoolcraft; and they have two children, Andrea and Aaron.

On behalf of the United States House of Representatives, I want to thank Reverend Schoolcraft for his long-standing devotion to the ministry, the churches he has served, and his fellow man.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

WHAT A GAME

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

Mr. JOHNSON of Ohio. Madam Speaker, I would like to congratulate the gentleman from Illinois, Congressman RANDY HULTGREN, on winning our friendly wager on the MAC football championship game last Friday. The participants in the game, Ohio University and Northern Illinois University, are located in the districts that we are privileged to represent.

The game was an instant classic. Both teams left everything on the field and gave it their all and, in the process, made their universities and their fans proud.

The OU Bobcats jumped out to an early lead, but the Huskies of Northern Illinois fought back. They showed their toughness and won the game on the game's final play. Another way to say it is that OU won the first half and that Northern Illinois won the second half. Both teams were worthy of participation in the game, but it's a shame that either team had to come out on the losing end.

I am very proud of the OU Bobcats, and I look forward to watching both teams compete in their bowl games and represent their schools in the same fashion they did last Friday night.

Congratulations to Congressman HULTGREN.

SUPPORT THE PAYROLL TAX EXTENSION

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

Mr. POLIS. A huge tax increase is looming unless this House takes action immediately. Unless this House takes action in the next few weeks, a typical American household earning $50,000, $60,000 a year will see a tax increase of $1,000 a year on payroll taxes—yes, Madam Speaker, a $1,000 tax increase for middle class families, many of whom have not seen any raises or increases for several years due to the recession.

People who are struggling to support their families will see a $1,000 tax increase if this body does not act in the next several weeks. This is a tax increase that most families haven't budgeted for and haven't prepared for. They

haven't assumed that this Congress is as dysfunctional as it potentially is if we fail to renew this tax increase. We shouldn't let our dysfunction in this body harm the middle class and the American people.

I call upon my colleagues on both sides of the aisle to support renewing the payroll tax extension to make sure that middle class families are not slapped with a $1,000-plus tax increase next year.

SIXTEEN DAYS AGAINST GENDER VIOLENCE

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

Mr. POE of Texas. Madam Speaker, Sehar, a Pakistani woman in an arranged marriage, was constantly raped and abused by her husband. He accused her of becoming a doctor only to attract men. He blamed her for the miscarriage that she had, and he constantly beat her. He was angry when she gave birth to two girls rather than to two boys, and he was an abuser of the girls and his wife.

Sehar and her daughters were able to escape to the United States to find safety. She will not go back to Pakistan because her former husband's family says they will kill her.

Violence against women, unfortunately, is too common of a plight for women throughout the world. My grandmother used to tell me that you never hurt somebody you claim you love. As the leader of the free world, it is critical that the United States promote this simple truth throughout this country and other countries:

Every person has the right to a life free of violence.

I want to thank the gentlelady from Illinois (Ms. SCHAKOWSKY) for bringing this to the attention of the Members of Congress as we reflect on this fact during these 16 days against gender violence.

And that's just the way it is.

THE DEFENSE OF MARRIAGE ACT, AN AFFRONT TO AMERICA'S VALUES

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

Mr. QUIGLEY. Madam Speaker, in 1996 Congress passed the so-called Defense of Marriage Act, or DOMA. It was then, as it still is today, an affront to our country's values—the values we hold true as established in the Declaration of Independence, those of life, liberty, the pursuit of happiness, and of equality and fairness for all.

On October 7 of this year, I held a field forum in Chicago, along with my colleague JAN SCHAKOWSKY, to hear from legal experts and gay and lesbian couples about the real-world harm caused by DOMA. The findings were startling. I ask that the clerk enter all of their testimony into the RECORD to formally document this collection of unfairness and inequity, burdens that are imposed on normal Americans who are just trying to live normal lives.

It is incomprehensible that today we are still dealing with such injustice. Congress created this injustice, and Congress should correct it. Let the RECORD reflect these sentiments.

LET'S REIN IN THE REGULATORS

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

Mr. HULTGREN. Madam Speaker, $1.75 trillion annually—America's job creators are buried under the regulatory burden of about $1.75 trillion annually.

The cost of the regulatory burden from new regulations just this year is $67.4 billion, which is larger than the entire State budget of Illinois, my home State. Studies and polls have shown us time and again that the regulations are a hidden form of taxation; and just as our Tax Code is in need of reform, so is our regulatory system.

That's why I'm proud to support the REINS Act. This commonsense bill will require that Congress approve every new major regulation proposed by the executive branch in order to ensure that Congress, not unelected bureaucrats, retain control and accountability for the impact of government on the American people.

Unless Congress acts decisively, this unchecked regulatory state will only grow bigger and make things more complicated. Let's pass the REINS Act, and let's give our job creators the certainty they need to grow, expand, and put Americans back to work.

□ 1210

TAXES

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

Mr. BACA. Madam Speaker, this year will be a very difficult holiday season for millions of Americans looking for jobs. Sadly, these families are not getting the help they deserve from the Republicans here in Congress.

We have now reached 337 days of Republican control here in the House, and we still do not have a jobs plan from the Republicans.

Benefits for over 6 million unemployed Americans are about to expire. And now, to make matters worse, Republicans are creating uncertainty for the 160 million middle class families by stalling and extending the payroll tax cut.

Why are these Americans forced to wait? Because Republicans refuse to ask those making more than a million dollars to pay their fair share. Millionaires are not paying their fair share.

We must act now on those lifelines of the middle class and allow the Bush tax cuts for the ultrarich to expire. No new taxes, no jobs. No new taxes, no new jobs. We must pass a responsible tax plan that extends the unemployment benefits and gets the economy moving again.

IMPLICATIONS OF GOVERNMENT'S ADDING ADDITIONAL RED TAPE AND ADDITIONAL REGULATIONS

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

Mr. DOLD. Madam Speaker, as a small business owner, I understand firsthand the implications of the government adding additional red tape and additional regulations. One clear example of this is the Dodd-Frank bill.

The Dodd-Frank bill was supposed to impose clear rules and regulations on the financial industry so that another economic disaster could be averted. However, this single piece of legislation has imposed more uncertainty into the marketplace. The bill imposes literally hundreds of new rules and regulations, most of which haven't even been written yet. As a result, businesses are not growing and they're not creating jobs, and this is in large part because they don't understand what tomorrow will bring.

I did have an opportunity to talk to a smaller bank back in my district that said, We're not growing, with the exception of adding people into our compliance department to cross the T's and dot the I's, but not a single person was hired in order to try to get additional liquidity into the marketplace and help small businesses.

Rather than pile on rule after rule, we should implement smart regulations that truly protect consumers. The last thing we want is another financial disaster, so we should examine the implications of the rules and regulations and ensure that the right regulations are in place and get America back to work.

THE NEED TO PASS PAYROLL TAX CUT

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

Mr. SIRES. Madam Speaker, the majority has held 891 votes in this Chamber, and we still see no plan for job creation.

To make matters worse, my colleagues across the aisle have now focused their efforts on opposing a tax break for the middle class. They are opposing the extension of the Federal tax holiday enacted earlier this year that gave virtually all working Americans a much needed tax cut, reducing taxes for over 160 million American workers.

Economic uncertainty both here in the U.S. and abroad makes this a dangerous time to eliminate an important tax cut that is saving American families an average of $1,000 a year. Failing

to extend the payroll tax holiday will raise taxes on millions of Americans, taking over $120 billion out of the pockets of consumers and out of the economy.

Furthermore, at the same time the majority is working to raise taxes on the middle class, they are willing to cut off the unemployment insurance that has been keeping millions of Americans afloat.

Madam Speaker, let's ensure that millions of Americans enjoy this holiday season and are not forced to worry about raising taxes or losing essential assistance.

UNEMPLOYMENT HAS NOT BEEN THIS PERSISTENT SINCE 1948

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

Mr. WILSON of South Carolina. Madam Speaker, last Friday the U.S. Bureau of Labor Statistics announced November's unemployment rate remained above 8 percent. Over 13 million American families are now without jobs. Nearly 25 million people are looking for full-time employment. The number of unemployed Americans has not consistently remained at such a high percentage since 1948.

For the past 34 months, the American people have been depending upon Congress and the President to cut Washington's wasteful spending and enact policies targeting job creation and economic growth.

Since the Republicans regained the majority of the House in January, legislation has passed that allows small businesses to grow and create jobs. It is past time for the President and liberal-controlled Senate to change course to put our hardworking American families back to work.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism, as on December the 7th we honor the heroes of World War II.

BEYOND THE BORDER AGREEMENT

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

Mr. HIGGINS. Madam Speaker, today the United States and Canadian Governments will announce a Beyond the Border agreement to ease border trade and travel in this era of heightened security.

I support this goal because in western New York our future depends on integrating our economy with the booming economy of southern Ontario by expanding the Bridge Peace that connects our two communities. The Peace Bridge is the busiest passenger crossing at the northern border. Passengers using the bridge spend $133 million in western New York annually in support of our retailers, sports franchises, airports, educational and cultural institutions.

In western New York, Peace Bridge trade impacts $9.1 billion in business sales, supporting 60,000 local jobs and generating $2.6 billion in household income and $233 million in local tax revenue. All of this economic activity depends on a Peace Bridge that is free of congestion, one that is safe, reliable, and predictable.

I applaud the efforts of this agreement and call on a renewed Federal focus on the northern border, generally, and the Peace Bridge, specifically.

MEDICARE PHYSICIAN PAYMENT SYSTEM

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

Mr. FITZPATRICK. Madam Speaker, for decades the fundamentally flawed Medicare physician payment system has created uncertainty and instability, not only in the health care system but in the larger economy.

Every year physicians face the threat of reimbursement cuts which, in turn, hinders their ability to provide the necessary care that patients need. The Sustainable Growth Rate rate formula has constantly called for negative updates to physician payments with the scheduled reductions accumulating year after year, but Congress has continually delayed the cuts.

Congress has a historic opportunity to implement sound fiscal policy in the Medicare program in the context of broad economic reforms. I believe we must pursue a fair, efficient, and affordable long-term solution to the Medicare SGR formula. I am committed to working with my colleagues to pass commonsense legislation that promotes efficiency, quality, and value and ensures access to medical services for Medicare beneficiaries.

MEDICARE TOWN HALL/DOUGHNUT HOLE CLOSURE

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

Ms. HOCHUL. Madam Speaker, yesterday I spoke with over 8,000 of my constituents during a telephone town hall to talk about the end of the open enrollment period for Medicare, which occurs at midnight tonight.

We also talked about the savings they are now receiving as a result of the closing of the legendary prescription drug doughnut hole. More than 2.5 million Medicare recipients across the Nation have saved $1.5 billion on their prescription drugs this year alone. In New York, we had 175,000 Medicare recipients, and they received a 50 percent discount on prescription drugs, totaling over $113 million in savings, an average of $650 per family.

Yesterday's call was a reminder, when I was talking about Bill from Williamsville and Joan from Livingston County, that we have to work hard to protect this absolutely critical program that ensures medical care for our seniors and allows them to live their later years in dignity.

As my seniors told me: Medicare is not an entitlement; it is a program we spent our entire lives paying into. And I, for one, plan to protect it.

□ 1220

CONGRATULATING ED SNIDER

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

Mr. MEEHAN. Madam Speaker, I rise to congratulate Ed Snider, the owner of the Philadelphia Flyers hockey club, on being inducted into the United States Hockey Hall of Fame. This is a special occasion, not only for the city of Philadelphia and the Delaware Valley as a whole, but particularly for those who love the game of hockey, myself included.

Ed's tremendous success with the Flyers franchise—winning two Stanley Cups and reaching the finals six times—contributed to making Philadelphia a Class A hockey town. However, the key is that he has really given back to communities.

Through his organization, the Ed Snider Youth Hockey Foundation, he teaches high-risk inner city boys and girls from Philadelphia the game of hockey. But it prepares them with life skills for success in school and life as well. Hard work, honest effort, teamwork, dedication, and a solid work ethic are instilled in these children as life lessons and values as part of participation in this program. It is through these lessons that his organization helps our children become good and productive citizens. His philanthropic cause is significant to our region and to these young children in our area.

Congratulations to Ed Snider on this recognition.

ENDING VIOLENCE AGAINST WOMEN

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

Ms. SCHAKOWSKY. Madam Speaker, I rise today to join thousands of activists participating in the 16 Days Campaign by speaking out against violence against women.

Violence against women is a violation of fundamental human rights. It is a global problem of epidemic proportions. One in three women worldwide is beaten, coerced into sex, or otherwise abused over the course of her lifetime.

That is why I am proud to be working with Congressman TED POE to reintroduce the International Violence Against Women Act. The important bill would require a comprehensive strategy to prevent and respond to violence against women and girls internationally.

Violence against women is not just a humanitarian tragedy; it is a global health menace and a threat to national security. The United States can play a significant role in protecting the human rights of all women and ending the violence against our sisters around the world.

COMMEMORATING DECEMBER 7

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

Mr. CARNEY. Madam Speaker, I rise today to commemorate two very important events in our Nation's history that occurred on December 7. As we know, today is National Pearl Harbor Remembrance Day. We pray for the more than 3,500 U.S. soldiers and civilians who were killed or wounded in defense of our Nation that day. The sacrifices they made 70 years ago are not unlike the sacrifices that our soldiers and their families are being asked to make today.

December 7 is also an important milestone for the founding of our Nation. Today is Delaware Day, the 224th anniversary of Delaware's ratification of the United States Constitution, making Delaware the first State to join the Nation.

Delaware's Founding Fathers saw the vision and genius of the form of government laid out in our Constitution. It is this vision and this document that continues to guide everything we do today.

So let us take time today to remember the contributions every generation has made to protect the values and freedoms upon which this great Nation was founded.

THE SEINFELD CONGRESS

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

Mr. DOYLE. Madam Speaker, the last time the Republicans controlled the House back in 2006, a newspaper columnist called it ''the Seinfeld Congress,'' because like Seinfeld, which was a show about nothing, the 109th Congress was a Congress about nothing. Absolutely nothing got done.

Now the House Republicans have upped the ante. They have an agenda filled with Seinfeld legislation—a bunch of bills about nothing. Tomorrow, for example, we're considering the so-called farm dust bill. Now, ignore for a moment the fact that it's more about mines and smelters and concrete plants than it is about farms, House Republicans want to ban an EPA rule that the EPA administrator has said she has no intention of issuing.

Why are we wasting time prohibiting a rule that's not being issued when we've got real problems like a struggling economy and millions of people out of work.

As Seinfeld might say, yada, yada, yada.

HONORING TRINITY SHAMROCKS

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

Mr. YARMUTH. Madam Speaker, with an average margin of victory of more than 40 points, an undefeated season, and a win in the State championship that Sports Illustrated called the team's ''finest offensive performance of the year,'' there can be no more debate: Trinity High School Shamrocks is the best high school football team in the country.

Friday's 62–21 victory over Scott County in the 6A final completed a 25-game win streak, secured a second straight State title, and capped a season in which Trinity didn't just beat the competition, they rocked them.

Over five playoff games, Trinity outscored its foes by more than 240 total points. They never trailed in the second half all season. They crushed top-tier out-of-state competition and avenged their only 2010 loss. After facing Trinity, Scott County's coach called the Shamrocks ''the best team in Kentucky football history.''

This was a true team effort, and thanks to the leadership and dedication of 40 seniors, these student athletes have achieved a perfect record and deserve to bring a national title home to Louisville. I ask my colleagues to join me today in congratulating Coach Beatty, the team, and the entire Trinity community on an incredible championship and an amazing 2011 season. Way to go Rocks.

EXTEND PAYROLL TAX CUT AND EMPLOYMENT ASSISTANCE

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

Mr. CICILLINE. Madam Speaker, we simply cannot leave Washington before extending the payroll tax cut and unemployment assistance. With our economy still struggling and unemployment remaining unacceptably high at 10.4 percent in my home State of Rhode Island, now is not the time to take more money out of the pockets of hardworking families.

Allowing the payroll tax cuts to expire at the end of this month will mean less money in the pockets of 600,000 hardworking Rhode Islanders. It is absolutely critical that we extend the payroll tax cut which is saving working families an average of $1,000 per year and would add $400 million to Rhode Island's economy next year. We have to do everything we can to strengthen our middle class families who are struggling to make ends meet and provide assistance to those families who need it most.

If Congress does not extend emergency unemployment assistance, thousands of Rhode Islanders, as well as millions of Americans who rely on this critical safety net, will lose their assistance. This will have a devastating impact on these families and on our economy.

Rather than providing subsidies to Big Oil companies and arguing for more tax cuts for millionaires and billionaires, it's time for Congress to stand up for American families and to extend the payroll tax cut and unemployment compensation.

EXTEND PAYROLL TAX CUT

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

Ms. MCCOLLUM. Madam Speaker, the temporary payroll tax cut is putting money into the economy and the pockets of 160 million Americans. And now my Republican colleagues are demanding harmful cuts to working families and seniors to offset these middle class tax cuts.

A better idea is to cut from the $1 trillion in special interest tax earmarks identified by the bipartisan Simpson-Bowles Commission. Let's cut the $2 million earmark for wooden arrow manufacturers. Let's cut the $40 million earmark for the owners of NASCAR racetracks. And let's cut $235 million in earmarks for rum producers in Puerto Rico and the U.S. Virgin Islands. The earmarks are unfair and unaffordable.

To the 99 percent of Americans who don't have a lobbyist, sorry, you missed out on the special interest bonanza. Congress needs to protect working families. Let's pass President Obama's middle class payroll tax cut and help our families and our economy now.

SUPPORT REINS ACT

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

Mr. YODER. Madam Speaker, the American economy is crying out for certainty. Every day the instability created by new Washington rules, regulations, new taxes, et cetera makes it harder for the economy to recover and harder for small businesses to create jobs.

That's why today I stand in full support of the Regulations from the Executive in Need of Scrutiny Act, known as the REINS Act.

As our Federal agencies churn out regulations by the truckload, it's our small businesses, those very entities that we expect to create jobs and are struggling to survive, that are burdened with implementing them. In fact, regulations cost the economy $1.75 trillion per year. New regulations this year alone will cost business over $60 billion, all driving up the cost of doing business and putting more people out of work.

I'm supporting the REINS Act because this legislation will provide

Americans with an additional level of accountability when it comes to job-killing regulations from government agencies.

Madam Speaker, it's time we stand up for small business owners, and it's time we do all that we can to remove the barriers Washington is putting in their way. Let's come together as a Congress and help get America back to work again.

□ 1230

OPPOSITION TO THE REINS ACT

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

Mrs. CAPPS. Madam Speaker, later today the House will vote on the REINS Act. This is a terrible piece of legislation that will make it next to impossible to protect Americans' health or the environment. It would allow either Chamber of Congress to stop efforts to keep our water and air clean or to protect the public from unsafe food—by simply doing nothing.

This bill sets up a congressional approval requirement that is a recipe for more gridlock. It would mean more bureaucracy and more delay, generating uncertainty for businesses and weaker rules to protect consumers.

Sherwood Boehlert, the former Republican chairman of the House Science Committee and one of our most thoughtful former colleagues, recently wrote a scathing piece in The Hill about the REINS Act. He said the bill would result in ''a virtual shutdown of the system that will leave the public exposed.''

Madam Speaker, the REINS Act is an outrageous effort to throw out a system that has protected American families and communities for more than 100 years. I urge my colleagues to join me in voting down this irresponsible and misguided legislation.

VOTER SUPPRESSION

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

Mr. PETERS. Madam Speaker, I rise today to oppose nationwide efforts to suppress voter turnout for the 2012 election, including State legislation imposing strict photo ID requirements. These new regulations would disproportionately burden seniors, people with disabilities, the poor, and minorities.

In Michigan, we have seen aggressive purges of voter rules, which can disenfranchise low-income voters who have moved to a new address. Half a million Michiganders don't have a driver's license or State ID. How are they supposed to make their voices heard if these rules are passed?

Let's be clear. These efforts are about one thing and one thing only: silencing voters.

America is a beacon of democracy, and to limit voter access is hypocritical and wrong. Madam Speaker, I don't have to tell you about the shameful times in America's history where power and intimidation were used to prevent Americans from voting. We must learn from our past.

Fight voter suppression efforts in the courts, in State legislatures, here in Washington, and, most importantly, on election day.

REMEMBERING PEARL HARBOR

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

Ms. HANABUSA. December 7, 1941, ''a date which will live in infamy,'' are the words of President Roosevelt.

I represent Pearl Harbor. On this day, let us not forget the brave people who gave their lives at Pearl Harbor. On this day, let us not forget this act of unprovoked, dastardly aggression which propelled us into a war. On this day, let us not forget how the people of this Nation were unmatched in their evidence of loyalty and patriotism.

Let us remember because we need to be that people again to continue our fight to maintain our position as the greatest Nation in the world. Let us remember because we need to show the compassion to those who are in need in these days.

MOTION TO INSTRUCT CONFEREES ON H.R. 2055, MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

Mr. ROGERS of Kentucky. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

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

There was no objection.

Mr. DICKS. Madam Speaker, I have a motion to instruct at the desk.

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

The Clerk read as follows:

Mr. Dicks moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 2055, be instructed to recede to the Senate on the higher level of funding for the ''Department of Veterans Affairs—Medical and Prosthetic Research'' account.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Washington (Mr. DICKS) and the gentleman from Kentucky (Mr. ROGERS) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. DICKS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the motion to instruct.

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

There was no objection.

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

The motion instructs conferees to provide the highest level of funding for medical and prosthetic research. This program helps the Department of Veterans Affairs develop cutting-edge treatments for veterans and their families. It is fully integrated throughout the medical community through partnerships with academic affiliates, nonprofits, and commercial entities, as well as other Federal agencies. It is unique because both the clinical care and research occur together.

The Medical and Prosthetic Research Program plays a vital role in advancing the health and care of our Nation's veterans. Some of the areas that the Medical and Prosthetic Research Program focus on include mental health research, prosthetics, traumatic brain injury, and posttraumatic stress disorder, or PTSD. The program has emphasized efforts to improve the understanding and treatment of veterans in need of mental health care.

We hear a lot about the casualties of war and soldiers who have sacrificed their lives in duty. However, over the past few years, the VA has begun to examine the psychological wounds of posttraumatic stress disorder. The motion will provide funding for the VA to care for veterans returning home from Iraq and Afghanistan who may suffer from depression, anxiety, and substance abuse.

Funding for medical and prosthetic research in the House-reported bill was inadequate, and during floor consideration the House majority agreed to increase funding by $22 million. While I was pleased to see this increase, I believe we need to do more.

The Senate-passed bill funds this program at the FY2011 enacted level, which is $51 million higher than the House-passed level. I believe the higher funding levels should be maintained because of the impact this research can have on the everyday life of our Nation's veterans.

This Nation must get its fiscal house in order. However, even in an austere budget, we need to make room to fully fund our priorities. The Medical and Prosthetic Research Program is a high priority.

I'm sure that all of my colleagues would agree we can never repay America's veterans for the sacrifice they have made for our country. As a first installment, we should make a substantial investment in health care research for our veterans, and I urge a ''yes'' vote on the motion to instruct.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself such time as I may consume.

This motion to instruct is well-intentioned but unnecessary. The motion would urge adoption of the Senate-passed level for VA medical research, which is $50 million above the House-passed level.

We all support our veterans and honor their service and sacrifice. We, of course, support the important research work the VA is doing for our veterans in fields such as traumatic brain injury and posttraumatic stress disorder. We provided a robust level of funding for this research in the House-passed version of the bill at a time when our overall funding targets were constrained. In fact, the House bill provided a total of $531 million for VA medical research, an increase of $22 million above what the White House and the VA requested. In addition, the VA still has $71 million in unobligated research funding left over from previous years that could be put to use. So even without the increase, the program level would still be well above the 2011 level.

We all agree that medical research at the VA is undeniably important and we want to do the best that we can for our veterans, particularly those in need of medical assistance. On that, there's no difference between the ranking minority member and myself and between the members of the subcommittee.

□ 1240

I can reassure the Members that we will work with our House and Senate colleagues to determine the appropriate level for VA research to continue to support and honor the service of our veterans.

While this motion is not necessary, I understand and agree with its intent; and I will work with the ranking member. And with reservations, I will accept the motion at this time.

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

Mr. DICKS. I would ask for a vote on my motion to instruct, and I yield back the balance of my time.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

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

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

The yeas and nays were ordered.

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

MOTION TO INSTRUCT CONFEREES ON H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Mr. MCKEON. Madam Speaker, by direction of the Committee on Armed Services, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

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

There was no objection.

Mr. SMITH of Washington. Madam Speaker, I have a motion to instruct at the desk.

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

The Clerk read as follows:

Mr. Smith of Washington moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1540 be instructed to insist on the amendments contained in subtitle I of title V of the House bill (sections 581 through 587 relating to improved sexual assault prevention and response in the Armed Forces).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Washington (Mr. SMITH) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. SMITH of Washington. Madam Speaker, I yield myself such time as I may consume.

This is a very important provision of the House bill dealing with better combating sexual assault within the military. Now, this is a significant problem that has been documented by many studies and many media reports. I want to particularly congratulate members of my committee, Ms. LORETTA SANCHEZ, Ms. TSONGAS, Ms. SPEIER, and Mrs. SUSAN DAVIS, who have taken a leadership role in this to try to implement policies to control sexual assault within the military. The provisions that we've put together in the House help move us forward towards addressing that issue, make sure that it takes on the importance that it deserves, and empower the military to make the decisions they need to better protect against sexual assault within the military.

I particularly applaud Ms. TSONGAS. This is her motion to stick to the House provisions in this area. I urge the conference committee to do that going forward.

With that, I reserve the balance of my time.

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

Mr. SMITH of Washington. Madam Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I thank the gentleman for yielding. And, Madam Speaker, good afternoon.

Sexual assault in the military continues to be a serious problem. It impacts thousands of service women and men each year.

While I'm pleased with the recent improvements made by the Department of Defense, there remains much more to be done. It is vital that we do all we can to protect the men and women in the military who protect us.

I am very pleased that both the House and the Senate passed language improving the military's response to sexual assault in their respective versions of the National Defense Authorization Act.

□ 1250

Earlier this week, I, along with Representative TURNER and 45 colleagues, sent a letter to the House and Senate Armed Services Committees asking them to strongly consider the House-passed provisions dealing with military sexual assault.

The language contained in the House version makes necessary improvements to protect our service women and men. Specifically, the House-passed language strengthens the rights of sexual assault victims by clarifying victim access to legal counsel, and record maintenance and confidentiality, which are critically important. It also ensures expedited unit or station transfer when a servicemember has been victimized.

Imagine being a victim of rape, which one young soldier told me about at a hearing, while serving in the military, and every morning she had to salute her rapist. That's what the members of our Armed Forces have experienced and will continue to experience if we don't do something to change that situation.

The House-passed language also stresses the need for the NDAA to include comprehensive training and education programs for sexual assault prevention within the Department of Defense. The Senate version does not include this protection, which is part of H.R. 1709, the Force Protection and Readiness Act, which I introduced earlier this year.

I am pleased this motion to instruct conferees on the NDAA recognizes the importance of this issue, and I ask the conferees to seriously consider including the strongest possible language to prevent and appropriately respond to incidents of sexual assault in the military.

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

Mr. SMITH of Washington. Madam Speaker, I yield the balance of my time to the gentlewoman from Massachusetts (Ms. TSONGAS).

The SPEAKER pro tempore. Without objection, the gentlewoman from Massachusetts will control the balance of the time.

There was no objection.

Ms. TSONGAS. Madam Speaker, I yield myself such time as I may consume.

While one in six women will experience sexual assault in her lifetime, as

many as one in three women leaving military service report that they have experienced some form of military sexual trauma.

By the Pentagon's own estimate, as few as 13.5 percent of sexual assaults are reported. Additionally, while 40 percent of sexual assault allegations in the civilian world are prosecuted, this number is a staggeringly low 8 percent in the military.

The military has been slow to take the appropriate actions necessary to protect victims of sexual assault. For example, rape victims still do not yet have the right to a unit or duty location transfer following an assault. This means victims of sexual assault are often forced to live and work alongside their perpetrator, facing repeated stress and trauma due to the constant contact they may have with an assailant who is part of their unit.

As unbelievable as it sounds, this is exactly what happened to Marine Lance Corporal Maria Lauterbach, who accused her assailant of rape, and then spent the next 8 months exposed to the accused rapist, who later murdered her and buried her with the body of her unborn son in his backyard.

Although these events happened in 2007, the Department of Defense has not adopted provisions that would allow victims to escape constant contact with their assailant. We ask men and women who serve in the military to put their lives on the line for our country, and they shouldn't fear harm from their fellow servicemembers. We simply must do more to protect them.

In May, this House passed H.R. 1540, which included strong bipartisan provisions that would allow victims of sexual assault the right to transfer units, the right to counsel, the right to privileged communications between a victim and a victim advocate, and the right to get records of their sexual assault so they can be eligible for veterans' benefits. These provisions came from a bipartisan bill that I introduced with Mr. TURNER of Ohio.

Our language stipulates that confidential communications cannot be used by the defense attorney against a victim during court proceedings, and they remain actually confidential. These provisions will encourage more victims to come forward and get the help they need to heal, and will encourage more victims to participate in the legal process of prosecuting perpetrators of sexual assault, both of which are critical to maintaining readiness and unit cohesion in the military.

These provisions also establish full-time sexual assault response coordinators and victim advocates and ensure they are well trained for the job and able to properly serve victims of sexual assault. The 2009 Defense Task Force Report on Sexual Assault in the Military Services found that current victim advocates and sexual assault response coordinators are unprepared for the duties of the position.

In the words of a current unit victim advocate, ''I would truly be unprepared if a sexual assault were to occur and my services were needed. It is my opinion that active duty victim advocates are not prepared to deal with sexual assaults and could potentially deter individuals from coming forward.''

Having full-time SARCs and VAs with extensive training and certification will ensure that they are truly a valuable resource to their unit and to victims who come forward.

This language also improves the retention of sexual assault records and guarantees that victims of sexual assault will have lifetime access to these records for a variety of purposes, such as being considered for veterans benefits and given priority consideration for counseling at Veterans Affairs.

Currently, survivors of sexual assault have to jump through multiple bureaucratic hurdles to prove that their symptoms are connected to an incident of sexual assault in the military in order to be prioritized for mental health counseling or be eligible for benefits. Servicemembers find it difficult to obtain documentation proving their sexual assault once they have left the services because many of these documents are destroyed at DOD after only a few years. This language ensures that the documents are maintained.

This language also requires DOD to prepare a record of all court proceedings in which a charge of sexual assault is adjudicated and provide a copy to the victim. Because victims of sexual assaults serve as a witness rather than an active participant in trials where their case is litigated, they often do not understand the outcome of their case. These records are prepared where convictions result, but when charges are dismissed, or when a perpetrator is found innocent, the victim has no reliable way to understand what happened and why his or her case was dismissed.

Making sure victims understand the outcome of their case is important to providing closure for victims and making sure they are an active, respected participant in the legal process.

□ 1300

It will help to alleviate much of the mistrust that servicemembers and victims of sexual assault in the military harbor when it comes to how a sexual assault case will be handled if they make a report.

Similar provisions were included in the Senate's version of the defense authorization, but these provisions do not clearly spell out a victim's right to counsel and do not provide for a comprehensive education and training program.

Yesterday a bipartisan group of 47 Members, led by Ms. SLAUGHTER and Mr. TURNER, sent a letter to the chairman and ranking member of both the House and Senate Armed Services Committees in support of the House's language. This motion simply instructs our conferees to insist on the House language, language that will protect our servicewomen.

I urge my colleagues on both sides of the aisle to support the motion to instruct conferees.

With that, Madam Speaker, I reserve the balance of my time.

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

Ms. TSONGAS. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from California who has taken such an interest in this very grave issue and played an important leadership role, Congresswoman SPEIER.

Ms. SPEIER. I thank Ms. TSONGAS and the ranking member, Mr. SMITH, for bringing this motion. Thank you, Madam Speaker, for the opportunity to say a few words here.

This is a cancer that is eating up our military. For 25 years, we have debated and discussed and reported on it, and yet the numbers are staggering. By DOD's own estimates, 19,000 men and women in the military each and every year are sexually assaulted or raped. Only 13 percent actually report these sexual assaults and rapes, and 90 percent of them are involuntarily honorably discharged.

There is a message in the military: Shut up, take an aspirin, go to bed, sleep it off. These very modest elements are really very important, but if we're really going to deal with this issue, if we're truly going to say that you are no longer going to be more likely to be a victim of violence in the military by a fellow officer than by the enemy, if we're really going to be able to change that construct, then we're going to have take the reporting of these crimes away from the chain of command and put it in a separate office where we will have experts, both military and civilian, that will be able to prosecute these cases and actually investigate them.

Right now there's a huge conflict of interest. I spoke on the floor this morning about Petty Officer De Roche who was raped by two officers in Thailand when they were on port of call. She was raped twice by each of these men. She then went to report it and was told to leave it alone. She was then put in a medical hold for 24 hours, for days. And then what happened, she was eventually allowed to leave the ship and be put in another service setting.

But do you know what happened to those two assailants, both of whom admitted that they had raped her?

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

Ms. TSONGAS. I yield the gentlewoman an additional minute.

Ms. SPEIER. One of them had 6 months of reduction in pay; one of them got demoted, one of them did not; but neither of them served any time for having admitted that they had raped her. They got what was called nonjudicial punishment.

What a joke that in this country we give a unit commander the authority to be judge and jury and then not even have these individuals who commit

these violent crimes have to pay anything. It doesn't go on a record; there is no sexual assault database. That's the way we've been running the military, and that must stop.

Ms. TSONGAS. I yield back the balance of my time.

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

I just have to respond to the last speaker that we had.

We have this language in the bill. We have worked with Ms. TSONGAS. She's done great work with Mr. TURNER. We have been out of the majority for 4 years. We now have the majority. I'm not going to say that it shouldn't have been fixed before; it should have. But we have this in the bill. But to attack the military and make them like they are the worst people in the world—19,000 is excessive. It is something that never should have happened. This will take care of it.

We just had talk of a revered football coach we found right in their organization of a very upstanding university that we all have thought great things about, has all kinds of problems with sexual abuse.

I refuse to have the innuendo or the charge that the military is corrupt top to bottom, which is what you basically inferred in what you just said.

We support this. We put it in the bill. We think that it is very important to take care of this problem.

Ms. SPEIER. Will the gentleman yield?

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

Ms. SPEIER. I did not say that the military was corrupt. What I did say was that the way——

Mr. MCKEON. Reclaiming my time, you did charge them with some very serious issues and besmirch the character of the military.

Ms. SPEIER. Will the gentleman yield?

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

Ms. SPEIER. What I would say to the gentleman from California is this: that the Congress of the United States has, for almost a quarter of a century now, been looking at this issue. We have not done a good job——

Mr. MCKEON. Reclaiming my time, as the new chairman of the committee, the first bill that we have brought forward, we have it in the bill. We are moving to take care of it.

Ms. SPEIER. Will the gentleman yield?

Mr. MCKEON. No. I think we've probably said enough.

What I would say at this time is we do support this. The bill was overwhelmingly supported out of committee 60–1, 322–96 in the House. We're moving strongly on this issue. We will support it through the conference and do our best to see that it remains in the bill because it is such a very important issue.

With that, I yield back the balance of my time.

Ms. TSONGAS. Madam Speaker, I did not mean to yield back my time; so I ask unanimous consent to reclaim my time.

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

Mr. MCKEON. Reserving the right to object, I understand that I did that once myself, yield back my time inadvertently.

With that, I would be happy to see that my colleague has the balance of her time to close, and I withdraw my reservation.

The SPEAKER pro tempore. Without objection, the gentlewoman from Massachusetts is recognized.

There was no objection.

Ms. TSONGAS. I thank the chairman.

It has been my honor and pleasure to work in a bipartisan fashion on this legislation that seeks to address the great challenge of military sexual trauma. I think that we have incorporated into the House version of the bill some very significant reforms that will help to protect victims, unfortunate victims of this great affront to young people serving in our military; will seek to better protect them as they seek to bring to justice the perpetrators; will better train those who are put in a place designed and created—these are positions created to help victims deal with this tremendous trauma, seek out appropriate legal remedies and do it in a way that does not further victimize the victim.

Does that mean there is not always going to be additional work to do? Absolutely, always; otherwise, we would all be out of a job if we didn't have to simply come back and revisit and revisit and revisit these issues.

But I want to make it very clear that this has been a great bipartisan effort. I'm very thankful for the support we have received. The military has made tremendous efforts. But obviously we would not be here today discussing this if there were still not a long way to go.

I appreciate the fact that this has been recognized on both sides of the aisle, and I thank you for allowing me to reclaim my time.

I will now yield 1 minute to the gentlelady from California, Congresswoman SPEIER.

Ms. SPEIER. I thank the gentlelady from Massachusetts for yielding me the time.

I would just like to say to the gentleman from California and to my colleagues on the Armed Services Committee, I am very grateful that this language is in the motion to instruct the conferees.

My only point is that until we create an independent office to handle these cases, we continue to place the unit commanders and the base commanders in a conflict of interest. What happens when the unit commander is, in fact, the assailant? That means that the rape victim has to go to her rapist and seek to have help and to report that rape to her unit commander.

□ 1310

What we need to do is create an independent authority that will have the expertise, which a unit commander is not going to have, regarding sexual assault and rape and have investigators who have, again, the expertise to look at these cases so that the unit commanders and the base commanders are not flummoxed by the various issues surrounding this very, very serious subject.

Ms. TSONGAS. I yield back the balance of my time.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

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

RECORDED VOTE

Mr. SMITH of Washington. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to instruct will be followed by 5-minute votes on the motion to permit closed conference meetings on H.R. 1540 and the motion to instruct on H.R. 2550.

The vote was taken by electronic device, and there were—ayes 421, noes 2, not voting 10, as follows:

[Roll No. 892]

AYES—421

Ackerman	Burton (IN)	DeFazio
Adams	Butterfield	DeGette
Aderholt	Calvert	DeLauro
Akin	Camp	Denham
Alexander	Campbell	Dent
Altmire	Canseco	DesJarlais
Amodei	Cantor	Deutch
Andrews	Capito	Dicks
Austria	Capps	Dingell
Baca	Capuano	Doggett
Bachmann	Cardoza	Dold
Bachus	Carnahan	Donnelly (IN)
Baldwin	Carney	Doyle
Barletta	Carson (IN)	Dreier
Barrow	Carter	Duffy
Bartlett	Cassidy	Duncan (SC)
Barton (TX)	Chabot	Duncan (TN)
Bass (CA)	Chaffetz	Edwards
Bass (NH)	Chandler	Ellison
Becerra	Chu	Ellmers
Benishek	Cicilline	Emerson
Berg	Clarke (MI)	Engel
Berkley	Clarke (NY)	Eshoo
Berman	Clay	Farenthold
Biggert	Cleaver	Farr
Bilbray	Clyburn	Filner
Bilirakis	Coble	Fincher
Bishop (GA)	Coffman (CO)	Fitzpatrick
Bishop (NY)	Cohen	Flake
Bishop (UT)	Cole	Fleischmann
Black	Conaway	Fleming
Blackburn	Connolly (VA)	Flores
Blumenauer	Conyers	Forbes
Bonner	Cooper	Fortenberry
Bono Mack	Costa	Foxx
Boren	Costello	Frank (MA)
Boswell	Courtney	Franks (AZ)
Boustany	Cravaack	Frelinghuysen
Brady (PA)	Crawford	Fudge
Brady (TX)	Crenshaw	Gallegly
Braley (IA)	Critz	Garamendi
Brooks	Crowley	Gardner
Broun (GA)	Cuellar	Garrett
Brown (FL)	Culberson	Gerlach
Buchanan	Cummings	Gibbs
Bucshon	Davis (CA)	Gibson
Buerkle	Davis (IL)	Gingrey (GA)
Burgess	Davis (KY)	Gohmert

Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NOES—2

Amash
McClintock

NOT VOTING—10

Castor (FL)
Diaz-Balart
Fattah
Giffords
Hinchey
Myrick
Nadler
Richmond
Waxman
Young (FL)

□ 1338

Messrs. CRENSHAW, CRAWFORD, BRADY of Texas, Mrs. CAPPS, Messrs. McCARTHY of California, HUIZENGA of Michigan, Ms. CLARKE of New York, Messrs. ENGEL, and KING of Iowa changed their vote from ''no'' to ''aye.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO PERMIT CLOSED CONFERENCE MEETINGS ON H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Mr. McKEON. Madam Speaker, pursuant to clause 12 of rule XXII, I move that the managers on the part of the House on H.R. 1540 be permitted to close to the public any of the conference at such times as classified national security information may be broached, providing that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 17, answered ''present'' 1, not voting 9, as follows:

[Roll No. 893]

YEAS—406

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

NAYS—17

Amash
Blumenauer
Clarke (NY)
Conyers
DeFazio
Ellison
Farr
Grijalva
Honda
Kucinich
Lee (CA)
Lewis (GA)
McDermott
Olver
Paul
Stark
Woolsey

ANSWERED ''PRESENT''—1

Bishop (UT)

NOT VOTING—9

Castor (FL)
Diaz-Balart
Fattah
Giffords
Hinchey
Myrick
Nadler
Richmond
Young (FL)

□ 1347

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

Mrs. LUMMIS changed her vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 2055, MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, offered by the gentleman from Washington (Mr. DICKS), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 13, not voting 11, as follows:

[Roll No. 894]

YEAS—409

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

NAYS—13

Amash
Broun (GA)
Cicilline
Duncan (TN)
Flake
Flores
Huelskamp
Kingston
Mulvaney
Ribble
Schweikert
Stutzman
Walsh (IL)

NOT VOTING—11

Castor (FL)
Diaz-Balart
Fattah
Frank (MA)
Giffords
Hinchey
Hirono
Myrick
Nadler
Richmond
Young (FL)

□ 1354

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CICILLINE. Mr. Speaker, during rollcall vote No. 894 on H.R. 2055, I mistakenly recorded my vote as "no" when I should have voted "yes."

APPOINTMENT OF CONFEREES

THE SPEAKER pro tempore (Mr. WESTMORELAND). Without objection, the Chair appoints the following conferees:

Messrs. ROGERS of Kentucky, YOUNG of Florida, LEWIS of California, FRELINGHUYSEN, ADERHOLT, Mrs. EMERSON, Ms. GRANGER, Messrs. SIMPSON, CULBERSON, CRENSHAW, REHBERG, CARTER, DICKS, VISCLOSKY, Mrs. LOWEY, Mr. SERRANO, Ms. DELAURO, Messrs. MORAN, PRICE of North Carolina, and BISHOP of Georgia.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. McKeon, Bartlett, Thornberry, Akin, Forbes, Miller of Florida, LoBiondo, Turner of Ohio, Kline, Rogers of Alabama, Shuster, Conaway, Wittman, Hunter, Rooney, Schilling, Griffin of Arkansas, West, Smith of Washington, Reyes, Ms. Loretta Sanchez of California, Messrs. McIntyre, Andrews, Mrs. Davis of California, Messrs. Langevin, Larsen of Washington, Cooper, Ms. Bordallo, Messrs. Courtney, Loebsack, Ms. Tsongas and Ms. Pingree of Maine.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

Mr. Rogers of Michigan, Mrs. Myrick and Mr. Ruppersberger.

From the Committee on Education and the Workforce, for consideration of secs. 548 and 572 of the House bill, and secs. 572 and 573 of the Senate amendment, and modifications committed to conference:

Messrs. Petri, Heck and George Miller of California.

From the Committee on Energy and Commerce, for consideration of secs. 911, 1099A, 2852 and 3114 of the House bill, and sec. 1089 of the Senate amendment, and modifications committed to conference:

Messrs. Upton, Walden and Waxman.

From the Committee on Financial Services, for consideration of sec. 645 of the House bill, and sec. 1245 of the Senate amendment, and modifications committed to conference:

Mr. Bachus, Mrs. Capito and Mr. Ackerman.

From the Committee on Foreign Affairs, for consideration of secs. 1013, 1014, 1055, 1056, 1086, 1092, 1202, 1204, 1205, 1211, 1214, 1216, 1218, 1219, 1226, 1228–1230, 1237, 1301, 1303, 1532, 1533 and 3112 of the House bill, and secs. 159, 1012, 1031, 1033, 1046, 1201, 1203, 1204, 1206–1209, 1221–1225, 1228, 1230, 1245, title XIII and sec. 1609 of the Senate amendment, and modifications committed to conference:

Ms. Ros-Lehtinen, Messrs. Chabot and Berman.

From the Committee on Homeland Security, for consideration of sec. 1099H of the House bill, and sec. 1092 of the Senate amendment, and modifications committed to conference:

Mr. Daniel Lungren of California, Mrs. Miller of Michigan and Mr. Thompson of Mississippi.

From the Committee on the Judiciary, for consideration of secs. 531 of subtitle D of title V, 573, 843 and 2804 of the House bill, and secs. 553 and 848 of the Senate amendment, and modifications committed to conference:

Messrs. Smith of Texas, Coble and Conyers.

From the Committee on Natural Resources, for consideration of secs. 313, 601 and 1097 of the House bill, and modifications committed to conference:

Messrs. Hastings of Washington, Bishop of Utah and Markey.

From the Committee on Oversight and Government Reform, for consideration of secs. 598, 662, 803, 813, 844, 847, 849, 937–939, 1081, 1091, 1101–1111, 1116 and 2813 of the House bill, and secs. 827, 845, 1044, 1102–1107 and 2812 of the Senate amendment, and modifications committed to conference:

Messrs. Ross of Florida, Lankford and Cummings.

From the Committee on Science, Space, and Technology, for consideration of secs. 911 and 1098 of the House bill, and secs. 885, 911, 912 and Division E of the Senate amendment, and modifications committed to conference:

Messrs. Hall, Quayle and Ms. Eddie Bernice Johnson of Texas.

From the Committee on Small Business, for consideration of sec. 804 of the House bill, and secs. 885–887 and Division E of the Senate amendment, and modifications committed to conference:

Mr. Graves of Missouri, Mrs. Ellmers and Ms. Velázquez.

From the Committee on Transportation and Infrastructure, for consideration of secs. 314, 366, 601, 1098 and 2814 of the House bill, and secs. 262, 313, 315, 1045, 1088 and 3301 of the Senate amendment, and modifications committed to conference:

Messrs. Mica, Cravaack and Bishop of New York.

From the Committee on Veterans Affairs, for consideration of secs. 551, 573, 705, 731 and 1099C of the House bill, and secs. 631 and 1093 of the Senate amendment, and modifications committed to conference:

Mr. Bilirakis, Ms. Buerkle and Ms. Brown of Florida.

From the Committee on Ways and Means, for consideration of secs. 704, 1099A and 1225 of the House bill, and sec. 848 of the Senate amendment, and modifications committed to conference:

Messrs. Camp, Herger and Levin.

There was no objection.

REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 10.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 479 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. 10.

□ 1400

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, with Mr. DENHAM in the chair.

The Clerk read the title of the bill.

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

The gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

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

The American people today have been hit by an onslaught of unnecessary Federal regulations. From the Obama administration's health care mandate to the increase of burdens on small businesses, government regulation has become a barrier to economic growth and job creation.

By its own admission, the administration is preparing numerous regulations that each will cost the economy $1 billion or more per year. Its 2011 regulatory agenda calls for over 200 major rules which will affect the economy by $100 million or more each every year.

Employers, the people who create jobs and pay taxes, are rightly concerned about these costs and the costs that regulations impose on their businesses. In a Gallup poll conducted last month, nearly one-quarter of small business owners cited compliance with government regulations as their primary concern. That should motivate us to take action today.

Rather than restrain its efforts to expand government, the administration now seeks to accomplish through regulatory agencies what it cannot get approved by Congress. The REINS Act gives the people's representatives in Congress the final say over whether Washington will impose major new regulations on the American economy.

More than once this year, the President himself has talked about the dangers that excessive regulations pose to our economy. He has called for reviews of existing regulations. He has professed a commitment to more transparency. The President has stated that ''it is extremely important to minimize regulatory burdens and avoid unjustified regulatory costs.''

Unfortunately, the President's actions speak louder than his words. But rather than make good on its statements, the Obama administration has proposed four times the number of major regulations than the previous administration over a similar time period. And the White House has admitted to Congress that, for most new major regulations issued in 2010, government failed to analyze both the cost and the benefits.

It is time for Congress to take action to reverse these harmful policies. With the REINS Act, we can hold the administration accountable for its unjustified regulatory assault on America's job creators; and we can guarantee that Congress, not unelected agency officials, will be accountable for all new major regulatory costs.

The American people want job creation, not more regulation. The REINS Act reins in out-of-control Federal regulations that burden America's businesses and job creators.

I thank Mr. DAVIS of Kentucky for introducing this legislation. I urge all my colleagues to support the REINS Act, and I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

Ladies and gentlemen of the House, H.R. 10 is the mother of all antiregulatory bills. Since the House was in session during 2010 for 116 legislative days, under this bill—and I invite any of my colleagues to make any different analysis—the Congress would be required after 70 days after they receive a rule to act upon it. If you only have 116 days, legislative days a year, it would be literally impossible to handle the number of rules that we would get.

Namely, we got 94 rules last year, 116 days. If we were handling every rule—please, use your arithmetic skills, ladies and gentlemen. This bill would be unworkable, and it would be impossible for new regulations to be enacted. But then, maybe that's the whole thrust of the matter.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield 6 minutes to the gentleman from Kentucky (Mr. DAVIS), who is the sponsor of this legislation.

Mr. DAVIS of Kentucky. I thank the chairman.

Two years ago, I met with the a constituent who was concerned about the effects of unfunded EPA mandates on his water and sewer bills. He wanted to

know why Congress doesn't vote on new regulations. This simple question inspired the legislation that we're considering today, and it also begs a broader question: Who should be accountable to the American people for major laws with which they are forced to comply?

Since the New Deal, every Congress has delegated more of its constitutional lawmaking authority to unelected bureaucrats in administrative agencies through vaguely written laws. This is an abdication of Congress' constitutional responsibility to write the laws.

This practice of excessive delegation of legislative powers to the executive branch allows Members of Congress to take credit for the benefits of the law it has passed and then blame Federal agencies for the costs and requirements of regulations authorized by the same legislation. Members of Congress are never required to support, oppose, or otherwise contribute to Federal regulations that are major and finalized under their watch.

Even more troubling, this practice has enabled the executive branch to overstep the intent of Congress and legislate through regulation based on broad authorities previously given the agency. In recent years, we've seen examples of administrative agencies, regardless of party, going beyond their original grants of power to implement policies not approved by the people's Congress.

In several cases, such as net neutrality rules and the regulation of carbon emissions, agencies are pursuing regulatory action after Congress has explicitly rejected the concept. In fact, administrative officials publicly proclaimed the strategy after the results of the 2010 elections, going around Congress by forcing their agenda through regulation.

In February of last year, The New York Times quoted White House Communications Director Dan Pfeiffer as saying, ''In 2010, executive actions will also play a key role in advancing the administration's agenda.'' True to their word, the administration continues using regulations as an end around Congress.

The lack of congressional accountability for the regulatory process has allowed the regulatory state to grow almost unchecked for generations. Federal administrative agencies issued 3,271 new rules in 2010, or roughly nine regulations per day.

These regulations have a profound impact on our economy. The Small Business Administration estimated that regulations cost the American economy $1.75 trillion in 2008, and that's nearly twice the amount of individual income taxes paid in this country that year. Small businesses spend an estimated $10,500 per employee to comply with Federal rules, a considerable burden on the private sector's ability to create jobs at a time of continued economic struggles.

Today, we can choose to continue on this path, or we can vote to restore our constitutional duty to make law and be held accountable for the details. The REINS Act effectively constrains the delegation of congressional authority by limiting the size and scope of rulemaking permission.

Once major rules are drafted and finalized by an agency, the REINS Act would require Congress to hold an up-or-down vote on any major regulation. Major regulations are those with an annual economic impact of more than $100 million, as determined by the Office of Information and Regulatory Affairs. The President would also have to sign the resolution before it could be enforced on the American people, job creators, or State and local governments. Every major regulation would be voted on within 70 legislative days.

The REINS Act was specifically written not to unnecessarily hold up the regulatory process. Rather, the bill prevents REINS resolutions from being filibustered in the Senate.

The point of the REINS Act is simply accountability. Each Congressman must take a stand and be accountable for regulations that cost our citizenry $100 million or more annually. No longer would Congress be able to avoid accountability by writing vague laws requiring the benefits up front and leaving the unpopular or costly elements to the bureaucrats who will write those elements of the law at some later date. Whether or not Congress approves a particular regulation, there will be a clearly accountable vote on the subject that the American people can see and judge for themselves.

□ 1410

This ensures the greatest regulatory burdens on our economy are necessary to promote the public welfare, rather than simply sprouting from the minds of unelected bureaucrats.

The bill's name as a metaphor for the reins on a horse is fitting. The purpose of reins is not to keep a horse at a standstill. Reins are a tool to ensure that the horse knows what is expected of him and is acting according to the intent and will of the rider.

Likewise, the REINS Act would not stop the regulatory process. It would improve the regulatory process by ensuring that new major rules match the intent of Congress and the will of the American people. The REINS Act would foster greater upfront cooperation between agencies and future Congresses, resulting in better written legislation and regulation.

With greater accountability and transparency, regulatory agencies will have no choice but to write regulations that reflect the need for sensible standards and take into account the impact regulations have on American businesses and families.

Similarly, agencies would no longer be able to bypass Congress with regulations that don't match congressional intent or go too far.

Not all regulations are bad. Many provide needed public safeguards, help to keep the American people safe, and maintain a level playing field for businesses to compete. And so good regulations would be approved by future Congresses, and those that could not withstand the public scrutiny of a vote in Congress would not.

A commonsense regulatory system with appropriate checks and balances on the most economically significant rules will help to revive our stagnant economy and give more businesses the ability to hire thanks to a better sense of stability and what to expect from Washington going forward.

The question we're asked today is in effect the same I was asked by my constituent in August of 2009: Who should be accountable for the rules and regulations that have the greatest economic impact on our economy? My answer is the Congress. In an era of high unemployment, Congress can no longer avoid its responsibility to the American people for the regulatory burden. Passing the REINS Act today would be a major step forward in returning to a constitutional, responsible, legislative, and regulatory framework.

I want to thank Judiciary Chairman LAMAR SMITH for his countless efforts on behalf of the REINS Act and his leadership, as well as the more than 200 cosponsors of this bill in the House. I urge my colleagues to support this bill.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds.

The REINS Act is the mother of all anti-regulatory bills in the Congress. The only problem, I say to the distinguished author, the gentleman from Kentucky, is that it won't work. There are only 116 legislative days.

I yield 2 minutes to the gentleman from Virginia, JIM MORAN.

Mr. MORAN. I thank the very distinguished former chairman of the Judiciary Committee.

This Republican bill is neither effective nor responsible. To paraphrase H.L. Mencken, eliminating Federal agency rulemaking as we know it is a solution that is simple, neat, and wrong.

Mr. Chairman, despite what the House majority would like you to believe, our Federal regulatory process is a model the world over. Delegations from other countries frequently visit our government agencies to learn how their governments can best ensure public involvement while maximizing government effectiveness and efficiency. Why? Because our regulatory system is the most open and the most fair system in the world.

Current law already guarantees that proposed regulations get widely published and receive extensive public participation. The proof of that is that proposed Federal regulations receive hundreds, thousands, even millions of public comments. The U.S. Forest Service, for example, received over 1.6 million comments on its roadless rule and held over 600 public meetings.

And public involvement doesn't stop there. Federal agencies are required by law to consider and respond to each comment received. Commenters frequently request and receive comment-period extensions. And when agencies learn of legitimate problems with their proposed regulations, they change or withdraw them to address those concerns.

As an additional check on Federal rulemaking, Congress passed the Congressional Review Act. This law already provides a 60-day waiting period before a final rule becomes effective. And during that delay, Congress can disapprove an agency rule by joint resolution.

The fact is that Federal agencies already have the right attitude about regulation. I think Federal Reserve Chairman Ben Bernanke summed up agency regulatory philosophy best: We seek to implement the will of Congress in a manner that provides the greatest benefit at the lowest cost to society as a whole.

This bill takes America in the wrong direction—one full of risk and cost that will put the public's health and safety at great risk.

I strongly urge my colleagues to join Chairman CONYERS in opposing this wrong legislation.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to my friend and colleague from Texas (Mr. HENSARLING), the chairman of the House Republican Conference.

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Chairman, it was just a few weeks ago that our Nation celebrated Thanksgiving. Unfortunately, in the Obama economy, millions could not give thanks for having a job. In the Obama economy, unemployment remains mired at near or above 9 percent. In the Obama economy, one in seven are on food stamps. In the Obama economy, we have seen the fewest small business startups in 17 years.

That's why, Mr. Chairman, jobs are job number one for House Republicans.

That's why our jobs bills have been passed; but, unfortunately, 25 of them are stacking up like cord wood in the Democratic-controlled Senate. After today, it will be 26 because one of the most important pro-jobs bills is on the floor today, the REINS Act.

Mr. Chairman, whether I'm speaking to Fortune 50 CEOs out of Dallas, Texas, where I reside, or small business people in east Texas that I have the privilege of representing in this body, they all tell me the same thing: the number one impediment to jobs in America today is the Federal regulatory burden.

I hear from them each and every day. I heard from the Grasch family in the Fifth District of Texas:

''As a small business, I have to bring in an additional thousand dollars a month to break even.'' He's talking about his regulatory burden. ''This is while consumers have less money to purchase my services. I will not invest in any further expansion and therefore not hiring until smarter policies are being conveyed from Washington.''

I heard from the Rossa family, also in the Fifth District, who talks about the regulatory burden from the President's health care plan:

''My company has laid off all staff, and I myself will file for unemployment on Monday. That's about 23 people added to the unemployment rolls next week,'' again due to Federal regulation.

I heard from the Nixon family in the Fifth District of Texas. Federal regulation, again:

''We are giving up this part of our business. One person's losing their job. This is just one small example of how excessive government regulation is stifling business.''

It's the number one impediment, and all we're asking today with the REINS Act is that if a regulation is going to cost our economy jobs, if it's going to cost a hundred million dollars or more, let's have congressional approval. It's common sense. It forces accountability. It simply weighs the benefit of a regulation to be balanced with the cost to our own jobs.

Jobs ought to be number one in this House, and the number one jobs bill we can pass is the REINS Act. I ask for once that my colleagues on the other side of the aisle join me, and let's put America back to work.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Virginia, STEVE COHEN, a ranking subcommittee member in Judiciary.

Mr. COHEN. I appreciate the time, but I don't appreciate the relocation. I am from Tennessee, the Volunteer State, and from Memphis, in particular. But it is appropriate, I guess, that we be a little confused with States because listening to the debate on the floor, it's obvious we're a little confused about history and Presidents, too, for President Obama has been Bush-whacked here on the floor of the House.

It's not the Obama economy, it's the Bush economy that President Obama saved from going into the second Great Depression that this country would have suffered in 100 years, saved it from depression with great actions at a time of bipartisan action that helped save this country from the Great Depression that it was otherwise looking at. I think we need to commend President Obama and not Bush-whack him when we get the chance here in the partisan discussions.

□ 1420

This bill that has been brought up, H.R. 10, the REINS Act, would rein in government. It would rein in the opportunity for regulations that are promulgated by experts in our agencies, experts who have years of expertise in subject matters, in order to come up with rules and regulations to implement the laws that we pass.

Now, I am proud to be a Member of the United States Congress. I know that we have good men and women in this House and that most of the people are very good men and women. But right now, Congress has a 9 percent approval rating. This bill would tell the American public that it should take the expertise of the people who are in the agencies and in the administration and turn it over to the 435 Members of Congress—535 when including those in the Senate—the least approved government body that exists.

On the one hand, they decry Congress, and their candidate Mr. Perry wants us to work half time, but this bill would make us the super-regulatory commission. We would have to approve every regulation by a positive vote in the House and by a positive vote in the Senate. We would have to do it and have the President sign it within 70 days of promulgation. We'd only have every other Thursday to do this, and we'd only have debate of 30 minutes on each side. So you'd take the least respected body of government in the entire United States of America—maybe of the entire world—and give it a very limited amount of time to make all of the rules and regulations for the biggest government in the world.

Talk about clean air. We wouldn't have it. You'd have more dirty rain. The REINS Act—it should be called the Acid Rain Act. It's raining outside. It's raining prevarications, fabrications, and canards upon us, none of which are appropriate for this body or for the American people.

We've had several bills dealing with regulation in this session, all of which basically tend to emasculate government. These bills take away the people's rights to clean air, clean water, safe products, and to occupational safety and health hazard protection, all of which are almost second nature to the American public.

I'd ask us to defeat this bill and to protect our environment and our workers.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to my friend and colleague from Texas (Mr. POE), a member of the Judiciary Committee.

Mr. POE of Texas. The mere phrase ''the regulators'' brings fear and trepidation down into the hearts and souls of small business owners throughout the fruited plain.

Mr. Chairman, the Code of Federal Regulations is 150,000-pages long. That's a lot of pages. Those are a lot of regulations. According to the Small Business Administration, the annual cost of all Federal regulations in this country was almost $2 trillion in 2008.

Now, do we really need all of those expensive regulations? Good thing the Federal regulators weren't around when the Ten Commandments were written—no telling what additional regulations they would have added to those simple 10 phrases.

It is common sense that Congress should have a say on a regulation that

would have a drastic, expensive effect on our economy. So why do my friends on the other side, who are such big friends of regulations, not want the regulators to be regulated? I don't understand that.

Remember, we are elected.

The regulators are not.

Congress is the branch of government that is closely connected to the people, and if Congress approves unnecessary and burdensome regulations, we have to be accountable to our voters in our districts for that.

Who do the regulators answer to?

No one. They only answer to their supervisors, who are also regulators.

When the regulators go to work every day, like most people go to work, their work assignments are a little different. In my opinion, they sit around a big oak table, drinking their lattes, they have out their iPads and their computers, and they decide: Who shall we regulate today? Then they write a regulation, send it out to the masses, and make us deal with the cost of that.

All the REINS Act does is ask that the Congress be involved in these overburdensome regulations.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to a valuable member of the Judiciary Committee, the distinguished gentleman from Georgia, HANK JOHNSON.

Mr. JOHNSON of Georgia. I rise in opposition to H.R. 10, the so-called REINS Act. It's a demonstration of the reign of terror that the Tea Party-Grover Norquist Republican Party has exacted on Americans insofar as their health and safety are concerned, and in terms of their ability as small businesses to compete with Wall Street and Big Business.

You see, this is a Christmas gift. It's a gift to those who installed this Tea Party reign in Congress, and this Tea Party reign, the Republicans in Congress, are doing everything they're supposed to do.

This is the anti-regulatory bill, as the chairman said, that is the mother of all anti-regulatory bills. In fact, these 25, 26 bills that have been misnamed ''jobs bills'' that the Republicans have passed are nothing more than anti-regulatory legislation, sprinkled with a little antiabortion legislation in there—with not one job to be created.

You're just simply kowtowing to the wishes of those who line your pockets with gold in order for you to get elected.

This anti-regulatory legislation is turning the clock back on progress in America. We want to turn it all over to Big Business. This is what the Wall Street occupation is all about. This is what the Tea Party is all about.

The CHAIR. The time of the gentleman has expired.

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

Mr. JOHNSON of Georgia. This bill will make it impossible to implement critical new regulations that will place some restraints on the excesses of the business community, and I ask that it be defeated.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. QUAYLE), a member of the Judiciary Committee.

Mr. QUAYLE. I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of H.R. 10 because greater congressional scrutiny of major regulations ensures that the Federal Government is more accountable to the American people.

Poll after poll of small business owners and of medium-sized business owners will show you that major regulations are holding back their expansions and the ability for them to hire more workers. Yet you don't have to rely on polls. You can just go down and talk to the local businesses in your districts. I had a job forum the other week. Time and time again, the constant refrain we heard from these business leaders was that the overly burdensome regulatory environment is holding back their expansions.

Several months ago, in the beginning of the 112th Congress, I had some hope because President Obama issued an Executive order that required agencies to review their regulations to see if we could have a less burdensome regulatory environment. Unfortunately, what happened was that those were just words, and were not followed up by actual action, for, since then, the administration has continued to introduce new regulations at a rapid rate.

In this year alone, over 73,000 pages of new regulations have been added to the Federal Register at a cost of $67.4 billion. Mr. Chairman, I have right here the amount of paper that has been added to the Federal Register in one week. This is last week's regulations. It's pretty hefty. Actually, it's 8 pounds, 13 ounces. There are 2,940 brand new pages of Federal regulations that would stretch, if you laid them end to end, 2,695 feet.

At this time, there are more than 4,000 new regulations in the pipeline. Of those, 224 are major regulations that will have an economic impact exceeding $100 million. So, at a minimum, the annual economic impact for these new regulations will be $22 billion.

We need to change this. Some of these agencies act outside the statutory authority granted by Congress, and we must stop this. The REINS Act is the way to do it, and I strongly urge my colleagues to support this measure.

□ 1430

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to a senior member of the House Judiciary Committee, the gentlewoman from Texas, the Honorable SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the gentleman.

I think it's important for our colleagues to understand just what is being asked of this body. I believe it is a nullification of the Constitution, which I like to carry, and the very distinct definition of the three branches of government and their responsibilities.

Frankly, our friends are trying to equate this Congress and its do-nothing record to the work of the executives, and now to create a do-nothing pathway for the rulemaking process which, as I've indicated on many of the bills that have already passed, there is a Federal court process for anyone that wants to challenge the process of rulemaking or whether or not due process has been denied. So I'd actually say that what we have here is a complete shutdown of the Federal Government, for it is asking this Congress to pass a joint resolution of approval for any major rule to be passed.

Now, Mr. Chairman, let me suggest to you what would happen: Warnings on cigarette packages would no longer exist; Medicare payments for those lying in psychiatric hospitals would not be able to be paid; and the emissions standards for boiler pollutants, hazardous pollutants out of industrial, commercial, and institutional emissions would go flat; and we would have a nation that small businesses, I believe, would argue would also be a distraction from the work that they do.

It is interesting that my friends would want to use the backs of small businesses to pretend that they are protecting them. First of all, if they look at their facts, they will note the Obama administration has passed less rules than the Bush administration.

As I indicated, they will also note that the 111th Congress passed more constructive bills to help small businesses than this Congress could ever do, and the fact that they would note that it has been recorded that this Congress is the largest do-nothing Congress that has ever existed. It would be helpful if we could pass the payroll tax cut for 160 million Americans, allow them to infuse dollars, 1,000 or $1,500, into the small businesses of America.

I will tell you that my small businesses will celebrate that. In visiting a medical clinic owned by a doctor that had thousands of feet that he wanted to rehab and expand, he said that payroll tax that was part of the jobs bill that the President wanted to pass through this do-nothing House of Representatives would have helped him greatly.

Then we have millions of Americans, 6 million, who are trying to get unemployment insurance. Here we are down to the last wire telling those in this blessed holiday season, whatever your faith, that you have to wait at the door and, in fact, there may not be any room at the inn for 6 million who don't have their unemployment insurance.

I don't want to shut down the government.

The CHAIR. The time of the gentlewoman has expired.

Mr. CONYERS. I yield the gentlewoman an additional 15 seconds.

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman.

I don't want to shut down the government. I want a government that works. Rulemaking is not the demon here; and the process of rulemaking, if you read it, provides the input and assessment of those who are concerned.

What this does is involve the President, the Congress, in a scheme that is so dilatory that we will never do any work in this Congress. I beg of you to defeat this legislation.

Ms. JACKSON LEE of Texas. Mr. Chair, I rise today to debate H.R. 10 Regulations from the Executive in Need of Scrutiny (REINS). REINS would amend the Congressional Review Act (CRA) and require Congressional approval of all major rules (rules with an economic impact that is greater than $100 million). If Congress fails to act within 70 days the rule cannot be implemented. This change is targeted directly at executive agencies and does nothing to create jobs.

In other words, this bill is calling for Congressional oversight of Executive branch activities and functions. I have been serving as a member of this governing body since 1995, and oversight of the Executive branch is exactly what Congress does. One of the main functions of the Congressional Committees is oversight.

If Congress were required to proactively approve every federal rule, it would be extremely time consuming. The Federal agencies of the Executive branch are made up of experts in their respective fields. Many of the regulations that Federal agencies enact are very specific and require a high level of familiarity with the minute details of certain issues. The time it would take members of Congress 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. For example extending unemployment insurance, job creation, and encouraging job growth. Yet, here we are again wasting time on a measure that will not help our economy.

There is no credible evidence that regulations depress job creation. The Majority's own witness at the legislative hearing (on H.R. 3010 a bill based on the same false premise) clearly debunked the myth that regulations stymie job creation. Christopher DeMuth, who appeared on behalf of the American Enterprise Institute, a conservative think tank, stated in his prepared testimony that the "focus on jobs . . . can lead to confusion in regulatory debates" and that "the employment effects of regulation, while important, are indeterminate."

If anything, regulations may promote job growth and put Americans back to work. For instance, the BlueGreen Alliance notes: "Studies on the direct impact of regulations on job growth have found that most regulations result in modest job growth or have no effect, and economic growth has consistently surged forward in concert with these health and safety protections. The Clean Air Act is a shining example, given that the economy has grown 204% and private sector job creation has expanded 86% since its passage in 1970."

Regulation and economic growth can go hand in hand. Regarding the Clean Air Act, the White House Office of Management and Budget ("OMB") recently observed that 40 years of success with this measure "have demonstrated that strong environmental protections and strong economic growth go hand in hand." Similarly, the Natural Resources Defense Council and the United Auto Workers cite the fact that increased fuel economy standards have already led to the creation of more than 155,000 U.S. jobs.

REGULATORY UNCERTAINTY IS NOT WHY BUSINESSES ARE NOT HIRING WORKERS

The claim that regulatory uncertainty hurts business has been debunked as political opportunism. Bruce Bartlett, a senior policy analyst in the Reagan and George H.W. Bush Administrations observed "[R]egulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment."

Regulatory uncertainty does not deter business investment. A lack of demand, not uncertainty about regulation, is cited as the reason for not hiring.

At a legislative hearing on regulatory reform (H.R. 3010), Professor Sidney Shapiro similarly noted, "All of the available evidence contradicts the claim that regulatory uncertainty is deterring business investment."

A July 2011 Wall Street Journal survey of business economists found that the "main reason U.S. companies are reluctant to step up hiring is scant demand, rather than uncertainty over government policies."

The most recent National Federation of Independent Business survey of its members likewise shows that "poor sales"—not regulation—is the biggest problem. Of those reporting negative sales trends, 45 percent blamed faltering sales, 5 percent higher labor costs, 15 percent higher materials costs, 3 percent insurance costs, 8 percent lower selling prices and 10 percent higher taxes and regulatory costs."

Small businesses reject the argument that deregulation is what they need. The Main Street Alliance, an alliance of small businesses, observes: "In survey after survey and interview after interview, Main Street small business owners confirm that what we really need is more customers—more demand—not deregulation. Policies that restore our customer base are what we need now, not policies that shift more risk and more costs onto us from big corporate actors. . . . To create jobs and get our country on a path to a strong economic future, what small businesses need is customers—Americans with spending money in their pockets—not watered down standards that give big corporations free rein to cut corners, use their market power at our expense, and force small businesses to lay people off and close up shop."

Mr. SMITH of Texas. Mr. Chairman, I yield myself 15 seconds.

I want to set the record straight. The bill is not antiregulatory but pro-accountability. It will enable both Republican and Democratic majorities in Congress to make the final calls on major regulations that come from administrations of either party. Majorities of either party can be expected to approve regulations whenever appropriate, but the key is that Congress always be held accountable.

Mr. Chairman, I yield 2 minutes to the gentleman from Nevada (Mr. AMODEI), a member of the Judiciary Committee.

Mr. AMODEI. I thank my distinguished chairman from Texas.

Mr. Chairman, 85 percent of the land in Nevada is controlled by the Federal Government. Perhaps no other State in the Nation lives with a more daily, direct impact of the presence of the Federal Government and its regulatory regime than the Silver State.

Community-driven development proposals that would generate economic growth often take years longer than they should because of layer upon layer of regulatory, mandatory gymnastics. Home builders, agribusiness, mining, manufacturers, retailers, the resort and hospitality industries, small business in general all lament the gymnastics that they have to go through to get a permit or even to comply with existing regulations.

All of that effort in a State, which I am sorry to have to sit up here and remind you, 85 percent of the land controlled by the Federal Government, highest unemployment rate in the Nation, highest foreclosure rate in the Nation. We are trying to generate economic development, and it's taking years to get a permit because of regulatory regimes. There is no one that will indicate that that is not the case.

So when we talk about this issue before us today—and I congratulate my colleague from Kentucky. When we talk about the job of Congress in an oversight sense, I think it is entirely appropriate that you revisit the regulations that are promulgated not out of thin air, but as a result of the statutes that pass these two Houses. And to revisit that point and make sure that those regulations bear resemblance to both sides of the aisles' legislative intent where they're supported is something we ought to guard zealously; because, the last time I checked, the Federal-elected officials in the executive branch numbered two. And it doesn't matter what side of the aisle they come from or what party they come from, I think it's appropriate for those 535 who send those measures to those folks, check back to make sure that's being done appropriately.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to a senior member of the Education Committee, the gentleman from New Jersey, ROB ANDREWS.

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

Mr. ANDREWS. Mr. Chairman, 25 days from now, if the Congress doesn't act, every middle class family in this country is going to have a $1,000 tax increase. Twenty-five days from now, if the Congress doesn't act, doctors who take care of our Medicare patients are going to have a 23 percent cut in the fee they get to see Medicare patients. During those 25 days, several million Americans who are out there looking for a job every day are going to receive their last unemployment benefits check.

These are the issues confronting America today, and what are we doing?

We're debating a bill that says that some regulation the government might do someday in the future should have a procedure where Congress can reject it. There already is such a procedure.

And for all these terrible regulations we keep hearing about that have been introduced this year, do you know how many times the majority has brought to the floor a resolution to reject one of those regulations? Once.

So this is such a grave threat to the country's economy that the majority that controls the floor has chosen on one occasion to bring a regulation to the floor.

What we ought to be doing is canceling out this $1,000-a-year tax increase on the middle class. What we ought to be doing is making sure our seniors can see the doctor come January 1. What we ought to be doing is making sure Americans who are diligent in looking for work don't run out of employment benefits. But that's not what we're doing.

This is not only the wrong bill, it's the wrong time. Let's put on the floor a bill that puts Americans back to work and focuses on the real priorities of the country.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE), a senior member of the Judiciary Committee.

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

□ 1440

Mr. PENCE. Mr. Chairman, with so many American families struggling, with so many Americans struggling to find work, and businesses struggling to hire unemployed Americans, it's time to rein in the Federal Government. It's time to rein in the avalanche of red tape cascading out of Washington, D.C. and stifling our recovery. It's time to enact the Regulations from the Executive in Need of Scrutiny Act of 2011, the REINS Act.

I rise to commend the gentleman from Kentucky, Congressman GEOFF DAVIS, for his visionary and tireless efforts in moving the REINS Act to the floor today and for his leadership in this Congress.

You know, small businesses are the lifeblood of our economy. They represent 99.7 percent of employer firms, and have generated 65 percent of net new jobs over the past 17 years. Yet today, as most American small businesses know, our job creators are saddled with too many regulations and too many regulatory authorities. According to the Small Business Administration, the average small business faces a cost of $10,585 in Federal regulation per employee each and every year. The REINS Act will address that. It will protect jobs and promote small business growth by ensuring that the legislative branch has the final say on major regulations before they take effect.

This legislation reforms the rulemaking process by requiring that Congress approve any regulation that would have an annual economic impact of $100 million or more. For too long, Congress has delegated its legislative authority to unelected bureaucrats and agency officials to determine the rulemaking process. It's time to bring that authority back into the Congress where the Framers of the Constitution intended it to be, especially with regard to major rulemaking.

The American people are hurting. The American economy is struggling. It's time to rein in Big Government and release the inherent power of the American economy. Again, I urge my colleagues to join with me in a bipartisan fashion, I hope and trust, in support of this important legislation.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to a member of the Financial Services Committee, the gentleman from Connecticut, the Honorable JIM HIMES.

Mr. HIMES. I thank the ranking member.

Mr. Chairman, I rise this afternoon, as I frequently do in this Chamber, a little incredulous at what it is that I'm hearing. I'm hearing stories about east Texas. I'm hearing about lattes, and I'm hearing that the number one reason American businesses are not hiring is because of regulations. It's baloney. There's not a fact in there.

Here's some facts. I wish I had more time to get into these facts. The Bureau of Labor Statistics, which studies this stuff, asked businesses that have been laying people off, why? Regulations was a negligible answer.

I would love to talk about Bruce Bartlett, financial adviser to President Reagan, Republican, who said that the notion that regulation is why this economy is on its back was just plain made up.

If I had more time, I would like to talk about our former colleague, Sherwood Boehlert of New York, who said the House is moving forward with bills that would cripple the regulatory system, but they show how far a party enthralled by its right-most wing is willing to veer from what has long been the mainstream.

I've got deep problems with this crazy idea that we should have Congress sign off on every regulation. But my biggest problem, Mr. Chairman, is that we're standing here today talking about this. I hear endlessly about the uncertainty associated with these regulations. Mr. Chairman, I was shocked to look at my schedule tomorrow to see that the Republican majority is sending me home. And I'm going to talk to people in Connecticut tomorrow who are uncertain if after next month they're going to have unemployment insurance available to them because they don't have a job and they don't have money. And they may not have food on their table.

Small businesses and an awful lot of Americans with jobs in my district are uncertain about whether they will see an extension of the payroll tax that we passed in bipartisan fashion.

Except we're here talking about this, a fraudulent idea followed by a terrible legislative proposal, instead of dealing with the imminent expiration of unemployment insurance and payroll tax. Let's talk about those things. Let's remove the uncertainty for the people we represent. We represent people who have a lot of uncertainty about whether they'll have unemployment insurance or the payroll tax cut. Let's deal with that.

Mr. SMITH of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota (Mr. PAULSEN), a member of the Ways and Means Committee.

Mr. PAULSEN. I thank the gentleman for yielding.

I rise as a cosponsor and a strong supporter of the REINS Act. This is legislation that will bring forward reform, accountability, and transparency to the Federal rulemaking process. You know what, it's time for Congress to act more like a board of directors where we will have to oversee proposed rules and regulations, especially those that have a significant economic impact. This bill will absolutely force accountability. It allows regulations to go forward, but it's also going to force Congress to analyze, to pay attention, and then finally to act.

So no longer are we going to see agencies and unelected bureaucrats being able to promulgate these rules and regulations without having an appropriate check and balance. There are thousands and thousands and thousands of these rules and regulations in the pipeline, and over 200, 224 specifically, that have that major economic impact threshold that would be affected by the REINS Act. That's a cost of over $22 billion, at a minimum, to the economy.

If we want to help small businesses grow, if we want to grow jobs, if we want to help our economy get going and jump start it, we need to remove that cloud of uncertainty that is hanging over the heads of small and medium-sized businesses in that regulatory environment.

I want to thank my colleague from Kentucky for his leadership in leading this reform. I ask for its passage.

Here's an example of a proposed guideline that is of particular concern to me. The FTC, the Department of Agriculture, the FDA, and the CDC have a proposal which seeks to restrict advertising, marketing and sales of food products. As drafted, it would affect 88 of the top 100 most consumed food and would have devastating effects. If this were to go through, one study estimates it could affect more than 74,000 jobs in the first year alone.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentlelady from Colorado, DIANA DEGETTE, who serves on the Energy and Commerce Committee.

Ms. DEGETTE. Mr. Chairman, do we really want to bind Congress to more votes so we can play Monday morning quarterback for the executive branch every time it tries to finalize a rule? Don't we have enough gridlock around here?

Look around. The REINS Act would grind our government to a halt and stymie the implementation of regulations to protect consumers and protect public health and well-being.

Now, look, this bill would add a feedback loop to require Congress to approve major rules that it has already specifically directed an agency to promulgate. What we really need are smart people and streamlined regulations regardless of which party is in charge of Congress.

In 2010 alone, Federal agencies finalized important rules related to energy efficiency, community disaster loans, weatherization assistance for low-income people, truth in lending, and better pay for teachers. All of those rules would be considered major rules under the REINS Act, and all of those rules would have required congressional approval. Good luck there with this Congress.

Who would oppose final approval of these rules that protect everyday Americans? Well, based on the track record of the 112th Congress, some special interest group would find a way. In fact, the REINS Act would allow special interests a back-door entrance to have their way and weaken laws that protect the American people.

Mr. Chairman, we all know standing here today this bill won't become law; and the majority knows it, too. Why? Because it's a bad idea.

In these last days of the year, what we should be doing is finding a way to help the millions of unemployed Americans who are looking for a job by extending their unemployment insurance. We should be helping middle class Americans by helping extend their payroll tax cuts so that they can pay for the food and everything else they're putting on their table. That's what the focus of this Congress should be, not passing ill-conceived legislation that will only slow down the process even more.

Mr. SMITH of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. GIBSON).

Mr. GIBSON. I thank the chairman.

I rise today in strong support of the REINS Act. This bill is about representative democracy, transparency, and accountability. The concept is simple: any new proposed regulatory rule written by the Federal bureaucracy that has an estimated economic impact greater than $100 million must first come here before the Congress for an up-or-down vote before implementation.

To get our economy moving, to create jobs, to strengthen the jobs we have now, and to raise the standard of living of all, we need to address the impediments to growth—taxes, regulations, health care costs, and energy costs. The simple truth is Federal regulations have increased the cost of doing business and contributed to job loss and stifled new job creation. Even the President has acknowledged this when he appeared in this Chamber to speak to the American people.

□ 1450

According to the Small Business Administration, Federal regulations cost our economy $1.75 trillion a year.

This negative impact is something small business owners, including farmers, have told me time and again as I have traveled across the 137 towns in my district. Something must be done. It really comes down to judgment. We want to get these key decisions right. It's about balancing competing priorities. In the process, certainly we want to hear the advice of our subject matter experts in the bureaucracy, but the decision should fall to the people's representatives who can be held accountable to them, not unelected, faceless bureaucrats.

It's far past time for some transparency and accountability. It's far past time for the REINS Act. I'm proud to be an original cosponsor of this bill, and urge my colleagues to join me in voting for it.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2½ minutes to the gentleman from Virginia, a member of the Government Oversight Committee, Mr. GERRY CONNOLLY.

Mr. CONNOLLY of Virginia. I thank my good friend from Michigan.

Mr. Chairman, for the 173rd time this year our friends on the other side have brought another anti-environmental, anti-public health bill to the floor. For good reason, this House majority has been identified as the most stridently anti-environmental Congress in history in a tragic refutation of Republicans' heretofore historic commitment to conservation and public safety.

The REINS Act, like the Regulatory Accountability Act passed last week, has a poetic finality as it would block any and all progressive regulations largely the legacy of Republican Teddy Roosevelt. Under Teddy Roosevelt's administration, in response to appalling food processing conditions described in Upton Sinclair's ''The Jungle,'' Congress reacted and passed the first comprehensive food safety regulation. One hundred years later, the REINS Act, on the floor today, would block even the most commonsense regulations which Congress mandated just last session—new standards to protect Americans from deadly contamination by Chinese and Mexican imported foods. The REINS Act is a worthy piece of legislation for those among us who actually believe that Chinese factory farms should ship contaminated, uninspected food directly to American dinner tables.

President Teddy Roosevelt used the Antiquities Act, written by a Republican Congressman, Congressman Lacey of Ohio, to protect the Grand Canyon—and thank God they did—when Congress at that time refused to designate it as a National Park. The REINS Act would prevent Federal land management agencies from issuing regulations to protect America's greatest places from degradation by mining and off-road vehicles.

The REINS Act also would block all regulations issued subsequent to Teddy Roosevelt's administration, including such landmark bills as the Clean Air Act, the Clean Water Act, the Wagner Labor Relations Act, and the Occupational Safety and Health Act. Along with the Regulatory Accountability Act, which the House approved last week, the REINS Act is the most comprehensive, radical assault on American safety and public health in the last century.

If REINS passes, it will replace the rule of law with the rule of the jungle. Our friends on the other side know full well that in commonsense language they have masked the inability of the Federal Government ever again to issue commonsense regulation to protect public health and safety in this country. And that would be a tragedy.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK. I thank the chairman.

Over the past year, I've met with hundreds of businesses throughout the Eighth District of Pennsylvania, and from each of them I've heard a common theme: uncertainty from constant new government regulation is impeding their ability and willingness to invest in our economy, expand their businesses, and to create jobs. In fact, just last night during a town hall, one of my constituents, Gallus Obert, lamented at the fact that new and burdensome regulations have driven small businesses—and with them, jobs—from Bristol Township in Bucks County.

This should come as no surprise to any of us. Even President Obama admitted on January 18 that his administration's rules have placed unnecessary strain on businesses and stifled innovation and stifled job growth.

Today, small businesses spend more than $10,000 per employee to comply with Federal regulation. Compliance leads to higher consumer costs, lower wages, and reduced hiring. At the same time, the number of new rules and regulations continues to grow with each passing year. Just as our Tax Code is in need of reform, so is our ballooning regulatory system. The REINS Act will provide the American people with both congressional oversight and congressional accountability for regulations stemming from legislation.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the former chairman of the Education and Labor Committee, the gentleman from California, the Honorable GEORGE MILLER.

Mr. GEORGE MILLER of California. I want to thank the ranking member for yielding.

The legislation before us today would really destroy the ability of the Congress to create new regulations, to create laws to protect the health and safety of the American citizens. It would also provide a great second bite at the apple for every special interest in this

country that doesn't like the regulations to protect clean water and safe drinking water and the health and safety of our workers and our children at play.

If you're wondering what it would look like when we wipe out the health and safety protections for Americans, you need to look no further than the Upper Big Branch Mine in West Virginia, where an explosion ripped through the mine and killed 29 miners in April of this year. That mine was operated as if there were no safety regulations. They treated their workers as if there were no mine safety rules at all because they overruled all of those regulations through criminal activity, through illegal activity, and those miners were forced to work with essentially none of the value of health and safety regulations designed to protect their lives.

And what happened in that mine without those regulations and without the benefit of those safety protections? An explosion ripped through that mine, traveling 2,000 feet per second, and it consumed the lives of 29 miners. Twenty-nine workers died, and their families will never be the same.

That's what happens when you take away the basic worker protections intended to make our economy function and to keep our workers safe. And that's what this bill on the floor today would do.

Now it's even more interesting that the man who broke the laws, created that system of no regulations for the miners in the Upper Big Branch Mine for his own personal benefit and the benefit of that of the corporation and at the expense of his workers, may be getting back into the mining business. Donald Blankenship got an $86 million ''golden parachute'' after 29 mine workers died in West Virginia. And now he wants to open a new mine. People who live in coal-mining States like Kentucky should be aware that a serial violator of basic mine safety laws is coming to your State soon seeking to operate a mine. Mine companies under his leadership have engaged in dangerous and deadly practices that would pose a threat to mine workers in your State.

In the 2 years preceding the explosion of the Massey Company mines, they were cited over 10,000 times a year for violations. Under this provision, the coal mines come into Congress, they get the regulations, they cease to exist, and they can go on their way, and there won't be 10,000 citations for the violation of occupational health and safety to protect those miners, and other miners will lose their lives like those in the Upper Big Branch Mine.

I say to my colleagues in this House, you must defeat this incredibly offensive bill for every American, and you must do so in the name of these 29 mine workers who were killed in the Upper Big Branch Mine in West Virginia. They died because a ruthless mine owner gamed the system. Let us not have them game the system in the Congress of the United States.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN of Tennessee. Mr. Chairman, I rise in strong support of this bill, and I thank the gentleman from Texas, Chairman SMITH, for yielding me this time and I commend both him and the gentleman from Kentucky (Mr. DAVIS) for bringing this bill to the floor to us at this time.

Thomas Donohue, president of the U.S. Chamber of Commerce, in his speech to the Jobs Summit a few months ago said, ''Taken collectively, the regulatory activity now underway is so overwhelmingly beyond anything we have ever seen that we risk moving this country away from a government of the people to a government of regulators.''

I want to straighten out one thing, Mr. Chairman. This bill does not do away with any of the thousands and thousands of laws and regulations that are already on the book. It applies only to new regulations, which will cost businesses and the consumer over $100 million each. I think the American people would be very surprised if they thought the Congress did not already act on legislation and laws that would cost our economy that much money.

We've heard estimates today by the SBA that rules and regulations cost small businesses almost $2 trillion a year, and anywhere from $8,000 to $10,000 per employee. We have so many thousands and thousands of laws and rules and regulations on the books today, Mr. Chairman, that they haven't even designed a computer that can keep up with them, much less a human being. People are out there every day violating laws that they didn't even know were in existence.

□ 1500

The thousands and thousands of rules and regulations that we have today make it more difficult to run and maintain a business than at any other time in this country's history, and they're the cause of why so many small businesses and medium-size businesses are going under or being forced to merge and why the big keep getting bigger in almost every industry.

The REINS Act is a very modest attempt to end Washington's almost unchecked regulatory power. And it would apply only to regulations which cost over $100 million annually, so there is nothing even close to being radical about this bill.

I hope my colleagues will join me in supporting this bill, this very moderate and reasonable bill.

Mr. CONYERS. Mr. Chairman, I am honored at this time to recognize the former Speaker of the House, the leader, the gentlewoman from California, the Honorable NANCY PELOSI.

The CHAIR. The gentlewoman from California is recognized for 1 minute.

Ms. PELOSI. Thank you, Mr. Chairman.

I rise today to oppose this bill, the so-called REINS Act, and to urge my colleagues to act now on behalf of jobs for America's workers. Jobs are the lifeblood of our economic growth and that of the middle class, which is the backbone of our democracy.

Mr. Chairman, for more than 330 days the Republican majority has failed to put forward a clear jobs agenda, choosing instead to propose initiatives that undermine job creation and only benefit the special interests. Today, as we approach the end of this year, Republicans have again refused to vote to expand the payroll tax cut for the middle class and unemployment benefits for those who have lost their jobs through no fault of their own. They risk the economic security really of all of us—certainly the 99 percent—but we're all in this together, as our President has said.

Democrats have been clear: We must not go home for the holidays without extending the payroll tax cut and unemployment insurance benefits. We shouldn't be leaving hardworking Americans high and dry over this holiday season without doing their work.

This challenge poses a question: Why are we here? Republicans have chosen to be here for massive tax cuts for people making over $1 million a year—not having $1 million; making over $1 million a year—300,000 Americans. Democrats are here for the 160 million Americans facing tax cut uncertainty because of Republican inaction. But Democrats are here for everybody, for all Americans, because we all benefit from a strong middle class with demand injected into our economy to create jobs.

Indeed, if we fail to act now on the payroll tax cut and unemployment insurance, consider the consequences of that reduced demand to our economy. At least 600,000 jobs will be lost. Don't take it from me. Respective independent economists have stated that. Over 6 million out-of-work Americans would lose assistance in the beginning of next year.

Now, consider if we do act—and act we must—putting more than $1,500 in the pockets of the typical middle class family. And every dollar invested in unemployment insurance yields a return of more than $1.50 in economic growth. What's important about that is what it does to inject demand into the economy.

Money in the pockets of hardworking Americans, that's what we want this Congress to pass, instead of being so completely wedded to the idea that if we give tax cuts to the top 1 percent there will be a trickle-down effect. It hasn't happened.

As we approach the end of this year, Congress has a responsibility to address America's top priority—job creation and economic growth. It's time for us to put the interests of working people ahead of the special interests. We must act now to reignite the American Dream and build ladders of success

for anyone willing to work hard and play by the rules, to remove obstacles of participation for those who wish to do that. We must spur our economy, put people to work, and strengthen our middle class.

Now, we should not go home for the holidays without passing the middle income tax—the payroll tax cut and unemployment insurance and SGR. And there are other issues that need to be addressed that affect America's great middle class.

Mr. Chairman, Christmas is coming; the goose is getting fat; please to put a dollar in a worker's hand.

I urge my colleagues to vote ''no'' on this REINS Act and to get to work to extend the payroll tax cut and unemployment insurance for the American people. Only then will we increase demand in our economy, create jobs, promote economic growth, and put money into the pockets of 160 million Americans. Think of the difference that will make instead of putting forth legislation that has no impact on our economic growth, is not in furtherance of job creation, is not in furtherance of strengthening the middle class, which is the backbone of our democracy. We can't go home without the payroll tax cut and unemployment benefits for all Americans who need them, who have lost their jobs through no fault of their own.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. I thank the gentleman for yielding.

I rise in strong support of H.R. 10, the REINS Act, because America's job creators are buried in red tape and need certainty from the Federal Government in order to create jobs. This bill would provide that.

You know, when I travel up and down eastern and southeastern Ohio, I hear a recurring theme from the businesses that I meet with: Government overregulation is strangling their ability to hire new employees, expand their businesses, innovate, and compete.

Today it costs a business over $10,000 per employee just to comply with current Federal regulations. This administration that claims it believes in reducing the burden on small business is in the process of adding another $67 billion worth of new regulations this year alone.

This administration is burying small businesses, and enough is enough. The REINS Act will simply return control of the regulatory process to the American people, who are fed up with unelected bureaucrats stopping job creation and delaying true economic recovery.

I strongly urge my colleagues to support this legislation.

Mr. CONYERS. Mr. Chairman, I yield the balance of my time to our final speaker, Representative LYNN WOOLSEY of California, who is finishing out a brilliant career.

The CHAIR. The gentlewoman from California is recognized for 4½ minutes.

Ms. WOOLSEY. I thank our great ranking member for allowing me this time.

It is ironic; we're here today debating a bill supported by those in the Congress who won't cut taxes for the middle class, but won't budge when it comes to making permanent the tax cuts for the very wealthy.

Why are we not here today talking about extending the payroll tax cuts? Why are we not here talking about extending employment benefits? Why are we not working on a jobs bill? That's what we should be doing.

This Congress cannot—and I echo the words of our leader. This Congress cannot leave for the holidays without ensuring jobless Americans have the security of unemployment benefits that will make their Christmas, their holiday, the rest of their year livable.

I know firsthand what it's like to fall on hard times and need a hand up.

□ 1510

Forty years ago, when I was a single mother raising three young children—my children were 1, 3, and 5 years old—I was lucky enough to have a job; so I didn't need unemployment benefits. But I did need Aid for Families With Dependent Children just to make ends meet. My family needed the compassion of the government and my fellow citizens just to survive. Without that safety net, I don't know what we would have done.

We cannot abandon people who have been victimized by this sluggish economy. These are proud people, who aren't just willing to work; they're desperate to work. There are roughly five unemployed Americans for every available job. These folks need a life preserver.

Extending unemployment benefits is not just a moral imperative. It will pump life back into the economy. It will give people money for their pockets that they can spend in their local communities and in the shops and grocery stores and other businesses that they will inhabit and support if they have some money in their pockets.

And I can't believe that there are some on the other side of the aisle who have been resisting this extension, sticking their finger in the eye of jobless Americans, while protecting lavish tax cuts for millionaires and for billionaires. That flies in the face of common sense and does violence to the very values of who we are as American people.

One Republican Member even said just recently that, and I quote him, he said, ''Congress ought to concentrate on paying people to work, not paying people not to work.'' Except his party hasn't lifted a single finger to do a single thing about creating jobs in this country. You can't pay them to work when there is no work.

So I ask you, having experienced what it means to have little kids that depend on you during hard times, I ask you, do not let these families down. Extend unemployment benefits. Pass a big, bold jobs bill. Put Americans back to work, and stop wasting time on the REINS bill.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. GERLACH), a member of the Ways and Means Committee.

Mr. GERLACH. I thank the chairman. I also want to thank Congressman DAVIS of Kentucky for his great leadership on this important legislation.

While our small business owners are focused on meeting payroll, and their employees are working hard making products and delivering for customers, unelected bureaucrats in Washington are putting in overtime coming up with new rules and regulations.

In 2010 alone, the Federal Government issued 3,200 new regulations and rules. That's roughly nine rules per day. Complying with all these regulations costs small business owners, as was mentioned, an estimated $10,500 per employee each year. At a time when we are trying to create jobs, we need to have better accountability and transparency in Congress for the regulatory burdens the Federal Government places on businesses as we try to rejuvenate our economy.

The REINS Act is a commonsense measure that would do just that, giving workers and small business owners and others a voice in the process of approving regulations that will ultimately affect their jobs, their families, and their communities. This legislation would make sure that job creators don't have to worry about unelected bureaucrats imposing regulations on them without the approval of their elected Representatives.

I urge my colleagues to support this legislation.

Mr. SMITH of Texas. Mr. Chairman, I yield the balance of my time to the gentleman from Georgia (Mr. KINGSTON).

The CHAIR. The gentleman from Georgia is recognized for 2 minutes.

Mr. KINGSTON. I thank the Chairman.

The REINS Act provides powerful, commonsense regulatory reform. It reins in the costly overreach of Federal agencies that stifles job creation and slows economic growth.

If we want to have jobs, we have to help the job creators. This bill restores the authority to impose major regulations on those who are accountable to the voters, their elected Representatives in Congress.

Opponents of the bill resist it for two primary reasons. They say, number one, it takes too much time for Congress to approve or disapprove major regulations. Secondly, they say Congress isn't expert enough to understand whether major regulations should be approved or disapproved. Both objections amount to one thing: their belief that Congress cannot be responsible and accountable for major decisions that affect America's economic life.

Fortunately, the Framers of the Constitution saw things differently, and so do most Americans. The Constitution gives Congress the Federal authority to regulate the economy, not the unelected bureaucrats. If the Constitution gives the authority to Congress, then Congress should be willing to accept the responsibility and the accountability for these decisions.

We should and we will take the time. We should and we will hold hearings. We should and we will allow amendments on the floor and votes and, most importantly, Mr. Chairman, transparency, something that the job creators are not being allowed right now.

This administration has admitted its failure to consider the costs and the benefits when it imposes major new regulations. This administration clearly intends to force through the regulatory process things that they cannot achieve in the people's Congress. They do not want the transparency. They do not want the constituent input, and they do not want to have the hearings where experts from all over the country can give balanced testimony.

The American people struggle enough under the Obama administration's failed economic policy. It's time for Congress to say, Enough.

I urge my colleagues to vote for the REINS Act. Let's help the job creators and vote ''yes.''

Mr. HOLT. Mr. Chair, I rise in opposition to the so called Regulations from the Executive in Need of Scrutiny Act. Just as the authors went through contortions to generate names with a cute acronym, so this bill is very . . . This misguided legislation would undermine the ability of federal agencies to promulgate and enforce safeguards that protect public health and our environment.

Today again the Majority is showing the American public that they don't think we have a jobs crisis in America, and that getting Americans back to work is not their top priority. Getting the American economy back on track and helping to create jobs is my first, second and third priority. Unlike the Majority, I remain committed to creating jobs immediately and expanding educational opportunity for all Americans.

The so called REINS Act is legislation in search of a problem. Federal agencies cannot create rules and regulations without statutory authority that is granted by Congress, and Congress already has the ability to overturn agency rules. The REINS Act would require Congress to vote within seventy days on all major rules, creating an unprecedented level of uncertainty for the vast number of businesses, organizations, and other entities that already comply with government protections affecting food and drug safety and air and water pollution.

The REINS Act puts politics above the safety and health of the American people. We should let the scientists and experts in the agencies develop and enforce rules like the Clean Air and Clean Water Acts that protect all Americans from toxic air pollution and water-borne illness. I urge my colleagues to vote no on this dangerous bill.

Mr. WAXMAN. Mr. Chair, today, December 7th, is the 70th anniversary of the brutal sneak attack by the Imperial Empire of Japan on Pearl Harbor, which unleashed America's involvement in World War II. Victory over Fascism would come four years later. On this day recalling Pearl Harbor, the House Republicans are bringing to the floor their own sneak attack on America's government, and how it works to protect the safety, security, health and welfare of the American people.

We already have in place today an effective mechanism by which Congress can overturn regulations by government agencies that are judged to be unjustified, overly broad, too harsh, excessively expensive or not in the public interest. There is in place today a court of appeal for bad regulations. That process is called the Congressional Review Act, and it provides expedited consideration by Congress of a measure to veto an offending rule. If Members of Congress have issues with regulatory overreach by an agency, there is a constitutional remedy in place today to stop that agency. Moreover, Congress can pass limits on the agency funding to curtail unwise activities.

But that is not enough for the House Republicans. They want to cripple the Executive Branch and its regulatory agencies altogether. They do so in this bill, by changing the burden of proof in the ability of agencies to develop and implement rules that are developed, in the first instance, pursuant to laws enacted by Congress. These are not rogue agencies; they are implementing policy and directives that Congress has passed and the President has signed into law.

But H.R. 10 says that no major rule can become law unless and until Congress passes—and the President signs—a joint resolution approving the specific regulation. In other words, nothing happens unless Congress says it is OK—and that means nothing will happen.

Congress is an institution where we cannot even pass all the individual bills funding the government by the start of the fiscal year. The last time that happened was in 1994, and it has happened only three times since 1948. With that track record, it is not credible to assert that Congress can process hundreds of major rules by government agencies in a timely fashion.

The deadlock that we see in Congress this year will become perpetual gridlock for the functioning of the Executive Branch and independent regulatory agencies.

One suspects, in fact, that this is the true intent of those supporting H.R. 10: to destroy the workings of our government. And it is for this reason that I wholeheartedly oppose this bill.

No special interest should be powerful enough to eclipse the public interest—but this bill lets the special interests who are being regulated win every time.

If this bill were law, all of the historic legislation we passed into law during the Obama presidency would be vulnerable to re-litigation by powerful special interests as agencies work to put into place the rules to implement those laws. Just this year alone, at risk would be rules that prevent health insurance companies from discriminating against people with pre-existing conditions; rules that ban the marketing of tobacco products to children; rules that improve toy safety and reduce lead in products; and rules that require higher fuel economy standards for cars and reduce mercury and other toxic emissions from power plants.

These are the protections the authors of H.R. 10—and their corporate backers—want to stop.

I believe profoundly that government is a positive force that serves its people—and this is what H.R. 10 is really attacking. This is why H.R. 10 is so offensive to our constitutional system.

In the great debate over the size and scope and role of government—which is a very legitimate and important discussion—the rhetoric from the Republicans that has gained the most traction is that regulations from Washington are ''job killers,'' and that these agencies must be stopped before they kill more jobs again.

But this is a lie. David Brooks, a very conservative columnist, assessed these issues this week in the New York Times:

> Over the past 40 years, small business leaders have eloquently complained about the regulatory burden. And they are right to. But it's not clear that regulations are a major contributor to the current period of slow growth.
>
> The Bureau of Labor Statistics asks companies why they have laid off workers. Only 13 percent said regulations were a major factor. That number has not increased in the past few years. According to the bureau, roughly 0.18 percent of the mass layoffs in the first half of 2011 were attributable to regulations.
>
> Some of the industries that are the subject of the new rules, like energy and health care, have actually been doing the most hiring. If new regulations were eating into business, we'd see a slip in corporate profits. We are not.
>
> There are two large lessons here. First, Republican candidates can say they will deregulate and, in some areas, that would be a good thing. But it will not produce a short-term economic rebound because regulations are not a big factor in our short-term problems.
>
> Second, it is easy to be cynical about politics and to say that Washington is a polarized cesspool. And it's true that the interest groups and the fund-raisers make every disagreement seem like a life-or-death struggle. But, in reality, most people in government are trying to find a balance between difficult trade-offs. Whether it's antiterrorism policy or regulatory policy, most substantive disagreements are within the 40 yard lines.
>
> Obama's regulations may be more intrusive than some of us would like. They are not tanking the economy.

H.R. 10 is a dangerous bill. It is a direct attack on how our government works to protect the public interest. It is based on a completely false premise.

H.R. 10, a bill to veto regulations, deserves its own special veto by Congress and, if necessary, by the President of the United States.

Mr. DINGELL. Mr. Chair, I rise in strong opposition to H.R. 10, the REINS Act. This misguided piece of legislation would do nothing to put people back to work, it would do nothing to reinvigorate the economy, and it would do nothing to rein in our debt and excessive deficit. Worse yet, it would serve to make our government even more dysfunctional. By prohibiting all major regulations from going into effect unless Congress enacts a joint resolution of approval, the REINS Act would put up a major roadblock for implementing important consumer protections, including regulations which help keep our food safe and prevent Wall Street from rascality that could bring our economy to its knees again.

Supporters of this legislation claim that the Obama administration's excessive regulations are crippling our economy. However, the conservative columnist David Brooks of The New York Times recently pointed out that in a recent poll by the Bureau of Labor Statistics, only 13 percent of companies said regulations were a major factor in why they laid off workers. Interestingly, this number has stayed steady over time. If overregulation is what is hampering our economy, you would expect a big spike in this number. This leads Mr. Brooks to conclude that ''Obama's regulations may be more intrusive than some of us would like. They are not tanking the economy.'' I would urge all members to read this column to help dispel some common myths about the impact regulations are having on our economy today.

It is important to note that Congress already has the authority to review regulations before they go into effect. The Congressional Review Act of 1996 allows Congress to pass a joint resolution to overturn a regulation to block its implementation. Additionally, all regulations must be subject to a public comment period, giving this body and members of the general public ample time to weigh in with their concerns. Given that these safeguards are already in place, it makes you wonder if the supporters of the bill seek simply to kill all regulations, including those that keep pollution out of our air and water, our armed forces safe, our commerce uninterrupted and our foods safe to eat.

H.R. 10 is a crass attempt to stop important consumer protections by those who are fundamentally opposed to any government intervention in the private sector. I urge all members to oppose this flawed legislation, and get back to work doing the business of the American people—producing a balanced plan to reduce our deficit, invest in our infrastructure, and put the American people back to work.

Ms. JACKSON LEE of Texas. Mr. Chair, I rise today in support of my amendment #6, to H.R. 10, ''Regulations from the Executive in Need of Scrutiny'' (REINS). This bill amends the Congressional Review Act (CRA) to require Congressional approval of all major rules (rules with an economic impact that is greater than $100 million). If Congress fails to act within 70 days the rule cannot be implemented. This change is targeted directly at executive agencies and does nothing to create jobs. Under current law Congress can provide oversight and disapprove of a promulgated bill.

My amendment would exempt all rules promulgated by the Department of Homeland Security. As a Senior Member of the Homeland Security and Ranking Member of the Transportation Security Subcommittee, I am very concerned about any legislation that would hinder the Department of Homeland Security's ability to respond to 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 frivolous and unnecessary litigation, 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. DHS cannot react to the constantly changing threat landscape effectively if they are subject to this bill.

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 protect our nation. Continuing to make advance in Homeland security and intelligence is the best way to combat the threats we still face.

The Department of Homeland Security is tasked with a wide variety of duties under its mission. One example of an instance where DHS may have to act quickly to establish new or emergency regulations is the protection of our cyber security.

In the past few years, threats in cyberspace have risen dramatically. The policy of the United States is to protect against the debilitating disruption of the operation of information systems for critical infrastructures and, thereby, help to protect the people, economy, and national security of the United States.

We are all affected by threats to our cyber security. We must act to reduce our vulnerabilities to these threats before they can be exploited. A failure to protect our cyber systems would damage our Nation's critical infrastructure. So, we must continue to ensure that such disruptions of cyberspace are infrequent, of minimal duration, manageable, and cause the least possible damage.

Like other national security challenges in the post 9/11 era, the cyber threat is multifaceted and without boundaries. Some cyber attackers are foreign nations that utilize their military or intelligence-gathering operations, whereas others are either operating alone or are connected to terrorist groups. In addition, there are cyber threats that are international or domestic criminal enterprises.

According to the Government Accountability Office (GAO), the number of cyber incidents reported by Federal agencies to US–CERT has increased dramatically over the past four years, from 5,503 cyber incidents reported in FY 2006 to about 30,000 cyber incidents in FY 2009 (over a 400 percent increase).

The four most prevalent types of cyber incidents and events reported to US–CERT during FY 2009 were malicious code; improper usage; unauthorized access and incidents warranting further investigations (unconfirmed malicious or anomalous activity).

Critical infrastructure in the Nation is composed of public and private institutions in the sectors of agriculture, food, water, public health, emergency services, government, defense industrial base, information and telecommunications, energy, transportation, banking and finance, chemicals and hazardous materials, and postal and shipping.

With cyberspace as their central nervous system—it is the control system of our country. Cyberspace is composed of hundreds of thousands of interconnected computers, servers, routers, switches, and fiber optic cables that allow our critical infrastructures to work. Thus, the healthy, secure, and efficient functioning of cyberspace is essential to both our economy and our national security.

In light of an attack that threatens the United State's cyber protection, Homeland Security officials may need to issue emergency regulations quickly. Attacks can be sent instantly in cyber space, and the protection of our critical infrastructure cannot be mitigated by cumbersome bureaucracy.

As the Representative for the 18th District of Texas, I know about vulnerabilities in security firsthand. Of the 350 major ports in America, the Port of Houston is the one of the busiest.

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. 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 deserves 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.

Take for example U.S. Immigration and Customs Enforcement (ICE) which identifies prosecutorial discretion as ''the authority of an agency charged with enforcing a law to decide to what degree to enforce the law against a particular individual.'' When ICE favorably exercises prosecutorial discretion, it ''essentially decides not to assert the full scope of the enforcement authority available to the agency in a given case.''

In the civil immigration enforcement context, prosecutorial discretion may take the form of a broad range of discretionary enforcement decisions, including: focusing enforcement resources on particular administrative violations or conduct; deciding whom to stop, question, or arrest for an administrative violation; deciding whether a suspect will be detained or released on bond; and granting deferred action, granting parole, staying a final order of removal, or other alternative to obtaining a formal order of removal.

Let me be clear; prosecutorial discretion is not amnesty; it is done on a case by case basis to ensure that the limited resources ICE has to work with are put toward removing those who pose a threat to the safety and security of the American people. Allowing ICE to

identify and focus on priorities strengthens immigration enforcement by targeting the right individuals.

Furthermore, ICE Director John Morton issued a memorandum in March of 2011 that outlined the enforcement policies for the agency. Among the priority enforcement cases were aliens posing a risk to national security or public safety, recent illegal entrants, and those who are fugitives or have a history of violating U.S. immigration law.

Director Morton's memorandum indicates that prosecutorial discretion is by no means widespread, blanket amnesty for undocumented aliens; it is a law enforcement method used by many agencies, including ICE, under Republican and Democratic administrations. In fact, prosecutorial discretion allows ICE to allocate its resources to ensure their enforcement efforts provide for the safety and security of the nation. Why would this rule need additional scrutiny?

And another major impact rule deals with the U.S. Citizenship and Immigration Services Fee Schedule the final rule will provide DHS with an average of $209 million in FY2010 and FY2011 annual fee revenue, based on a projected annual fee-paying volume of 4.4 million immigration benefit requests and 1.9 million requests for biometric services, over the fee revenue that would be collected under the current fee structure. The increased revenue will be used to fund the full cost of processing immigration benefit applications and associated support benefits; the full cost of providing similar benefits to asylum and refugee applicants; and the full cost of similar benefits provided to others at no change. These are the sorts of rules that are going to be needlessly hindered by this Legislation.

Again, instead of focusing on jobs we are focusing on regulations that Congress already has the power to review and prevent its implementation if and when necessary.

There are many challenges our communities face when we are confronted with a catastrophic event or a domestic terrorist attack. It is important for people to understand that our capacity to deal with hurricanes directly reflects our ability to respond to a terrorist attack in Texas or New York, an earthquake in California, or a nationwide pandemic flu outbreak.

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 disasters and industrial accidents.

Cities and towns across the nation face these and other threats. Indeed, every day, ensuring the security of the homeland requires the interaction of multiple Federal departments and agencies, as well as operational collaboration across 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.

I urge my colleagues to support the Jackson Lee amendment in order to ensure that regulations that save lives that are promulgated by the Department of Homeland Security are not unnecessarily delayed by this legislation.

Mr. STARK. Mr. Chair, I rise in opposition to H.R. 10, the Regulations from the Executive in Need of Scrutiny Act (REINS Act). It is unfortunate but not surprising that we are voting on this legislation today. We are just weeks away from millions of people being kicked off unemployment insurance and Medicare providers having their payments cut by 27% making it difficult for seniors to find a doctor or get access to care. Instead of dealing with those pressing issues we are voting on another ideological Republican message bill. More false promises from the Republican House Leadership that jobs will miraculously appear if we just eliminate rules that keep our food safe to eat, our air and water clean, and our cars safe to drive.

The REINS Act is aimed at making government less efficient and less responsive to the issues facing our country. The legislation would make it nearly impossible for the government to pass regulations. Any rule developed by an agency through the extensive notice and comment process that we currently use would now be forced through both houses of Congress, where majorities would have to affirmatively vote within 70 days or the rule would disappear. Under the REINS Act, proposed rules would be subject to even more rounds of approval in a new system biased to ensure that these rules fail to be adopted.

Did any one of the Republican cosponsors of this legislation ever take a class in government or civics when they were in high school? Passing a law requires approval of the House, Senate, and then the President. Congress then delegates the relevant rulemaking to the agencies because these agencies have the manpower, time and expertise to develop the appropriate rules. This legislation turns the relationship between the three branches of government, and our entire regulatory system, on its head.

Our economy needs a level playing field that protects consumers and small business from corporate and other special interests. Science-based regulation helps to create a stable and fair marketplace for consumers and businesses alike. The REINS Act would further empower big business to challenge regulations that they disagree with regardless of the benefits to the public health and welfare. This is yet another Republican attack on the American middle class intended to please their corporate benefactors. I cannot support this legislation and I urge my fellow members to join me in voting ''no.''

Mr. RYAN of Wisconsin. Mr. Chair, I rise in support of the Regulations from the Executive in Need of Scrutiny Act of 2011 (REINS Act), which will ensure that major policy decisions are made by the people's representatives in Congress and not by unelected bureaucrats.

The bill requires that major regulations cannot go into effect until approved by Congress. Under current law, these economically significant regulations go into effect without further action by Congress. This legislation's sensible reform has important implications for the consideration of legislation that authorizes regulations that result in mandatory spending or other budgetary effects. The Congressional Budget Office's (CBO) longstanding policy is to score legislation providing such regulatory authority with the full budgetary effects of implementing that legislation. The rule governing consideration of H.R. 10 added a provision to the bill, titled the Budgetary Effects of Rules Subject to Section 802 of Title 5, United States Code, that ensures this practice continues.

Absent this provision, CBO has indicated that once the REINS Act is enacted, it would no longer score the budget authority, outlays, or receipts authorized by a statute to that statute if those budgetary effects are contingent on the adoption of a major regulation. Instead, those budgetary effects would be charged to the joint resolution approving the major regulation. While this approach would maintain the principle that the legislation that actually causes the budgetary effects would be charged with the costs incurred, in practice it would create potential problems. Because the REINS Act waives all points of order against the approval resolutions, there would be a potential circumstance where new mandatory spending or other budgetary effects would escape Congressional budget enforcement. This provision retains the current practice of scoring the budgetary impact to the legislation that creates the rulemaking authority and ensures new spending created by that legislation would be fully subject to budget enforcement.

I am pleased that this potential problem has been addressed, and I strongly support this effort to restrain Washington's regulatory overreach and create a more conducive environment for job creation.

DESCRIPTION OF THE RYAN AMENDMENT TO THE REINS ACT

The Ryan Amendment self-executed in the rule governing debate for H.R. 10 amends section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. § 907) (BBEDCA) in order to ensure that any budgetary costs associated with approving or disapproving regulations authorized by legislation are properly accounted for under the congressional budget process. Section 257 of BBEDCA defines the budgetary baseline calculated by the Congressional Budget Office and the Office of Management and Budget. This amendment requires that the baseline include any changes in budget authority, outlays, or receipts resulting from regulations necessary to implement a law. Consistent with this requirement, the Congressional Budget Office and the Office of Management and Budget will continue to score legislation that provides the legal authority to promulgate implementing regulations with the budgetary implications resulting from the regulations.

Absent this provision, CBO has indicated that once the REINS Act is enacted, it would no longer score the budget authority, outlays, or receipts authorized by a statute to that statute if those budgetary effects are contingent on the adoption of a major regulation. Instead, those budgetary effects would be charged to the joint resolution approving the major regulation. This amendment maintains the current law practice for scoring the original authorizing legislation.

Mr. RAHALL. Mr. Chair, in recent weeks, the House of Representatives has taken up three major bills designed to address concerns about executive agency overreach in regulatory proposals.

I supported the first two bills—H.R. 3010, the Regulatory Accountability Act, and H.R. 527, the Regulatory Flexibility Act. I believe they would have improved the current regulatory approval scheme. The bills alternatively would have codified the use of critical cost-benefit analyses and the consideration of less costly regulatory alternatives, and helped to ensure the opportunity for additional public participation, especially in regard to small businesses. Both bills contained provisions

that would have helped to address the concerns of my State, which has felt under siege in recent months by a raft of regulatory actions affecting the coal industry and emanating from the Environmental Protection Agency.

Today, the House is considering H.R. 10, the Regulations in Need of Scrutiny Act. This bill would require the Congress to approve all major rules projected to cost $100 million or more. I believe this is, at the very least, an impractical idea, given the number of rules that would have to be considered in the midst of other legislative business. It also raises serious questions about the legal status of rules promulgated by the executive agencies and approved by the Congress, subjecting even the least controversial rules to potential litigation in the courts. In addition, it subjects the Congressional schedule to the whims of the executive agencies and their regulatory agenda.

But worse still, I believe such a requirement could be detrimental to the functions of government, the certainty required by business, and the stability desired for the economy. Considering the inability of the current Congress to pass important and even popular legislation, the requirements of this bill would almost certainly put rules, even rules supported by the business community that endorses this bill and rules that may be promulgated by future Administrations more favorable to business, in complete limbo.

In this Congress, bipartisan efforts like the surface transportation reauthorization have become mired in partisan squabbles; the Federal Aviation Administration suffered a partial shutdown when a mere extension of its authority was tangled in a partisan mess. When matters of such importance to our nation, matters that are clearly necessary to get our country back on the right economic track, are sidelined indefinitely, I question whether it is wise to subject so many rules to the uncertainty of the Congressional approval process. What's more, when one of the most stringent complaints about the current regulatory process centers on concerns that proposed regulations are politically motivated, it makes no sense to further subject them to the whims of an inherently political institution.

So, while I support critical Congressional oversight of executive agency rules, more public input in the rulemaking process, better cost-benefit analyses of the impact on businesses large and small, and the consideration of less costly regulatory alternatives, I must decline to support H.R. 10.

Mrs. CHRISTENSEN. Mr. Chair, the REIN Act is the culmination of all of the anti-regulation, anti-government and especially anti-President Obama legislation that has been brought to this body since January 2009.

All of the political gymnastics we and the White House have been put through has made it extremely difficult for our President who tried very hard to craft bipartisan solutions to be able to pass much of his agenda. I am glad that he is now doing whatever he can through executive orders, because yes—our country cannot wait.

Even today, with only a few weeks before the deadlines, our Republican colleagues are blocking extending the payroll tax to keep families from losing about 1,000 badly needed dollars next year, they are blocking the extension of unemployment benefits which not only helps families, including children, but is clearly one of the best stimuli for our struggling economy; and they are blocking even just a temporary fix to cuts in fairer payments to the doctors who take care of our elderly and people with disabilities.

But that was not bad enough, now comes the REIN Act to prevent government from fulfilling its critical role to provide services, and to protect the safety, health and wellbeing of people of this country.

They claim they are doing this to get Congress to do their job. Well as far as I can see Congress was doing their job pretty well in the recent Congresses, but that all ground to a halt with this one.

In all of the over 9 months of this Congress the Republican leadership has talked a lot about jobs but done absolutely nothing to create even one and they have held up or weakened laws that would have created the jobs the American people need.

In fact they have wasted these nine months by insisting on bringing legislation to the floor with rhetoric that would keep the fringe elements of their party happy, but go absolutely nowhere and do absolutely nothing.

This is yet another bad bill, with a bad intent that has wasted our time.

The people of this country want government to be there to protect their homes, their money and their retirement, to keep them safe at work and in their neighborhoods, to provide them with access to quality health care, to ensure that their children will have a sound education and meaningful opportunities.

I ask my colleagues to do what the people are calling on us to: create jobs, extend the payroll reduction and unemployment insurance and pay our doctors a fairer fee for their services; and to stop attacking these necessary functions of government. They not only undermine the role of government, but they are weakening our country and making us the laughing stock of the world.

They should withdraw the REIN Act, but since they won't, we need to vote it down and get on with the important issues our fellow Americans want us to address.

Mr. VAN HOLLEN. Mr. Chair, I rise in opposition to H.R. 10, the so-called ''Regulations from the Executive in Need of Scrutiny (REINS) Act of 2011.''

Federal agencies issue rules based on statues created when Congress and the President enact legislation. These agencies devote months and even years conducting research, gathering expertise from skilled professionals, and seeking public input when crafting major rules. Congress relies on these agencies to promulgate these rules, because they have expertise in a given area. However, this bill would require that congressional politics play a part in deciding complicated rules and regulations. By preventing agencies from enacting rules, this bill could undermine the ability of agencies to protect the public's health and safety.

Supporters of this legislation make the anecdotal claim that this bill is needed to stop a plethora of regulations. They forget that Congress currently has considerable power, even the responsibility at times, to alter and influence federal rulemaking. Congress has the power under various means to review and reject rules issued by executive agencies. Under the Congressional Review Act, Congress may pass a joint resolution disapproving any rule within 60 days of receiving the rule. If the President signs the resolution of disapproval, the regulation is not implemented. Additionally, it is important to note that federal agencies are only issuing rules to implement statutes that have been enacted by Congress. Federal agencies must adhere to the statute when promulgating a rule. Congress can also impose restrictions on agency rulemaking through the appropriations process by preventing agencies from using funds to implement or enforce certain rules. Congress may also revamp rulemaking procedures. In addition to the Congressional Review Act, Congress has enacted the Unfunded Mandates Reform Act, the Regulatory Flexibility Act, and the Paperwork Reduction Act. All of these bills reform the procedures for federal rulemaking by federal agencies.

This bill before us today is unnecessary and potentially harmful to the public health and safety. I urge my colleagues to oppose this bill.

Mr. BLUMENAUER. Mr. Chair, as an administrator and policymaker at the local, state, and federal levels, I have often seen the value of common-sense regulations that save lives. I have also seen the challenges associated with cumbersome regulations that can sometimes appear to be bureaucracy at its worst. However, in my experience, regulations tend to be less stringent than necessary rather than overly strict. While I am very open to discussing how we can make regulations more effective and efficient, I am extremely disappointed with the anti-regulatory agenda of the House leadership.

Congress today considers yet another attack on our government's basic ability to enforce laws that protect public health and the environment. Every major law requires enforcement by the executive branch of government, and enforcement requires agencies to write regulations that explain and make public how that agency is going to enforce the law. The bills under consideration by the House will stop the regulatory process in its tracks. Agencies will not be able to enforce new laws or complete updates to regulations as required by existing laws, such as the Clean Air Act.

H.R. 10, the REINS Act, requires both the House and the Senate to vote on every major regulation before that regulation can be enforced, providing only seventy days to do it. This will allow either house of Congress to effectively veto any major regulation that would enforce a law already passed by Congress merely by taking no action.

H.R. 3010, the Regulatory Accountability Act, adds additional requirements to the regulatory process and overrides standards in existing laws that protect public health and safety. This bill would require agencies to analyze not only the direct costs of regulatory changes, but also vaguely defined indirect costs, as well as costs and benefits of potential alternative rules. The bill requires agencies in nearly every case to use the least costly rule, instead of balancing costs and benefits as required in existing laws. This standard will make it nearly impossible for an agency to regulate at all, because there is always an alternative that could be less costly, even if the public at large bears the much higher cost of less protective rules.

H.R. 527, the Regulatory Flexibility Act, expands the review that agencies must conduct before issuing new regulations to include an evaluation of all reasonably foreseeable ''indirect'' costs of regulations, especially to small

businesses. Virtually any proposed agency action—even a guidance document designed to help a business comply with a rule—could be subject to a lengthy regulatory process. The additional analysis would make any change to a regulation even more difficult. There are already more than 110 separate procedural requirements in the rulemaking process; additional review and analysis will not improve regulations, but merely add to delay.

These bills add additional steps on top of the current process. For major regulations the process, from writing a regulation to its enforcement, can already take four to eight years. If Congress feels at the end of that process that a regulation is inappropriate in any way, it already has the authority to vote to overturn that regulation and direct the agency to start over. These bills are unnecessary.

It's time for Congress to move beyond a debate about repealing regulations and focus instead on how to make them more effective and efficient. I strongly oppose these three bills that do not make any changes for the better, but instead jeopardize important progress on protecting health and safety.

The CHAIR. All time for general debate has expired.

In lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary, printed in the bill, the amendment in the nature of a substitute recommended by the Committee on Rules, printed in the bill, modified by the amendment printed in part A of House Report 112–311 shall be considered as adopted, shall be considered as an original bill for purpose of further amendment under the 5-minute rule, and shall be considered read.

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

H.R. 10

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Regulations From the Executive in Need of Scrutiny Act of 2011''.

SEC. 2. PURPOSE.

The purpose of this Act is to increase accountability for and transparency in the federal regulatory process. Section 1 of article I of the United States Constitution grants all legislative powers to Congress. Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes. By requiring a vote in Congress, the REINS Act will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the American people for the laws imposed upon them.

SEC. 3. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.

Chapter 8 of title 5, United States Code, is amended to read as follows:

''CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

''Sec.
''801. Congressional review.
''802. Congressional approval procedure for major rules.
''803. Congressional disapproval procedure for nonmajor rules.
''804. Definitions.
''805. Judicial review.
''806. Exemption for monetary policy.
''807. Effective date of certain rules.

''§ 801. Congressional review

''(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

''(i) a copy of the rule;

''(ii) a concise general statement relating to the rule;

''(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within sections 804(2)(A), 804(2)(B), and 804(2)(C);

''(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

''(v) the proposed effective date of the rule.

''(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

''(i) a complete copy of the cost-benefit analysis of the rule, if any;

''(ii) the agency's actions pursuant to sections 603, 604, 605, 607, and 609 of this title;

''(iii) the agency's actions pursuant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995; and

''(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

''(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

''(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B).

''(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

''(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

''(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

''(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

''(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 802.

''(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

''(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

''(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

''(A) necessary because of an imminent threat to health or safety or other emergency;

''(B) necessary for the enforcement of criminal laws;

''(C) necessary for national security; or

''(D) issued pursuant to any statute implementing an international trade agreement.

''(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

''(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

''(A) in the case of the Senate, 60 session days, or

''(B) in the case of the House of Representatives, 60 legislative days,

before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session, sections 802 and 803 shall apply to such rule in the succeeding session of Congress.

''(2)(A) In applying sections 802 and 803 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

''(i) such rule were published in the Federal Register on—

''(I) in the case of the Senate, the 15th session day, or

''(II) in the case of the House of Representatives, the 15th legislative day,

after the succeeding session of Congress first convenes; and

''(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

''(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

''(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

''§ 802. Congressional approval procedure for major rules

''(a)(1) For purposes of this section, the term 'joint resolution' means only a joint resolution addressing a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii) that—

''(A) bears no preamble;

''(B) bears the following title (with blanks filled as appropriate): 'Approving the rule submitted by _____ relating to _____.';

''(C) includes after its resolving clause only the following (with blanks filled as appropriate): 'That Congress approves the rule submitted by _____ relating to _____.'; and

''(D) is introduced pursuant to paragraph (2).

''(2) After a House of Congress receives a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii), the majority leader of that House (or his or her respective designee) shall introduce (by request, if appropriate) a joint resolution described in paragraph (1)—

''(A) in the case of the House of Representatives, within three legislative days; and

''(B) in the case of the Senate, within three session days.

''(3) A joint resolution described in paragraph (1) shall not be subject to amendment at any stage of proceeding.

''(b) A joint resolution described in subsection (a) shall be referred in each House of Congress to the committees having jurisdiction over the provision of law under which the rule is issued.

''(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

''(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) In the House of Representatives, if any committee to which a joint resolution described in subsection (a) has been referred has not reported it to the House at the end of 15 legislative days after its introduction, such committee shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On the second and fourth Thursdays of each month it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for at least 5 legislative days to call up that joint resolution for immediate consideration in the House without intervention of any point of order. When so called up a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken by the third Thursday on which the Speaker may recognize a Member under this subsection, such vote shall be taken on that day.

''(f)(1) If, before passing a joint resolution described in subsection (a), one House receives from the other a joint resolution having the same text, then—

''(A) the joint resolution of the other House shall not be referred to a committee; and

''(B) the procedure in the receiving House shall be the same as if no joint resolution had been received from the other House until the vote on passage, when the joint resolution received from the other House shall supplant the joint resolution of the receiving House.

''(2) This subsection shall not apply to the House of Representatives if the joint resolution received from the Senate is a revenue measure.

''(g) If either House has not taken a vote on final passage of the joint resolution by the last day of the period described in section 801(b)(2), then such vote shall be taken on that day.

''(h) This section and section 803 are enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a) and superseding other rules only where explicitly so; and

''(2) with full recognition of the Constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

''§ 803. Congressional disapproval procedure for nonmajor rules

''(a) For purposes of this section, the term 'joint resolution' means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress disapproves the nonmajor rule submitted by the __ __ relating to __ __, and such rule shall have no force or effect.' (The blank spaces being appropriately filled in).

''(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

''(2) For purposes of this section, the term submission or publication date means the later of the date on which—

''(A) the Congress receives the report submitted under section 801(a)(1); or

''(B) the nonmajor rule is published in the Federal Register, if so published.

''(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

''(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

''(1) after the expiration of the 60 session days beginning with the applicable submission or publication date, or

''(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

''(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

''(1) The joint resolution of the other House shall not be referred to a committee.

''(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

''(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(B) the vote on final passage shall be on the joint resolution of the other House.

''§ 804. Definitions

''For purposes of this chapter—

''(1) The term 'Federal agency' means any agency as that term is defined in section 551(1).

''(2) The term 'major rule' means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

''(A) an annual effect on the economy of $100,000,000 or more;

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

''(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.

''(3) The term 'nonmajor rule' means any rule that is not a major rule.

''(4) The term 'rule' has the meaning given such term in section 551, except that such term does not include—

''(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

''(B) any rule relating to agency management or personnel; or

''(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

''§ 805. Judicial review

''(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

''(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

''(c) The enactment of a joint resolution of approval under section 802 shall not be interpreted to serve as a grant or modification of statutory authority by Congress for the promulgation of a rule, shall not extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule, and shall not form part of the record before the court in any judicial proceeding concerning a rule except for purposes of determining whether or not the rule is in effect.

''§ 806. Exemption for monetary policy

''Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

''§ 807. Effective date of certain rules

''Notwithstanding section 801—

''(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

''(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the Federal agency promulgating the rule determines.''.

SEC. ___. BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.

Section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new subparagraph:

''(E) BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.—Any rules subject to the congressional approval procedure set forth in section 802 of chapter 8 of title 5, United States Code, affecting budget authority, outlays, or receipts shall be assumed to be effective unless it is not approved in accordance with such section.''.

The CHAIR. No further amendment to the bill, as amended, is in order except those printed in part B of the report. 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 MR. SESSIONS

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 112–311.

Mr. SESSIONS. 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 25, line 18, insert '', including an analysis of any jobs added or lost, differentiating between public and private sector jobs'' before the semicolon.

The CHAIR. Pursuant to House Resolution 479, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

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

I want to first thank, if I can, the author of this piece of legislation, the gentleman from Kentucky, GEOFF DAVIS. Mr. DAVIS has distinguished himself among, not only our colleagues, but also, I believe, his strong support of free enterprise and the people of Kentucky in doing his job, and I appreciate the opportunity to be here to help in that endeavor today.

I believe that excessive government regulations are a significant barrier to the creation of private sector jobs in America today. This Congress has made job creation a priority. As a matter of fact, we had the minority leader down talking just a few minutes ago about job creation and the priority that it needs to represent. And as a result, we must review regulations which stand in the way of not only having more jobs, but also the overuse of rules and regulations that prohibit and add to jobs and job creation.

□ 1520

That proposal that I believe we need to look at is whether the benefits outweigh any potential economic harm that might come.

My amendment requires the agencies submitting the report on a proposal Federal rule to include an assessment of anticipated jobs gained or lost as a result of its implementation and to specify whether those jobs will come from the public or the private sector.

This assessment would be part of the cost benefit analysis. It would be required to be submitted to the Comptroller General and made available to each Member of the House prior to our consideration of the rule.

I believe that what we are doing here today is positive, not only a benefit to the country in terms of recognizing that rules and regulations are burdening our economic engine, but also we are doing something about it here today, and I'm very, very proud to be here in support of this.

Earlier this year, I introduced House Resolution 72, and the House passed it with a strong bipartisan vote in February. My bill required authorizing committees in the House to review existing, pending, and proposed regulations through hearings this year and to report back to the House with their findings.

The REINS Act today before us is an extension, I believe, of H. Res. 72 and is an important measure to ensure that the government does not compete against the free enterprise system. And if it does, Congress should understand that at the time that we pass our laws.

Mr. Chairman, I ask my colleagues to support this important addition.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I rise in opposition to this amendment.

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

Mr. CONYERS. I want to merely start off by recognizing that somewhere buried in this amendment is the gentleman from Texas' recognition that regulations could or might create jobs. I want to thank him for that.

There's no credible evidence that regulations depress job creation. Now, we've talked about this for 2 days. But at our hearing in the Judiciary Committee, one of the anti-regulatory bills that we considered, we had an American Enterprise Institute witness, Christopher DeMuth, from the conservative think tank that AEI is, and he stated in his prepared testimony that focus on jobs can lead to confusion in regulatory debates and that the employment effects of regulation, while important, are indeterminate.

I must say to my colleagues that that is exactly the same impression that I came out of my Judiciary Committee hearing with, and it's the same impression that I've come to realize is probably accurate in the debate for the last few days on the floor of the House itself.

I'm concerned about this amendment because it would add to the analytical burdens of agencies, the speculative assessment of jobs added or lost, and how many of those jobs would be added or lost in the public and private sectors.

For these reasons, I conclude that this amendment would not be helpful, and I am unable to support it.

I yield back the balance of my time.

Mr. SESSIONS. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank my Texas colleague for yielding me time, and I also thank him for offering this amendment.

The bill restores to Congress the accountability for the regulatory decisions that impose major burdens on our economy. As Congress makes those decisions, one of the most important facts to consider is whether new regulations produce jobs or destroy them.

The amendment guarantees that when agencies submit new regulations to Congress, their cost benefit analyses will be made available.

The amendment also assures that agencies will specifically identify regulations' impact on private and public sector jobs. With that information, Congress will be in a position to determine whether to approve the rules. And the American people will be in a postilion to hold Congress accountable for those decisions.

I urge my colleagues to support the amendment.

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

I believe that the case which we're bringing forth today to Congress is

that we believe that jobs should be priority number one for this United States Congress and for the American people—not just the middle class, but investors and people who want to have great jobs in this country, for us to be competitive with the world. For us to do that, we need to recognize that people in Washington, D.C., who probably wouldn't recognize the free enterprise system if they saw it put rules and regulations on people; they don't understand the business; they don't understand how they operate; and they sure as heck don't understand why it's important to have a free enterprise system, one which is nimble and prepared and ready for competition.

I spent 16 years without missing a day of work in the private sector prior to coming to Congress. During those 16 years, I learned firsthand about how rules and regulations by the Federal Government and others can impede not only us and our ability to add jobs but perhaps more importantly, for us to be competitive. And I want to know today those people who will support us making sure that we look at a rule and regulation and understand what the impact on jobs would be.

That's what this vote will be. All Members will have an opportunity to come down to say, We think that there should be a consideration or should not be a consideration, at the time a rule will be written by an agency, what will be the impact of that rule. It would elude me to understand why someone would not want to include that as part of a cost benefit analysis.

Thus, Mr. Chairman, I rest my case.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. JOHNSON OF GEORGIA

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 112–311.

Mr. JOHNSON of Georgia. 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 45, line 22, insert after the first period the following:

"§ 808. Exemption for certain rules

''Sections 801 through 807 of this chapter, as amended by the Regulations from the Executive in Need of Scrutiny Act of 2011 shall not apply in the case of any rule that the Director of the Office of Management and Budget determines will result in net job creation. This chapter, as in effect before the enactment of the Regulations from the Executive in Need of Scrutiny Act of 2011, shall continue to apply, after such enactment, to any such rule, as appropriate.''.

Page 24, in the matter preceding line 10, add after the item relating to section 807 the following new item:

808. Exemption for certain rules.

The CHAIR. Pursuant to House Resolution 479, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield myself such time as I may consume.

I rise to support my amendment to this dangerous bill, the REINS Act.

My amendment is simple. It would exempt any rule that the Office of Management and Budget determines would promote job growth from the bill's congressional approval requirement, which is very cumbersome.

The Republican majority claims that job growth is its top priority, and if that's the case, then my Republican friends should support this amendment. In reality, we all know this bill will not create a single job, and as part of the majority's anti-regulatory agenda, will make it virtually impossible to implement rules for our health and safety.

This bill does not fine-tune the regulatory process, as the Republicans say. It will do nothing but make the regulatory process more bureaucratic and impose unnecessary hurdles for the agencies seeking to enact rules that protect our health and safety.

The majority has a scare tactic—that is that regulations kill jobs, and that's nothing but a myth. The National Federation of Independent Businesses, which describes itself as the leading small business association representing small and independent businesses, does a regular survey of small businesses. And it found that the single most important problem facing small businesses is poor sales, not regulations.

The REINS Act would delay, if not halt, regulations that are necessary for the health and safety of our constituents. Further, the bill would slow down regulations that may actually foster job growth. Thus, if my colleagues on the other side of the aisle are truly concerned about job growth, I would encourage them to support this amendment.

I hope all of my colleagues will support this amendment because the regulations that will help put unemployed Americans back to work should take effect without unnecessary delay.

I reserve the balance of my time.

□ 1530

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

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. DAVIS), the sponsor of the legislation.

Mr. DAVIS of Kentucky. Thank you, Mr. Chairman.

I could not disagree with the gentleman from Georgia more. It's obvious which one of us has run a business and which one is talking about a business.

The reality of the regulatory impact on businesses is huge. All you have to do is ask small business owners in any of our congressional districts if they can get credit because of the newly improved FDIC rules on lending. They will tell you they can't. They can't get credit because of the new regulations, and banks are being consolidated and are going under now. We're finding a rash of environmental regulations throughout the Ohio Valley. Machine tool operators, steel mill operators and other manufacturers say over and over that they will be out of business if the cap-and-trade carbon regulations are imposed by the EPA. These are facts. Health care right now is imposing hiring freezes with the Affordable Care Act.

Once again, there is no reason under any circumstances that we should exempt major regulations that do, indeed, have a real impact on hiring, investment, job creation, and especially on an individual who wants to take the risk to start a business.

Congress should not abdicate its authority any longer regarding these rules. We should step up to the plate and be accountable. If we do so, jobs will be created as a result.

Mr. JOHNSON of Georgia. In response, no, I've never operated a business on Wall Street, and I'm not really concerned about Wall Street as Wall Street has been getting all of the breaks. This party, the Tea Party Republicans, seem hellbent on shifting everything in their direction.

I yield the balance of my time to the distinguished gentlewoman from Texas, SHEILA JACKSON LEE.

The CHAIR. The gentlewoman is recognized for 1½ minutes.

Ms. JACKSON LEE of Texas. I am pleased to join my dear friend and colleague on the Judiciary Committee, the gentleman from Georgia, in offering this amendment as the Johnson-Jackson Lee amendment.

I hold a sign that, I think, speaks to the gist of this amendment, ''Make It In America.'' A number of us have been on the floor of the House on a regular basis talking about creating jobs and about making it in America. My good friend from Texas just passed an amendment without opposition, and I see no reason why the Jackson Lee-Johnson or Johnson-Jackson Lee amendment cannot be accepted in the very same way.

Bruce Bartlett, one of the senior policy analysts in the Reagan and George H.W. Bush administrations, observed that regulatory uncertainty is a canard, an invented canard, that allows those who use it to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of opportunism because regulations don't stop you from creating jobs. In actuality, they provide cleaner air; they provide clean food; they provide the opportunity of a roadmap so that small and large businesses can do their work.

The Clean Air Act is a shining example. A lot of regulations came out of the Clean Air Act. Given that the economy since the Clean Air Act was passed

in 1970 under Richard Milhous Nixon, a Republican, it shows that the economy has grown 204 percent and that private sector job creation has expanded 86 percent.

I would ask my colleagues to join us in supporting the Johnson-Jackson Lee amendment. Let's make it in America. Let's ensure there is a regulatory process that exempts any regulation that creates jobs. I ask my colleagues to support the amendment.

Mr. Chair, I rise today in support of amendment #2, that I offered along with my esteemed colleague Mr. JOHNSON, to H.R. 10 Regulations from the Executive in Need of Scrutiny (REINS). Our amendment would exempt the Office of Management and Budget once it is determined that the rules they offer will result in net job creation.

REINS would amend the Congressional Review Act (CRA) and require Congressional approval of all major rules (rules with an economic impact that is greater than $100 million). If Congress fails to act within 70 days the rule cannot be implemented. This change is targeted directly at executive agencies and does nothing to create jobs.

In other words, this bill is calling for Congressional oversight of Executive branch activities 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. One of the main functions of the Congressional Committees is oversight.

If Congress were required to proactively approve every federal rule, it would be extremely time consuming. The Federal agencies of the Executive branch are made up of experts in their respective fields. Many of the regulations that Federal agencies enact are very specific and require a high level of familiarity with the minute details of certain issues. The time it would take members of Congress 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. For example extending unemployment insurance, job creation, and encouraging job growth. Yet, here we are again wasting time on a measure that will not help our economy.

As we consider REINS, it is important that we not forget that federal agencies have their own oversight process in place to ensure that proposed regulations are thoroughly vetted.

For every proposed regulation, agencies are required to issue 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.

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

Implementing this rule would put a tremendous burden on Congress, and to be frank, as members elected by our constituencies to represent their interests, our time could be utilized in a much more effective manner.

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. As our country rebounds from one of the most severe economic downturns in our history, it is 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 documentation, and complements 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 healthy 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 American 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.

Bottom line, Congress has a large responsibility. We carry on our shoulders the needs of the American people. Our time here is valuable and our work load is great. We should not further burden this body 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.

There is no credible evidence that regulations depress job creation. The Majority's own witness at the legislative hearing clearly debunked the myth that regulations stymie job creation. Christopher DeMuth, who appeared on behalf of the American Enterprise Institute, a conservative think tank, stated in his prepared testimony that the "focus on jobs . . . can lead to confusion in regulatory debates" and that "the employment effects of regulation, while important, are indeterminate."

If anything, regulations may promote job growth and put Americans back to work. For instance, According to the BlueGreen Alliance, notes: "Studies on the direct impact of regulations on job growth have found that most regulations result in modest job growth or have no effect, and economic growth has consistently surged forward in concert with these health and safety protections. The Clean Air Act is a shining example, given that the economy has grown 204% and private sector job creation has expanded 86% since its passage in 1970."

Regulation and economic growth can go hand in hand. Regarding the Clean Air Act, the White House Office of Management and Budget ("OMB") recently observed that 40 years of success with this measure "have demonstrated that strong environmental protections and strong economic growth go hand in hand." Similarly, the Natural Resources Defense Council and the United Auto Workers cite the fact that increased fuel economy standards have already led to the creation of more than 155,000 U.S. jobs.

The claim that regulatory uncertainty hurts business has been debunked as political opportunism. Bruce Bartlett, a senior policy analyst in the Reagan and George H.W. Bush Administrations observed "[R]egulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment."

Regulatory uncertainty does not deter business investment. A lack of demand, not uncertainty about regulation, is cited as the reason for not hiring.

At a legislative hearing on regulatory reform (H.R. 3010), Professor Sidney Shapiro similarly noted, "All of the available evidence contradicts the claim that regulatory uncertainty is deterring business investment."

A July 2011 Wall Street Journal survey of business economists found that the "main reason U.S. companies are reluctant to step up hiring is scant demand, rather than uncertainty over government policies."

The most recent National Federation of Independent Business survey of its members likewise shows that "poor sales"—not regulation—is the biggest problem. Of those reporting negative sales trends, 45 percent blamed faltering sales, 5 percent higher labor costs, 15 percent higher materials costs, 3 percent insurance costs, 8 percent lower selling prices and 10 percent higher taxes and regulatory costs."

Small businesses reject the argument that deregulation is what they need. The Main Street Alliance, an alliance of small businesses, observes: "In survey after survey and interview after interview, Main Street small business owners confirm that what we really need is more customers—more demand—not deregulation. Policies that restore our customer base are what we need now, not policies that shift more risk and more costs onto us from big corporate actors . . .

I urge my colleagues to support this amendment to create jobs and get our country on a path to a strong economic future, what small businesses need is customers—Americans with spending money in their pockets—not watered down standards that give big corporations free reign to cut corners, use their market power at our expense, and force small businesses to lay people off and close up shop."

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

the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. I thank the gentleman for yielding.

I would point out that Gallup has released a survey that shows that one in three small business owners is worried about going out of business; and overwhelmingly, the response to this survey across the United States points to the uncertainty and the unpredictability caused by regulations.

This bill, the REINS Act, is not antiregulation. It is about more transparency and accountability in regulation, and it is about having Congress step up to the plate. It's important that we work together to restore that trust and confidence in the Congress—that we do our jobs, that we stand firm, and that we exercise restraint over the executive branch so that it cannot act in scoring itself on whether jobs are created.

Let that be done by the Congress, which is held accountable. Let us stand for the vote and be accountable to our citizens.

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

The amendment carves out of the bill regulations that the Office of Management and Budget (OMB) determines will lead to net job creation.

The danger in the amendment is the strong incentive it gives OMB to manipulate its analysis of a major regulation's jobs impacts. Far too often, OMB will be tempted to shade the analysis to skirt the bill's congressional approval requirement.

In addition, regulations alleged to create net new jobs often do so by destroying real, existing jobs and "creating" new, hoped-for jobs associated with regulatory compliance. For example, some Environmental Protection Agency (EPA) Clean Air Act rules will shut down existing power plants. EPA and OMB may attempt to justify that with claims that more new, "green" jobs will be created as a result.

In the end, that is just another way in which government picks the jobs winners and the jobs losers. And there is no guarantee that all of the new, "green" jobs will ever actually exist.

The REINS Act is not intended to force any particular outcome. It does not choose between clean air and dirty air. It does not choose between new jobs and old jobs.

Instead, the REINS Act chooses between two ways of making laws. It chooses the way the Framers intended, in which accountability for laws with major economic impacts rests with Congress. It rejects the way Washington has operated for too long, where there is no accountability because decisions are made by unelected agency officials.

The amendment would undermine that fundamental choice.

I urge my colleagues to oppose the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

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

Mr. JOHNSON of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. SCHRADER

The CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 112–311.

Mr. SCHRADER. 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 25, line 9, strike ''and''.

Page 25, insert after line 9 the following (and redesignate provisions accordingly):

''(v) a cost-benefit analysis of the rule; and''.

Page 26, insert after line 11 the following:

''(D) Not later than the later of January 1, 2013 or the date that is 1 year after the date of enactment of the Regulations from the Executive in Need of Scrutiny Act of 2011, each Federal agency shall submit to Congress appropriate criteria for conducting cost-benefit analyses under subparagraph (A)(v) for each rule for which that agency may be required to submit such an analysis.''.

The CHAIR. Pursuant to House Resolution 479, the gentleman from Oregon (Mr. SCHRADER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. SCHRADER. Mr. Chairman, I yield myself such time as I may consume.

This amendment is pretty straightforward. The goal here is to actually codify some of what has been done here just by Executive order to make sure Congress' intent is actually done regardless of what the executive branch is considering.

It basically codifies the cost-benefit analysis in statute that we would like to have. As we all know, a lot of times some of our agencies get a little overzealous, and some of the cost-benefit analyses that they do or don't do do not actually reflect a lot of the real-world criteria by which American men and women in businesses actually operate. So our goal here is to actually follow through on what is already existing law but to just codify it so it's not a huge change.

There is a little bit more to it. Right now a lot of the independent Federal agencies are not subject to this Executive order. Of course, this amendment would actually codify that they should be. There is no reason any Federal agency should be exempt from giving Americans the idea of what it's going to cost and what sort of benefit we're going to get out of this at the end of the day.

Last but not least, I think one of the big pieces that is very, very important to know as a veterinarian, a man of science a little bit, are the assumptions by which these cost-benefit analyses are done. That oftentimes influences the outcome. It's important for the agencies, the businesses and, again, others in this country to look at what assumptions are being made when these cost-benefit analyses are being done. Sometimes they deserve to be challenged, and sometimes questions need to be raised. So I think it's extremely important that any cost-benefit analysis assumptions should be made public and transparent.

With that, I yield back 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 yield such time as he may consume to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. I thank the gentleman for yielding.

I also oppose the amendment. The amendment leaves it to each agency to determine how we will conduct the cost-benefit analyses of any regulations. This is regrettable. Each agency will be tempted to design rules that it can manipulate to claim that benefits routinely outweigh costs. In past administrations when we've seen this attempt done, there was a divergence of standard; there was no continuity and virtually no reduction in the regulations or understanding of this across the whole of government.

The Regulatory Accountability Act, which the House passed on December 2, 2011, calls for agencies to follow uniform guidelines for cost-benefit analyses. This improves quality, and it prevents deceptive actions by rogue agencies. The amendment undercuts that effort. Similarly, under executive order 12866, the President has long required agencies to follow uniform guidelines for cost-benefit analyses. The amendment undermines that requirement, too.

I urge my colleagues to oppose the amendment.

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

The amendment leaves it to each agency to determine how it will conduct cost-benefit analyses of new regulations. This is regrettable. Each agency will be tempted to design rules that it can manipulate to claim that benefits routinely outweigh costs.

The Regulatory Accountability Act, which the House passed on December 2, 2011, calls for agencies to follow uniform guidelines for cost-benefit analyses. This improves quality and prevents deceptive actions by rogue agencies. The amendment undercuts that effort.

Similarly, under Executive Order 12866, the President has long required agencies to follow uniform guidelines for cost-benefit analyses. The amendment undermines that requirement, too.

I urge my colleagues to oppose the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. SCHRADER).

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

Mr. SCHRADER. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

□ 1540

AMENDMENT NO. 4 OFFERED BY MR. MCKINLEY

The CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 112–311.

Mr. MCKINLEY. 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 42, line 23, strike ''$100,000,000'' and insert ''$50,000,000''.

The CHAIR. Pursuant to House Resolution 479, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Chairman, I rise today to offer an amendment that would reduce the threshold for a major rule from $100 million or more to $50 million. This would ensure greater accountability.

Let's keep this in perspective. I base this amendment on legislation that has already been adopted by the House—in 1995—with bipartisan support which lowered the threshold to $50 million. It passed with a vote of 277–141 with much of today's leadership who were here at the time supporting it.

Also, in perspective, in fiscal year 2011, only 2.6 percent of all the rules were classified as ''major,'' and in 2010 it was only 3 percent that met that criteria. Keep that in consideration. Would you be satisfied with only 2 or 3 percent of your food being inspected or 2 or 3 percent of the aircraft which we fly?

According to the Small Business Administration, in 2008 it cost the economy $1.75 trillion in regulations. We just went through a gut-wrenching supercommittee that tried to reduce $1.5 trillion, but yet we let, every year, hundreds of billions of dollars pass through without involvement of Congress.

Since January of this year, we have already seen 67,000 more pages of regulation, 88 million hours, man-hours, have been lost by businesses and employers trying to respond to the regulatory reform. None of this has had congressional oversight or approval.

Canada realizes there needs to be more accountability, and they require all rules and regs of $50 million or more to come before their legislative body.

Congress, having jurisdiction of only 2 or 4 percent may be better than nothing, but I believe America deserves better. We need a system of checks and balances. No wonder the American people have lost their confidence in Congress and the Federal Government. I'm hopeful that the chairman will see the issues that I have raised here today and work with me on future legislation to correct that.

With that, I yield 30 seconds to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. I thank the gentleman from West Virginia for yielding me time.

I share my colleague's desire to bring more congressional scrutiny to major regulations and appreciate his interest in the subject.

I know that recent major regulations have hit West Virginia and the gentleman's constituents particularly hard. The Environmental Protection Agency's major regulations that affect energy sources and power production are among the most troubling.

I look forward to continued discussions with the gentleman on these and other issues of interest to him.

Mr. MCKINLEY. Thank you, Mr. Chairman. I appreciate your willingness to work with me on these issues.

Since Congress deserves to have more specific numbers that have not been available from GAO and the CBO relative to lowering this threshold from $100 million to $50 million, I ask unanimous consent, for now, to withdraw my amendment, Mr. Chairman.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 5 OFFERED BY MRS. MCCARTHY OF NEW YORK

The CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 112–311.

Mrs. MCCARTHY of New York. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 45, line 22, strike the quotation marks and second period.

Page 45, insert the following after line 22:

''§ 808. Exemption for certain rules

''Sections 801 through 807, as amended by the Regulations From the Executive in Need of Scrutiny Act of 2011, shall not apply in the case of any rule that relates to the safety of food, the safety of the workplace, air quality, the safety of consumer products, or water quality. The provisions of this chapter, as in effect before the enactment of the Regulations From the Executive in Need of Scrutiny Act of 2011, shall continue to apply, after such enactment, to any rule described in the preceding sentence.''.

Page 24, in the matter preceding line 10, add after the item relating to section 807 the following new item:

''808. Exemption for certain rules.

The CHAIR. Pursuant to House Resolution 479, the gentlewoman from New York (Mrs. MCCARTHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment to the deeply flawed bill before us right now.

Today we continue the majority's politically motivated attacks on regulations. For the past 2 weeks, we have considered bills designed to slow down and stop the regulatory process.

The bill before us today doesn't target just the rules that the majority might like you to believe are problematic; it would hamper all rulemaking, even those rules that are essential to public health and safety.

My amendment today seeks to address that issue by exempting the REINS Act regulations relating to food safety, workplace safety, air quality, consumer product safety, or water quality.

These issue areas are too important to be impeded by the majority's need to generate political talking points. Consumers can't be put at risk because one House of Congress can't get its act together to pass food safety regulations.

Children at risk from being exposed to toxic substances in toys can't wait for 535 new regulators to weigh in—that's us, the Members of Congress. People getting sick from tainted water supplies shouldn't be put further at risk by a legislative vote from one half of one-third of the branches of the government.

Today's bill, the REINS Act, would amend the Congressional Review Act to prohibit a majority rule from going into effect unless Congress enacts a joint resolution of approval, specifically approving the rule.

This is a bizarre, backwards, and unnecessary piece of legislation. The majority claims to be aiming to streamline the regulatory process and reduce the negative effects of a bureaucracy on the American people and on American businesses.

Ironically, however, this bill has the effect of growing the regulatory process by effectively adding 535 of us additional regulators to the process. Each Member of Congress will now have to perform the role of a regulator. Congress will be forced to review the rules and regulations regarding highly technical matters currently handled by subject area experts.

This technical complexity is precisely why we have professionals in the executive branch with subject matter expertise to work on these rules and regulations. This divide has been the fundamental cornerstone of the principal of separation of powers.

But Congress is intended to represent the people and enact laws. The executive branch is intended to implement those laws. That implementation takes the form of issuing rules, regulations, and specific guidance on how the law will be implemented.

The REINS Act inappropriately puts Congress into duties that should be carried out only by the executive branch. Congress does have oversight responsibility and a duty to monitor implementation, but we currently have methods to address the problems when they do occur, and we do not need this bill. The bill also will lead to confusion, uncertainty, and more gridlock.

Thanks to the REINS Act requirement that Congress affirmatively approve of every major rule, one House of

Congress will essentially have a legislative veto over any major regulation issued.

The worst time for businesses is uncertainty, and the REINS Act increases it in the regulatory process. After engaging in the process of helping to shape the regulations through the rulemaking process, citizens will have to wonder what actions will Congress take. What legislative deal-making will occur? Will Congress approve of the regulation? When will Congress approve the regulation?

This uncertainty keeps businesses from investing and from hiring new workers. More uncertainty under the REINS Act is the opposite of what we need. Congress should spend more of its time thoroughly considering enacting legislation. We should have the implementation where it belongs, in the executive branch. We should continue to monitor implementation and exercise proper oversight. And in the cases where correction is needed, use the current legislative tools that we have at our disposal to address those issues.

I do urge all of our Members to vote for my amendment to protect the American people.

We don't need more gridlock here in Washington. That's why everybody back at home is mad at everybody. We need to go on with our work. We have to make sure that there is a streamlined process so that we can get small businesses growing again, get people back to work. That's what the American people want from all of us.

I urge my colleagues to vote for this amendment.

With that, I yield back the balance of my time.

□ 1550

Mr. DAVIS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. DAVIS of Kentucky. Mr. Chairman, I yield myself such time as I may consume.

The amendment carves out of the bill essential categories of major regulations. These include all major rules 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, do not produce enough benefits, and do not faithfully implement the intent of the people's representatives in the Congress and in the Senate.

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 is an 1,833 to 1 cost-benefit ratio. Most of the benefits EPA identified to justify the rule had nothing to do with the control of hazardous air pollution. Proponents of the regulation have nothing to fear from the REINS Act. When agencies prepare good major regulations, Congress will be able to approve them. This provides agencies with a powerful incentive to get major regulations right the first time.

Think about this from the perspective of the mercury regulation that had the 1,833 to 1 cost-benefit ratio. Who do you think is going to pay for that? The mistake that is made in the arguments saying that it's the rich on Wall Street who benefit are entirely wrong. It's hardworking taxpayers. It's the middle class, the working poor, and the elderly whose utility rates will be driven through the roof as a result of a regulation that was imposed against the intent of the Congress.

When an agency prepares a bad regulation, however, Congress will be able, under the REINS Act, to correct the agency and send it back to the drawing board. In the end, the agency will find a way to issue a good regulation that Congress will approve.

It will improve the dialogue between the executive branch and the Congress. But until it does, those who must pay for regulations will not have to pay for the cost of a misguided major rule made by people who are not accountable to our voters.

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

Mr. SMITH of Texas. Mr. Chair, I oppose the amendment.

The amendment carves out of the bill essential categories of major regulations. These include all major rules 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 costs, do not produce enough benefits and do not faithfully implement Congress' intent.

A good example is the Environmental Protection Agency's (EPA) 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 is a 1,833:1 cost-benefit ratio.

Most of the benefits EPA identified to justify the rule had nothing to do with the control of hazardous air pollution.

Proponents of regulation have nothing to fear from the REINS Act. When agencies prepare good major regulations, Congress will be able to approve them. This provides agencies with a powerful incentive to get major regulations right the first time.

When an agency prepares a bad regulation, however, Congress will be able to correct the agency and send it back to the drawing board.

In the end, the agency will find a way to issue a good regulation that Congress approves. But until it does, those who must pay for regulations will not have to pay for the costs of a misguided major rule.

I urge my colleagues to oppose the amendment.

The CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. MCCARTHY).

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

Mrs. MCCARTHY of New York. I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

AMENDMENT NO. 6 OFFERED BY MS. JACKSON LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 112–311.

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 45, line 22, insert after the first period the following:

"§ 808. Exemption for certain rules

''Sections 801 through 807 of this chapter, as amended by the Regulations from the Executive in Need of Scrutiny Act of 2011 shall not apply in the case of any rule made by the Secretary of Homeland Security. This chapter, as in effect before the enactment of the Regulations from the Executive in Need of Scrutiny Act of 2011, shall continue to apply, after such enactment, to any such rule, as appropriate.''.

Page 24, in the matter preceding line 10, add after the item relating to section 807 the following new item:

808. Exemption for certain rules.

The CHAIR. Pursuant to House Resolution 479, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

What America wants and what I believe is important to the institution that we have such great respect for is for Members to work together. There are a number of amendments that were allowed by the Rules Committee, and I thank them; and the idea should be that these amendments improve a bill.

It is obvious that I disagree with this bill because I think it will literally shut down government. If you cannot pass simple bills that have been passed out of the House of Representatives to the other body and they have not yet passed, we've finished one year of the 112th Congress, how do you think we can manage what is called major rulemaking? Eighty different rules would have to be approved by the President, the House, and the Senate. Literally, the American people would be held hostage.

So this amendment is a cooperative amendment. I think it makes the bill better. The reason why, we have our soldiers, most likely on the front lines of Afghanistan. On account of a heinous act of terrorism on 9/11, our soldiers were dispatched to defend this Nation in Afghanistan. In doing so, they had as their backup the Department of Homeland Security, a Department whose responsibility is to secure

the homeland. Simply ask the 9/11 families how serious it is to secure the homeland.

My amendment would simply say that Homeland Security regulations or regulations dealing with securing the homeland, making America safe, would be exempt from this dilatory, long-winded process of approval. We need urgency when we speak of securing the homeland.

For example, it is well known that we deal not only with a terrorism potential from around the world, but it is also possible to have a catastrophic event that deals with a domestic terrorist attack.

I cannot believe that my colleagues would not want to act in a bipartisan manner and, in particular, with the REINS Act that requires a voted-on resolution of approval, otherwise the security amendment does not go into place. I cannot believe that we would not in a bipartisan way accept the Jackson Lee amendment.

With that, I reserve the balance of my time.

Mr. DAVIS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. DAVIS of Kentucky. I would point out, first of all, that in a national emergency, the President of the United States does have the ability to enact an emergency rule. But what this amendment seeks to do is shield the Department of Homeland Security from Congress's authority to approve regulations under the REINS Act. That shield should be denied.

For example, take the Department's rule to extend compliance deadlines for States to issue secure driver's licenses under the REAL ID Act. Ten years after 9/11 when hijackers used fraudulent licenses to board airplanes to murder 3,000 innocent Americans, DHS continues to extend the deadline.

Another example is the Department's 2009 rule to recall the Bush administration's no-match rule. That regulation helped companies to identify illegal workers and comply with Federal immigration law. When the Obama administration issued its rule to repeal no match, it put the interests of illegal immigrants above those of millions of unemployed Americans and legal immigrants.

This is the kind of decisionmaking that takes place at the Department of Homeland Security. Congress should use every tool it can use to reassert its authority over the legislation rulemaking functions it has delegated to DHS. The result will be to streamline communication, to improve communication in crisp and focused pieces of legislation and regulation. The REINS Act is available to do that.

The point of the REINS Act is accountability, and each Congressman must take a stand to be accountable for regulations that cost our citizenry $100 million or more annually.

I reserve the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman for his explanation, but I think he plays right into the reason why he should join me and make this a bipartisan amendment.

Frankly, I don't think we would want to throw out or delay any process of rulemaking dealing with securing the homeland. I think when the gentleman was citing licenses, he was speaking 9/11. It is now 11 years, and we have passed a number of rulemakings that have improved securing the homeland. As a member of the Homeland Security Committee, I'm quite aware of the progress we've made, such as not having to address that kind of, if you will, mishap—more than a mishap—but that kind of lack of communication that we had on 9/11.

The point I want to make is our soldiers are on the front line in Afghanistan. They are asking, as someone would say on the playing field, Have you got my back? The Department of Homeland Security is that Department created from the Select Committee on Homeland Security which I was on, now in the Homeland Security Committee, to in fact provide for the security of the Nation. With that in mind, I think it is untenable to think of thwarting that process.

What we have here in the REINS Act is truly the REINS Act. It is a stranglehold on moving the Nation forward on good regulations, clean air, clean water, but in this instance securing the homeland. I believe that having the President, the Senate, and the House come together in a reasonable period of time to approve a rule dealing with securing the homeland while soldiers are on the front line defending us is an atrocious position to put the securing of the Nation in.

Let me just say this, Bruce Bartlett is a Republican. He said that the regulatory uncertainty that Republicans talk about is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. That's from a Republican.

The question is let's separate the special interests. The REINS Act is here. They have the majority. More than likely it will pass. But they're going to ignore our war and our fight to secure the homeland.

□ 1600

Here on the front line, what are we doing? We're putting a stranglehold on the rulemaking that will come forward that's attempting to help the American people. If we have to do something for the Transportation Security Administration and the security checkpoints and we need a rule, it's going to be held back because of this process.

I ask for the support of the Jackson Lee amendment, and I yield back the balance of my time.

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

I would like to reiterate that the point of the REINS Act is accountability. It would not impinge, but I believe it would actually improve our ability to manage rulemaking and regulation that relates to security, indeed. The strongest authority in the House of Representatives who could speak on that very issue spoke in favor of this bill earlier, Congressman CHRIS GIBSON from New York, who commanded a brigade in Afghanistan, where that picture was taken, and also a battalion in Iraq in 2005. And I would defer to his authority and military experience on that fact.

The real issue is accountability and restoring transparency and checks and balances to the executive branch so that the American people do not have the reach of government into their back pockets, into their personal lives, into their schools, into their communities, and frankly, in northern Kentucky, even into our sewer pipes, without the consent of the governed.

With that, I oppose the amendment, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chair, I oppose the amendment.

The amendment seeks to shield the Department of Homeland Security (DHS) from Congress' authority to approve regulations under the REINS Act. That shield should be denied.

For example, take the Department's rule to extend compliance deadlines for States to issue secure drivers' licenses under the REAL ID Act. Ten years after 9/11 hijackers used fraudulent licenses to board airplanes used to murder 3,000 innocent Americans, DHS continues to extend the deadline.

Another example is the Department's 2009 rule to recall the Bush Administration's "no-match" rule. That regulation helped companies to identify illegal workers and comply with Federal immigration law.

When the Obama Administration issued its rule to repeal "no-match," it put the interests of illegal immigrants above those of millions of unemployed Americans and legal immigrants.

This is the kind of decision making that takes place at the Department of Homeland Security. Congress should use every tool it can to reassert its authority over the legislative rulemaking functions it has delegated to DHS. The REINS Act is available to do that.

I urge my colleagues to oppose the amendment.

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

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

Ms. JACKSON LEE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 7 OFFERED BY MS. MOORE

The Acting CHAIR (Mr. WOMACK). It is now in order to consider amendment No. 7 printed in part B of House Report 112–311.

Ms. MOORE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 45, line 22, insert after the first period the following:

"§ 808. Exemption for certain rules

''Sections 801 through 807 of this chapter, as amended by the Regulations from the Executive in Need of Scrutiny Act of 2011 shall not apply in the case of any rule that relates to veterans or veterans affairs. This chapter, as in effect before the enactment of the Regulations from the Executive in Need of Scrutiny Act of 2011, shall continue to apply, after such enactment, to any such rule, as appropriate.''.

Page 24, in the matter preceding line 10, add after the item relating to section 807 the following new item:

808. Exemption for certain rules.

The Acting CHAIR. Pursuant to House Resolution 479, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Mr. Chairman, I yield myself such time as I may consume.

My amendment is very straightforward. It would exempt our Nation's veterans from the burdensome layers and hurdles that H.R. 10 imposes and adds to the administrative rulemaking process and would specifically remove veterans from the bill's so-called ''reining'' provisions that require a joint resolution of Congress before an agency puts forth a major rule to help our men and women in uniform when they become veterans and after they return home from service.

Many of my colleagues and I disagree with this bill for a variety of reasons, including the author's premise that reducing the administration's ability to regulate and promulgate rules will result in job creation. But whether or not we agree on the direction and approach to best help and promote America's future, we all agree on some things. We all agree that the last thing we want to do is to pass legislation that will delay assistance to those veterans who have selflessly chosen to fight for our country and deserve every ounce of assistance we can provide them when they come back home.

Veterans deserve educational opportunity, rehabilitation for sometimes very severe disabilities, Mr. Chairman, mental health treatment for posttraumatic stress disorder, employment opportunities, and housing opportunities. Delaying rulemaking authority will have dire consequences for our veterans.

For example, Mr. Chair, one very disturbing issue for me has been the high rate of suicides among our servicemembers. We can't delay this kind of assistance. In fact, last year there were more deaths among our troops from suspected suicide than deaths from hostile combat.

We're facing an epidemic here at home, too. A recent report from the Center for New American Security noted that 1 percent of the population has served in the military, and yet those servicemembers represent 20 percent of all of the suicides in the United States.

Resources for the military are sparse. According to a recent Veterans Health Administration survey of mental health providers, 40 percent responded that they could not schedule a new appointment at their clinic within 14 days; 70 percent of surveyed facilities cited an inadequate number of staff to treat veterans; and 70 percent said that they just simply lacked space.

We also know that there's a serious unemployment barrier among our veterans as they return to civilian life. The unemployment rate among vets who served in Iraq and Afghanistan since 9/11 is 12.1 percent, substantially higher than the national average that we're so concerned about now. Unemployment among vets will spike as we end the war in Iraq. The last 20,000 troops are expected to arrive by the end of the year from Iraq. We can expect about an additional 10,000 veterans from Afghanistan to come home before the end of the year, and 23,000 by the end of 2012.

We just can't delay assistance to our veterans. This has been an area, Mr. Chairman, where Democrats and Republicans have typically come together and agreed. Yet H.R. 10, the REINS Act, will have unintended consequences and dangerous consequences for veterans who, of course, have received our undying gratitude and support.

I ask my colleagues to consider this amendment and support my amendment because this is not an area where we want to delay services to them. We don't want to subject our vets to the politics of Washington and a gridlocked, hyperpartisan Congress that struggles even to extend unemployment insurance in a recession or the payroll tax to middle class people, let alone a credit default by something ''so historically difficult'' as raising the debt ceiling.

I just think that Americans will agree with me that our Nation's veterans deserve to be excluded from the gridlock that this will invariably cause. Let's come together once more to adopt this amendment, Mr. Chair, not just for the troops that need help, but for the troops that will be here in the near future.

I reserve the balance of my time.

Mr. DAVIS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DAVIS of Kentucky. I yield myself such time as I may consume.

I respect my friend from Wisconsin with whom I have worked on numerous pieces of legislation related to child homelessness and affordable housing; but in this case I'm going to respectfully disagree with the premise of the legislation, as a veteran, as a former Army Ranger, as a flight commander of an assault helicopter unit in the 82nd Airborne Division and who served in the Middle East.

The one thing that I would say is that nothing in the REINS Act would in any way inhibit or impede the delivery of services to our veterans, of whom I have been a champion in my time in Congress on numerous pieces of legislation. What I would say is the REINS Act would provide a framework for discussion were there a rule to arise that hit that cost threshold to assure crisp, clear improvement, particularly in dealing with backlogs.

When we deal with the VA specifically, I have had area managers of the Veterans Administration point out specific rules that cause increased queuing and waiting time that were not being addressed. This amendment would actually prevent us from being able to address such things, were they to hit the threshold.

The amendment carves all regulations that affect veterans and veteran affairs out of the REINS Act congressional approval procedures. Frankly, the REINS Act supporters honor America's veterans. We have had America's veterans speaking in favor of this bill throughout the afternoon.

I believe that ultimately we are going to make decisions that will be in keeping with the will of the American people and in the best interests of those veterans as we move forward.

With that, I reserve the balance of my time.

Ms. MOORE. I thank the gentleman for responding, even though he doesn't agree with me. I'm just looking at about at least 14 rules that have been implemented very expeditiously on behalf of our veterans since September 11. It is chilling to think about the delays that may be caused by an extra process.

With that, I yield back the balance of my time.

Mr. DAVIS of Kentucky. That's a point that the gentlewoman and I will agree to disagree on. I believe that we have seen the Congress move in an expedited manner in national security in dealing with our veterans, and there would be no difference under this legislation.

Ultimately, we know that Congress must approve all legislation relating to every agency of the Federal Government, and we'll be doing our constitutional duty, as I remind everybody listening, to restore transparency, accountability, and a check-and-balance so that our citizens and our voters can hold somebody in the government accountable instead of faceless bureaucrats.

□ 1610

It's a solution that everyone should support. Congress will be more accountable.

I ask all of my colleagues to oppose this amendment, and I yield back the balance of my time.

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

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

Ms. MOORE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Wisconsin will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 112–311 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. JOHNSON of Georgia.

Amendment No. 3 by Mr. SCHRADER of Oregon.

Amendment No. 5 by Mrs. MCCARTHY of New York.

Amendment No. 6 by Ms. JACKSON LEE of Texas.

Amendment No. 7 by Ms. MOORE of Wisconsin.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. JOHNSON OF GEORGIA

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 236, not voting 10, as follows:

[Roll No. 895]

AYES—187

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

NOES—236

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

NOT VOTING—10

Bachmann
Castor (FL)
Diaz-Balart
Giffords
Gohmert
Hinchey
Myrick
Nadler
Wilson (FL)
Young (FL)

□ 1637

Messrs. BILBRAY, HERGER, CANTOR, FITZPATRICK, STIVERS, and SCHOCK changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. SCHRADER

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 183, noes 238, not voting 12, as follows:

[Roll No. 896]

AYES—183

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating

Kildee
Kind
Kissell
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McClintock
McCollum
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Murphy (CT)
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—238

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

NOT VOTING—12

Bachmann
Castor (FL)
Conyers
Diaz-Balart
Giffords
Gohmert
Hinchey
Myrick
Nadler
Paul
Wasserman Schultz
Young (FL)

□ 1642

Mr. AL GREEN of Texas changed his vote from ''no'' to ''aye.''

Mr. SCOTT of South Carolina changed his vote from ''present'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MRS. MCCARTHY OF NEW YORK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. MCCARTHY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 177, noes 246, not voting 10, as follows:

[Roll No. 897]

AYES—177

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

NOES—246

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

Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Wasserman Schultz
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—10

Bachmann
Brady (TX)
Castor (FL)
Diaz-Balart
Giffords
Hinchey
Myrick
Nadler
Watt
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1645

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

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—ayes 177, noes 242, not voting 14, as follows:

[Roll No. 898]

AYES—177

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

NOES—242

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

NOT VOTING—14

Bachmann
Barton (TX)
Castor (FL)
Diaz-Balart
Giffords
Hinchey
Hirono
Kind
Myrick
Nadler
Watt
Webster
Woolsey
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1649

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MS. MOORE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 183, noes 240, not voting 10, as follows:

[Roll No. 899]

AYES—183

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

Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—240

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

NOT VOTING—10

Bachmann
Bishop (UT)
Castor (FL)
Cummings
Diaz-Balart
Giffords
Hinchey
Myrick
Nadler
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1653

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. WEST). There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOMACK) having assumed the chair, Mr. WEST, 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. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, and, pursuant to House Resolution 479, reported the bill, as amended by that resolution, back to the House with a further amendment adopted in the Committee of the Whole.

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

The question is on the amendment.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT

Ms. DELAURO. Mr. Speaker, I have a motion to recommit at the desk.

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

Ms. DELAURO. I am opposed in its current form.

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

The Clerk read as follows:

Ms. DELAURO moves to recommit the bill H.R. 10 to the Committee on the Judiciary with instructions to report the same back to the House forthwith, with the following amendment:

Page 45, line 22, insert after the first period the following:

"§ 808. Protection of Food Safety and Consumer's Right to Know through Country-of-Origin Labeling

''Sections 801 through 807 of this chapter, as amended by the Regulations from the Executive in Need of Scrutiny Act of 2011 shall not apply in the case of any rule regarding country of origin labeling. This chapter, as in effect before the enactment of the Regulations from the Executive in Need of Scrutiny Act of 2011, shall continue to apply, after such enactment, to any such rule, as appropriate.''.

The SPEAKER pro tempore. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, I rise to offer a motion that would exempt country of origin labeling from the regulations affected by this legislation. This is the final amendment to the bill, which will not kill it or send it back to committee. Instead, we will move to final passage on the bill, as amended.

We have had a heated debate over this act. I have very strong concerns about it. But however one feels about the legislation before us, we should all be able to agree on fundamental principles.

First, that it is the responsibility of this institution and of government to see that the health and the safety of American families are protected. This includes protecting Americans from unsafe and contaminated food. And, second, the consumer should be able to know where the food and products they buy come from so that they can make informed decisions about their purchases, as they should be able to in a free market.

That is what country of origin labeling does, and it is why my final amendment simply exempts country of origin labeling from the underlying bill before us. It gives us an opportunity to come together in a bipartisan way to protect the health and safety of our constituents and to give the American public the information they need and clearly want to make informed decisions for their families.

More than 40 other countries we trade with have a country of origin labeling system in place, and the majority of American consumers continue to support country of origin labeling.

We know that food-borne illnesses are a major public health threat. They account for roughly 48 million illnesses, 100,000 hospitalizations and over 3,000 deaths in this country every year. Every year one in every six Americans become sick from the food that they eat. Our youngest and oldest Americans are the most vulnerable to these illnesses, and right now roughly 80 percent of the seafood and 60 percent of the fruits and vegetables consumed in the United States have been produced outside our borders.

Amid all this imported food, our ability to ensure that food products are safe and not contaminated is dwindling. The FDA inspects less than 2 percent of the imported food in its jurisdiction. Yet, 70 percent of the apple juice we drink was produced in China,

roughly 90 percent of the shrimp that we eat was produced outside of the United States. Across this 2 percent, the FDA finds a frighteningly large number of shipments with dangerous food safety violations, including the presence of pathogens and chemical contamination.

Families should be able to know where their food is coming from. Just this morning, a Japanese food producer announced the recall of 400,000 cans of infant formula after traces of radioactive cesium were found in the company's milk powder. And after the Fukushima disaster earlier this year, Americans were concerned about the safety of seafood imports.

I do not want to single out any one country. Sadly, food-borne disease outbreaks are frighteningly normal, both here and abroad. We recently experienced a listeria outbreak in cantaloupes which sickened at least 139 people and killed 29 more. Germany saw an E. coli crisis this summer that killed dozens and sickened thousands. In 2010, we saw a salmonella outbreak in crushed pepper that sickened 272 people, and another salmonella outbreak that resulted in the recall of over half a billion eggs and almost 2,000 Americans becoming ill.

Country of origin labeling does not lead to American job losses or bankrupt the food industry; it simply lets consumers know where their food comes from.

That is particularly important in this economy, when not only food inspectors, but food producers are stretched thin. Consumers should be able to know when they are buying foods that were grown, raised, or produced right here in America.

□ 1700

They have the right to know where their food was produced and to make their own choices about the food that they buy.

In the past, there has been a bipartisan consensus that country-of-origin labeling is a good idea, that it keeps families safe, and that it supports American farmers. In fact, the chairman, my counterpart on the Labor-HHS-Education Appropriations Subcommittee, Congressman REHBERG of Montana, has been a leader in ensuring strong country-of-origin labeling. We should continue that bipartisan commitment today. Exempt country-of-origin labeling from the REINS Act.

I urge my colleagues to stand up for public health, consumers' right to know, and American businesses. Support this final amendment.

Mr. DAVIS of Kentucky. Mr. Speaker, I rise in opposition to the motion to recommit.

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

Mr. DAVIS of Kentucky. Mr. Speaker, this motion is a distraction. It misses the point of this legislation entirely. We are here today to restore accountability for the regulations with the biggest impact on our economy.

Good, bad or ugly—and our regulatory code includes all three—Congress should be accountable for regulations that cost the American people $100 million or more annually.

The REINS Act simply says that Congress must vote on these regulations, these major rules, before they can be enforced on the American people. Essentially, this motion to recommit repeats part of an exclusion already attempted in the McCarthy amendment that the House just voted down. It's purely a political motion.

The REINS Act has been the subject of two hearings and a markup in the Judiciary Committee and was subject to an additional markup in the Rules Committee. Today, we have had a robust debate on the bill and seven amendments, five of which were offered by colleagues in the minority.

Congress has a bipartisan bad habit writing vague legislation that sounds nice, but leaves the dirty work to unelected bureaucrats in administrative agencies. This practice has allowed the Congress to claim credit for popular aspects of laws, and blame regulatory agencies for increased costs or the otherwise negative effects of the regulations.

Agencies are also starting to bypass Congress by writing regulations that stretch the bounds of their delegated authorities. The administration has declared an intent to pursue their agenda by pushing items they could not get through Congress through regulatory actions instead. Indeed, laws they could not pass in Democratic supermajorities in the last Congress are now being attempted, against the will of the Congress, to be implemented by regulation.

What we have proposed in the REINS Act is very simple: Congress should at the very least be accountable for regulations with $100 million of annual economic impact or more. These rules are classified by the administration as major rules.

The REINS Act is not anti-regulation, and it is not pro-regulation. What we're saying is let's have a transparent and accountable process for implementing new regulations.

According to a recent Gallup Poll, small business owners cited complying with government regulation as the biggest problem facing them today. Public Notice did a poll recently that found that a majority of Americans believe Congress should approve regulations before they can be enforced.

Our economy is struggling to recover, and more than 13 million Americans are still out of work. Congress needs to do a much better job of creating a pro-growth environment that increases our competitiveness and rewards entrepreneurship and ingenuity.

Everyone agrees that regulations can have a significant and detrimental impact on jobs and our economy. Even President Obama described regulations that stifle innovation and have a chilling effect on growth and jobs in an op-ed for The Wall Street Journal earlier this year.

The REINS Act lays down a marker to say that Congress should be directly accountable for the most expensive regulations that could stifle innovation and have a chilling effect on growth and jobs.

In the words of the great Speaker from Cincinnati, Ohio, Nicholas Longworth, I ask all of my colleagues to strike a blow for liberty, to vote for accountability. I oppose the motion to recommit. Vote against the motion to recommit. Support the REINS Act.

I yield back the balance of my time.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Ms. DELAURO. 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 minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 183, noes 235, not voting 15, as follows:

[Roll No. 900]

AYES—183

Ackerman	Doggett	Levin
Altmire	Donnelly (IN)	Lewis (GA)
Andrews	Doyle	Lipinski
Baca	Duncan (TN)	Loebsack
Baldwin	Edwards	Lofgren, Zoe
Barrow	Ellison	Lowey
Becerra	Engel	Luján
Berkley	Eshoo	Lynch
Berman	Farr	Maloney
Bishop (GA)	Fattah	Markey
Bishop (NY)	Filner	Matheson
Blumenauer	Frank (MA)	Matsui
Boren	Garamendi	McCarthy (NY)
Boswell	Gonzalez	McCollum
Brady (PA)	Green, Al	McDermott
Braley (IA)	Green, Gene	McGovern
Brown (FL)	Grijalva	McIntyre
Butterfield	Gutierrez	McNerney
Capps	Hahn	Meeks
Capuano	Hanabusa	Michaud
Cardoza	Hastings (FL)	Miller (NC)
Carnahan	Heinrich	Miller, George
Carney	Higgins	Moore
Carson (IN)	Himes	Moran
Chandler	Hinojosa	Murphy (CT)
Chu	Hirono	Napolitano
Cicilline	Hochul	Neal
Clarke (MI)	Holden	Olver
Clay	Holt	Owens
Clyburn	Honda	Pallone
Cohen	Hoyer	Pascrell
Connolly (VA)	Inslee	Pastor (AZ)
Cooper	Israel	Pelosi
Costa	Jackson (IL)	Perlmutter
Costello	Jackson Lee (TX)	Peters
Courtney	Johnson (GA)	Peterson
Critz	Johnson, E. B.	Pingree (ME)
Crowley	Jones	Polis
Cuellar	Kaptur	Price (NC)
Cummings	Keating	Quigley
Davis (CA)	Kildee	Rahall
Davis (IL)	Kind	Rangel
DeFazio	Kissell	Reyes
DeGette	Kucinich	Richardson
DeLauro	Langevin	Richmond
Deutch	Larsen (WA)	Ross (AR)
Dicks	Larson (CT)	Rothman (NJ)
Dingell		Roybal-Allard

Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—235

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

NOT VOTING—15

Bachmann
Bass (CA)
Castor (FL)
Clarke (NY)
Cleaver
Conyers
Diaz-Balart
Fudge
Giffords
Hinchey
Lee (CA)
Myrick
Nadler
Payne
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1723

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. SCOTT of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 241, noes 184, not voting 8, as follows:

[Roll No. 901]

AYES—241

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

NOES—184

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

NOT VOTING—8

Bachmann
Castor (FL)
Diaz-Balart
Giffords
Hinchey
Myrick
Nadler
Young (FL)

□ 1730

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1633, FARM DUST REGULATION PREVENTION ACT OF 2011

Mr. WEBSTER, from the Committee on Rules, submitted a privileged report (Rept. No. 112–317) on the resolution (H. Res. 487) providing for consideration of the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HOUR OF MEETING ON TOMORROW

Mr. WEBSTER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. BECERRA. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 486

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON THE JUDICIARY.—Mr. Polis.

Mr. BECERRA (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

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

SYNTHETIC DRUG CONTROL ACT OF 2011

Mr. PITTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1254) to amend the Controlled Substances Act to place synthetic drugs in Schedule I, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1254

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Synthetic Drug Control Act of 2011''.

SEC. 2. ADDITION OF SYNTHETIC DRUGS TO SCHEDULE I OF THE CONTROLLED SUBSTANCES ACT.

(a) CANNABIMIMETIC AGENTS.—Schedule I, as set forth in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end the following:

''(d)(1) Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of cannabimimetic agents, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

''(2) In paragraph (1):

''(A) The term 'cannabimimetic agents' means any substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within any of the following structural classes:

''(i) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.

''(ii) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.

''(iii) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.

''(iv) 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.

''(v) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

''(B) Such term includes—

''(i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497);

''(ii) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);

''(iii) 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);

''(iv) 1-butyl-3-(1-naphthoyl)indole (JWH-073);

''(v) 1-hexyl-3-(1-naphthoyl)indole (JWH-019);

''(vi) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

''(vii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

''(viii) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);

''(ix) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

''(x) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

''(xi) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);

''(xii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);

''(xiii) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4);

''(xiv) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8); and

''(xv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).''.

(b) OTHER DRUGS.—Schedule I of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended in subsection (c) by adding at the end the following:

''(18) 4-methylmethcathinone (Mephedrone).

''(19) 3,4-methylenedioxypyrovalerone (MDPV).

''(20) 3,4-methylenedioxymethcathinone (methylone).

''(21) Naphthylpyrovalerone (naphyrone).

''(22) 4-fluoromethcathinone (flephedrone).

''(23) 4-methoxymethcathinone (methedrone; Bk-PMMA).

''(24) Ethcathinone (N-Ethylcathinone).

''(25) 3,4-methylenedioxyethcathinone (ethylone).

''(26) Beta-keto-N-methyl-3,4-benzodioxyolybutanamine (butylone).

''(27) N,N-dimethylcathinone (metamfepramone).

''(28) Alpha-pyrrolidinopropiophenone (alpha-PPP).

''(29) 4-methoxy-alpha-pyrrolidinopropiophenone (MOPPP).

''(30) 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (MDPPP).

''(31) Alpha-pyrrolidinovalerophenone (alpha-PVP).

''(32) 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine) (MDAI).

''(33) 3-fluoromethcathinone.

''(34) 4'-Methyl-α-pyrrolidinobutiophenone (MPBP).''.

SEC. 3. TEMPORARY SCHEDULING TO AVOID IMMINENT HAZARDS TO PUBLIC SAFETY EXPANSION.

Section 201(h)(2) of the Controlled Substances Act (21 U.S.C. 811(h)(2)) is amended—

(1) by striking ''one year'' and inserting ''2 years''; and

(2) by striking ''six months'' and inserting ''1 year''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. PITTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD.

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

There was no objection.

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

H.R. 1254 was introduced by my friend and colleague from Pennsylvania, Representative CHARLIE DENT, in response to a frightening trend of synthetic drug use in our communities. These synthetic drug substitutes, made from chemical compounds that are sold legally in most States, mimic the hallucinogenic and stimulant properties of drugs like marijuana, cocaine, and methamphetamines. While these synthetic drugs are just as dangerous as their traditional counterparts, they are not illegal.

Many families and young people in our communities do not realize the destructiveness of these synthetic drugs because of their legal status and their

wide availability and often harmless-sounding names such as ''Bath Salts'' and ''Plant Food,'' both cocaine substitutes.

H.R. 1254 would, first, ban synthetic drugs that imitate marijuana, cocaine, and methamphetamines; and, second, allow the Drug Enforcement Administration to temporarily schedule a new substance for up to 3 years. Currently, DEA can only temporarily schedule a substance for up to 18 months.

I would like to thank Congressman DENT for working with the DEA on this important issue, and I would urge my colleagues to support this commonsense and bipartisanly supported legislation.

I reserve the balance of my time.

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

I am pleased to support H.R. 1254, the Synthetic Drug Control Act. This bill enjoys bipartisan support and is aimed to eliminate commercial availability of harmful synthetic narcotics. Under this proposal, hallucinogenic drugs would no longer be able to hide behind misleading aliases.

During committee consideration, I was quite alarmed to hear some of the stories shared by the bill's sponsor, Representative CHARLIE DENT, as well as other Members. Around the country, constituents have been able to utilize synthetic products to the detriment of their mental and physical health and, in some cases, costing them their lives.

Unfortunately, these imitation drugs are not illegal, and there is a critical need to strengthen the Federal Government's ability to keep these harmful and dangerous drugs off the street. The Synthetic Drug Control Act adds specific synthetic versions of drugs of abuse to Schedule I of the Controlled Substances Act. These designer drugs mimic some of the effects of drugs such as marijuana and can be very unsafe, causing convulsions, anxiety attacks, and dangerously elevated heart rates, among other conditions.

Under current authority, the Drug Enforcement Agency has difficulty taking action against these drugs because they've been designed to fall outside existing statutory descriptions of Schedule I drugs. H.R. 1254 will enable the Drug Enforcement Agency to take appropriate enforcement actions to get them off the street and away from our Nation's youth.

Mr. Speaker, I urge my colleagues to vote in support of this legislation, and I hope the way we work together on it can prove a model for our efforts on future legislation.

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

Mr. PITTS. I yield 5 minutes to the prime sponsor of the legislation, the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. I certainly appreciate the support of Mr. PITTS and Mr. PALLONE for their leadership on this issue. It's deeply appreciated.

This issue of synthetic or designer drugs was first brought to my attention by a woman, a mother in my district whose son had been abusing legal substitutes for marijuana. These synthetic cannabinoids, as they're referred to, or synthetic marijuana, affect the brain in a manner similar to marijuana, but can actually be even much more harmful.

Synthetic marijuana, or cannabinoids, are just one category of designer drugs. Even more potent substances have properties similar to cocaine, methamphetamine, LSD, and other hard street drugs. These substances are marketed as innocent products like bath salts, plant food, incense, and they're sold under brand names familiar to their users, such as K2 Spice, Vanilla Sky, or Ivory Wave. However, these are total misnomers designed to facilitate their legal sale. These drugs have no legitimate purpose, period.

H.R. 1254, the Synthetic Drug Control Act, drafted in consultation with Federal law enforcement, has three principal components:

First, a prohibition of broad structural classes of synthetic marijuana or the cannabinoids;

Two, a prohibition of synthetic stimulants and other designer drugs, such as bath salts, mephedrone, MDPV, C2E, et cetera, several of those;

Third, an expansion of the DEA's existing authority to temporarily ban a new substance from 1½ to 3 years. Under current law, if the DEA and Department of Health and Human Services can prove that a substance is, one, dangerous and, two, lacking legitimate value while it is temporarily banned, the prohibition will become permanent.

Over the past year there's been a sharp increase in the number of new reports detailing horrific stories of individuals high on synthetic drugs. A man in Scranton, Pennsylvania, stabbed a priest, and another jumped out a three-story window, both high on bath salts. Several deaths from West Virginia to Florida to Pennsylvania to Iowa have been attributed to abuse of synthetic drugs.

Senator CHUCK GRASSLEY of Iowa has introduced a companion bill with provisions very similar to H.R. 1254, named after one of his young constituents who tragically took his own life while high on synthetic marijuana.

□ 1740

A man in my district was arrested this past May for firing a gun out of his window in a university neighborhood. Police charges indicate that he injected himself with bath salts, and he later told police he thought there were people on the roof watching him.

Finally, I was approached by another distraught mother from my district whose son was hospitalized for over 2 weeks after suffering liver failure and other complications after injecting himself with bath salts. These substances pose a substantial risk, both to the physical health of the user as well as to the safety of those around them when these drugs contribute to dangerous, psychotic behavior, suicide, and public endangerment.

The fact that these drugs are legal in many States contributes to the misconception that they are safe. And the use of easily recognizable brand names and logos on the packaging promotes the concept of a consistent product.

Significant variations of potency from one unit to the next have led recurrent users to inadvertently overdose. One of the major difficulties in combating these designer drugs is the ability of the producers to skirt the law with different chemical variations. By modifying the formula in some minor way, producers can generate a new compound which circumvents legal prohibitions but has similar narcotic events. DEA needs enhanced authority to temporarily schedule new variations when they hit the market, and they usually hit Europe first, and then they enter the United States.

A growing number of States, including Pennsylvania, have enacted bans on many forms of synthetic drugs, but Federal action is necessary to prevent these drugs from being obtained by simply crossing State lines or, increasingly, ordering them over the Internet.

I believe over 30 States have passed bans, if my memory serves me correctly. State-by-State differences in which individual substances are controlled and how strongly makes for a confusing legal patchwork, and Federal legislation certainly will facilitate enforcement.

The U.S. Department of Justice announced its support of H.R. 1254 as amended by the House Judiciary Committee in a letter dated September 30, 2011, and I would submit that for the RECORD.

I also want to point out, too, that the American College of Emergency Physicians, which notes the devastating physical and psychotic effects of these drugs, has also endorsed this bill, and I think that's quite significant as well.

Finally, go to a hospital like Children's Hospital of Philadelphia—they'll tell you they get a case every day with individuals who are suffering from these particular drugs. A year ago at this time, they probably got no calls. And now every day, and that's not just typical in Philadelphia but throughout the country. I urge my colleagues to support this legislation.

You will also hear some folks here today who might actually argue that medical research will somehow be impeded. Nothing could be further from the truth. This legislation does not in any way impede medical research. I would be happy to get into that at some point.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, September 30, 2011.

Hon. F. JAMES SENSENBRENNER, Jr.,
Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN. This letter provides the Department of Justice's views on H.R.

1254, as amended by the Committee on Energy and Commerce, titled the ''Synthetic Drug Control Act of 2011.'' The bill would amend the Controlled Substances Act (CSA) to address the growing use and misuse of synthetic drugs by placing a number of substances in schedule I and by extending the length of time that a drug may be temporarily placed in schedule I.

We support the bill as drafted, but believe it can be strengthened with the addition of the ''2C family'' of drugs listed in an appendix to this letter and in S. 839. The Department also supports the goals of S. 605, Dangerous Synthetic Drug Control Act of 2011 or the ''David Mitchell Rozga Act''; S. 839, Combating Designer Drugs Act of 2011; and S. 409, Combating Dangerous Synthetic Stimulants Act of 2011. H.R. 1254 already contains many provisions included in S. 605 and S. 409, and we urge that the bill be expanded to include the provisions of S. 839.

THE THREAT OF SYNTHETIC DRUGS

In recent years, a growing number of dangerous products have been introduced into the U.S. marketplace. Products labeled as ''herbal incense'' have become increasingly popular, especially among teens and young adults. These products consist of plant materials laced with synthetic cannabinoids which, when smoked, mimic the deleterious effects of delta-9- tetrahydrocannabinols (THC), the principal psychoactive constituent in marijuana. To underscore the scope and breadth of the synthetic cannabinoid problem, a recent report prepared by the United Nations Office on Drugs and Crime (UNODC) notes that more than 100 such substances have been synthesized and identified to date.''

There is also growing evidence demonstrating the abuse of a number of substances labeled as ''bath salts'' or ''plant foods'' which, when ingested, snorted, smoked, inhaled, or injected, produce stimulant and other psychoactive effects. These synthetic stimulants are based on a variety of compounds and are purported to be alternatives to the controlled substances cocaine, amphetamine, and Ecstasy (MDMA). These drugs have been distributed and abused in Europe for several years and have since appeared here in the United States. According to a recent National Drug Intelligence Center report, poison control centers and medical professionals around the country have reported an increase in the number of individuals suffering adverse physical effects associated with abuse of these drugs.

There are other newly developed drugs that also pose a significant threat to the public. This includes the ''2C family'' of drugs (dimethoxyphenethylamines), which are generally referred to as synthetic psychedelic/hallucinogens. Recently, a 19-year-old male in Minnesota died of cardiac arrest after allegedly ingesting 2C–E, one of the substances within this class of drugs. We note that the 2C substances listed in the attached Appendix are included in the list of substances covered by S. 839. The Department supports the addition of the 2C family of substances listed in the Appendix to H.R. 1254.

Products containing synthetic drugs are dangerous and represent a growing challenge to law enforcement. Apart from the wide array of harmful or even lethal side effects of many of the listed substances, neither the products nor their active ingredients have been approved by the Food and Drug Administration for use in medical treatment, and manufacturers and retailers of the products containing these substances do not disclose that there are synthetic drugs in their products. Synthetic drug abusers may endanger not only themselves but others: some become violent when under the influence of these substances, and abusers who operate motor vehicles after using synthetic drugs likely present similar dangers as those under the influence of controlled substances.

With the exception of the five substances recently controlled by the Drug Enforcement Administration (DEA) pursuant to its temporary scheduling authority, the listed synthetic cannabinoids and synthetic stimulants are not currently in any schedule under the CSA.

EFFORTS TO CONTROL SYNTHETIC DRUGS

Congress created an interagency process for placing new and emerging drugs into one of five schedules of the CSA (21 U.S.C. 811 et seq.). One such mechanism, temporary scheduling (21 U.S.C. 811(h)), was specifically designed to enable the Department to act in an expeditious manner if such action is necessary to avoid an imminent hazard to the public safety. In response to the growing threat posed by known synthetic cannabinoids, on March 1, 2011, the DEA temporarily placed the following five synthetic cannabinoids in schedule I: JWH–018, JWH–073, JWH–200, CP–47, 497, and CP–47, 497 C8 homologue.

The DEA is currently gathering scientific data and other information about synthetic cathinones as well as evaluating their psychoactive effects to support administrative action to schedule these substances under the CSA. To temporarily schedule these stimulants, the DEA must find that placement in schedule I is necessary to avoid an imminent hazard to the public safety, a finding that requires the DEA to consider the following three factors: history and current pattern of abuse; the scope, duration, and significance of abuse; and what, if any, risk there is to the public health, including actual abuse; diversion from legitimate channels; and clandestine importation, manufacture, or distribution. Once data have been gathered to meet the statutory criteria to temporarily schedule these cathinones, the Department will initiate an action to temporarily place them into schedule 1. In fact, on September 8, 2011, the DEA published a notice of intent in the Federal Register (21 FR 55616) to temporarily place mephedrone, methylone and MDPV in schedule I.

Unfortunately, however, the distribution and abuse of synthetic drugs cannot be fully addressed by temporary scheduling because as law enforcement investigates, researches, and develops evidence to support such action, illicit drug makers create new synthetic drugs for the purpose of evading federal law. Scheduling via legislation is an additional tool to promote public health and safety.

PURPOSE OF LEGISLATION

Placing synthetic carnnabinoid and synthetic stimulant substances in schedule I would expose those who manufacture, distribute, possess, import, and export synthetic drugs without proper authority to the full spectrum of criminal, civil, and administrative penalties, sanctions, and regulatory controls. Unless authorized by the DEA, the manufacture and distribution of these substances, and possession with intent to manufacture or distribute them, would be a violation of the CSA and/or the Controlled Substances Import and Export Act.

H.R. 1254, as well as S. 409, would amend the CSA by expanding the list of substances in schedule I of the CSA (21 U.S.C. 812(c)). To address synthetic cannabinoid abuse, the bill names 15 unique substances that would be placed in schedule I; this list includes those temporarily scheduled by the DEA. Additionally, the bill creates five structural classes of substances collectively referred to as ''cannabimimetic agents.'' In order for a substance to be a cannabimimetic agent, the substance must: (1) bind to the CB1 receptor; and (2) meet any of the definitions for those structural classes. If both criteria are met, that substance will be a schedule I cannabimimetic agent controlled substance.

To address emerging synthetic stimulant abuse, H.R. 1254 names 17 unique substances that would be placed in schedule I. These substances have either been encountered by law enforcement here in the United States or are most likely to be encountered by law enforcement in the United States based on their use and misuse in Europe, which is likely where the use and misuse originated.

Finally, the bill seeks to double the amount of time allowed for the Department to temporarily schedule new and emerging drugs by amending 21 U.S.C. 811(h). In this regard, the bill seeks to enhance the tools available to the Department to combat the abuse of new drugs that will appear in the future.

For these reasons, the Justice Department supports H.R. 1254 and recommends that the Committee consider strengthening it in the ways we have proposed.

Thank you for the opportunity to present our views. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to the submission of this letter.

Sincerely,

RONALD WEICH,
Assistant Attorney General.

APPENDIX

Additional Synthetic Drugs for Inclusion in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)):

Redline of H.R. 1254, as amended by Energy and Commerce on July 28, 2011—

''(35) 2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine(2C-E).

(36) 2-(2,5-Dimethoxy-4-methylphenyl) ethanamine (2C-D).

(37) 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C-C).

(38) 2-(4-lodo-2,5-dimethoxyphenyl) ethanamine (2C-I).

(39) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl] ethanamine (2C-T-2).

(40) 2-[4-(lsopropylthio)-2,5-dimethoxyphenyl -[ethanamine (2C-T-4).

(41) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).

(42) 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N).

(43) 2-(2.5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C-P).''

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. I thank the gentleman for yielding.

Mr. Speaker, I rise today as a cosponsor and a strong supporter of this bill. The spread of synthetic drugs like bath salts has quickly reached crisis levels in many communities throughout our country. This year in Maine, the Bangor Police Department has responded to hundreds of bath salts-related incidents.

In October, I organized a meeting of local, county, State, and Federal law enforcement officials to discuss the spread of bath salts in our State. The message they shared with me was clear, and the message they shared with the ONDCP Deputy Director Ben Tucker was also clear: We need to give our law enforcement officers more tools to combat this epidemic.

While Maine has banned bath salts, a national law will build upon that good work and help make this a bigger impact all across the country. So I urge my colleagues to support the Synthetic Drug Act.

Mr. PITTS. Mr. Speaker, I yield 2 minutes to the gentlelady from Florida, Congresswoman SANDY ADAMS, who was formerly in law enforcement.

Mrs. ADAMS. Thank you, Congressman PITTS.

Mr. Speaker, in October 2010, a 31-year-old Texas man hanged himself in the bedroom. At the top of his suicide note the man wrote, ''Thanks, bath salts.''

January 2011 in Panama City, Florida, a daughter tried to attack her sleeping mother with a machete before fleeing the scene. Police said she had spent several days taking drug-altered bath salts.

June, 2011, a 38-year-old Army sergeant murdered his wife and killed himself following a police chase. Both had chemically altered bath salts in their systems. Later in the day, the couple's 5-year-old son was found dead with a plastic bag over his head and bruises on his body.

Horrific cases just like these have been documented across the country. These incidents led many States, including my home State of Florida, to outlaw these often dangerous and deadly substances.

Earlier this year, I introduced legislation to add MDPV and mephedrone, chemicals added to bath salts to induce a drug high, to Schedule I of the Controlled Substances Act. These substances are not marketed for human consumption.

It also is why I have joined Representative CHARLIE DENT in his work to bring H.R. 1254, which includes a bill I introduced in April, to the floor today. You have heard no research can be conducted if this passes, but those claims are false. It can be conducted. Research is being done and will continue to be done on Schedule I chemicals. Just listen to the ER doctors and the poison control centers that have both asked for this bill, that both want this bill to save lives.

Too many lives have been lost and too many violent acts have been already committed due to these drugs. These dangerous substances are being packaged and marketed to our children by using innocuous names like Ivory Snow, Bliss, and Vanilla Sky. Today I urge support for H.R. 1254. Let's get the substances off the streets and out of the hands of our children.

Mr. PALLONE. Mr. Speaker, I yield the balance of my time to the gentleman from Virginia (Mr. SCOTT), a member of the Committee on the Judiciary.

The SPEAKER pro tempore. Without objection, the gentleman from Virginia will control the time.

There was no objection.

Mr. SCOTT of Virginia. I thank the gentleman for yielding, and I yield myself 2½ minutes.

Mr. Speaker, this bill will place over 40 chemical compounds on Schedule I of the Controlled Substances Act at a time when only eight of these substances can even be found in the United States. And it does so in a way that circumvents the normal process, that skirts scheduling substances, and does so without any scientific or medical research or evidence to support it.

Congress has a process for placing substances on drug schedules. The Criminal Code sets forth a process that the Attorney General and the Secretary of Health and Human Services must engage in to determine the propriety of scheduling substances. The Secretary must conduct a scientific and medical evaluation and provide recommendations about whether the substances being analyzed need to be controlled. And this needs to be a scientific study, not a compilation of anecdotes.

In this there is a mechanism for addressing emergencies. In the case where the Attorney General on his own determines that there is an emergency, the Code provides that substances may be placed on Schedule I for up to 1½ years while the evidence is being developed to permanently schedule them.

Moreover, the Judiciary Committee during our consideration received numerous statements from pharmaceutical and medical researchers imploring us not to hamper their ability to determine possible medical uses of these substances by placing them on Schedule I, which makes it illegal to possess these substances without a permit even for research purposes.

This includes promising research on the cure for Parkinson's disease that would be compromised by this bill. Now, even with a permit, the restrictions placed on researchers once they are placed on Schedule I are unduly onerous. So there are legal uses of these substances.

Mr. Speaker, when Congress established a process for the Secretary and the Attorney General to do their due diligence and study the propriety of placing substances on Schedule I, we've had a very thoughtful process. And if we want to establish good crime policy, we need to follow that thoughtful process. H.R. 1254 circumvents that process. For these reasons, I urge a ''no'' vote on H.R. 1254.

I reserve the balance of my time.

□ 1750

Mr. PITTS. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa, Congressman TOM LATHAM.

Mr. LATHAM. I thank the chairman and the ranking member for this opportunity today.

Mr. Speaker, I rise in support of H.R. 1254, the Synthetic Drug Control Act. This bill addresses an alarming danger to our kids that many American families may not be aware of.

Many American teenagers are experimenting with synthetic drugs that supposedly mimic the effects of marijuana or other types of drugs. These products, known as K2, Pure Evil, Cloud Nine, and other names, can often be bought legally at convenience stores or at so-called ''head shops'' where they're passed off as incense or bath salts. In reality, the users of these substances can experience unexpected anxiety attacks, extreme paranoia, hallucinations, and thoughts of suicide; and the users are at serious risk of harming themselves.

Our experience with this issue in the State of Iowa illustrates why a Federal ban on these dangerous substances is so important. A year and a half ago yesterday, 18-year-old David Rozga, from Indianola, Iowa, shot himself after taking K2. In response to the tragedy, David's parents, Mike and Jan, have led a campaign to outlaw synthetic drugs like K2. They testified before Congress about the dangers of the drug and enlisted the help of their elected Representatives in cracking down on the sale and abuse of these substances.

My colleagues, we must act on this issue to protect our kids. And the time is now. The threat posed by synthetic drugs is dangerous, and it's growing. In the past 2 weeks alone, there have been several cases where teens have been injured or hospitalized after taking synthetic drugs. In Polk County, three teens were involved in a high-speed crash after smoking one of these substances. In central Iowa, a teenage boy was hospitalized after taking synthetic drugs. He became violently ill—having seizures, vomiting, and hallucinations.

I really want to thank the Rozga family for their selfless willingness to relive the tragedy they've experienced, and I want to thank them for their efforts to prevent other families from experiencing the same heartbreak. This legislation and other efforts to address this threat to our children would simply not have occurred without the Rozgas' courage, strength, and leadership.

I am heartened today that Congress has listened to their message and is taking action. It is time to recognize how dangerous these substances are and to ban their sale in the United States by clarifying their status as Schedule I controlled substances. As a cosponsor of H.R. 1254, I urge my colleagues to support the passage of this most important piece of legislation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentlelady from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. We are all opposed to the damage that these drugs can do to the American people, but I have to express my opposition to this bill.

My concern about the bill is its effect on scientific research. When a drug is placed on Schedule I of the Controlled Substances Act, it becomes difficult to obtain not only for illegal purposes but for researchers who wish to study its pharmaceutical and medical potential. While this may be justified for some

drugs, it isn't a restriction that should be implemented rashly. That's because it becomes very difficult for scientists to get permission to obtain these molecules even for the scientific study that we need.

For example, in the United States, only 325 researchers have been able to obtain Schedule I licenses at this moment. Congress established the procedure for scheduling drugs, and it requires a scientific and medical evaluation. This bill would bypass that process rather than relying on scientific and medical experts. I've heard from faculty from a range of universities, and they've shared their concerns about the impact.

Here is what Warren Heideman, Ph.D., professor of pharmaceutical sciences and associate dean for Research, School of Pharmacy, at the University of Wisconsin-Madison writes:

''The bill is an irrational, simplistic response to a social problem of great complexity. As such, the world will get significantly less medical and technical help with a low probability of helping anyone with a substance abuse issue. The list is too broad and does seriously restrict what would otherwise be important and easy experiments. Paperwork problems are already a serious campus concern.''

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

Mr. SCOTT of Virginia. I yield the gentlelady an additional minute.

Ms. ZOE LOFGREN of California. Here is what Dr. Neal Benowitz, M.D., the chief of the Division of Clinical Pharmacology at the University of California, San Francisco, writes:

''While we support restrictions on the sale of these chemicals for purposes of illicit use . . . scheduling so as to impede access to precursor chemicals in small quantities has the potential to seriously hamper medical research. On balance, the faculty are against this measure.''

John Arnold, the faculty director of the Berkeley Center for Green Chemistry, writes:

''This effort is well-intentioned, but it will cause more problems than it solves.''

We are all against drugs that harm our people; but we had no hearings in the Judiciary Committee on this, and I think the placing of these molecules on Schedule I is evidence of that lack of scholarship. These drugs need to be controlled, but they need to be controlled in such a way that there is no harm done to the vital scientific and medical research that we count on.

I join the gentleman from Virginia in urging a ''no'' vote on this bill in the hopes that we can come back with a measure that accomplishes the worthy goals without doing damage to scientific research, which will save so many lives.

Mr. PITTS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania, a former prosecutor, Congressman PAT MEEHAN.

Mr. MEEHAN. I rise in support of H.R. 1254 for the very practical reason that, as a prosecutor, I have seen the impact of what can be done when children are lured into the false promise, into the sense that somehow, because it's synthetic, it doesn't present the same kind of danger as the drugs that are often believed to be the most dangerous—the heroins, the cocaines. These are luring kids into a false sense of security.

As has been suggested, this evidence isn't anecdotal. I have had the chance to visit an emergency department at one of the leading children's hospitals in the Nation where we have seen a dramatic rise in families who are being affected because their children are coming in and are under the control of these synthetic substances. For that reason, the American College of Emergency Physicians supports this bill.

Lastly, I think we have it backwards. If what we're trying to say is that somehow we've got to let these children be exposed while we wait with the potential that there could be research done, the fact of the matter is I have worked with pharmaceutical companies and with the DEA to be able to get access to drugs that have been held under control. That can be done in working with the DEA. That's the solution. It's not the solution to put our kids at risk.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I appreciate the gentleman from Virginia for yielding the time.

I rise in opposition to this particular bill. It's not that I am, indeed, in favor of any of the particular drugs that are here; but just like Mrs. ADAMS, my colleague from Florida mentioned, the State of Florida has already criminalized it, as many States have, and it's really a State issue.

It seems interesting. When the subject du jour comes up, the item of the day, there is a rush to action and a rush to forget States' rights. There is a desire on gun bills to overlook the States and to have a Federal law on the interstate shipment of guns or on the interstate transportation of guns by people with permits. In this situation, drugs that should be criminalized are criminalized at the State level, but all of a sudden we're doing it more at the Federal level.

This bill would place more than 40 chemical compounds on Schedule I, the most punitive and restrictive schedule, without any independent scientific evidence that doing so is necessary or warranted. It is a rush to legislate before we know all the facts.

This bill essentially bans these substances without any study whatsoever. I've read the press reports of young people who have been harmed by these substances and by others, and I'm very sympathetic as that's certainly wrong; but we shouldn't legislate on the basis of anecdotal evidence. It's typical of the ''shoot first and ask questions later'' approach that we have taken to drug policy in this country for decades.

Our national drug policy should be driven by science, not politics. We've already gotten a well-deserved reputation here as a do-nothing Congress; but bills like this and our attitudes towards clean air, clean water, global climate change, and other environmental issues have made this the no-respect-for-science Congress as well.

□ 1800

The DEA has already taken steps to temporarily place certain synthetic substances on Schedule I while it conducts a review. If there is an emergency that requires temporarily scheduling the other substances in this bill, the DEA can review them and do that just as well.

But we shouldn't circumvent the process established in law. I don't think this is a responsible way to legislate. I know the sponsors of this bill know about the emergency review process because the bill doubles the length of time a bill can be put on emergency review on a schedule from 18 months to 3 years; it doubles it. Yet there's been no hearings or evidence that 18 months was insufficient, none whatsoever. It was just a knee-jerk way to respond to the issue du jour.

This is a very serious issue and deserves serious study and consideration before we act, as all bills before Congress should. I fear that this bill continues the misguided policies that we've created towards drugs in this country.

Just look at our experience with marijuana, which Congress placed on Schedule I in 1970. According to the criteria of the Controlled Substances Act, it supposedly has a high potential for abuse, has no currently accepted medical use in treatment in the United States, and there is a lack of accepted safety for use of the drug under medical supervision.

Let's put aside for a minute the question of whether it has a potential for abuse. Certainly there's a lot of evidence that it does not. But I think thousands of people who depend on marijuana to treat the effects of such diseases as AIDS, cancer, glaucoma, and multiple sclerosis would take issue with the notion that it has no medical use, and 15 or so States have legalized it for medical use. It increases appetite and eases pain in a way that has helped countless people in the last stages of life.

But we treat our approach to drugs as a law enforcement matter, not a scientific matter, and we've placed marijuana in Schedule I, the most restrictive schedule. Meanwhile, the scientific community is urging that we reschedule marijuana so we can continue to conduct important research and make it available to those in need.

Recently, the California Medical Association called for cannabis to be legalized and regulated, primarily so

that scientists can gain access to it and conduct further research. They advocated wider clinical research with accountable and quality-controlled production of cannabis. None of this can happen with the tight restrictions we've placed on cannabis. That's exactly the situation we may find ourselves in with the substances named in this bill.

I know that licenses are available for research in the Schedule I drugs, but there's no reason to make researchers go through such hoops. It is nearly as easy to get permission to do research on a Schedule I drug as it would be to go to the Vatican and ask for a grant to study birth control.

We don't know what medical benefits these substances may contain and we don't know the true risk they pose. Perhaps they belong in a lower schedule. And Schedule II would certainly deter young people from using them and others and set a penalty stage. But we have no idea. We just decided to throw the book and make it Schedule I.

Perhaps they shouldn't be scheduled at all. I suspect they should be scheduled, maybe Schedule II. But the scientists should decide this and not politicians. We have no basis to believe they belong in Schedule I. Haven't we learned from this Nation's 40-year experiment with the war on drugs?

Prohibition does not work. It is an expensive and counterproductive policy that fills up our prisons and places a mark on our citizens that can make jobs, housing, and education nearly impossible to obtain. We should focus our efforts on educating young people about the substances and continue to do research about their benefits and risks.

Instead of basing our drug policy on science, we are letting it be driven by politics. This bill continues that trend, and regrettably I must urge its defeat. We need to send this bill back to committee and take a careful, considerable review so that we can have Congress make this decision on a scientific basis with help from the scientists.

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

Mr. SCOTT of Virginia. I yield the gentleman 1 additional minute.

Mr. COHEN. The DEA can use its emergency powers to temporarily schedule these substances while letting the scientific process play out. Let's put science first and politics second. Let's defeat this bill.

If we put science first and politics second, maybe we won't be in single figures in the public's mind as an organization that they support as an institution. Part of the 9 percent level is because we do things sometimes in a rush to judgment and politics and the issue du jour rather than allowing the scientific process and doing what is logically best for our Nation to prevail.

I urge the defeat of this bill.

Mr. PITTS. Mr. Speaker, may I inquire how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Pennsylvania has 6½ minutes remaining, and the gentleman from Virginia has 6 minutes remaining.

Mr. SCOTT of Virginia. Mr. Speaker, I tell my colleague that I am prepared to close.

Mr. PITTS. I yield 1 minute to the gentleman from Pennsylvania (Mr. MARINO), a former prosecutor.

Mr. MARINO. Thank you, Chairman.

Mr. Speaker, I recently coauthored a letter with my colleagues, Representative SANDY ADAMS and Representative TREY GOWDY, concerning this very issue, and I'd like to read just a paragraph:

''As of October 4, 2011, the DEA has 325 researchers conducting research with Schedule I controlled substances. These researchers include research centers and universities who seek to better understand the effects of Schedule I controlled substances. Additionally, as of October 4, 2011, the DEA has 3,983 active registrants who manufacture, research, and conduct chemical analysis with Schedule I controlled substances.

''In fact, many researchers who would conduct research to better understand the compounds controlled in H.R. 1254 are already registered with the DEA, which means there would be virtually no impact on ongoing research.''

Mr. Speaker, as a former prosecutor for 18 years at the State and local level, I have seen firsthand the disaster this drug causes.

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

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

Mr. MARINO. I have seen firsthand what this drug does. If it doesn't kill our children, it makes them suicidal; it makes them incredibly violent.

And I still get calls, as a former prosecutor, from hospitals and emergency service personnel telling me the violence that a child under this influence causes, not only on him- or herself, but emergency personnel. Therefore, I ask my colleagues to support this legislation.

Mr. SCOTT of Virginia. Mr. Speaker, I had another speaker that arrived unexpectedly.

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

Mr. SCOTT of Virginia. I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I want to thank the gentleman from Virginia for yielding.

I rise in opposition to the proposed multistate mortgage settlement currently being negotiated between the country's major mortgage servicers and the State attorney generals.

Before we haphazardly rush into a settlement, we need to pause for what I call station identification, so to speak.

I'm speaking on the wrong bill.

But I also rise in opposition to the synthetic drug bill. I think there is not enough research. I think there's information still needed. I don't think that we are in a position to allow this action to take place, and so I join in opposition to passage of this legislation.

Mr. PITTS. I am prepared to close; so I continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, in closing, this bill circumvents the normal thoughtful process for scheduling drugs. Most of the drugs in this bill can't even be found in the United States. And to the extent there is an emergency and a need to place these on a schedule, the Attorney General has the emergency process where he can just put a drug on the schedule for a year and a half.

Medical researchers have asked us not to pass the bill because it will disturb promising research, particularly on Parkinson's disease, and so they have asked us not to pass this bill.

We should follow the thoughtful process for scheduling drugs and defeat this bill.

I yield back the balance of my time.

Mr. PITTS. Mr. Speaker, I yield the balance of my time to the prime sponsor of the bill, the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. I do want to address a few of the statements I heard on the floor from my friends from Tennessee and Virginia.

My friend from Tennessee made some comments, but I want to be very clear, these drugs are dangerous, have a high potential for abuse and no accepted medical use, which is why they belong on Schedule I. Schedules II and V are reserved for drugs used in legitimate medical procedures.

So we're talking about Schedule I here, not Schedules II through V. Let me be very clear on that point.

□ 1810

Second, the FDA has stated that the drugs listed in H.R. 1254 have no medical use, and there are no INDs—that is, investigational new drug applications—for these substances pending with the FDA. This is from the FDA. H.R. 1254 will not prevent further research into synthetic drugs. It's simply false to say that it will.

DEA has a routine, well-established procedure in place to facilitate scientific study of Schedule I drugs, including marijuana, cocaine, and heroin. Currently the DEA has licensed nearly 4,000 individuals and other entities, including universities, manufacturers, researchers, and labs to handle Schedule I drugs for scientific and investigational purposes. These are facts.

I also want to point out, my friend from Virginia made some comments about I guess eight compounds having been found in the United States. Actually, dozens of compounds have been found in the United States. Many bath salt chemicals currently are in the United States, but only three synthetic stimulants and five synthetic cannabinoids have been emergency

scheduled by the DEA because they have to go chemical by chemical in order to act on this matter. They have to deal with this on a chemical-by-chemical basis.

We need Congress to give the DEA authority to be more effective and get ahead of this problem. We know that these drugs are coming into this country from Europe. That's where they're coming from, these compounds. There are some in Europe right now. Our goal is to get out in front of this before they have a chance to be exported into the U.S.

Another comment I heard about 325 researchers, well, 325 researchers because that's all who have applied to do this type of research. DEA is not in the business of turning researchers away, so I want to be clear on these points.

There's so much more that can be said on this. But again, research will not be impeded in any way. There is a mechanism, there is a process in place to do research on these Schedule I drugs. It's well established. This has nothing to do with the medical marijuana debate. I heard that argued earlier, too. We're talking about synthetic marijuana and synthetic cocaine. This stuff is dangerous. And, in fact, some would argue worse than the real stuff, so let's get to it.

This is about public safety. This is about the health of our constituents. We know what's going on. In fact, somebody pointed out to me today that a store in Washington, D.C., a few blocks from the Capitol, somebody is selling this stuff. My State and over 30 other States have seen this problem. They know what's happening across this country. We need to do something about it. DEA is alarmed by this. Justice is on board. DEA is on board. Let's do something for the good of the American people. Please pass H.R. 1254, the Synthetic Drug Control Act of 2011. It's in the best interest of the American people, and the best interest of our children. We're doing the right thing.

Mr. WAXMAN. Mr. Speaker, the Synthetic Drug Control Act adds specified synthetic versions of drugs of abuse to Schedule I of the Controlled Substances Act. These designer drugs generally mimic the effects of marijuana or of stimulants and can be unsafe, causing convulsions, anxiety attacks, dangerously elevated heart rates, and bizarre and dangerous behavior, among other conditions. Under current authority, the Drug Enforcement Administration (DEA) has difficulty taking action against these drugs because they fall outside existing statutory descriptions of Schedule I drugs. H.R. 1254 will enable DEA to take appropriate enforcement actions to get them off the street and away from our Nation's youth. I therefore believe it is critical that we deal with the threat these drugs pose.

I wish to note however that I have concerns with the basic underlying statute that would now apply to these listed substances through this legislation. In particular, I do not support the mandatory minimum sentencing provisions of the Controlled Substances Act for Schedule I drugs, provisions that under this legislation will apply to the listed synthetic drugs as they apply to all Schedule I drugs. Mandatory minimum sentencing inappropriately applies a one size fits all approach, eliminating the ability of judges to exercise discretion in determining an appropriate sentence in light of individual circumstances. The sentencing judge is in the best position to determine a fair sentence, having considered all of the evidence and having heard from the parties and the defendant.

I also believe that the administrative process for scheduling controlled substances should be improved, so that the Attorney General, with the help of the Secretary of Health and Human Services, can make scheduling decisions without resorting to help from Congress. I do not know whether such improvement requires legislation or regulation. I do know, however, that it is rarely a good idea for Congress to make scientific determinations such as are required to make good scheduling decisions.

Additionally, I believe it is incumbent upon DEA to reevaluate the recordkeeping and other regulatory requirements it imposes upon scientists who use controlled substances for legitimate research. The agency should ensure that such research is not impeded or discouraged through unnecessarily onerous requirements.

I recognize that it is not a simple task to strike the right balance, to exercise enough control to discourage abuse but not so much as to discourage research that may lead to important therapeutic advances and treatments. I intend to send a letter to DEA Administrator Michele Leonhart asking for a report on the restrictions imposed upon researchers, particularly those in academia who work with amounts of scheduled substances too small to pose a serious risk of diversion. I would like to know what if any improvements can be effected to eliminate or modify those requirements whose costs in time and resources outweigh their potential benefits in hindering research scientists from becoming drug abusers. I hope the Chairman of the Energy and Commerce Committee and others will join me on the letter.

Finally, however, while I remain concerned about aspects of the underlying statute, the question before us is whether these substances should be controlled as would be accomplished through passage of this legislation. I believe the answer is yes, because of the danger to public health posed by the listed synthetic drugs.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PITTS) that the House suspend the rules and pass the bill, H.R. 1254, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PITTS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 944, de novo;
S. 535, de novo;
H.R. 2360, de novo;
H.R. 2351, de novo;
H.R. 1560, de novo;
S. 683, de novo;
S. Con. Res. 32, de novo.

CALIFORNIA COASTAL NATIONAL MONUMENT CONSOLIDATION ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 944) to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FORT PULASKI NATIONAL MONUMENT LEASE AUTHORIZATION ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 535) to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR OUR WORKFORCE AND ENERGY RESOURCES ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 2360) to amend the Outer Continental Shelf Lands Act to extend the

Constitution, laws, and jurisdiction of the United States to installations and devices attached to the seabed of the Outer Continental Shelf for the production and support of production of energy from sources other than oil and gas, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NORTH CASCADES NATIONAL PARK SERVICE COMPLEX FISH STOCKING ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 2351) to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ALLOWING YSLETA DEL SUR PUEBLO TRIBE TO DETERMINE MEMBERSHIP REQUIREMENTS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 1560) to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BOX ELDER UTAH LAND CONVEYANCE ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 683) to provide for the conveyance of certain parcels of land to the town of Mantua, Utah.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CORRECTING ENROLLMENT OF H.R. 470, HOOVER POWER ALLOCATION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and concurring in the concurrent resolution (S. Con. Res. 32) to authorize the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 470, an Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and concur in the concurrent resolution.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

□ 1820

EXTENDING UNEMPLOYMENT INSURANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Michigan (Mr. LEVIN) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

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

There was no objection.

Mr. LEVIN. Mr. Speaker, today we're here to talk about the need to extend unemployment insurance. The numbers are staggering. If we do not act by the end of this month, in January well over a million people will lose their unemployment insurance, by mid-February the total will be well over 2 million, and by the end of next year, if we do not act, over 6 million people. As I said, these numbers are staggering. But the people behind these numbers are overwhelming.

We're here today to talk about the numbers and also talk about the people who are involved. When we've had emergencies like this, we have never failed to act. Today, we face an emergency beyond any we've seen since the Great Depression, and it's absolutely vital as a result that we act.

I'm joined by some of my colleagues. I want to call on them. As I do so, I want to read stories. I'll start by reading just one story and then call on one or more of my colleagues.

Let me start by reading what came in from a person in Amherst, New Hampshire, Jackie: ''Unemployment benefits helped me make ends meet while I was using my savings and 401(k) to keep up with everything. Now they are gone. My savings are long gone. My 401(k) is almost gone. I'm watching everything I worked so hard for my entire adult life slip away from me. I am 50. I will never recover from this.''

I would now like to yield to the gentleman from Texas, if he would like to join me.

Mr. REYES. I want to thank my colleague for yielding and some time to speak on this very important issue here.

Mr. Speaker, recently, the Department of Labor reported that the national unemployment rate fell to 8.6 percent in November, its lowest point in nearly 3 years. Coincidentally, in El Paso in the 16th District of Texas, the unemployment rate has also declined. This is very good news and very positive news for not just our respective districts but for our country.

We have been told by economists that once our economy gets going and operating at full strength, it can literally drive the economies of the rest of the world. These positive signs make it evident that, in fact, our economy is moving forward and that we are on the road to recovery. However, as our economy continues to heal, we cannot afford to become complacent. Instead, we need to immediately pass legislation that will help create jobs and put more people back to work.

First, I believe, Mr. Speaker, that we must pass the American Jobs Act. My district, as well as the districts of my colleagues, in talking to them here, would greatly benefit from the President's Jobs Act. For instance, El Paso would receive over $66 million to upgrade and modernize our schools to meet 21st-century needs. In addition, school districts in the El Paso region would receive funding to keep teachers from being laid off.

For example, our largest school district, the El Paso Independent School District, would receive an estimated $45 million to keep teachers from being laid off and to perhaps hopefully continue to hire desperately needed teachers in our classrooms. These are smart investments on our part for the future

which will also boost our economy in the immediate future.

Second, we must extend unemployment benefits. I want to thank my colleague for highlighting this and make sure that we extend unemployment benefits to those that are in desperate need. In fact, these benefits are the only thing that stand between them and homelessness and going without. During this downturn, unemployment benefits have kept over 3 million people in food and clothing and the basic essentials. It has also served as a booster to our struggling economy. We must protect these families who are still struggling and help them by the Jobs Act to find a stable source of income.

I have heard, like many other of my colleagues here, many stories from those in my district that have had difficulty in the last months and years in finding a job. So today we cannot and we must not turn our backs on the American people—the American people that need our help and need the passage of the American Jobs Act. They also need for us to step forward, stand with them, and pass the unemployment insurance. Rather than being distracted and being misled by our colleagues on the other side of the aisle, we must focus on our priority, which should be the creation of jobs, the passage of the unemployment insurance, and getting this economy going.

So I pledge to my colleague and my colleagues here that we must continue to work together to create jobs not just for El Paso and not just for Texas, but for our country. And when we talk about the United States economy that literally drives all other economies, people around the world are waiting for us to work together to get this done. With that commitment, we can turn things around. We're seeing some very positive signs. We must continue to work for all the people that have sent us here to do that work.

With that, I want to thank my colleague for yielding.

Mr. LEVIN. I thank the gentleman from Texas for joining us and explaining what this means in his State and throughout the country. We're determined to tell the stories and, as I said, to put faces on these numbers. And to do that, I have joined with other Ways and Means Democrats to launch an extend unemployment program e-call Web site. As of this week, 2,590 Americans have joined the e-call, and we have received 501 stories from jobless Americans.

Before I call on the gentleman from Illinois to join, I would like to read, if I might, just a couple more. This is from Nick of Clinton Township, Michigan. ''I was unemployed from August 2008 until March 2010 after working for 23½ years at my job.

□ 1830

''My job was sent to Sao Paulo, Brazil. Had it not been for extended unemployment benefits, I would have lost my house.'' Nick of Clinton Township.

And let me read what was said by Peter of Warren, Michigan: ''I was permanently laid off from American Axle. I worked there 15 years and our jobs were sent to Mexico. As of this time, I have not found a job. I have been looking over 2 years now, and nothing in Michigan. I am in the TRA/TAA program to be reeducated, but my benefits will run out before I finish my school, and I will not get the degree in my field.'' Again, from Peter of Warren, Michigan.

I now would like to call, if I might, on the gentleman from Illinois to join us. And then, if I might, the sponsor of this legislation, Mr. DOGGETT of Texas.

Mr. DAVIS of Illinois. Let me thank the gentleman from Michigan for yielding, but I also want to commend him for his many years of excellent service to this body that we know as the United States House of Representatives. And I want to commend him for the tremendous leadership that he provides as the ranking member of the Ways and Means Committee.

Mr. Speaker, it is December 7, and Republicans still have not enacted legislation to protect the millions of Americans hardest hit by one of the worst economic crises in our Nation's history. The well-being of 6 million Americans, including 100,000 from my home State of Illinois, hangs in the balance. Our Nation is in an unemployment crisis, and we must act now to help our citizens.

At this time last year, Republicans emphasized that the economy was so horrible that the wealthiest Americans needed 2 years of tax cuts, yet they only saw the need to help the unemployed for 1 year of emergency assistance. Now, 1 year later, as the emergency assistance runs out, Republicans remain comfortable with the $180 billion in tax breaks for the wealthiest 3 percent of Americans, but they cannot support $50 billion in 2012 to help millions of the neediest Americans—and never mind any consideration of helping the millions of Americans who have exhausted their Federal benefits and still can't find a job.

Our Nation, yes, is indeed in an unemployment crisis. Over 45 percent of all unemployed workers—more than 6 million people—have been out of work for more than 6 months. There are approximately 6.4 million fewer jobs now than at the beginning of the Great Depression. The Department of Labor data showed that there are over 4.2 unemployed Americans for every one job. Even if every job were filled, 8.9 million citizens would remain unemployed.

During this protracted storm of economic hardship, unemployment benefits are a critical lifeline for our citizens and for our economy. Unemployment benefits have kept 3.2 million Americans—including nearly 1 million children—from falling into poverty in 2010 alone. New research shows that the current Federal unemployment programs provide $2 in economic stimulus for every $1 in unemployment benefits circulating in the economy. The Federal unemployment programs saved or created 1.1 million jobs as of the fourth quarter of 2009 alone. And the Economic Policy Institute estimates that preventing unemployment benefits from expiring could prevent the loss of over 500,000 jobs.

Our Nation is indeed in an unemployment crisis, and we must act now to help our citizens. We cannot protect the wealthy while ignoring the millions of Americans hardest hit by one of the worst economic crises in our Nation's history. We cannot deliver a windfall to the privileged and deny the poor. Such a position is not responsible leadership, and such a position is not consistent with American values.

So I join with my colleagues in urging the Republican leadership to protect vulnerable Americans by extending the unemployment benefits.

I want to thank you, Mr. LEVIN, again for the opportunity to participate.

Mr. LEVIN. And I thank the gentleman from Illinois for your distinguished service and your passion that you bring to this and so many other issues.

I want to yield to the gentleman from Texas, who's the lead sponsor and ranking member on the relevant subcommittee. But before I do that, since you're from Texas, I want to read one of the hundreds that we've received, a word from people who are the unemployed.

This is Jessie of San Antonio, Texas: ''I have submitted over 350 job applications and have only been called for two face-to-face interviews and five over-the-phone interviews. I am a disabled Navy veteran whose appendix ruptured in October 2010 and was filled with cancer cells. My State benefits expired at the end of August, and now my Federal benefits will expire in 6 weeks.

''It seems that no one is hiring adults over 56 years of age. I'm a very good, positive employee, and I feel that with every job application I'm due to get hired soon. Please help me in any way possible.''

It's now my privilege to yield to the lead sponsor of this legislation, LLOYD DOGGETT from the great State of Texas.

Mr. DOGGETT. Thank you, Mr. Chairman. And I still call you ''Mr. Chairman,'' though the formal leadership of the committee has changed with the change in the majority here in the House. And I guess if you were in fact still the chairman with full authority we would not be here, nor would there be any unemployed individual in the United States among the millions whose benefits would expire next year who would be wondering the night before Christmas what would happen the day after their unemployment coverage expired next year.

We face a great challenge, and as you have been pointing out in describing individuals like Jessie, a retired—not

voluntarily retired, but retired, removed from the workforce by unemployment in San Antonio, these are very real human beings, not just unemployment statistics.

With over 6 million fewer jobs than when the recession began and more than four workers competing for every job opening, too many Americans have nowhere to go. They are like the lyrics from that working man song of the Nitty Gritty Dirt Band:

Had me a job until the market fell out;
Tried hard to borrow, but there was no help.
Now I've got nowhere to go.
I need a job for these two hands;
I'm a working man with nowhere to go.

And if our Republican colleagues continue to insist that unemployment is caused by the unemployed instead of by the troubling economy we have, there will be about another 5 million Americans with nowhere to go, looking as to where they will find the resources to put food on the table, make the car or pick-up truck payment, take care of the kids and meet the other necessities of life if their unemployment insurance expires.

While the Republicans continue to have a really factless finger-pointing at the unemployed, I think it is past time for us to lay the facts straight out on the table and respond to some of these myths that they've been promoting.

Fact: An unemployment check is not a substitute for a paycheck. People like Jessie know that. An unemployment benefit usually amounts to a fraction of what a worker was making before someone lost his or her job.

Fact: Unless you are actively searching for a job, getting job training for a new job, or are on temporary layoff, you're not likely to be entitled to an unemployment check.

□ 1840

I'm not for just paying people to be idle; but these are individuals who are either getting training, who are actively involved in a job search, or the few that are in the temporary layoff category. There is little evidence to support the Republican claim, repeated again and again, that unemployment insurance benefits are a significant factor in discouraging folks from going out and looking for work.

Fact: to receive extended benefits, an unemployed person is required to accept reasonable offers of employment. Two out of three of the unemployed respondents in the Heldrich Center survey, and 80 percent of those who were receiving unemployment benefits, said they were willing to take a pay cut in order to get a new job, as so many Americans have had to do with the challenges in our economy.

Fact: one economist estimates that for every $1 dollar we spend on these unemployment insurance benefits, about a $1.61 in economic activity comes back. In fact, some of the estimates from one group that began its survey back during the Bush administration for the Department of Labor say it's even higher than that in terms of the economic rewards.

So I believe that we must create jobs. Certainly, we must do the kinds of things that this Congress has failed totally to do in terms of job creation and promoting economic recovery. But we also must provide a vital lifeline for those folks who are out there actively searching for work and the jobs are just not there for them.

The facts are clear. The time for us to extend unemployment coverage is now, not to wait until next year, not to wait until Christmas, and not to wait until these families are faced with the critical situation of not having the unemployment insurance coverage that they should have to meet these basic necessities, but to act right now in the next few days.

It's for that reason, as you well know, that we're working together to try to get this unemployment insurance coverage extended, as it has been done often on a bipartisan basis in the past whenever the unemployment rate was at a level near what it is today.

So, hopefully, in our sounding the alarm here again tonight, in your telling these stories about individual Americans and what a loss of this coverage means, we can begin to involve and get the support of more of our colleagues to do what we really need to have accomplished just as soon as possible.

Mr. LEVIN. Thank you. What we're trying to do, as you say, is to bring America into this debate because if the faces are shown and the voices heard, our faith is that somehow we'll act.

And as you say, Republicans tend to blame the unemployed instead of blaming themselves for inaction. And we're not going to leave here, we're not going to leave here until there's an extension of unemployment benefits; isn't that correct? That's your pledge.

Mr. DOGGETT. It is our pledge, because there's just too much at stake here. This Congress has been incredibly unproductive. You might think it had been unemployed for much of the past year. And we need to stay and complete the work.

This is work that was done practically on Christmas Eve last year, when this extension was in jeopardy again. And we ought not to go right down to the wire like that again. There's no reason that this could not be done in the coming week, but for this ideological commitment saying that unemployment insurance coverage is not good for the economy. The facts don't bear that out.

The individual stories that you're telling us about tonight, those are the individuals, those are the families that have so much at stake. And of course, because of this economic effect, those unemployed families, when they get a dollar of unemployment insurance, they have to spend that dollar. They may be spending it at the grocery store. They may be paying a landlord or a mortgage company. They may be paying on their credit card or their car, just to have the basic necessities of life; and that's why the economic impact on small businesses is so significant from doing what we would need to do in order to support these families engaged in an active job search or getting the retraining and the retooling they need to have an opportunity for a job in the future.

Mr. LEVIN. It's so important that you've talked about the facts. The more we discuss the facts about unemployment insurance, and the more we talk about the unemployed, the more persuasive is the need for action. There's so much mythology, and the stories help to blast the mythology.

I just would wish that we could get into the shoes—there are 6 million whose benefits are threatened here. If you lined up the 6 million from here, they'd go, I think, to Sioux Falls, South Dakota.

But it's hard for us to receive the stories or to obtain them because, under the Privacy Act, we don't know the names; and that's why you and I and others have joined to, essentially, have a Web site so people can tell us how to reach them.

But your recitation of the facts is so important because, in the end, I think the facts will prevail. The stories will be telling.

And so, Mr. DOGGETT, you've been such a lead person on this. You're the lead person on this legislation. So many of us have been working on this.

As you said, one of the facts is we have never failed to act, and this is a deeper recession than we've known. In fact, one of the facts is that there are now nearly 7 million fewer jobs in the economy today compared to when the recession started in December 2007. Seven million fewer jobs. And so when people search, they're often hitting a wall.

By the way, this gentleman, Jesse, refers to his age. And it's very true that the older—they're not very old—people are having trouble.

I had a forum in Michigan, and it was so heartbreaking that a person said to me—I would guess in her fifties—that I've taken all of the years off of my CV, when I went to college, when I graduated, when I first had a job, and the date of every position she had because she's afraid that when these resumes come in, people look at the age and a stone wall is hit.

It's my privilege, Mr. DOGGETT, to join with you. I'd now like to have join us a very distinguished Member from California. And if you give me a minute, BARBARA LEE, the very distinguished woman, I want to find a story from California. And so if I might just read this before I yield to you.

This is Benjamin of Los Angeles, California:

''I've been actively looking for work for 8 months now. Unemployment insurance has been crucial in my survival. It has literally kept me alive.

It's allowed me to buy food and pay all my bills. Bills have no conscience. They come, regardless if one is working or not.

''I really feel for and extend my empathy to those who are unemployed and have children. I wholeheartedly support the emergency extension of unemployment insurance.''

Benjamin of Los Angeles California, your home State.

You do such honor to your State and the whole Nation, and it's my privilege now to call upon the gentlelady from California, BARBARA LEE.

□ 1850

Ms. LEE of California. Thank you so much.

First off, let me thank the gentleman from Michigan for those very kind words, more importantly for your leadership on so many fronts and for caring about those who are falling through the cracks at this point, and also for this very sobering Special Order tonight, because this is very sobering on the need for an immediate extension of unemployment benefits for the millions of Americans who are struggling to find work.

While we received some welcome news on the unemployment rates from last week with the national unemployment rate falling to 8.6 percent from 9 percent, we cannot stop. We cannot abandon the millions of job seekers during the middle of a faltering recovery.

In fact, failing to extend these critical benefits would really cripple our recovery and cost the economy over half a million jobs.

The slow pace of private sector job creation is not because of regulations or uncertainty in the Tax Code. If you speak to nearly any business person, they will tell you that they are not hiring because they don't have customers.

Abruptly ending unemployment benefits during the holiday season, first of all, it's mean and it's morally wrong. It would strip 2 million customers out of the economy by March, and over 6 million customers out of the economy by the end of the year. But again, more importantly this is just morally wrong. This is just not who we are as Americans.

We could not make a worse decision than to cripple our economy by failing to protect millions of families and children from poverty because that is just what unemployment benefits do. It keeps 1 million children from falling into poverty. So we absolutely must extend this critical benefit to workers who were laid off through no fault of their own before the end of this year.

Hidden, though, within the positive 0.4 percent drop of unemployment is the discouraging news that over 300,000 Americans dropped out of the workforce and that the long-term unemployment picture is not improving, with the average length of unemployment now rising from 39 weeks to 40 weeks.

So not only must we immediately extend the emergency unemployment benefits, but we should also immediately pass legislation that Congressman BOBBY SCOTT and myself have introduced, H.R. 589, which would add an additional 14 weeks of tier I unemployment benefits for the millions of Americans who have already completely exhausted their benefits. And I hope that the Republican leadership will bring that bill to the floor for an up-or-down vote.

We can't ignore the needs of people who have hit the 99 weeks, because unfortunately when we extend unemployment benefits, there will be 2 to 3 million people who still won't be covered because they've hit the 99 weeks. So we can't ignore the needs of the millions of Americans who have run out of time and who are now losing their homes, falling out of the middle class, and relying more and more on our help.

In addition, there was a startling rise in the African American unemployment rate from 15.1 percent to 15.5 percent in the same period. There can be no clearer reminder of the ongoing racial and ethnic disparities that continue to plague our Nation and keep minority communities suffering disproportionately than higher rates of unemployment, poverty, near poverty, and tragic health disparities like unconscionably higher rates of HIV infection.

When the national employment picture improved significantly for the first time in months, African Americans faced a marked increase in their unemployment. That means we must take immediate and bold action to implement targeted programs and policies to ensure that we truly are a Nation that provides equal opportunity and leaves no one behind in terms of accessing the American Dream.

Now, Congressman LEVIN, I held a job fair in my district a few months ago. Thousands of people showed up in Oakland for the few jobs—four people for every job—that were available.

But let me tell you, people want to work. They want to work. We in the Congressional Black Caucus held five job fairs around the country, thousands of people showed up for limited jobs. I can say with certainty, people want to work, people want to work.

And so we have to, however, extend the safety net or this bridge over troubled waters until we figure out how we can deal with the politics of getting the American Jobs Act passed, and also other opportunities and legislation to provide jobs for people because people want to work. So we have to extend this unemployment compensation until we do that.

We have to save our economy and the millions of struggling families from poverty and immediately pass and extend unemployment benefits now.

Let's not forget again the 2 million-plus people who've hit that 99-week limit who will not be eligible for an extension unless we figure out a way to include them in these initiatives and in this policy.

Mr. Speaker, we've got a lot of work to do. But I know we intend to stay here until we do our job, until we extend this bridge over troubled waters, the safety net for people just to survive. That's all this is, is for people just to survive.

If we don't do that, those of us who call ourselves people of faith really need to come to grips with our faith and who we are, and how we propose to move forward within the context of looking out for and making sure that the least of these are addressed and taken care of until we can provide them those opportunities and dismantle those barriers so they can reignite the American Dream, because it's turned into a nightmare for millions and millions of people.

So Congressman LEVIN, I want to thank you again for, again, this clarion call to our conscience. It should prick our conscience tonight. We should, tomorrow, say let's pass this now. The holiday season is upon us. People need some certainty in their lives. They need to know that they have a bipartisan effort to help them through this period, and they need to also know that we're going to work very hard to pass the American Jobs Act so that they can finally get a job, because that's what this is all about. And people want to work. Thank you again.

Mr. LEVIN. Thank you for your eloquent statement.

As you said, this is one estimate, four people for every job. You mentioned this is a matter of faith. A few weeks ago, I met a minister. I had never met him before. And we got to talking about the challenge of unemployment insurance. And I paraphrase what he said to me: This is a challenge to America's soul.

Thank you very much.

Before I call on the distinguished colleague from Wisconsin, I want to read one more story.

I have a story that's given to us, one of the more than 400, from Nathan of Madison, Wisconsin.

So let me read this before I call on my distinguished colleague and friend from Wisconsin, GWEN MOORE.

I quote: ''I have been unemployed twice in the past 5 years, and they were not by choice. I have a master's degree in organic chemistry and have worked in the pharmaceutical industry and related industries since finding a job out of school in 1998. After 2 years with my first company, I received a double promotion. So my layoffs have not been due to my performance, abilities, or capabilities.

Anyone who says unemployed people are lazy or have it good are ignoring the fact that people are hurting across the board.'' From your fellow resident of the State of Wisconsin.

It is now my distinguished privilege to yield to you, Ms. MOORE, from the State of Wisconsin.

Ms. MOORE. Absolutely, Representative LEVIN.

Let me start out by thanking you for this Special Order. And that letter is just one in 58,000 people, off the top of my head, that will be immediately affected by our inability to expand unemployment insurance. That's one story.

As you indicated, it's a person who is from Madison, Wisconsin, well educated, and cannot find a job in this recession.

I just think it is really curious, and I guess I would like to engage in a dialogue with you about this, you being the ranking member on Ways and Means, maybe you can help me understand a little bit better. Our colleagues in the majority, the optic and the narrative in the country for them is they want to preserve benefits for millionaires and billionaires. They want to preserve corporate tax expenditure benefits for corporations.

□ 1900

They want to maintain foreign profits for expatriated funds. They want to maintain a very high tax exemption for estates over $5 million. They want to maintain capital gains benefits, benefits on dividends.

So I'm just curious, Representative LEVIN, why they don't want to provide this governmental benefit for unemployed people. This is very distressing to me when I consider who the unemployed are. When I think about the people the majority party wants to preserve benefits for and then when I get an optic of the people who would most likely benefit from this unemployment insurance, there is a stark contrast. Perhaps that starts to explain why there is a reluctance, an unwillingness and an unreadiness to provide this benefit.

Now, as you know, the overall national unemployment rate dropped from 9.1 percent recently to 8.6, which is something that I think we can claim some victory for; but when you peel back the curtain and disaggregate these numbers, you're going to see that there's a sharp and problematic racial undertone as it pertains to black unemployment.

When you look at the unemployment for white men, Representative LEVIN, their unemployment dropped from 7.9 percent to 7.3 percent, which is very high; but black men endured a spike from 16.2 percent in unemployment to a disturbing 16.5 percent in unemployment. So those lowered unemployment rates certainly do not reflect what's happening in the African American community.

Of course, according to the Bureau of Labor Statistics, unemployment declined for every demographic within the white community—for teenagers, men, women—but it actually increased for every measured group within the African American community—for men, women, teenagers.

Even worse is after the fact, when the recession is over, when black unemployment won't be any better than white unemployment is right now. I guess that's sort of racial inequality 101. When we peel back the layers of this improved economy, what we find, Representative LEVIN, is that single mothers—women—are suffering, that they're some of the hardest hit.

As you will recall, Representative LEVIN, this institution on a bipartisan basis—and I understand I was not here when Mr. Newt Gingrich was Speaker of the House—decided that the most important legislative initiative that they could undertake was to end aid to families with dependent children and to put women and children under the vagaries and vicissitudes of a cyclical economy. So now that we have an economy that is as bad as it was during the Great Depression, we can look at the unemployment numbers among women, especially among single women, and we can find some very, very distressing data.

Poverty among women climbed to 14.5 percent in 2010 from 13.9 percent in 2009, the highest in 17 years. According to a recent report by Legal Momentum, recent Census data on poverty paints a bleak picture for single-mother families. This report finds that the poverty rate for single moms, for people who by definition have to feed their kids every night, reached 42.2 percent last year, up from 38.5 percent in 2009, and way up from 33 percent in 2000. It is chilling to contemplate the predicament of women and children when there is no aid to families with dependent children and no entitlement. When you consider that you've got folks like the gentleman you described in your letter who has a master's degree and who cannot find a job, a mom with kids is competing in that same job market.

There is a great deal of need in these populations. Even as the economy begins to show growth, they're forced to make cuts in the family budgets. They're living with food insecurity—not enough food—and the quality of the food is not good. They're eliminating health insurance. I know families in my district who are taking medicines every other day, doing without transportation, clothing, and where utility cutoffs are very prevalent.

Mr. LEVIN. I was looking through some of the letters. Let me just read a letter in which the author is a single parent from Geneva:

''I never thought that I would have to start all over again looking for work in my late forties. I hadn't even been 1 year cancer free. I'm a single parent of a teenage daughter. So, when my job terminated, so did my medical insurance . . . I had to move back to my mom's house. I could no longer afford my rent, car note, insurance, and the basic everyday needs of raising my daughter and keeping my own place . . . Please don't take away UI so soon. People like me need to keep it until we can find full-time work to take care of our families and help us keep our self-esteem.''

Ms. MOORE. I tell you, that is a very moving letter. You say she had to move with a teenage daughter back into her mom's house. I mean, teenage kids need things other than food. Something like toilet paper becomes an issue when you're sharing a household and when you don't have enough money to make those contributions.

The other thing that makes me very curious, Representative LEVIN, is the rhetoric around the desire to help small businesses. Do you realize if we don't extend this unemployment benefit, economists have calculated that, in 2012, this will take $90 billion out of the economy? You won't buy that teenager shoes because you're unemployed.

Mr. LEVIN. Absolutely.

We're focusing today on the stories of the unemployed, on the personal stories, in order to put a face on the numbers. It's also important—and you referred to it—for the economy of our country. Every economist, I think without any exception, says that unemployment insurance is one of the two most beneficial instruments that we have in terms of putting money back into the economy because people who are unemployed and who receive their insurance—they work for it—spend it.

We have some other stories from single parents. Let me just, if I might, read another story. Then perhaps we should ask the gentlelady from Texas to join us if she would like.

''I am a military spouse that was forced to move and leave a great-paying office management position since my husband was transferred to a new duty station . . . I have applied for jobs that would barely cover our bills just so that I can be among the working again . . . My soldier can't afford to support us on a military income—and it's not just about me. I have a son to think of. I hope and pray that an extension is approved so that it doesn't cause our family structure to crumble. I believe that an extension should be approved as it is keeping not only my family but millions of other American families from drowning in a sea of financial ruin.''

That's from Rachel of Lemoore, California.

It is now my privilege to yield to the gentlelady from Texas, Ms. SHEILA JACKSON LEE.

□ 1910

Ms. JACKSON LEE of Texas. I thank the gentleman very much and thank him for his leadership on this issue. And reading these passionate letters, I don't know how anyone could bring us to the brink of disaster where we find ourselves today.

I just want to read from the U.S. Department of Labor a simple sentence that I think speaks volumes:

''The unemployment insurance system helps the population most directly affected by recessions, those who have lost jobs through no fault of their own.''

Mr. LEVIN, you have heard my colleagues speak of the double-digit unemployment in distinctive populations,

the young, recent college graduates, African Americans and Latinos who remain at the bottom of the heap, but who are looking for jobs every day. I am reminded of a job fair at the Fallbrook Church in Houston, Texas, where throngs came seeking opportunity and basically refuting the commentary of one Presidential candidate no longer in the race, Mr. Cain, who said if you're broke and if you're unemployed, it's your fault.

And now the front-runner, Mr. Gingrich, says that poor children have no role models, their parents don't get up and go to work, they have not seen anybody go to work. How outrageous to speak about those who have lost their job, their children are poor, and they would blame the victim.

So I think it is crucial that we pass this legislation; and we have never, Mr. LEVIN, not passed this legislation when unemployment in our country has been near 9.1 percent. It is not 9.1 percent, but it's very well near there.

And unemployment benefits will keep us from losing over 500,000 jobs. It will also help some of the bankrupt States. There are States that are, in fact, looking to $5 billion in tax hikes on employers in nearly two dozen States. These solvency provisions will stop putting $5 billion in tax hikes on employers in nearly two dozen States, as well as provide $1.5 billion in interest relief.

Some of these very Members who may be objecting to this, debating about it, come from States that are themselves facing a question of solvency because of the unemployment insurance.

Where is the life raft, if you will? Where is the helping hand? Where is the rescue for the people who are desperate?

You might not be able to see this, but it's a very small picture of a person living in a disastrous home impacted by Hurricane Ike. There was some decision about some funds going there in Houston, Texas, today. I'm not happy with the meager distribution to help people like this. They're not getting all the money that they need.

I can assure you if they're living in some homes like this, many times they may also be unemployed. So they're living in devastated housing in many instances. They are in need of food on their table. They are likewise trying to provide for their children, and they don't have the resources.

Mr. LEVIN. The gentlelady referred to a particular situation. Let me read from another story, if I might.

Ms. JACKSON LEE of Texas. Please do.

Mr. LEVIN. This is Linda of Seattle, Washington:

''I am a person, a hardworking American person at that, and I will be forced to live on the streets if EUC is not extended. It terrifies me; and if it happens, the struggle I will face to once again be a productive member of this society, in these times, by myself, is not one that I'm likely to win. There are thousands of stories just like mine that won't be told here. We are people, we have faces and lives and dreams just like everyone who still has a job. I am telling you: we will be on the streets without this extension, and only some of us will ever make it back from that.''

Ms. JACKSON LEE of Texas. First, you read about a mother and her child that has to move back into their family's residence, or her parents' residence. These are now senior citizens.

Then you tell me about someone who's actually going to be homeless. Then we hear about a person that's degreed, has the ability to contribute to the engine of this economy in science, and they're unemployed. And then if you would, Mr. LEVIN, just look, I'm on the floor with Mr. GARAMENDI, the gentleman from California, and we use this to show how flat-lined our working and middle class have been in terms of the growth of their income; and we see the top percent of wealth right here shooting up to an enormous amount—that is the blue line. This is how the wealthy have progressed and grown.

And then we hear our friends saying the poor little rich person, where the very rich person in this group, because I'm not involved in class warfare, is saying we understand and we're willing to have the burden of sacrifice with the benefit of living in this great country.

And so when we look at this wealth, think about this woman who is saying she is near homelessness and think about the 160 million Americans that if we do not do a payroll tax cut; but think about, most of all, the 6 million Americans who will be left to homelessness in contrast to the enormous wealth that is on this poster board and the meager proposal of surtax on the 1 percent for 10 years, starting in 2013, to pay this off and to keep solvent Social Security. It is unbelievable that we would not rush to do this as we are nearing the holiday season.

I am just noting for you, Mr. LEVIN, just to say that the powerful, passionate letters that you have read are volumes in terms of those who are seeking our help.

And for anyone that has been to Occupy Houston or Occupy Wall Street or Occupy any city, if they talk to the people individually, they will know that these are simply hurting Americans who have lost their jobs who are seeking to come and seek opportunity. They want to work; and everyone that I have spoken to, the lady who is here with this home, 56 years old, I know that whether she's employed or not, the condition of her home suggests that she is in need. And the homeless persons, because they have no job, are in need.

I don't believe that the wealthy that are speaking on this particular poster board would argue about the solution that you have come to and that you are advocating and that those who are writing in are saying, they are asking, just give me a lifeline and help me to survive.

I am prepared to stay here, Mr. LEVIN, as you have indicated, to make sure that we do right by the people who are so much in need.

Mr. Speaker, I rise today to address the issue of extending unemployment insurance. We must not go home for the holidays if we cannot agree to extend unemployment insurance.

With a national unemployment rate of 9.1 percent, preventing and prolonging people from receiving unemployment benefits is a national tragedy. As of today, in the City of Houston, the unemployment rate stands at 8.6 percent as almost 250,000 individuals remain unemployed.

Indeed, I cannot tell you how difficult it has been to explain to my constituents whom are unemployed that there will be no further extension of unemployment benefits until the Congress acts. Whether the justification for inaction is the size of the debt or the need for deficit reduction, it is clear that it is more prudent to act immediately to give individuals and families looking for work a means to survive.

If there is a single federal program that is absolutely critical to people in communities all across this nation at this time, it would be unemployment compensation benefits. Unemployed Americans must have a means to subsist, while continuing to look for work that in many parts of the country is just not there. Families have to feed children.

The American people are relying upon us to stand up for them when they are in need. This is not a time to take a vacation, go home to our families, and watch our unemployed constituents suffer through holidays.

Unemployed workers, many of whom rely on public transportation, need to be able to get to potential employers' places of work. Utility payments must be paid. Most people use their unemployment benefits to pay for the basics. No one is getting rich from unemployment benefits, because the weekly benefit checks are solely providing for basic food, medicine, gasoline and other necessary things many individuals with no other means of income are not able to afford.

Personal and family savings have been exhausted and 401(Ks) have been tapped, leaving many individuals and families desperate for some type of assistance until the economy improves and additional jobs are created. The extension of unemployment benefits for the long-term unemployed is an emergency. You do not play with people's lives when there is an emergency. We are in a crisis. Just ask someone who has been unemployed and looking for work, and they will tell you the same.

Currently, individuals who are seeking work find it to be like hunting for a needle in a hay stack. For every job available today, there are four people who are currently unemployed. You can not fit a square peg in a round hole and point fingers at the three other people who when that job is filled is left unemployed. Let's be realistic there are currently 7 million fewer jobs in the economy today compared to when this recession began.

Although according to the U.S. Bureau of Labor Statistics the State of Texas continues to have the largest year-over-year job increase in the country with a total of 253,200 jobs.

There are still thousands of Texans like thousands of other Americans in dire need of a job.

UNEMPLOYMENT INSURANCE

A study was conducted the research firm IMPAQ International and the Urban Institute found Unemployment Insurance benefits:

Reduced the fall in GDP by 18.3%. This resulted in nominal GDP being $175 billion higher in 2009 than it would have been without unemployment insurance benefits.

In total, unemployment insurance kept GDP $315 billion higher from the start of the recession through the second quarter of 2010;

kept an average of 1.6 million Americans on the job in each quarter: at the low point of the recession, 1.8 million job losses were averted by UI benefits, lowering the unemployment rate by approximately 1.2 percentage points; made an even more positive impact than in previous recessions, thanks to the aggressive, bipartisan effort to expand unemployment insurance benefits and increase eligibility during both the Bush and Obama Administrations. ''There is reason to believe,'' said the study, ''that for this particular recession, the UI program provided stronger stabilization of real output than in many past recessions because extended benefits responded strongly.''

For every dollar spent on unemployment insurance, this study found an increase in economic activity of two dollars.

According to the Economic Policy Institute extending unemployment benefits could prevent the loss of over 500,000 jobs.

If Congress fails to act before the end of the year, Americans who have lost their jobs through no fault of their own will begin losing their unemployment benefits in January. By mid-February, 2.1 million will have their benefits cut off, and by the end of 2012 over 6 million will lose their unemployment benefits.

Congress has never allowed emergency unemployment benefits to expire when the unemployment rate is anywhere close to its current level of 9.1 percent.

Republicans seem to want to blame the unemployed for unemployment. But the truth is there are over four unemployed workers for every available job, and there are nearly 7 million fewer jobs in the economy today compared to when the recession started in December 2007.

The legislation introduced today would continue the current Federal unemployment programs through next year.

This extension not only will help the unemployed, but it also will promote economic recovery. The Congressional Budget Office has declared that unemployment benefits are ''both timely and cost-effective in spurring economic activity and employment.'' The Economic Policy Institute has estimated that preventing UI benefits from expiring could prevent the loss of over 500,000 jobs.

In addition to continuing the Federal unemployment insurance programs for one year, the bill would provide some immediate assistance to States grappling with insolvency problems within their own UI programs.

The legislation would relieve insolvent States from interest payments on Federal loans for one year and place a one-year moratorium on higher Federal unemployment taxes that are imposed on employers in States with outstanding loans.

According to preliminary estimates, these solvency provisions will stop $5 billion in tax hikes on employers in nearly two dozen States, as well as provide $1.5 billion in interest relief. The legislation also provides a solvency bonus to those States not borrowing from the Federal government.

We must extend unemployment compensation. This will send a message to the nation's unemployed, that this Congress is dedicated to helping those trying to help themselves.

Until the economy begins to create more jobs at a much faster pace, and the various stimulus programs continue to accelerate project activity in local communities, we cannot sit idly and ignore the unemployed.

PAYROLL TAX CUT

For 337 days, the GOP House majority has failed to offer a clear jobs agenda. Congress must not leave Washington for the holidays without extending the payroll tax cut and unemployment benefits that put money into the economy and promote jobs.

GOP is risking tax relief for 160 million Americans while protecting massive tax cuts for 300,000 people making more than a million dollars per year.

Extending and expanding payroll tax cut would put $1,500 into the pockets of the typical middle class family.

At least 400,000 jobs would be lost if Republicans block the payroll tax cut

In November, Senate Democrats proposed reducing it to 3.1 percent for 2012, and cutting employers' taxes on the first $5 million in taxable payroll to the same level, which helps small businesses. To pay for the cut, the bill calls for a 3.25 percent tax on gross income over $1 million for single filers and married couples filing jointly, the so-called ''Millionaire's Tax.'' This is a reasonable compromise.

There are other ideas floating around this Chamber that touch on tax, such as repatriation. Lowering taxes is always a good idea, but scattershot approaches to tax reform almost always lead to undesirable outcomes.

TARGETED TAX RELIEF FOR AMERICAN WORKERS

The 2% payroll tax cut in effect for 2011 has provided $110 billion of tax relief to 159 million American workers.

If the payroll tax cut is not extended, a family struggling through the economic recovery making $50,000 will see its taxes go up by $1,000.

Expanding the 2% payroll tax holiday to 3.1% will cut Social Security taxes in half for 160 million American workers next year.

This targeted tax relief will mean an extra $1,500 for a typical American family making $50,000, and $2,500 for a family making $80,000.

Mr. LEVIN. Your chart leads me to the last letter I'll read.

I read from Ralph of Warren, Michigan, because your chart shows what's at stake for middle-class America:

''Unemployment insurance must be extended so you can pay your bills and buy food. Without this insurance you would see the foreclosures go through the roof. Start looking out for the middle class that built this country.''

And this issue of extension of unemployment insurance is critical for all America, and it surely is critical for the middle class that helped to build this country in that now, and the millions are finding, they have lost their jobs, they are looking for work, they can't find it. We need to respond, and we need to respond right now.

And I close with this pledge from all of us on the Democratic side in the House: we do not intend to vote for a motion to adjourn until we have acted on the payroll issue, continuing on the physician reimbursement issue, and very much so on extending unemployment insurance so that people out of work, through no fault of their own, can be assured there won't be millions of people in this country, beginning the 1st of January, who are left out in the cold.

I thank all my colleagues.

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

Mr. WAXMAN. Mr. Speaker, I rise today in unqualified support of extending unemployment benefits for the long-term unemployed.

The United States is a great nation. We're a great nation because we are the land of opportunity. We're a great nation because we are the home of the American Dream, where hard work and playing by the rules have always equaled success. But the United States is also a great nation because we assist our fellow citizens in need—those who have fallen on hard times and through no fault of their own are in need of a safety net.

An out-of-control Wall Street and the reckless deregulation pursued by the Bush Administration brought us the greatest economic crisis since the Great Depression. Tens of millions of American's lost their jobs, and fourteen million still are unemployed today. Forty-five percent of those unemployed have been out of work for six-months or more.

Every day, I hear from constituents that lost their job during the great recession and have been struggling to get by.

From one constituent:

I have been unemployed for almost 2 years. Never in my 51 years of life have I ever experienced anything like this. I submit resumes via Craigslist daily, I network and I have done whatever I can to get back to work. I will be homeless if [unemployment] benefits are not extended.

And another:

I'd really like to know if there's another unemployment benefits extension in the works. I am 53, with no family, and no car that I can live in, but I will lose my apartment if I can't find a job . . . or get more benefits. It's no secret that jobs are VERY hard to come by, and I've had a really good work history, but that means nothing right now.

And another:

I have sent out hundreds of resumes, both for positions in my field, and for positions I knew I could do, or have done when I was just starting out. I have received less than ten acknowledgements of receipt of my resume over the course of 21 months. My background and education are solid.

And another:

My job as CFO of a small restaurant chain, headquartered in Santa Monica, was eliminated in Dec. 2010. Since then I have been unable to find employment and, as a result, had to sell my condo at a considerable financial loss. I have been surviving through the extended unemployment program offered by the federal government. If this program is not renewed, I have no idea how I will cope, financially, or mentally.

And another:

I'm 63, was let go from a very significant position back in February 2008 after eight

years of being a Multi Award Winning Sales Executive, in two industries . . . in working over 40 years without interruption I have been collecting unemployment benefits for two years. I'm embarrassed to tell you how many resumes and contacts I've made, competing with men and women in their 20's, 30's, 40's.

This has taken a huge toll on my life as you can imagine . . . my condo is for sale and I'm being audited by the IRS . . . my health has deteriorated and I didn't have health insurance for the past two years.

For too many Americans, unemployment benefits are the difference between having a roof over their head, or sleeping on the street; having food to feed their kids, or skipping dinner; seeing a doctor, or living with chronic illness.

As a great nation, we have an obligation to provide a lifeline to these fellow citizens. It is incumbent on us a decent society.

I have cosponsored legislation to extend unemployment insurance through the end of 2012. I have also cosponsored legislation to help the so-called "99-ers," by extending the length of federal benefits by an addition 14 weeks, to 113 weeks total.

But Congress must do more. My constituents need more than a safety net. They need jobs.

According to a recent report by the Washington Post, this Republican House is on track to be least productive first session in 20 years. In a full year, Republicans have yet to pass a single bill to create a single job.

The Republicans' refusal to take up measures to help restart our economy—like President Obama's American Jobs Act—is all the more reason that we must extend these essential unemployment benefits. I urge my colleagues to stand up for the unemployed Americans who are facing catastrophe through no fault of their own and vote now to extend this critical lifeline.

□ 1920

AMERICANS DESERVE BETTER

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

Mr. MACK. Mr. Speaker, I think there are a lot of people back home who are watching this debate unfold, and more importantly, are watching the Congress and the administration. And, you know, I think a lot of people at home are scratching their head. They're saying we the people are outraged at this administration and this Congress. And they should be.

The White House and their liberal allies in Congress and the media go on a nonstop bashing of a group of Americans who are productive and hardworking. Class warfare is as despicable as any other type of stereotyping, and putting citizen against citizen for political gain is outrageous and it's wrong.

Listen to this. The people are told that a tax cut is a tax increase or a tax increase isn't really a tax increase because there are savings that can be made elsewhere. That doesn't even make sense. Only in Washington can someone say we have to pay for a tax cut. Think about that. What we're saying is, what Washington is saying is, we have to pay for a tax cut. Well, whose money is it? Government doesn't make money. It's the people's money. Yet somehow up here in Washington we keep saying we have to pay for a tax increase. It's that hardworking family that has earned that money. It is not Washington's money.

And people, frankly, I think are disgusted with the notion that somehow the paradigm in Washington is we have to pay for a tax cut. It's their money. Something is very wrong here, and this body is part of the problem.

Let's put out the facts; facts, not spin. Government money doesn't exist. That's a fact. It's the people's money.

Here's another fact. If there are projects that can be cut, they should be cut. They shouldn't be traded like futures in the stock market. If we believe that we ought to extend the payroll tax cut extension, let's extend it. Let's stop playing games about moving money around from one program to another or keeping a bucket of projects or programs that we can save to cut at a time to bargain for something else.

It's time that we get serious, and the American people are saying they've had enough. They've had enough of what they're seeing here in Washington.

Let me say this one more time. Pitting American against American is un-American and outrageous and deserves the condemnation of each and every one of us in this Congress. This is not the America we know and love. We the people deserve better.

I yield back the balance of my time.

HONORING NAVAJO CODE TALKERS

The SPEAKER pro tempore (Mr. REED). Under the Speaker's announced policy of January 5, 2011, the gentleman from Arizona (Mr. GOSAR) is recognized for the remainder of the hour as the designee of the majority leader.

Mr. GOSAR. Mr. Speaker, thank you for joining me this evening to talk about a very special group of veterans, the Navajo Code Talkers. Tonight, my colleagues and I are going to share their stories and highlight the amazing accomplishments of this group of warriors. Their contribution to the Allied effort during World War II is widely credited with winning the Battle of Iwo Jima and making majors gains in the Pacific.

During the early months of World War II, Japanese intelligence experts broke every code the U.S. forces devised. The Japanese were able to decode and intercept communications with ease. To combat this, increasingly complex codes were initiated that sometimes took hours at a time simply to decipher one message. Guadalcanal in 1942 was a turning point for the Allied military forces, who realized that the military communications needed a new direction, and new inspiration.

Fortunately, an innovative citizen named Philip Johnston had the answer. As the son of a Protestant missionary, Johnston had grown up on the Navajo reservation and was one of less than 30 non-Navajos fluent in the unique Navajo language. He realized that since it had no alphabet and was almost impossible to master without early exposure, the Navajo language was a perfect choice to form a new, impenetrable military code. In 1942, Johnston completed an impressive demonstration of the Navajo language to the Commanding General of the Pacific fleet headquartered in San Diego. He was then given permission to begin a pilot for the Navajo Code Talker program, and I would like to submit his letter dated March 8, 1942, for the RECORD.

HEADQUARTERS, AMPHIBIOUS FORCE,
PACIFIC FLEET, CAMP ELLIOTT,
San Diego, CA, March 6, 1942

Subject: Enlistment of Navaho Indians.

To: The COMMANDANT,
U.S. Marine Corps.

Enclosures: (A) Brochure by Mr. Philip Johnston, with maps. (B) Messages used in demonstration.

1. Mr. Philip Johnston of Los Angeles recently offered his services to this force to demonstrate the use of Indians for the transmission of messages by telephone and voice-radio. His offer was accepted and the demonstration was held for the Commanding General and his staff.

2. The demonstration was interesting and successful. Messages were transmitted and received almost verbatim. In conducting the demonstration messages were written by a member of the staff and handed to the Indian; he would transmit the message in his tribal dialect and the Indian on the other end would write them down in English. The text of messages as written and received are enclosed. The Indians do not have many military terms in their dialect so it was necessary to give than a few minutes, before the demonstration, to improvise words for dive-bombing, anti-tank gun, etc.

3. Mr. Johnston stated that the Navaho is the only tribe in the United States that has not been infested with German students during the past twenty years. These Germans, studying the various tribal dialects under the guise of art students, anthropologists, etc., have undoubtedly attained a good working knowledge of all tribal dialects except Navaho. For this reason the Navaho is the only tribe available offering complete security for the type of work under consideration. It is noted in Mr. Johnston's article (enclosed) that the Navaho is the largest tribe but the lowest in literacy. He stated, however, that 1,000—if that many were needed—could be found with the necessary qualifications. It should also be noted that the Navaho tribal dialect is completely unintelligible to all other tribes and all other people, with the possible exception of as many as 28 Americans who have made a study of the dialect. This dialect is thus equivalent to a secret code to the enemy, and admirably suited for rapid, secure communication.

4. It is therefore recommended that an effort be made to enlist 200 Navaho Indians for this force. In addition to linguistic qualifications in English and their tribal dialect they

should have the physical qualifications for messengers.

CLAYTON B. VOGEL,
Commanding General.

Their elite unit was formed in early 1942 when the first of the 29 Navajo Code Talkers were recruited by Johnston. The code was modified and improved throughout the war, but it is so important to note that these 29 Navajo heroes came up with the original code themselves. Accordingly, they are often referred to reverently as the ''original 29.'' We will have the honor of reading their names a bit later this evening.

Many of these enlistees were just boys with little exposure to the world outside of the Navajo reservation. After the war, it was discovered that recruits as young as 15 and as old as 35 years of age had enlisted. In fact, a few of these men traveled to other towns on the reservation, outside their clan where no one knew them and their true age, in order to enlist underage and serve their country.

After sailing through basic training, the Navajo Code Talkers were sent to Marine divisions in the Pacific theater of World War II. Their reputation as innovators soon spread far and wide amongst their commanding officers. In the field, they were not allowed to write any part of the code down as a reference. In fact, the code existed only amongst this small group. Under high pressure battle conditions, the Code Talkers had to quickly recall their code accurately, or risk hundreds or thousands of lives.

Make no mistake about the gravity of this accomplishment. The Navajo Code Talkers created the only unbroken code in modern military history. It baffled the Japanese forces. It was even indecipherable to a Navajo soldier taken prisoner and tortured on Bataan.

The secret code created by the Navajo Code Talkers was a simple marvel of linguistic invention. It contained native terms that were associated with specialized or commonly used military language, as well as native terms that represented letters in the alphabet.

English words with no Navajo translation were spelled out using the Navajo alphabet. The selection of a given term was based on the first letter of the English meaning of the Navajo word. For words that did not translate into Navajo, the Code Talkers created code that did not directly translate, but tended to resemble the things with which they are associated. For example, the Navajo word for ''iron fish'' represented submarine. I could give many more examples, but I think that one is particularly poignant. To say ''America,'' the Code Talkers used the word ''ne-he-mah,'' which means ''our mother.''

This brilliant code allowed our U.S. Marines to communicate quickly and accurately. The Code Talkers' brave work is widely credited with successes of battle in the Pacific and, more ultimately, with helping to end this tragic war.

□ 1930

In the battle for Iwo Jima, in the first 48 hours alone they coded over 800 transmissions with perfect accuracy.

While the true heroism of these brave warriors is known today, sadly, the Code Talkers had to return home after the war without the heroes' welcome they deserved. Ironically, the code was such a precious asset to the U.S. military that it was classified and had to be kept secret. While the code was declassified in 1968, it took years to properly decorate those veterans. In 2001, nearly 60 years after they created their legendary code, the Navajo Code Talkers finally received their well-deserved Congressional Medals of Honor.

Today, only one original Code Talker remains, but the tradition lives on. A delegation of the Four Corners States will attempt to recognize these warriors one by one and give us their thoughts during this hour.

I would like to first recognize my good friend from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding and for arranging this Special Order. This is something that we in Arizona and anywhere in the West in Utah and elsewhere have great pride in and that this recognition, as the gentleman mentioned, came far too late and has been far too little, given the amount of the impact that the Navajo Code Talkers had on World War II.

So I'm pleased to be here and to lend my voice to recognition. As the gentleman mentioned, only one of the original Code Talkers is still living. So I think it's important that we recognize others who carried on this code and tradition and helped out in this way.

This was a group, as we mentioned, of many Navajos, Native Americans, who volunteered for the armed services in World War II. This was, as the gentleman said, very successful. It was the only code that remained unbroken. And one of the most amazing aspects of World War II is how these people came together, as the gentleman mentioned, young kids in their teen years and others, and volunteered for this effort. It's even more remarkable when we note that many States did not permit Native Americans to vote until the 1950s. Yet the Code Talkers were undeterred. They wanted to help their country.

It's fitting that we honor this group on the anniversary of the attack on Pearl Harbor, the start of World War II, because they had such an integral part of ensuring that that brutal war came to an end. I want to thank my colleague from Arizona and others who have come here for putting together this timely tribute to make sure that these individuals are recognized for the impact that they had in ending this war and to ensure that this world remains free.

Mr. GOSAR. I thank the gentleman.

I would like at this time to acknowledge my good friend from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. I thank my colleague from Arizona (Mr. GOSAR) for bringing us together tonight as we get a chance to visit and celebrate heroes that are amongst us, whether it's in spirit or body, as we are still so fortunate to have Chester Nez with us, one of the original 29 as well.

With me tonight I have a few excerpts of articles that have been written around the country that capture some stories recently in the Fronteras Desk. An author by the name of Laurel Morales captured the story of Chester Nez. It starts like this: ''Growing up in New Mexico, Chester Nez and many of his fellow Navajo were punished for speaking their language.''

You talk about a language as they were pulled away to boarding schools, so many of the young Navajo across the country, and the importance of what they were able to accomplish during World War II. In the words of Major Howard Connor of the 5th Marine Division, he declared that were it not for the Navajos, the marines would never have taken Iwo Jima, and the importance of language and what they were able to accomplish.

The article goes on to read that years later, Nez was shocked to learn that he'd been recruited by the marines specifically to devise a code using the same language the government tried to beat out of him. It was extremely ironic. One of the very things they were forbidden to do—speak Navajo—ended up helping us save the war.

Mr. Nez goes on to say that he and his fellow Code Talkers first developed an alphabet, as you described, Mr. GOSAR, using everyday Navajo words to represent letters of words, as you talked about—submarine: iron fish; besh-lo: iron fish; and hummingbird: dah-he-tih-hi to talk about fighter planes. It's amazing how when we talked about the Japanese and how they were so effective at cracking codes, how they couldn't crack this one.

Mr. Nez goes on to say in the article that being one of the last original Code Talkers, he lives in Albuquerque with his son—a father of six children. He has nine grandchildren and eight great-grandchildren. It goes on to say that ''today, with so many people leaving the reservation, Navajo elders like Nez fear their language is dying. Nez hopes Navajo children learn the story of Code Talkers so they understand just how critical it is to learn their own language.''

And thank you for bringing us together, Mr. GOSAR, this evening to help celebrate the history of our Code Talkers, as it wasn't until Senator BINGAMAN moved legislation back in 2000 to be able to give honor to our original 29—a few of them, at the very least, and their families—with gold medals, and silver medals to the others that were also trained to go on.

So I think this is an example of a few stories that we'll be submitting and sharing this evening to be able to celebrate the lives and stories and the history, especially on today as we remember Pearl Harbor and all the sacrifice

and all the families we lost that day and so many brave soldiers as well.

Thanks for bringing this tonight. I look forward to many stories and continuing to share many of the articles that we've been able to find capturing the history and personal stories of our friend, our heroes, the Code Talkers from all throughout New Mexico, Arizona, and Utah.

Mr. GOSAR. I thank the gentleman from New Mexico.

At this time I would like to recognize my good friend from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. Thank you. I appreciate the bipartisan nature in which we do this. These are truly American heroes who have made a difference in our lives and something we should all be proud of and never forget. I worry as these gentlemen get older that somehow generations in the future will maybe forget this.

I appreciate you, Mr. GOSAR, for your commitment to them. I know you're passionate about this. I can see it in your eyes when you talk about it.

I wanted to recognize and pay special tribute to somebody who's originally from Utah, Samuel Tom Holiday. He was a Navajo Code Talker. He served in the United States Marine Corps 4th Marine Division, 25th Regiment, the H&S Company. We're fortunate to still have him here with us in our presence today.

Mr. Holiday was born in 1924 on a Navajo reservation near the Monument Valley area of Utah, down near the Four Corners area. He was a Navajo Code Talker in World War II. As you have talked about before, Code Talkers transmitted tactical messages by telephone and radio in the Dine language. It was a code the Japanese were never able to break and was very instrumental in our war efforts.

At a young age, Samuel and his brothers hid from government agents who came to send Navajo children to boarding schools. Holiday said he was ultimately caught and forced to attend a boarding school where he was not allowed to speak his native language. As he said, ''One of the hardest times I had was learning to talk English. I would hide cookies in my pockets to pay the older boys to teach me English. Whenever they''—the school instructors—''found out I had talked Navajo, they made me scrub floors, scrub walls. I spent much of my first year scrubbing the wall.''

Mr. Holiday attended the school until he was 18 years old and he was recruited into the Marine Corps. Mr. Holiday served in the Pacific theatre from 1943 to 1945 in Saipan, Tinian, Kwajalein Atoll, and Iwo Jima.

From Mr. Holiday: ''A lot of time they sent us where it was a very dangerous spot, and I sent messages. They didn't know we were Navajo Code Talkers using Navajo language.'' The very language he was punished for using in his boarding school was suddenly a major asset to the United States Marines.

Mr. Holiday remains active with the Navajo Code Talkers Association. He's traveled throughout most of the United States conducting presentations about the Code Talkers and about his life experiences before and after the war. I was very pleased to see that Mr. Holiday was awarded the Congressional Silver Medal, something he was very worthy of, obviously.

It's interesting to me that the Navajo Code Talker Program was actually a secret until after the war and was not declassified until later in 1968. It was another 14 years before the Navajo Code Talkers were recognized by the United States Government. In fact, in December of 1982, President Ronald Reagan recognized the Code Talkers for their dedicated service, unique achievement, patriotism, resourcefulness, and courage.

□ 1940

August 14, 1982 was proclaimed National Navajo Code Talkers Day. I think President Reagan did the right thing. I think it's something that all Americans—I want my kids and people in Utah and across the Nation to recognize the contributions and sacrifices that these people made. They truly made a difference in our lives; instrumental in the war.

I appreciate this time to be able to recognize their achievements and help to our country.

Mr. GOSAR. I thank the gentleman from Utah.

I would like at this time to recognize my friend, the gentleman from New Mexico (Mr. HEINRICH).

Mr. HEINRICH. I want to thank the gentleman from Arizona for pulling us together from around the four corners to honor these incredible Native Americans, these incredible Americans, especially on this historic anniversary. And I'm certainly honored to join my colleagues tonight to honor the quiet valor of all the Navajo Code Talkers.

Today, some six decades since their service during World War II, only one of the original 29 Code Talkers, Corporal Chester Nez, survives. And I am incredibly proud of Corporal Nez, who at the age of 90 resides in my congressional district in Albuquerque with his son Mike, his daughter-in-law Rita, and their children.

Corporal Nez's story is much like the hundreds of Code Talkers who followed in his footsteps. He grew up on the Navajo Nation to parents who grew corn and pinto beans, kept goats and sheep. And he grew up in a time when Navajos were sharply mistreated and even unable to vote in our own elections in places throughout the Southwest. Yet in 1942, at the age of 18, he sprung into action and he joined the 382nd Platoon in a role that is largely credited with saving thousands of American lives.

Along with the other 28 original Code Talkers, Corporal Nez developed a code from their unwritten language. You can find the code's explanation today in the index of his autobiography. And whether in artillery, tanks, aboard ships or in infantry, the Code Talkers played a vital role in some of the worst battles in the Pacific theater, communicating battlefield codes that were never, ever broken by the enemy. Their code-talking was considered so essential to the war that, unlike their counterparts, many of them were forced to serve straight through the war with no breaks for rest or trips back home. And today, we widely recognize that their service helped turn the course of World War II.

Yet because of the sheer secret of their role and the possibility that they would be called back for the same duty in the future, the actions of the Code Talkers weren't declassified until 23 years after the war ended. And it wasn't until 55 years later that they were bestowed with the Congressional Gold Medal of Honor and Silver Medal.

To the young people of the Navajo Nation for whom Corporal Nez's quiet valor is a remarkable example, I encourage you to carry on his legacy by keeping the Navajo language alive and well for generations to come.

Mr. Speaker, I know that the Navajo Nation takes such pride in these heroes. And on behalf of all of us who owe a tremendous debt of gratitude for their service, I'm proud to recognize the courage, service, and bravery of all the Navajo Code Talkers, and especially Corporal Nez of Albuquerque, New Mexico.

Mr. GOSAR. I thank the gentleman from New Mexico for that find.

I would now like to acknowledge my good friend from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. Thank you, Congressman GOSAR. For all of us, we truly appreciate you organizing this.

When you consider today is the 70th anniversary of Pearl Harbor and the entry into World War II, for many of us who grew up with family that had served, there's many heartbreaking stories. But when we reach out and read and learn more about the Code Talkers story, it's one of the great moments of pride for those of us from Arizona.

When you consider there were—my understanding is there were about 400 native Americans who served, but the 27—was it 27 or 29?

Mr. GOSAR. Twenty-nine.

Mr. SCHWEIKERT. Twenty-nine from Arizona, I've had the pleasure over time of meeting some of them. I also know, as Arizona now is about to begin celebrating its 100th anniversary—and I have, actually, it's a little bit of a silly photo, but there is actually a smaller version of this on my wall in my office. A few months ago we had our very first celebration of beginning the 1-year celebration of our centennial as a State, and we were featuring our Navajo Code Talkers. It is something that many of us from the West are very, very proud of. And it was also that little moment where if

you ever want to be a little humiliated, have them try to teach you to speak a few Navajo words, and then the giggling begins on how badly you pronounce it.

But for anyone who is listening, the Navajo Code Talkers have actually built a foundation, and they actually have a wonderful Web site that has data and stories. It is navajocodetalkers.org. I encourage anyone to reach out and grab some of that information. These are powerful stories of incredible service to our country in a time of great need with a very unique skill and talent.

I thank the gentleman from Arizona for organizing this.

Mr. GOSAR. I thank the gentleman from Arizona.

I want to take a few moments and honor one of our own in Arizona who just recently died. It is my humble privilege to honor Allen Dale June, one of the original 29 Code Talkers. He died just recently in September of 2010 at the age of 91. He passed away of natural causes at the Veterans Hospital in Prescott, Arizona, which is in my district. He is survived by his wife and 10 children and was buried in Kaibeto, in the heart of Navajo reservation.

June, who attained the rank of sergeant, received the Congressional Gold Medal in 2001 along with other members of the original Code Talkers. When he died, Navajo Nation Council Speaker Lawrence Morgan said, ''The Navajo Nation lost a great warrior. His unique service to his country brought positive attention to the Navajo Nation. He will be missed.''

According to his wife, Virginia, June first tried to sign up for the Marines in his hometown of Kaibeto, but a recruiter told him he was too young. He then traveled to the reservation town of Chinle to enlist because he figured people there wouldn't recognize him and he could lie about his age and forge his father's signature. This dedication and determination to serve their country was common among the Code Talkers and shows character and bravery that we all should emulate.

Allen June was a humble man who did not like to brag about much, even his remarkable service as a Code Talker. However, in the last years of his life he wore his service proudly, sporting a red Navajo Code Talker cap with his name on it.

I would like to take an opportunity and see if my colleague from New Mexico would entertain a colloquy back and forth giving the roll call of the names of the 29.

Mr. LUJÁN. It would certainly be an honor, Mr. GOSAR.

Mr. GOSAR. Thank you, sir.

The roll call for the Navajo Code Talkers, the original 29:

Charlie Y. Begay.
Mr. LUJÁN. Royal L. Begay.
Mr. GOSAR. Samuel Begay.
Mr. LUJÁN. John Ashi Benally.
Mr. GOSAR. Wilsie Bitsie.
Mr. LUJÁN. Cosey S. Brown.
Mr. GOSAR. John Brown, Jr.
Mr. LUJÁN. John Chee.
Mr. GOSAR. Benjamin Cleveland.
Mr. LUJÁN. Eugene R. Crawford.
Mr. GOSAR. David Curley.
Mr. LUJÁN. Lowell S. Damon.
Mr. GOSAR. George H. Dennison.
Mr. LUJÁN. James Dixon.
Mr. GOSAR. Carl N. Gorman.
Mr. LUJÁN. Oscar B. Ilthma.
Mr. GOSAR. Allen Dale June.
Mr. LUJÁN. Alfred Leonard.
Mr. GOSAR. Johnny R. Manuelito.
Mr. LUJÁN. William McCabe.
Mr. GOSAR. Chester Nez.
Mr. LUJÁN. Jack Nez.
Mr. GOSAR. Lloyd Oliver.
Mr. LUJÁN. Joe Palmer.
Mr. GOSAR. Frank Danny Pete.
Mr. LUJÁN. Nelson S. Thompson.
Mr. GOSAR. Harry Tsosie.
Mr. LUJÁN. John Willie.
Mr. GOSAR. William Dean Wilson.

Does my friend have any further comments?

Mr. LUJÁN. Only to say again, Mr. GOSAR, as we celebrate tonight, to never forget about the contributions of the Navajo people to our great Nation, with the work that they've done not only through the Cold War, but going back to all the work that was done.

□ 1950

As we pointed out earlier, in the words of Major Howard Connor, if it were not for the Navajos, the marines never would have taken Iwo Jima. It's a great night to be here to celebrate, and I thank you for bringing us together.

I would like to submit into the RECORD an article from the Santa Fe New Mexican, dated August 29, 2010, also capturing the story telling and talking about Mr. Chester Nez, as well as the article, ''The Last of the Navajo Code Talkers,'' by Laurel Morales, which was listed in the Fronteras Desk.

[From the SantaFeNewMexican.com, Aug. 29, 2010]

AN ORIGINAL CODE TALKER KEEPS TALE ALIVE—FEW REMAINING MEMBERS OF ELITE NAVAJO MARINE UNIT

(By Felicia Fonseca)

ALBUQUERQUE.—Tourists hurry inside a shop here to buy books about the famed Navajo Code Talkers, warriors who used their native language as their primary weapon.

Outside, on a walk sheltered from the sun, nine of the Code Talkers sit at a table autographing the books. Each is an old man now. They wear similar caps and shirts, the scarlet and gold of the Marine Corps, and turquoise jewelry.

One of these men, who signs his name as Cpl. Chester Nez, is distinguished from the others. Below his signature, he jots down why: 1st Original 29.

Before hundreds of Code Talkers were recruited from the Navajo Nation to join the elite unit, 29 Navajos were recruited to develop the code—based on the then-unwritten Navajo language—that would confound Japanese military cryptologists and help win World War II.

Of the Original 29, only three survive. Nez is one.

The Code Talkers took part in every assault the Marines conducted in the Pacific, sending thousands of messages without error on Japanese troop movements, battlefield tactics and other communications critical to the war's ultimate outcome.

''It's one of the greatest parts of history that we used our own native language during World War II,'' Nez said in an interview with The Associated Press. ''We're very proud of it.''

Nez tells the story succinctly. He is the last of the original group able to do so. One can hardly speak or hear, and the memory of the third is severely tested by Alzheimer's disease.

The 89-year-old Nez is limited, too. He is in a wheelchair after diabetes led to the amputation of both legs. These days, he'd rather ''just sit around, take it easy,'' he said.

As a boy, Nez lived in a traditional Navajo home and helped his family tend to sheep in Two Wells on the eastern side of the vast 27,000-square-mile reservation.

He played with toy cars, went barefoot, and spoke only his native language. That changed when he was sent to one of the boarding schools set up by the federal government to assimilate American Indian children into the broader culture.

At boarding school, Nez said he had his mouth washed out with soap for speaking Navajo—ironic indeed, considering the vital role that the unique language—and Nez—would come to play.

Nez was in 10th grade when a Marine recruiter came looking for young Navajos who were fluent in Navajo and English to serve in World War II. He jumped at the chance to defend his country, and to leave boarding school. He kept the decision to enlist a secret from his family and lied about his age, as did many others.

''I told my roommate, 'Let's try it out,' and that's what we did,'' Nez said. ''One reason we joined is the uniform—they were so pretty, dress uniforms.''

About 250 Navajos showed up at Fort Defiance, Ariz., then a U.S. Army base. But only 29 were selected to join the first all-Native American unit of Marines. They were inducted in May 1942.

After basic training, the 382nd Platoon was tasked with developing the code.

There Nez met Allen Dale June and Lloyd Oliver, among the others. Using Navajo words for red soil, war chief, clan, braided hair, beads, ant and hummingbird, for example, they came up with a glossary of more than 200 terms, later expanded, and an alphabet.

At first, Nez said, the concern was whether or not the code could work. Then it proved impenetrable. ''The Japanese did everything in their power to break the code but they never did,'' he said.

Nez no longer remembers the code in its entirety, but easily switches from English to Navajo to repeat one instruction he delivered during fighting on Guadalcanal.

''I always remember this one,'' Nez said. ''Enemy machine gun on your right flank, destroy!''

The Navajos trained in radio communications were walking copies of the code. Each message read aloud by a Code Talker was immediately destroyed.

''When you're involved in the world of cryptology, you not only have to provide information, you have to protect that,'' said Patrick Weadon, curator of the National Cryptologic Museum. ''And there's no better example than the Navajo Code Talkers during World War II.''

The Code Talkers were constantly on the move, often from foxhole to foxhole. Nez had a close call in Guam with a sniper's bullet that whizzed past his head and struck a palm tree.

Once while running a message, Nez and his partner were mistaken for Japanese soldiers

and were threatened at gunpoint until a Marine lieutenant cleared up the confusion, his son, Michael, said.

''Of course Dad couldn't tell them he was a Code Talker,'' Nez's son said.

The Code Talkers had orders not to discuss their roles—not during the war and not until their mission was declassified 23 years later.

In 2001 Nez, Dale and June traveled aboard the same plane to Washington, D.C., to receive the Congressional Gold Medal. The recognition, which they didn't receive when they returned home from war, propelled them to a sort of celebrity status, along with the release of a movie based on the Code Talkers the following year

They appeared on television, rode on floats in parades and were asked to speak to veterans groups and students.

Nez threw the opening pitch at a 2004 Major League Baseball game and blessed the presidential campaign of John Kerry. Oliver traveled with other Code Talkers as guests of honor in the nation's largest Veterans Day parade in New York last year.

When residents of Longmont, Colo., heard that June and his wife did not have a permanent home, they raised money to buy one for the couple.

The last three survivors of the Original 29 don't live on the Navajo Nation, where they are celebrated with a tribal holiday. They wonder about each other, but it's unlikely they'll reunite again.

After World War II, Nez volunteered to serve two more years during the Korean War and retired in 1974 after a 25-year career as a painter at the veterans hospital in Albuquerque.

June, 88, has spent the past few weeks in and out of hospitals in Wyoming and Arizona, and requires round-the-clock care. His third wife, Virginia, calls herself ''the charm'' and the protector of an endangered species.

She's a walking promotion for him and the Marine Corps, yet she's careful of how much she says because he thinks it is unwelcome bragging.

Oliver's wife, Lucille, echoes similar sentiments about her husband. Oliver displayed few reminders in what, until earlier this year, was his home on the Yavapai Indian reservation in Camp Verde, Ariz.—a few framed pictures, a Marine cap above his bedroom window and a U.S. flag above the doorway.

''He just put the past behind him, I guess,'' she says.

Oliver, 87, speaks audibly but his words are difficult to understand. His hearing is impaired and he prefers not to have a hearing aid.

Both June and Oliver had brothers who later served as Code Talkers.

Nez tells the tourists seeking autographs in Albuquerque that he's part of the Original 29, but few appear to grasp what that means.

''Most of them,'' he says of the tourists, ''they just thank me for what we did.''

[From the Fronteras Desk, Nov. 11, 2011]

THE LAST OF THE NAVAJO CODE TALKERS

(By Laurel Morales)

FLAGSTAFF.—Only one veteran Navajo code talker remains of the original 29 Navajo Marines who used their native language to devise an unbreakable code during World War II.

Growing up in New Mexico, Chester Nez and many of his fellow Navajo were punished for speaking their language. In the 1920s, Nez attended one of many government run boarding schools that attempted to erase Indian culture and language.

''I often think about the things I went through, all the hardships,'' Nez said. He was being interviewed at the studios of KUNM in Albuquerque for Veterans Day.

Years later, Nez was shocked to learn he'd been recruited by the Marines, specifically to devise a code using the same language the government tried to beat out of him. Judith Avila helped Nez write his memoir Code Talker, which was just published.

''It was extremely ironic one of the very things they were forbidden to do—speak Navajo—ended up helping save us during the war,'' Avila said.

During World War II, the Japanese had cracked code after code the U.S. military used to hide their communications. Then, a Marine by the name of Philip Johnston, who had been raised on the Navajo Nation by white missionaries, suggested enlisting the help of the Navajo tribe. They became known as the code talkers.

Navajo, or Dine as it's called, is a spoken language. And few non-Navajos understand its complexities. Nez and his fellow code talkers first developed an alphabet using every day Navajo words to represent letters, like the Navajo word for ant became ''A.''

Chester Nez, seen here during World War II, is 90 and the last of the original 29 Navajo Code Talkers.

Then they came up with words for military terms. In Navajo, there is no word for bomb. So they called it an egg. A fighter plane was the Navajo word for hummingbird.

''And the Japanese tried everything in their power to try to decipher our code, but they never succeeded,'' Nez said.

He and his fellow code talkers were faced with many cultural challenges during the war. The most difficult was dealing with so much death.

The Navajo believe when you encounter a dead body that person's spirit stays with you. Coming home after the war, Nez remembered being haunted by these spirits.

''They were all around me. I actually see them alongside my bed,'' Nez said. ''This was one of the bad omen.''

His family performed a ceremony called the ''enemy way'' to cleanse him After that, Nez said, he felt free of the ghosts.

The code talker program was secret. When Nez and the others arrived home in 1945, there was no fanfare. The code remained active for years after the war; it wasn't declassified until 1968. Still, it took decades before the men were officially recognized.

In 2000, New Mexico Senator Jeff Bingaman introduced legislation to honor the code talkers. The following year—nearly six decades after the code was written—president George W. bush awarded them Congressional Gold Medals.

''Today we give these exceptional Marines the recognition they earned so long ago,'' President Bush told a televised crowd at the Capital Rotunda.

Only five of the original 29 were still alive.

Chester Nez stood tall, puffed out his chest and saluted the president, while the crowd—many relatives of code talker families—gave the group a standing ovation.

''This gold medal is something I will treasure for as long as I live,'' said Nez, now 90-years-old.

The last original code talker lives in Albuquerque with his son. The father of six children, he has nine grandchildren and eight great grandchildren.

Today with so many people leaving the reservation, Navajo elders like Nez fear their language is dying. Nez hopes Navajo children learn the story of the code talkers, so they understand just how critical it is to learn and use their own language.

Mr. GOSAR. I thank the gentleman from New Mexico for his contribution.

I would also like to start by going through the further list of the Navajo Code Talkers in the honor roll:

NAVAJO CODE TALKER LIST

CONFIRMED BY MARINE CORPS, AS OF 17 JULY 2001

1. Akee, Dan 818638
2. Anthony, Franklin 990074
3. Apache, Jimmie 936773
4. Arviso, Bennie 894438
5. Ashike, Earl 990140
6. Ashley, Regis 894674
7. Attikai, Harold 990084
8. Augustine, John 894402
9. Ayze, Lewis 990075
10. Bahe, Henry 479876
11. Bahe, Woody 875423
12. Baldwin, Benjamin 818564
13. Beard, Harold 894537
14. Becenti, Roy L. 831055
15. Bedoni, Sidney 479771
16. Begay, Carlos 818566
17. Begay, Charlie Sosie 830976
18. Begay, Flemming 830977
19. Begay, George 990132
20. Begay, Henry 990142
21. Begay, Jerry C. 830979
22. Begay, Joe 990094
23. Begay, Lee 990116
24. Begay, Leo 990126
25. Begay, Leonard 990210
26. Begay, Notah 875405
27. Begay, Paul 479917
28. Begay, Samuel H. 358525
29. Begay, Thomas H. 537144
30. Begay, Walter 990073
31. Begay, Willie K.1000016
32. Begay, Wilson J. 894417
33. Begody, David M. 990209
34. Begody, Roger 875422
35. Belinda, Wilmer 875407
36. Belone, Harry 936837
37. Benallie, Jimmie D. 964665
38. Benally, Harrison Lee 1000075
39. Benally, Harry 894507
40. Benally, Jimmie L. 831045
41. Benally, Johnson D. 875371
42. Benally, Samuel 1000078
43. Benton, Sr., Willie 830980
44. Bernard, John 875276
45. Betone, Lloyd 830963
46. Bia, Andrew 990072
47. Billey, Wilfred 830982
48. Billie, Ben 1000045
49. Billiman, Howard 521004
50. Billison, Samuel (Dr.) 831074
51. Billy, Sam Jones 830981
52. Bitsie, Peter J. 1000037
53. Bitsoie, Delford 990061
54. Bizardie, Jesse 875495
55. Black, Jesse 990205
56. Blatchford, Paul 818633
57. Bluehorse, David M. 831043
58. Bowman, John Henry 403099
59. Bowman, Robert 936938
60. Brown, Arthur 990125
61. Brown, Clarence Paul 990088
62. Brown, Tsosie Herman 990202
63. Brown, William Tully 990109
64. Buck, Wilford 1000019
65. Burke, Bobby 894411
66. Burnie, Jose 1000100
67. Burnside, Francis 548184
68. Burr, Sandy 830984
69. Cadman, William 936839
70. Calleditto, Andrew 448919
71. Carroll, Oscar Tsosie 894622
72. Cattle Chaser, Dennis 479729
73. Cayedito, Del 830985
74. Cayedito, Ralph 830986
75. Charley, Carson Bahe 894600
76. Charlie, Sam 990199
77. Chase, Frederick 479873
78. Chavez, George 831098
79. Chee, Guy 990200
80. Clah, Stewart 965051
81. Claw, Thomas 818547
82. Cleveland, Billie 521016
83. Cleveland, Ned 894519
84. Cody, Leslie 479834

85. Cohoe, James Charles 416497
86. Craig, Bob Etcitty 830988
87. Crawford, Karl Kee 478278
88. Cronemeyer, Walter 990201
89. Crosby, Billy 990035
90. Csinnjinni, Carl 416351
91. Dale, Ray 448911
92. Damon, Anson C. 990227
93. Davis, Tully 875378
94. Deel, Martin Dale 818563
95. Dehiya, Dan 830989
96. Dennison, Leo 990107
97. Dodge, Jerome Cody 894478
98. Doolie, John 830990
99. Doolie, Richardson 479723
100. Draper, Nelson 990098
101. Draper, Teddy Sr. 875345
102. Etsicitty, Kee 830991
103. Etsitty, Deswood 875304
104. Evans, Harold 990097
105. Foghorn, Ray 830992
106. Francisco, Jimmy 818625
107. Gatewood, Joseph P. 479889
108. George, William 894441
109. Gishal, Milton M. 875283
110. Gleason, Jimmie 894446
111. Goodluck, John 830933
112. Gorman, Tom 818627
113. Grayson, Bill L. 990052
114. Greymountain, Yazzie 894538
115. Guerito, Billy Lewis 830994
116. Gustine, Tully 830995
117. Guy, Charles 875406
118. Harding, Ben Williams 990091
119. Harding, Jack W. 479888
120. Hardy, Tom 894628
121. Harrison, Emmett 894479
122. Haskie, Ross 358587
123. Hawthorne, Roy Orville 990027
124. Haycock, Bud 990196
125. Hemstreet, Leslie 936840
126. Henry, Albert 830996
127. Henry, Edmund Juan 830997
128. Henry, Kent Carl 936779
129. Hickman, Dean Junian 990103
130. Holiday, Calvin 990198
131. Holiday, Samuel Tom 818614
132. Housewood, Johnson 448907
133. Housteen, Dennie 479730
134. Howard, Ambrose 818574
135. Hubbard, Arthur Jose 1000128
136. Hudson, Lewey 894521
137. Hunter, Tom 875445
138. James, Benjamin 830998
139. James, Billie 875301
140. James, George B. 875342
141. Johle, Elliott 894447
142. John, Charlie T. 875395
143. John, Leroy M. Sr. 448918
144. Johns, Edmund 448908
145. Johnny, Earl 830999
146. Johnson, Deswood R. 844625
147. Johnson, Francis T. 479772
148. Johnson, Johnnie 537164
149. Johnson, Peter 894412
150. Johnson, Ralph 990086
151. Jones, Jack 818548
152. Jones, Tom H. Jr. 831001
153. Jordan, David 831000
154. June, Floyd 479768
155. Keams, Percy 990028
156. Keedah, Wilson 894673
157. Kellwood, Joe H. 479704
158. Kescoli, Alonzo 875397
159. Ketchum, Bahe 875416
160. King, Jimmie 448910
161. Kinlacheeny, Paul 894414
162. Kinsel, John 448912
163. Kirk, George H. 831003
164. Kirk, Leo 585379
165. Kiyaani, Mike 894629
166. Kontz, Rex T. 448921
167. Lapahie, Harrison 831046
168. Largo, James 990095
169. Little, Keith M. 818629
170. Lopez, Tommy K. 831059
171. MacDonald, Peter 1000079
172. Malone, Max 894621
173. Malone, Rex 831101
174. Malone, Robert 831075
175. Maloney, James 990085
176. Maloney, Paul E. 875431
177. Manuelito, Ben C. 479800
178. Manuelito, Ira 831005
179. Manuelito, James C. 831060
180. Manuelito, Peter 1000234
181. Marianito, Frank 936841
182. Mark, Robert 990093
183. Martin, Matthew 894406
184. Martinez, Jose 894550
185. McCraith, Archibald 990110
186. Mike, King Paul 894671
187. Miles, General 990096
188. Moffitt, Tom Clah 894473
189. Morgan, Jack C. 830932
190. Morgan, Ralph 448920
191. Morris, Joe 894601
192. Moss, George 990093
193. Multine, Oscar P. 875314
194. Murphy, Calvin H. 875360
195. Nagurski, Adolph N. 875384
196. Nahkai, James T. Jr. 831006
197. Nakaidinae, Peter Sr. 479861
198. Napa, Martin Felix
199. Negale, Harding 936842
200. Newman, Alfred 831007
201. Nez, Arthur 1000176
202. Nez, Freeland 875252
203. Nez, Israel Hosteen 479769
204. Nez, Sidney 894511
205. Notah, Roy 448914
206. Notah, Willie Anthony 875300
207. O'Dell, Billy 479877
208. Oliver, Willard V. 831008
209. Paddock, Layton 479871
210. Pahe, Robert D. 831114
211. Parrish, Paul A. 416414
212. Patrick, Amos Roy 936843
213. Patterson, David Earl 831043
214. Peaches, Alfred James 875372
215. Peshlakai, Sam 894440
216. Peterson, Joe Sr. 1000089
217. Pinto, Gaul (Guy) 831047
218. Pinto, John Senator 990189
219. Platero, Richard 894460
220. Preston, Jimmie 479801
221. Reed, Sam 875369
222. Roanhorse, Harry C. 831011
223. Sage, Andy 831012
224. Sage, Denny 818604
225. Salabiye, Jerry E. 1000024
226. Sandoval, Peter P. 831088
227. Sandoval, Samuel F. 831013
228. Sandoval, Thomas 831014
229. Scott, John 875415
230. Sells, John C. 936956
231. Shields, Freddie 894442
232. Shorty, Dooley 1000177
233. Shorty, Robert T. 831049
234. Silversmith, Joe A. 831015
235. Silversmith, Sammy 831050
236. Singer, Oscar Jones 990122
237. Singer, Richard 479774
238. Skeet, Wilson Chee 1000081
239. Slinkey, Richard T. 479727
240. Slivers, Albert J. Sr. 990068
241. Smiley, Arcenio 894508
242. Smith, Albert 831062
243. Smith, George 831063
244. Smith, Raymond R. 857535
245. Smith, Samuel Jesse 831073
246. Soce, George B. 831016
247. Sorrell, Benjamin G. 448905
248. Spencer, Harry 990197
249. Tabaha, Johnnie 990076
250. Tah, Alfred 479831
251. Tah, Edward 894676
252. Talley, John N. 831017
253. Tallsalt, Bert 990082
254. Thomas, Edward 990129
255. Thomas, Richard 894520
256. Thompson, Clare M. 875458
257. Thompson, Everett M. 818518
258. Thompson, Francis T. 537182
259. Thompson, Frank T. 403057
260. Todacheene, Carl Leon 831018
261. Todacheene, Frank Carl 990105
262. Tohe, Benson 537165
263. Toledo, Curtis 831051
264. Toledo, Frank 479759
265. Toledo, Preston 479757
266. Toledo, Willie 479756
267. Towne, Joseph H. 479721
268. Towne, Zane 479770
269. Tso, Chester H. 894413
270. Tso, Howard B. 894677
271. Tso, Paul Edward 990071
272. Tso, Samuel 818546
273. Tsosie, Alfred 831019
274. Tsosie, Cecil G. 831020
275. Tsosie, Collins D. 831021
276. Tsosie, Kenneth 831025
277. Tsosie, Samuel Sr. 479913
278. Upshaw, John 990099
279. Upshaw, William 875364
280. Vandever, Joe 831026
281. Wagner, Oliver 990162
282. Wallace, Stephan P. 1000022
283. Walley, Robert 831027
284. Werito, John 831052
285. Whitman, Lyman J. 894466
286. Willetto, Frank, Jr. 831029
287. Willetto, Frankie Chee 894509
288. Williams, Alex 875338
289. Williams, Kenneth 875370
290. Willie, George B. 875408
291. Woody, Clarence Bahi 990092
292. Yazhe, Ernest 448949
293. Yazhe, Harrison A. 875363
294. Yazza, Peter 875442
295. Yazza, Vincent 1000109
296. Yazzie, Clifton 894593
297. Yazzie, Daniel 831030
298. Yazzie, Eddie Melvin 521223
299. Yazzie, Edison Kee 875390
300. Yazzie, Felix 416408
301. Yazzie, Francis 1000101
302. Yazzie, Frank H. 990101
303. Yazzie, Harding 894480
304. Yazzie, Harold 537154
305. Yazzie, Joe Shorty 830962
306. Yazzie, John 990113
307. Yazzie, Justin D. 1000126
308. Yazzie, Lemuel Rev. 990062
309. Yazzie, Ned 990112
310. Yazzie, Pahe Denet 479773
311. Yazzie, Raphael 831053
312. Yazzie, Robert 831031
313. Yazzie, William 875347
314. Yellowhair, Leon 990100
315. Yellowhair, Stanley 818600
316. Yellowman, Howard 831032
317. Yoe, George 990119
318. Zah, Henry 894551

LISTED, BUT NOT CONFIRMED

1. Alfred, Johnnie 479728
2. Allen, Perry 818534
3. Becenti, Ned 448948
4. Begay, Edward 474862
5. Begay, Jimmie 419878
6. Begay, Johnson 965045
7. Brown, Ned 818534
8. Clark, Jimmie 830987
9. Fowler, King 990080
10. Gray, Harvey 448909
11. Jenson, Nevy 990178
12. Jose, Teddy 448913
13. Kennepah, Jessie 358451
14. Morgan, Herbert 448922
15. Morgan, Sam 831100
16. Nez, Howard 403039
17. Nez, Howard H. 831086
18. Otero, Tom 831009
19. Singer, Tom 448916
20. Smith, Enoch 998953
21. Sorrel, Jerome 448915
22. Tsosie, David W. 831022
23. Tsosie, Howard 964998
24. Tsosie, Howard J. 831024
25. Whitman, Joe Reid 831028
26. Wilson, William 567102
27. Yazzie, Charley H. 831054
28. Yazzie, Sam W. 990036

PENDING/WAITING FOR RECORDS

1. Anderson, Edward 956330
2. Brown, N.A. 964770
3. Burnside, Francis A. 548184
4. Curley, Rueban 875229
5. David, Alfred
6. Dooley, Richard 807198
7. Foster, Harold Y. 537154
8. Freeman, Edwin
9. Goldtooth, Emmett
10. Goodman, Billie 875280
11. Harthorn, Rodger 2314982
12. Jake, H.
13. Kien, William 831058
14. Leroy, George
15. Leuppe, Edward 381004
16. Nazwood, Johnson
17. Peterson, David 831043
18. Price, Joe F. 894626
19. Price, Wilson H. 358592
20. Sandoval, Merril Leon 831048
21. Tracey, Peter 257670
22. Tsosie, Woody B.
23. Visalia, Buster

NOT LISTED

1. Babiye, Don
2. Barber, Willie
3. Begaye, Flemming 830977
4. Bejay, Charlie
5. Burbank, Askee
6. Clauschee, Guy 990200
7. Hanigahnie Jake
8. Kent, Carl Henry
9. Livingston, ?
10. Lod(v?)ato, Joe T.
11. Martinez, Martin
12. Peshlakai, Wallace Jr.
13. Singer, William
14. Yazzie ?, Leon
15. Yazzie, Peter

It is with that I submit those names on a wonderful treasure from the Four Corners to America, and what they gave this country is so valuable. You look back on their life and what they gave us is immeasurable. What I would also like to do is honor them on today, the anniversary of Pearl Harbor; and I hope that we would look fondly on their attributes and what they gave to this great country because we are all great because of them.

I also want to take the liberty of acknowledging one other person. It's her birthday today. It's my mom. She turned 78. Happy birthday, Mom.

I yield back the balance of my time.

NAVAJO CODE TALKERS

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

Mr. LAMBORN. Mr. Speaker, on this, the 70th anniversary of the attack on Pearl Harbor, I want to recognize a group of unique Americans who made an invaluable contribution to winning the war in the Pacific—Native American Code Talkers.

John Werito of southwest Colorado was assigned to the 4th Marine Division in Maui, Hawaii. He first saw action when his division landed on Roi Namur, part of the Marshall Islands, then a Japanese stronghold.

From there, the 4th Division took Saipan where Werito was wounded. After recovering from his injuries, he took part in the invasion of Iwo Jima, where he was wounded a second time. He recovered from his injuries on a hospital ship at sea after refusing to be sent home to the U.S. because he wanted to be part of the invasion of Japan, should that be necessary.

Back home, Werito settled in Denver where he served as a letter carrier for the U.S. Postal Service. He passed away in 1983 and is buried at Fort Logan National Cemetery in Colorado.

Werito was posthumously awarded the Silver Congressional Medal of Honor in 2002. His widow, Rose, and children, Nellie and Michael, attended the ceremony in Window Rock, Arizona, on the Navajo Nation.

I thank Mr. Werito for his courage in fighting a brutal enemy in the Pacific.

The Code Walkers of all tribes are a special class of brave warriors who deserve our continued recognition.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. NADLER (at the request of Ms. PELOSI) for today and December 8 on account of a family matter.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 1541. An act to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1639. An Act to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.

ADJOURNMENT

Mr. LAMBORN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, December 8, 2011, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4176. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Christmas Tree Promotion, Research, and Information Order [Doc. No.: AMS-FV-10-0008-FR-1A] (RIN: 0581-AD00) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4177. A letter from the Management and Program Analyst, Directives and Regulations, Forest Service, Department of Agriculture, transmitting the Department's final rule — Community Forest and Open Space Conservation Program (RIN: 0596-AC84) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4178. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement (DFARS Case 2009-D036) (RIN: 0750-AG66) received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4179. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement (DFARS Case 2011-D050) (RIN: 0750-AH44) received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4180. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement (DFARS Case 2011-D053) (RIN: 0750-AH46) received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4181. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement (DFARS Case 2011-D031) (RIN: 0750-AH30) received November 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4182. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4183. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4184. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-B-1225] received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4185. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Virginia Graeme Baker Pool and Spa Safety Act; Incorporation by Reference of Successor Standard received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4186. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — NARA Records Reproduction Fees [NARA-11-0002] (RIN: 3095-AB71) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4187. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Monkfish; Framework Adjustment 7 [Docket No.: 101119575-1554-02] (RIN: 0648-BA46) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4188. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions;

Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Amendments 20 and 21; Trawl Rationalization Program; Correcting Amendments [Docket No.: 110721401-1470-01] (RIN: 0648-BB31) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4189. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Cod by Vessels Harvesting Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA759) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4190. A letter from the Deputy Assistant Administrator for Regulatory Services, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Correction [Docket No.: 100804324-1496-05] (RIN: 0648-BA01) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4191. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Snapper-Grouper Fishery of the South Atlantic; Closure of the 2011-2012 Recreational Sector for Black Sea Bass in the South Atlantic [Docket No.: 0907271173-0629-03] (RIN: 0648-XA686) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4192. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Western Pacific Bottomfish and Seamount Groundfish Fisheries; 2011-12 Main Hawaiian Islands Deep 7 Bottomfish Annual Catch Limits and Accountability Measures [Docket No.: 110711384-1534-02] (RIN: 0648-XA470) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4193. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Gulf of Mexico Reef Fishery; Closure of the 2011 Gulf of Mexico Commercial Sector for Greater Amberjack [Docket No.: 040205043-4043-01] (RIN: 0648-XA766) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4194. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA783) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4195. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Western Pacific Pelagic Fisheries; American Samoa Longline Gear Modification to Reduce Turtle Interactions [Docket No.: 100218104-1485-02] (RIN: 0648-AY27) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4196. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Crab Prohibited Species Catch Allowances in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA784) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4197. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustment to the Atlantic Herring Management Area 1A Sub-Annual Catch Limit [Docket No.: 0907301205-0289-02] (RIN: 0648-XA767) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4198. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Harvesting Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA790) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4199. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Harvesting Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA790) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4200. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Sub-ACL (Annual Catch Limit) Harvested for Management Area 1A [Docket No.: 0907301205-0289-02] (RIN: 0648-XA764) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4201. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod and Octopus in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA794) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4202. A letter from the Federal Liaison Officer, Patent and Trademark Office, transmitting the Office's final rule — Rules of Practice before the Board of Patent Appeals and Interferences in Ex Parte Appeals [No.: PTO-P-2009-0021] (RIN: 0651-AC37) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4203. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.:30809; Amdt. No. 3449] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4204. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Update List of Areas Included in ''North American Area''; Under IRC Section 274(h) (Rev. Rul. 2011-26) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4205. A letter from the Management and Program Analyst, Directives and Regulations, Forest Service, Department of Agriculture, transmitting the Department's final rule — Prohibitions — Developed Recreation Sites (RIN: 0596-AC98) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Agriculture and Natural Resources.

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. WEBSTER: Committee on Rules. House Resolution 487. Resolution providing for consideration of the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes (Rept. 112–317). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. BLACK (for herself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr. YOUNG of Indiana, Mr. CHAFFETZ, Mr. LANKFORD, Mr. MULVANEY, and Mr. STUTZMAN):

H.R. 3575. A bill to amend the Congressional Budget Act of 1974 to establish joint resolutions on the budget, and for other purposes; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL (for himself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr. GUINTA, Mr. ROKITA, Mr. CHAFFETZ, and Mr. STUTZMAN):

H.R. 3576. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to establish spending limits and deficit control; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RIBBLE (for himself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr. STUTZMAN, Mr. ROKITA, Mr. GUINTA, and Mr. LANKFORD):

H.R. 3577. A bill to establish biennial budgets for the United States Government; to the Committee on the Budget, and in addition to the Committees on Rules, and Oversight and Government Reform, 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. WOODALL (for himself, Mr. RYAN of Wisconsin, Mr. HENSARLING,

Mr. YOUNG of Indiana, Mrs. BLACK, Mr. LANKFORD, Mr. CHAFFETZ, and Mr. STUTZMAN):

H.R. 3578. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to reform the budget baseline; to the Committee on the Budget.

By Mr. CHAFFETZ (for himself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr. ROKITA, Mrs. BLACK, and Mr. STUTZMAN):

H.R. 3579. A bill to require greater accountability in spending in direct spending programs, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Rules, Education and the Workforce, 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. MULVANEY (for himself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr. ROKITA, Mr. STUTZMAN, Mr. CHAFFETZ, and Mr. LANKFORD):

H.R. 3580. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to provide for long-term budgeting, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Rules, Agriculture, Ways and Means, Energy and Commerce, and Education and the Workforce, 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. GARRETT (for himself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr. PRICE of Georgia, Mr. HUELSKAMP, Mr. CHAFFETZ, and Mr. STUTZMAN):

H.R. 3581. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to increase transparency in Federal budgeting, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia (for himself, Mr. GARRETT, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mr. CHAFFETZ, and Mr. STUTZMAN):

H.R. 3582. A bill to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANKFORD (for himself, Mr. RYAN of Wisconsin, Mr. HENSARLING, Mrs. BLACK, Mr. YOUNG of Indiana, Mr. CHAFFETZ, Mr. STUTZMAN, and Mr. BUCSHON):

H.R. 3583. A bill to amend title 31, United States Code, to provide for automatic continuing resolutions; to the Committee on Appropriations.

By Mr. OWENS (for himself, Mr. CONNOLLY of Virginia, and Mr. DEUTCH):

H.R. 3584. A bill to authorize the United States Postal Service to co-locate post offices at retail facilities and municipal buildings, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. PRICE of North Carolina:

H.R. 3585. A bill to amend the Federal Election Campaign Act of 1971 to require personal disclosure statements in all third-party communications advocating the election or defeat of a candidate, to require the disclosure of identifying information within communications made through the Internet, to apply disclosure requirements to prerecorded telephone calls, and for other purposes; to the Committee on House Administration.

By Mr. STEARNS (for himself and Mr. MATHESON):

H.R. 3586. A bill to amend the Public Health Service Act to limit the liability of health care professionals who volunteer to provide health care services in response to a disaster; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY (for himself and Ms. ESHOO):

H.R. 3587. A bill to amend title XIX of the Social Security Act to provide for the application of Medicaid prompt pay requirement to claims for payment for covered items and services furnished by any Medicaid health care entity; to the Committee on Energy and Commerce.

By Mr. WELCH (for himself and Mr. CHAFFETZ):

H.R. 3588. A bill to require the proposal for debarment from contracting with the Federal Government of persons violating the Foreign Corrupt Practices Act of 1977; to the Committee on Oversight and Government Reform.

By Mr. SMITH of New Jersey (for himself and Mr. ISSA):

H.R. 3589. A bill to authorize appropriations for fiscal years 2012 and 2013 for the Trafficking Victims Protection Act of 2000, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Ways and Means, and 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 Mrs. MALONEY (for herself, Mr. PALLONE, Mr. GUTIERREZ, Ms. BORDALLO, Mr. HONDA, Mr. FALEOMAVAEGA, Mr. GRIJALVA, and Mr. POLIS):

H.R. 3590. A bill to allow certain Indonesian citizens to file a motion to reopen their asylum claims; to the Committee on the Judiciary.

By Mr. DEFAZIO (for himself, Mr. HINCHEY, and Ms. SLAUGHTER):

H.R. 3591. A bill to recalculate and restore retirement annuity obligations of the United States Postal Service, eliminate the requirement that the United States Postal Service pre-fund the Postal Service Retiree Health Benefits Fund, place restrictions on the closure of postal facilities, create incentives for innovation for the United States Postal Service, to maintain levels of postal service, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO:

H.R. 3592. A bill to provide that the Postal Service may not close any post office which results in more than 10 miles distance (as measured on roads with year-round access) between any 2 post offices; to the Committee on Oversight and Government Reform.

By Ms. HAYWORTH (for herself, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. GRIMM, Mrs. MALONEY, Mr. RANGEL, Mr. SERRANO, Mr. ENGEL, Mrs. LOWEY, Mr. GIBSON, Mr. TONKO, Mr. OWENS, Mr. HANNA, Ms. BUERKLE, Ms. HOCHUL, and Mr. REED):

H.R. 3593. A bill to designate the facility of the United States Postal Service located at 787 State Route 17M in Monroe, New York, as the ''National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office''; to the Committee on Oversight and Government Reform.

By Mr. WALSH of Illinois (for himself, Mr. HUELSKAMP, Mr. GINGREY of Georgia, Mr. CONAWAY, Mr. POSEY, Mr. KING of Iowa, Mr. BARTON of Texas, Mr. WESTMORELAND, Mr. DUNCAN of South Carolina, and Mr. BROUN of Georgia):

H.R. 3594. A bill to express the sense of the Congress that the United States should not adopt any treaty that poses a threat to national sovereignty or abridges any rights guaranteed by the United States Constitution, such as the right to keep and bear arms, and to withhold funding from the United Nations unless the President certifies that the United Nations has not taken action to restrict, attempt to restrict, or otherwise adversely infringe upon the rights of individuals in the United States to keep and bear arms, or abridge any of the other constitutionally protected rights of citizens of the United States; to the Committee on Foreign Affairs.

By Ms. WILSON of Florida:

H.R. 3595. A bill to establish a mandatory mediation process for servicers of residential mortgages and borrowers; to the Committee on Financial Services.

By Mr. BISHOP of New York (for himself, Mr. MCKINLEY, Mr. MICHAUD, and Mr. GENE GREEN of Texas):

H.R. 3596. A bill to require a publicly available a list of all employers that relocate a call center overseas and to make such companies ineligible for Federal grants or guaranteed loans and to require disclosure of the physical location of business agents engaging in customer service communications; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, Armed Services, and Education and the Workforce, 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. BRALEY of Iowa (for himself and Mr. BOSWELL):

H.R. 3597. A bill to authorize the Secretary of Education to make grants to 10 institutions of higher education for the expansion of master's degree in physical education programs that emphasize technology and innovative teaching practices; to the Committee on Education and the Workforce.

By Ms. CLARKE of New York:

H.R. 3598. A bill to prohibit fees with respect to electronic benefit transfer debit cards used in connection with unemployment compensation; to the Committee on Ways and Means.

By Mr. HEINRICH (for himself, Mr. LUJÁN, Ms. BERKLEY, and Mr. MATHESON):

H.R. 3599. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, to provide full funding for the Payments in Lieu of Taxes program, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES (for himself and Mr. CLEAVER):

H.R. 3600. A bill to restore the Free Speech and First Amendment rights of churches and exempt organizations by repealing the 1954 Johnson Amendment; to the Committee on Ways and Means.

By Mr. KINGSTON (for himself and Mr. FARENTHOLD):

H.R. 3601. A bill to amend title III of the Social Security Act to require a substance abuse risk assessment and targeted drug testing as a condition for the receipt of unemployment benefits, and for other purposes; to the Committee on Ways and Means, 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. PAUL:

H.R. 3602. A bill to amend title 5, United States Code, to provide that an employee or Member who dies within the 2-year notification period with respect to a survivor annuity shall be presumed to have elected to provide a former spouse with such an annuity, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, 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. ROTHMAN of New Jersey:

H.R. 3603. A bill to authorize 150,000 incremental vouchers for tenant-based rental assistance under section 8 of the United States Housing Act of 1937 to help meet the housing needs of low-income families; to the Committee on Financial Services.

By Mr. YOUNG of Alaska:

H.R. 3604. A bill to amend the Alaska Native Claims Settlement Act to provide for equitable allotment of lands to Alaska Native veterans; to the Committee on Natural Resources.

By Mr. JONES (for himself, Mr. POE of Texas, and Mr. WHITFIELD):

H. Res. 485. A resolution expressing the sense of the House of Representatives regarding the declassification of information related to missing and unaccounted-for members of the Armed Forces; to the Committee on Armed Services.

By Mr. BECERRA:

H. Res. 486. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. BISHOP of New York (for himself and Mr. HANNA):

H. Res. 488. A resolution honoring Americans who served as volunteers for the United States Office of Civilian Defense during World War II; to the Committee on Armed Services.

By Mr. LAMBORN:

H. Res. 489. A resolution expressing the sense of the House of Representatives that the symbols and traditions of Christmas should be protected for use by those who celebrate Christmas; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mrs. BLACK:

H.R. 3575.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7.

By Mr. CAMPBELL:

H.R. 3576.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7.

By Mr. RIBBLE:

H.R. 3577.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7.

By Mr. WOODALL:

H.R. 3578.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7.

By Mr. CHAFFETZ:

H.R. 3579.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7.

By Mr. MULVANEY:

H.R. 3580.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7.

By Mr. GARRETT:

H.R. 3581.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7.

By Mr. PRICE of Georgia:

H.R. 3582.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7.

By Mr. LANKFORD:

H.R. 3583.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7.

By Mr. OWENS:

H.R. 3584.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, of the United States Constitution.

By Mr. PRICE of North Carolina:

H.R. 3585.

Congress has the power to enact this legislation pursuant to the following:

The General Welfare Clause, Art. I, Sec. 8, of the Constitution

By Mr. STEARNS:

H.R. 3586.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. BILBRAY:

H.R. 3587.

Congress has the power to enact this legislation pursuant to the following:

Under Article 1, Section 8 of the U.S. Constitution The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. WELCH:

H.R. 3588.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof

By Mr. SMITH of New Jersey:

H.R. 3589.

Congress has the power to enact this legislation pursuant to the following:

article 1, section 8 of the Constitution

By Mrs. MALONEY:

H.R. 3590.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 4, which reads: To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

By Mr. DEFAZIO:

H.R. 3591.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 ''To establish Post Offices & Post Roads''

By Mr. DEFAZIO:

H.R. 3592.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 ''To establish Post Offices & Post Roads''

By Ms. HAYWORTH:

H.R. 3593.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. WALSH of Illinois:

H.R. 3594.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14 of the United States Constitution.

By Ms. WILSON of Florida:

H.R. 3595.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution.

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. BISHOP of New York:

H.R. 3596.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. BRALEY of Iowa:

H.R. 3597.

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 18 of the United States Constitution.

By Ms. CLARKE of New York:

H.R. 3598.

Congress has the power to enact this legislation pursuant to the following:

This bill to prohibit fees with respect to electronic benefit transfer debit cards used in connection with unemployment compensation is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. HEINRICH:

H.R. 3599.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article IV, Section 3 of the United States Constitution.

By Mr. JONES:

H.R. 3600.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by the 1st Amendment of the United States Constitution, which states Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;

or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

By Mr. KINGSTON:

H.R. 3601.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact the Ensuring Quality Unemployment Insurance Program (EQUIP) Act pursuant to Article I, Section 8 of the Constitution.

By Mr. PAUL:

H.R. 3602.

Congress has the power to enact this legislation pursuant to the following:

The Spouse Equity Election Clarification Amendment Act is justified by Article 1, Section 8 of the constitution which vests all legislative authority in the United States Congress. This section clearly gives Congress the power to pass laws amending federal rules regarding benefits of federal employees and their current and former spouses.

By Mr. ROTHMAN of New Jersey:

H.R. 3603.

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 18 of the United States Constitution.

By Mr. YOUNG of Alaska:

H.R. 3604.

Congress has the power to enact this legislation pursuant to the following:

article 1 section 8 clause 3.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 87: Mr. FRANKS of Arizona.
H.R. 100: Mr. WOMACK.
H.R. 157: Mr. HANNA.
H.R. 210: Ms. WASSERMAN SCHULTZ, Mr. BUTTERFIELD, Mr. BISHOP of New York, Mr. CLAY, and Mr. ACKERMAN.
H.R. 374: Mr. DENHAM.
H.R. 452: Mr. BILIRAKIS.
H.R. 547: Mr. LANCE.
H.R. 594: Mr. SABLAN.
H.R. 664: Mr. DINGELL, Mr. BUTTERFIELD, and Mr. HIMES.
H.R. 665: Mr. FRANKS of Arizona and Mr. LABRADOR.
H.R. 721: Mr. WEBSTER.
H.R. 733: Mr. HOLDEN.
H.R. 735: Mr. GOODLATTE and Mr. HALL.
H.R. 835: Ms. LEE of California.
H.R. 889: Mr. MICHAUD.
H.R. 890: Ms. LEE of California.
H.R. 905: Mr. WITTMAN.
H.R. 920: Mrs. SCHMIDT, Mrs. BLACKBURN, Mr. WEST, Mr. BURGESS, Mr. FLEISCHMANN, Mr. WALSH of Illinois, and Mr. HUELSKAMP.
H.R. 1006: Mr. FORBES.
H.R. 1058: Mr. PASTOR of Arizona and Ms. BASS of California.
H.R. 1063: Mr. GENE GREEN of Texas.
H.R. 1148: Mr. JORDAN, Mr. WALBERG, Mr. DENHAM, Mr. DENT, Mr. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. SHIMKUS, Mrs. EMERSON, Mr. TOWNS, Ms. SCHWARTZ, Mr. BRALEY of Iowa, Mr. PETRI, Mr. RAHALL, Mr. NADLER, Mr. FITZPATRICK, Mr. BERG, Ms. BALDWIN, Mr. MARKEY, Mr. COFFMAN of Colorado, Mrs. LOWEY, Ms. BERKLEY, and Mr. LARSON of Connecticut.
H.R. 1175: Mr. OWENS.
H.R. 1206: Mr. HUELSKAMP.
H.R. 1288: Mr. SHERMAN.
H.R. 1375: Mr. ISRAEL and Mrs. DAVIS of California.
H.R. 1394: Mr. MORAN and Mr. ROTHMAN of New Jersey.
H.R. 1426: Ms. MATSUI.
H.R. 1449: Ms. SPEIER.
H.R. 1639: Mr. FORTENBERRY.
H.R. 1681: Mr. SIRES.
H.R. 1697: Mr. PEARCE.
H.R. 1734: Mr. HERGER.
H.R. 1735: Ms. MCCOLLUM.
H.R. 1783: Ms. WILSON of Florida.
H.R. 1802: Mr. KING of New York, Mr. BACHUS, and Mr. LATOURETTE.
H.R. 1831: Mr. FILNER.
H.R. 1897: Mr. BARTLETT, Mr. KEATING, Ms. MATSUI, Mr. LOBIONDO, and Mr. SARBANES.
H.R. 1905: Mr. LYNCH.
H.R. 1916: Mr. ACKERMAN and Ms. NORTON.
H.R. 1930: Mr. CARNAHAN.
H.R. 1946: Mr. CRAWFORD.
H.R. 1956: Mr. MANZULLO.
H.R. 2001: Mr. CARTER.
H.R. 2016: Mr. SHERMAN and Mr. LOBIONDO.
H.R. 2104: Mr. BRALEY of Iowa.
H.R. 2105: Mr. CHABOT, Mr. FRANKS of Arizona, and Mrs. ELLMERS.
H.R. 2269: Mr. HONDA, Mr. MILLER of North Carolina, Mr. FILNER, and Mr. ISRAEL.
H.R. 2299: Mr. FITZPATRICK.
H.R. 2414: Mr. CRAWFORD.
H.R. 2437: Mr. LOEBSACK.
H.R. 2446: Mr. MCHENRY.
H.R. 2457: Mr. FORBES.
H.R. 2492: Mr. PALLONE.
H.R. 2499: Mr. COHEN.
H.R. 2539: Ms. WATERS.
H.R. 2572: Mr. COHEN.
H.R. 2624: Mr. POLIS.
H.R. 2672: Mr. GUTHRIE.
H.R. 2701: Mr. SCOTT of Virginia.
H.R. 2742: Mrs. CHRISTENSEN.
H.R. 2753: Mr. SABLAN.
H.R. 2827: Mr. YODER and Mr. LATTA.
H.R. 2874: Mr. MULVANEY.
H.R. 2902: Mr. HINOJOSA.
H.R. 2913: Mr. SCHILLING and Mr. QUAYLE.
H.R. 2917: Mr. WESTMORELAND.
H.R. 2948: Ms. WATERS.
H.R. 2982: Mr. DEUTCH, Mr. KISSELL, and Mr. OLSON.
H.R. 3027: Mr. GEORGE MILLER of California.
H.R. 3032: Mr. LATHAM.
H.R. 3043: Mr. BURGESS.
H.R. 3059: Mrs. BLACK and Mr. GRIFFIN of Arkansas.
H.R. 3061: Mr. TURNER of New York.
H.R. 3066: Mr. DESJARLAIS.
H.R. 3083: Mr. SMITH of Washington.
H.R. 3086: Mr. RIVERA, Mrs. MCMORRIS RODGERS, and Mr. KILDEE.
H.R. 3104: Mrs. BLACKBURN, Mr. FORBES, Mrs. LUMMIS, Mr. WEST, and Mr. GINGREY of Georgia.
H.R. 3109: Mr. LANGEVIN.
H.R. 3125: Mr. DANIEL E. LUNGREN of California.
H.R. 3166: Mr. LATTA.
H.R. 3168: Mrs. MYRICK.
H.R. 3173: Mr. LUETKEMEYER.
H.R. 3179: Mr. KELLY, Mr. BARLETTA, Ms. WATERS, Mr. GIBSON, Mr. SCOTT of Virginia, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 3207: Mr. LANCE and Mrs. MCMORRIS RODGERS.
H.R. 3210: Mr. RUPPERSBERGER.
H.R. 3218: Mr. SOUTHERLAND.
H.R. 3225: Mr. BACA.
H.R. 3261: Mr. BACA and Mr. SHERMAN.
H.R. 3264: Mr. WALSH of Illinois and Mr. FRANKS of Arizona.
H.R. 3298: Ms. WATERS.
H.R. 3300: Mr. RANGEL and Mrs. MALONEY.
H.R. 3308: Mr. WALSH of Illinois.
H.R. 3310: Mr. KLINE and Mr. LATTA.
H.R. 3324: Mrs. LOWEY.
H.R. 3337: Mr. SMITH of Washington and Mr. NUGENT.
H.R. 3340: Mr. ROTHMAN of New Jersey.
H.R. 3364: Mrs. BIGGERT.
H.R. 3371: Mr. PRICE of North Carolina.
H.R. 3421: Mr. RAHALL, Mr. DEFAZIO, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. EDWARDS, Mr. SIRES, Mr. BARTON of Texas, Mrs. BIGGERT, Mr. WITTMAN, Mr. MCKEON, Mr. THORNBERRY, Mr. SAM JOHNSON of Texas, Mr. MCCLINTOCK, Mr. RIBBLE, Mr. HENSARLING, Mr. BURGESS, Mr. LUCAS, Mr. CASSIDY, Mr. BILIRAKIS, Mr. LANKFORD, Mr. AMODEI, Mr. ISSA, Mr. BROUN of Georgia, Mr. FLORES, Mr. FINCHER, Mr. BRADY of Texas, Mr. ROYCE, Mr. ANDREWS, Mr. DAVIS of Illinois, Mr. ACKERMAN, Mr. FALEMOAVAEGA, Mr. COSTA, Mr. ENGEL, Ms. HANABUSA, Mr. COSTELLO, Mr. BACA, Ms. MATSUI, Mr. NEAL, Mr. HINOJOSA, Mr. STARK, Mr. JOHNSON of Georgia, Mr. OWENS, Mr. LANGEVIN, Ms. HAHN, Ms. WATERS, Mr. AL GREEN of Texas, Mrs. NAPOLITANO, Mr. MARKEY, Ms. LORETTA SANCHEZ of California, Mr. LARSEN of Washington, Mr. CLEAVER, Mr. BERMAN, Mr. CUMMINGS, Mr. DONNELLY of Indiana, Ms. BASS of California, Mr. ADERHOLT, Mr. HONDA, Mr. CLAY, Mr. HIMES, Mr. CHABOT, Mr. LEVIN, Mr. MULVANEY, Mr. MILLER of North Carolina, Mr. SCOTT of Virginia, Ms. DELAURO, Mr. GALLEGLY, Mr. PERLMUTTER, Mr. PETERSON, Ms. PINGREE of Maine, Mr. SCHRADER, Mr. BARROW, Mrs. MCCARTHY of New York, Mr. CROWLEY, Mr. HASTINGS of Washington, Mr. KLINE, Mr. NEUGEBAUER, Mr. MICHAUD, Mr. VAN HOLLEN, Ms. LEE of California, Mr. WELCH, Mr. CLARKE of Michigan, Mr. CHANDLER, Mr. YODER, and Mr. CARNAHAN.
H.R. 3422: Mr. LABRADOR.
H.R. 3425: Mr. COURTNEY.
H.R. 3435: Mr. POLIS, Ms. FUDGE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. KEATING, Mr. CARSON of Indiana, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Mr. MCDERMOTT, Ms. BERKLEY, Mr. RUSH, Ms. HANABUSA, Ms. WILSON of Florida, and Mr. COHEN.
H.R. 3443: Mr. BISHOP of Georgia and Mr. GUTHRIE.
H.R. 3444: Mr. ROHRABACHER, Mr. JONES, Mr. FORBES, and Mr. DUNCAN of Tennessee.
H.R. 3474: Mr. DUNCAN of Tennessee.
H.R. 3483: Mr. GRIJALVA.
H.R. 3488: Mr. BENISHEK and Mr. JONES.
H.R. 3510: Mr. SMITH of Nebraska and Mr. SHULER.
H.R. 3516: Ms. DELAURO.
H.R. 3521: Mr. YOUNG of Indiana, Mr. CHAFFETZ, Mr. LANKFORD, Mrs. BLACK, and Mr. STUTZMAN.
H.R. 3536: Mr. RUPPERSBERGER, Mr. TOWNS, and Mr. WITTMAN.
H.R. 3538: Mrs. MCMORRIS RODGERS, Mrs. BLACK, Mr. MCCAUL, Mr. SCHWEIKERT, Mr. BENISHEK, and Mrs. ELLMERS.
H.R. 3545: Mr. BARLETTA.
H.R. 3550: Mr. FITZPATRICK.
H.R. 3551: Mr. ROKITA, Mr. LABRADOR, and Mr. WOODALL.
H.R. 3568: Ms. HANABUSA.
H.R. 3572: Mr. VAN HOLLEN, Mr. DEUTCH, and Mr. FRANK of Massachusetts.
H.J. Res. 80: Ms. SCHAKOWSKY.
H. Res. 365: Ms. PINGREE of Maine.
H. Res. 378: Mr. COHEN.
H. Res. 462: Mr. DAVIS of Illinois.
H. Res. 475: Mr. NUNNELEE, Mr. POE of Texas, Mr. JORDAN, Mr. BENISHEK, and Mr. WESTMORELAND.
H. Res. 480: Mrs. MILLER of Michigan and Ms. JENKINS.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative RUSH, or a designee, to H.R. 1633, the Farm Dust Regulation Prevention Act of 2011, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

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Senate

The Senate met at 11:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O mighty God, our hope for years to come, thank You for giving us this day to use for Your glory. From the morning Sun until the going down of the same, Your blessings provide us with confidence that our future is brighter than our past.

Today, as we remember Pearl Harbor and a day of infamy, we praise You for giving so generously to this Nation. Lord, You shower us with blessings without regard to our worthiness or importance. As we respond to Your blessings, infuse our lawmakers with a spirit of hope and purpose that they may do Your will in these challenging times. May Your spirit sustain them as they labor so that justice will roll down like waters and righteousness like a mighty stream.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 7, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business, with Republicans controlling the first 30 minutes and the majority the second 30 minutes.

As a reminder to all Senators, cloture has been filed on the Cordray nomination. That vote is expected tomorrow morning.

PEARL HARBOR

Mr. REID. Madam President, 70 years ago today the attack on Pearl Harbor changed our country forever. It also hardened our resolve to become a better, stronger nation, and that we have become.

An example is the USS *Nevada*, a great battleship that epitomizes the resiliency of our country. While in the port of Oahu on December 7, 1941, the battleship *Nevada* was hit by many bombs and a torpedo. Sixty American sailors died. Less than a year later, that great battleship returned to service and served valiantly for our country during World War II.

Today we honor the living Pearl Harbor veterans for their courage and sacrifice. Here in the Senate we refer to our Medal of Honor winner DAN INOUYE, and Senator AKAKA, and FRANK LAUTENBERG. All three served in World War II.

We also remember the nearly 2,400 Americans who lost their lives that day and the hundreds of thousands more who made the ultimate sacrifice during World War II. These servicemembers are heroes. They set a fine example for the men and women who protect our freedoms today, and none of us will ever forget their courage.

PAYROLL TAX CUT

Mr. REID. Madam President, the Republicans like to claim they are the party of the tax cuts, but as Democrats propose more tax relief—we propose it every day for working families—Republicans every day are showing their true colors. They only support tax cuts that benefit the rich.

Speaker BOEHNER and Senator MCCONNELL say they agree with Democrats, that we should prevent a $1,000 tax hike on middle-class families. A person running for President, Mitt Romney, agrees that we should extend the payroll tax cut. The former Speaker who is running for President, Newt Gingrich, says we should extend the payroll tax cut. But it has become clear that the caucus, led by the Speaker and by the Republican leader—that those they lead don't seem to be following them. Tea party Republicans oppose our plan to cut taxes for nearly every American family. But Republican leaders recognize that taking $1,000 out of middle-class pockets during these hard times is political suicide.

There are papers all over the country, but take this one as an example. ''GOP Is Split On Payroll Tax Cut. Objections To Surtax On Rich.'' Remember, the surtax is on the second million

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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dollars that people make. On the first million dollars, not a penny. On the second million dollars, the bill that we are going to vote on—probably Friday here, maybe Thursday—has a surtax for people's second million dollars of income of less than 2 percent.

The headlines go on to say ''Opposition Could Give Obama a 2012 Issue.'' Obama doesn't need a 2012 issue. Middle-class Americans do not need a tax increase. That is what this is all about.

It is very clear that there is a bitter division in the House with House Republicans. As you know, they were supposed to send us a bill today—or was it yesterday? They finally acknowledged late yesterday they could not send us anything. They cannot get an agreement even among the Republicans. They don't reach out to the Democrats at all. They want to do it with a majority of the majority, and they cannot get anything done.

So it seems to me, faced with this rebellion in the two caucuses, Republican leaders have two options: They can work with us to forge a compromise that will pass or they can move even further to the right to appease the tea party, because that is what this is all about. As we have seen before, when faced with a choice between the middle class and the tea party, Republicans will choose the tea party every time. We have seen before, when faced with a choice between the middle class and the richest of the rich, the Republicans choose the richest of the rich.

CONSUMER FINANCIAL PROTECTION BUREAU

Mr. REID. Madam President, tomorrow the Senate will vote on whether to move forward with confirmation of Richard Cordray, the nominee to head the Consumer Financial Protection Bureau, which is part of the Dodd-Frank bill.

The one thing that came out of that legislation—and certainly we understood with the financial meltdown that took place on Wall Street—is the banks need more control, not less. We also learned during that long debate that the American consumer had no protection whatsoever. The legislation we passed created the Consumer Financial Protection Bureau.

My Republican colleagues have signaled they are going to block Cordray's nomination but not because he is unqualified. You would think that if someone wanted to vote against him, it would be because he is too liberal, he is too conservative, he is too rich, he is too poor, he doesn't have the proper education, whatever you could come up with to find justification for voting against this man. That is not what they have done. For the first time I can ever remember—and my staff did research on this last night—for the first time in Senate history the Republicans are poised to block a qualified nominee solely because they don't like the Federal agency he will lead.

The Senate Republicans have no problem with Mr. Cordray. He has bipartisan support and a long history of fighting unfair practices by financial predators. Instead, Republicans are trying to cripple the new consumer agency altogether by depriving it of a director. Their attempts to hamstring the consumer watchdog will leave Americans vulnerable to scams and rip-offs that are going on as we speak and have gone on in the past. It is shameful that Republicans would leave consumers in the dark about the risk they face when making financial decisions, and they are doing it only to try to change a law that is the law of this land.

AFFORDABLE CARE ACT

Mr. REID. Finally, my first elected job, many years ago, was to an organization called the Southern Nevada Memorial Hospital. It was the largest hospital in the State. It was the largest hospital district. People ran at-large from Clark County, the Las Vegas area, and I was elected to that. It was my first elected job. When I took that job, there was no Medicare. In that hospital, when someone came who was old and did not have money, someone had to sign for them—a husband, a wife, father, mother, brother, sister, neighbor; someone signed. If that person did not pay after agreeing to pay, we had a large collection agency and we would go after those people. It was very difficult sometimes to collect that money, difficult in the sense it was hard to do, but, more importantly, it was difficult to do because you hated to go after people to pay these large hospital and doctor bills.

Medicare came into being before I left my job. It changed. Prior to Medicare, 40 percent of the seniors who came into that hospital had no insurance, and that is where they had to look to their friends and neighbors and relatives to take care of that bill. Today, after Medicare is the law of the land, virtually every senior citizen has the ability to go into a hospital anyplace in America.

For all of these many years, going on five decades, Medicare has been improving and extending the lives of seniors. The Affordable Care Act, legislation that my Republican colleagues tend to denigrate, Obamacare—let's talk a little bit about Obamacare today, the Affordable Care Act.

One thing that bill did is it extended the life of Medicare for 12 years. Medicare would stay strong for future generations and for retirees. That is one reason we passed that legislation.

Health care reform today is helping seniors by beginning to close the doughnut hole, the infamous doughnut hole for prescription drugs for seniors. This year; that is, 2011, because of the legislation we passed, Obamacare, more than 2.5 million Medicare recipients, including thousands of Nevadans, saved about $600 each on prescription drugs. That amounts to about $1.6 billion, thanks to this legislation. For some seniors on fixed incomes, those savings prevented difficult choices between literally food and medicine.

We also had a provision in that legislation that people could get wellness checks, screenings, and a checkup. More than 24 million seniors this year got free physicals because of health care reform. That is progress of which America can be proud.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

PEARL HARBOR

Mr. McCONNELL. Madam President, as the majority leader has noted, today is the 70th anniversary of the Japanese attack on Pearl Harbor. I have certainly had the opportunity, and many Members of the Senate may have as well, of visiting World War II era veterans when they come to Washington on what are called the honor flights, where veterans groups raise the funds to get these World War II vets up here to see the World War II Memorial. It is a great inspiration to see these members of the ''greatest generation'' who, indeed, saved America during World War II.

I remember in particular talking to an elderly gentleman—obviously they are all elderly at this point—who was at Pearl Harbor that day, and his describing the horror of the experience. So whether these World War II veterans served in Pearl Harbor or in Europe or in the Pacific theatre, we certainly remember their extraordinary contribution to saving this country, and today in particular.

For our parents' generation, they always remembered exactly where they were when they heard about the attack. For most of us, we remember exactly where we were when we heard about the Kennedy assassination, that moment that is seared in your memory of some extraordinary event; and, of course, for younger people, the 9/11 attack. Everybody remembers exactly where they were, and millions of Americans saw the second plane go into the second building in real time. But today we remember the attack, and we express our admiration and respect for the ''greatest generation.''

KEYSTONE XL PIPELINE

Mr. McCONNELL. Madam President, today the President welcomes Canadian Prime Minister Stephen Harper to the White House, and I would like to take the opportunity to say that I hope the Prime Minister is able to convince President Obama to reverse his recent decision to delay the Keystone XL Pipeline.

The President has said repeatedly that jobs are his top priority. He says he wakes up every morning thinking about how he can create jobs. Yet here is the single greatest shovel-ready project in America ready to go, and for some reason he is suddenly not interested.

I have a question: How is it that when it comes to taxpayer-subsidized jobs that may or may not materialize, the President tells us we can't wait, we have to do it tomorrow, but when it comes to private sector jobs that are ready to go immediately, he is in no rush? It doesn't make any sense, particularly when we look at some of the President's past statements.

Here are a couple of examples. President Obama said earlier this year:

> For those—just to give a background to folks, there are these tar sands in Canada that can produce oil. There is talk about building a pipeline into the United States to import that oil.

This is the President. He said:

> I will make this general point, which is that, first of all, importing oil from countries that are stable and friendly is a good thing.

That is the President, and I agree with him.

The President also said earlier this year—a statement of the obvious:

> We're still going to have to import some oil.

Boy, are we.

> And when it comes to the oil we import from other nations, obviously we've got to look at neighbors like Canada and Mexico that are stable and steady and reliable sources.

That was the President earlier this year.

So the President has correctly said, in my view, that he favors importing oil from allies and neighbors. Here is a project that would enable us to do that and do a lot more of it and create thousands of jobs in the process. What is the problem?

Last Friday, Americans woke up to the news that for the 34th month in a row, the unemployment rate in this country has stood above 8 percent—a period of joblessness not seen since the Great Depression. The least they can expect from Washington is that we will not stand in the way of people who want to hire. Yet that is exactly what they are getting from this President when it comes to this pipeline. This project has been under review for years—3 years—including two exhaustive environmental evaluations. By all accounts, the State Department was ready to give it the green light by the end of this year—this month.

What happened? Well, it appears Presidential politics got in the way. The President started getting heat from the environmental activists he is counting on to stuff envelopes next year, so he conveniently put off the decision until right after next year's election.

So if this episode tells us anything, it is that the President is clearly more concerned about getting himself reelected next year than getting somebody in Montana or Kansas or South Dakota or Missouri a job today. He is so determined to keep his liberal base happy, he is even willing to go against the labor unions that, by the way, are enthusiastically in favor of beginning this project right now.

What have they had to say about it? Well, the Teamsters put it this way:

> The Keystone Pipeline project will offer working men and women a real chance to earn a good wage and support their families in this difficult economic climate.

That is Jimmy Hoffa.

The AFL–CIO:

> For America's skilled craft construction professionals, any discussion of the Keystone XL project begins and ends with one word: JOBS.

The AFL–CIO further said:

> As many as 500,000 indirect jobs via a strong economic multiplier effect . . . without one single dollar of government assistance.

Isn't this what we are looking for? It doesn't cost the government anything. It creates jobs immediately. This is what we are looking for.

The Brotherhood of Electrical Workers:

> At a time when jobs are the top global priority, the Keystone project will put thousands back to work and have ripple benefits throughout the North American economy.

Laborers' International Union of North America had this to say: This is ''not just a pipeline, but is a lifeline''—not just a pipeline, but a lifeline—''for thousands of desperate working men and women.''

So what do we have here? We have a privately funded project that labor leaders are saying their members want up and running. But the President says this one can wait. Despite what he has said about importing oil from allies, despite what the labor unions say, the President wants to delay these jobs until after his election.

It is not just the unions and the Republicans who are asking for this project to move forward. Let's take a look at what some of the Democrats in Congress have said about it. There was a letter from 22 House Democrats to President Obama on October 19 of this year, and I will just read a few excerpts: ''America truly cannot afford to say no.''

Further in the letter:

> Mr. President, America needs the Keystone XL Pipeline.

Further in the letter:

> The Department of State's Final Environmental Impact Statement reaffirmed the findings of the two previous environmental impact statements, namely, that the Keystone XL Pipeline will have no significant impact on the environment.

Further in this letter from the 22 Democrats to the President they said:

> This represents a true shovel-ready project that would directly create 20,000 high quality domestic manufacturing and construction jobs for Americans who are desperately seeking employment.

That is 22,000 directly working for the pipeline. I have already described the spin-off benefits—the other jobs that would be created as a result of it.

Senator BAUCUS—right here in the Senate—Senator BAUCUS said:

> We need to put Montanans back to work and cannot afford further delays to the Keystone XL pipeline.

Senator TESTER said:

> It should not have to wait 14 months for an up-or-down decision.

The Montana Senators have it right. Americans can't wait for the next election. They want their jobs now—right now.

So it is my hope that Prime Minister Harper is able to convince the President to change his mind.

Congressional Republicans and Democrats stand ready to move forward on this project. We are prepared to do all within our means to get the Keystone XL Pipeline approved. There is literally no time for delay.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. I ask that we now move to morning business.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

MIDDLE CLASS TAX CUT ACT OF 2011—MOTION TO PROCEED

Mr. REID. Madam President, I now move to proceed to Calendar No. 251, S. 1944.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

> Motion to proceed to the bill (S. 1944) to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby

move to bring to a close debate on the motion to proceed to Calendar No. 251, S. 1944, a bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes:

Harry Reid, Robert P. Casey, Jr., Richard J. Durbin, Charles E. Schumer, Carl Levin, Debbie Stabenow, Kent Conrad, Joseph I. Lieberman, Dianne Feinstein, Jeff Bingaman, Tim Johnson, Daniel K. Inouye, John F. Kerry, Max Baucus, Daniel K. Akaka, Richard Blumenthal, Kirsten E. Gillibrand.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that we resume morning business under the previous order; further, that morning business be extended until 6 p.m. this evening with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. HOEVEN. Madam President, I ask unanimous consent to enter into a colloquy with my Republican colleagues during our morning business time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NORTH AMERICAN ENERGY SECURITY ACT

Mr. HOEVEN. Madam President, I rise this morning to discuss the North American Energy Security Act in a colloquy with my colleagues. Joining me will be our leader, Senator MITCH MCCONNELL of Kentucky, Senator KAY BAILEY HUTCHISON of Texas, Senator JOHNNY ISAKSON from the great State of Georgia, Senator MIKE JOHANNS from Nebraska, and Senator JIM INHOFE of Oklahoma. We are here to discuss a very solutions-oriented piece of legislation. It is about creating jobs. It is about creating energy security for our Nation. It is about good environmental stewardship. It is about all of these things and more.

We want to take this opportunity to discuss the legislation and encourage—to urge—our fellow colleagues to join with us to create jobs and opportunity for the American people. In a nutshell, this legislation clears the way for the Keystone XL Pipeline, which is a 1,700-mile pipeline that will run from Alberta, Canada, all the way down to the gulf coast region of the country, down to the refineries in the United States.

This blue line shows the route of the Keystone XL Pipeline. This red line shows an existing pipeline, the Keystone Pipeline, which was built very recently by TransCanada. It provides almost 600,000 barrels a day of crude to the United States. The Keystone XL Pipeline would provide more than 700,000 barrels a day of crude oil to our refineries. In addition, it will also haul domestic crude from States such as North Dakota and Montana.

It will put 100,000 barrels a day of our own light, sweet, domestic crude into the pipeline to bring it down for our needs in the country. It will also bring oil from places such as Cushing, OK, where we currently have backlogs to the refineries, as well. So it is also about moving oil within our country as well as bringing Canadian crude to the United States and to our refineries.

I mentioned it is a job creation bill. As our leader said just a minute ago, just the construction alone will put 20,000 workers on the job—20,000 workers on the job—just constructing the pipeline. The Perryman Group out of Waco, TX, has indicated more than 250,000 jobs. It is a huge job creator.

I yield to our leader, Senator MCCONNELL.

Mr. MCCONNELL. If the Senator will yield on that point, it is my understanding, and is it not correct, that these are not jobs sometime in the future but these are, in fact, jobs that just as soon as the President would sign off on this, this project is ready to go. We don't have to borrow any—the government doesn't have to borrow any money and they don't have to try to stimulate anything. This is a project, as I understand it, I would ask my friend from North Dakota, that is literally shovel ready and will not cost the government a penny?

Mr. HOEVEN. This is a project that is absolutely ready to go and will not cost the Federal Government one penny. It puts 20,000 workers on the job right away.

The hurdle was the route through Nebraska, but we have now worked with the State of Nebraska. They have had a special session. They have set up a process to clear that part of the route. Our legislation says within 60 days after passage of this bill the route is deemed approved. That is after 3 years of process through the EPA.

So we are ready to go. We have addressed the issues. We can put these people on the job now if we can get the Presidential approval.

Mr. MCCONNELL. In fact, I would say to my friend, the Senator from Nebraska is on the Senate floor with us right now. He could further underscore that the people of Nebraska, having now satisfied the concern they had earlier about location, seem to be ready to go.

Mr. JOHANNS. Madam President, I appreciate the opportunity to respond to the leader's comment and his question. The leader is absolutely right. The people of Nebraska, through their elected officials, have worked with the company building this pipeline in that they have resolved their differences.

The reason I support this legislation and have decided to be a cosponsor of the legislation is that this legislation respects the Nebraska process. It says there will be a process in Nebraska where we will site the pipeline in the best place. This legislation says that is fine. But what this legislation also acknowledges is, on the entire rest of the pipeline outside of the State of Nebraska, this is ready to be built today.

The President of the United States has had 3 years of background study and extensive environmental study, as the leader has pointed out, and nothing is going to change outside of the State of Nebraska. So work can begin today. There is just one person holding up that work. That is the President of the United States. With the stroke of a pen, he can turn this project loose. It will respect what is going on in Nebraska. Workers can be hired, the pipeline can be built, and those jobs can be literally provided today.

So I support this legislation. I am proud to be here this morning to say that and to thank the Senator from North Dakota, the minority leader, and all others who have worked with us to solve this problem. The problem is solved. We are ready to create the jobs. It is my hope the President will announce that he is ready to proceed to create these jobs for American workers.

Mr. MCCONNELL. Could I ask one further question of either or both of the Senators—and Senator ISAKSON as well.

I understand there is a suggestion that there may be political concerns on the President's part, and we all know that most environmental groups are very much on the Democratic side. But is it not the case that there are a number of unions in the country—most of which, certainly, do not support Republicans anywhere I know—that also feel passionately about this issue and would like to get to work? Is that not the case?

Mr. HOEVEN. I ask Senator JOHANNS, would he like to respond?

Mr. JOHANNS. I have worked on this issue for a number of months—actually, a couple of years. Here is the situation: Unions are ready to go to work. I talk to the locals in Nebraska on a regular basis, and they talk about unemployment numbers that are staggering, in the double-digits, which, in our State, is remarkable because we have an unemployment rate of 4.2 percent.

The unions are ready to go to work, bringing their skills and their talents to bear. The leader's observation is absolutely right.

For the environmentalists, on the other hand, it is not the pipeline, it is not the location, it is that they do not want the tar sands development to occur. So the President is on the horns of a dilemma. Part of his base, the unions, are saying: Create the jobs. There is already a pipeline. Let's go out there and do this in the most environmentally sensitive way we possibly can.

On the other hand, the environmentalists are saying: No, Mr. President. They have circled the White House. They have done all of these things. Well, the President solved this dilemma he finds himself in, in my judgment, by announcing he would just delay this until after the election.

Mr. McCONNELL. Could I ask the Senator from Nebraska a further question?

It strikes me—correct me if I am wrong—that America not going forward does not prevent this from happening, just in another country. And a good option for the Canadians might well be to just ship this product to China. Is that not correct?

Mr. JOHANNS. Well, in response to the leader's question, the Canadian Government has already indicated that if the United States is not a reliable purchaser and transporter of this commodity, they will have to look to other parts of the world, for example, China, to sell this product.

This will not stop the development in that area. In fact, it will push the development to a part of the world where the refinery process might take place with fewer environmental standards and, therefore, cause more environmental problems than if we build this pipeline and solve it. That is why from the very beginning I have said: Look, I am not opposed to the tar sands development. I am not even opposed to the pipeline in our State, now that we have solved the problem.

As I said, there is one person who can create these jobs today. That is the President of the United States. With the Prime Minister with the President, it would be a perfect opportunity to say: We do not have to wait until after the election. Let's create these jobs today. Let's put Americans to work.

Mr. McCONNELL. Just one final observation, and then I am going to leave the colloquy to all the rest of my colleagues. But it strikes me—and I wonder if my colleagues agree—this is about as close to a no-brainer as we will ever run into in America. There is no government money.

Mr. HOEVEN. I would ask Senator ISAKSON to join us at this point. He is here specifically to talk a little bit about the issue with oil sands development and China. So Senator ISAKSON, and then certainly Senator HUTCHISON as well.

Mr. ISAKSON. I thank Senator HOEVEN for the recognition, and I thank the leader for his remarks.

I just want to confirm what the leader just said by quoting from two recent articles. The first is from an article about Minister Oliver, who is Canada's Minister of Natural Resources, on his trip to Shanghai. Here is his quote:

> My mission to China is clear. I have come to raise awareness of the strength of Canada's natural resource sectors—as both an outstanding source of quality products and an attractive destination for investment.

Let me read one other quote that occurred shortly after that speech was made by the Canadian Minister of Natural Resources:

> A unit of China Petrochemical Corp., [known as] Sinopec, agreed to buy Daylight Energy Ltd., a Canadian oil and natural-gas producer, for 2.2 billion Canadian dollars . . .—China's second [purchase and second] foray into Canada's oil patch in [the last year].

So to confirm what the leader has said, and to confirm what Senator HOEVEN has acknowledged, this is not something we might fear happening later on. This is something happening now. If we default on the Keystone XL Pipeline now, we are giving a wide open year for the Chinese to come back to Canada, make those investments, tie down that oil, and encourage that pipeline to go—not to Houston, TX—but to Vancouver, Canada, and then on ships to China.

I ask unanimous consent that the full text of both of these articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Natural Resources Canada, Nov. 9, 2011]

MINISTER OLIVER PROMOTES CANADIAN ENERGY IN CHINA

''My mission to China is clear. I have come to raise awareness of the strength of Canada's natural resource sectors—as both an outstanding source of quality products and an attractive destination for investment,'' said the Honourable Joe Oliver, Canada's Minister of Natural Resources, while speaking today at the Canadian Chamber of Commerce in Shanghai.

The Minister has been in Beijing and Shanghai this week meeting with senior government officials and leaders of Chinese companies.

Minister Oliver met with Vice Premier Li Keqiang and discussed the role of investment and trade in energy and mineral resources in contributing to Canada's long-term strategic partnership with China. He also signed an agreement with the President of the Chinese Academy of Sciences, Professor Bai Chunli, to expand cooperation on science and technology in earth sciences and natural resources.

Over the last few days, Minister Oliver has held meetings with major Chinese energy companies including Sinopec, China National Offshore Oil Corporation and Petrochina to discuss Canada's enormous energy resources and attractive investment climate.

''As reaffirmed today in the International Energy Agency's 2011 World Outlook, global energy demand is expected to increase by one third from 2010 to 2035,'' said Minister Oliver. ''Given that Canada is also projected to be an ever-increasing contributor to global energy supply, our Chinese investors recognize the importance of getting into the Canadian energy market right now.''

The Minister discussed the Government of Canada's key strategic policy of diversifying Canadian energy markets and participated in a joint Canada-B.C. event with Canadian and Chinese industry officials to promote exports to China.

Minister Oliver met with Vice Chair Zhang Xiaoqiang of the National Development and Reform Commission on strengthening Canada's long-term strategic partnership with China through two-way trade and investment in energy and natural resources.

While in Shanghai, the Minister also toured the Jinqiao Wood Townhouse Demonstration Project, where he underlined the many benefits of Canadian wood-frame construction expertise for China.

This demonstration project is one of several in China funded by the Government of Canada to showcase the low-carbon, environmentally friendly and energy-efficient properties of wood-frame construction, and to assist China in meeting its national goals of reducing carbon emissions in new housing projects.

Minister Oliver continued to highlight the phenomenal growth in exports of wood products when he met with Vice Minister Qiu Baoxing, Ministry of Housing and Urban Rural Development, as well as with British Columbia Premier Christy Clark and Pat Bell, BC Minister of Jobs, Tourism and Innovation, to discuss trilateral cooperation on wood-frame housing in China.

Minister Oliver will now continue on to Tokyo and Sendai, Japan.

[From the Wall Street Journal, Oct. 10, 2011]

SINOPEC DEEPENS CHINA'S PUSH INTO CANADIAN OIL PATCH

(By Edward Welsch)

A unit of China Petrochemical Corp., or Sinopec, agreed to buy Daylight Energy Ltd., a Canadian oil and natural-gas producer, for 2.2 billion) Canadian dollars (US$2.12 billion)—China's second big foray into Canada's oil patch in recent months.

In July, Cnooc Ltd. agreed to pay just over $2 billion for bankrupt OPTI Canada Inc., in a rare move by a Chinese company to swoop in and swallow an entire company instead of tiptoeing in with a minority stake.

In the North American energy sector, in particular, Chinese companies have been wary of political fallout if they are seen as acting too aggressively in a sector that many consider to be strategic.

But the two recent moves suggest sensitivities in Beijing may be easing somewhat—at least regarding business in Canada. The federal government in Ottawa and its semiautonomous provincial counterparts have long welcomed foreign investment in the Canadian oil patch, which includes vast conventional oil and natural-gas reserves, but also the much more capital-intensive, oil-sands developments of northern Alberta.

Canadian companies, with relatively small domestic capital markets to fall back on, have relied on foreign investment—including from China—though more often that has come in the form of minority stakes in companies, or joint ventures in certain capital-intensive projects.

Last year, for instance, Sinopec bought ConocoPhillips' 9 percent stake in its large Syncrude oil-sands project in northeastern Alberta for $4.65 billion.

Recently, some Canadian politicians and businessmen have expressed new wariness over big foreign deals.

Ottawa rejected Australia-based BHP Billiton Ltd.'s $39 billion attempt to buy Potash Corp. of Saskatchewan Inc. last year. The Canadian government said the deal wouldn't bring enough economic benefit. However, a campaign against the takeover launched by the local government of Saskatchewan generated significant support from regional politicians and the public.

The Sinopec-Daylight deal will face the same sort of government review that other significant foreign deals undergo, including a federal sign-off. But it isn't expected to garner the same sort of scrutiny as the BHP-Potash bid.

Potash holds a significant chunk of the world's reserves of potash, a critical raw material in fertilizer. Critics used that market dominance to argue that Potash was a strategic asset that should remain in Canadian hands.

Daylight, meanwhile, is a relatively small energy competitor—one of scores of Canadian companies that hold just a thin slice of the country's overall petroleum reserves.

Daylight produces light oil and natural gas from properties in northeast British Columbia and northwestern Alberta. The company produced just 37,000 barrels of oil equivalents in the second quarter. But Daylight has accumulated a significant undeveloped land position in the emerging liquids-rich Duvernay shale-gas play in Alberta.

Sinopec is laying down a sizable premium for the deal. In a statement Sunday, Daylight, based in Calgary, said that Sinopec had agreed to buy the company for C$10.08 a share, representing a premium of 43.6 percent over the 60-day weighted average price of the stock ending Oct 7.

''We believe this transaction with [Sinopec] recognizes the highly attractive asset portfolio and exceptional team that we have assembled,'' said Anthony Lambert, the president and chief executive of Daylight, in the statement

Barclays Capital advised Sinopec on the transaction. Canaccord Genuity Corp. advised Daylight. Q02

Mr. HOEVEN. I thank Senator ISAKSON and ask the Senator if he has any more he wants to add. I know the Senator has to leave and is on a tight timetable.

Mr. ISAKSON. Just to thank the Senator for his leadership; the Senator's leadership on this issue has been outstanding.

Mr. HOEVEN. I thank Senator ISAKSON and thank him for being here.

I will turn to Senator HUTCHISON from Texas.

We have actually 40 Senators already on this legislation—40 Senators. It is bipartisan. This is something we absolutely need to move on. I spoke with the Canadian Ambassador today, Ambassador Doer. He talked about how they are already looking at Western routes to send this oil to China.

So this oil is going to be produced. It is going to be produced. The question is, Does it come to the United States and help us reduce our dependence on Middle Eastern oil? Does it come here and create thousands of jobs or do we send it to China where there will actually be more emissions because it will be refined in refineries that produce higher emissions?

We will also have the emissions of shipping product all around the world, not only shipping this oil to China but then we are going to continue to have to ship oil from places such as the Middle East and Venezuela. So we actually increase CO_2 emissions without this project.

Now, in Texas, of course, we have refineries, and Senator HUTCHISON is here to talk about just how important it is we bring this product down to our refineries in the gulf coast region.

Mrs. HUTCHISON. I thank the Senator from North Dakota because Senator HOEVEN has been a leader on this issue, knowing how important this find is, and how much more capacity we will have for affordable energy in our country if we can extend the pipeline.

This is a pipeline that is not just starting from Canada into the United States. The Keystone Pipeline was started in 2008. The initial line moves 590,000 barrels of oil per day from northern Alberta to points in Cushing, OK, and Patoka, IL. The XL extension—which is what we are talking about that is being held up by the State Department—is currently under review. It would expand the system by 700,000 barrels per day—so more than double what we are getting already—and bring the line further south to Texas.

Well, now, why is that important? It is because 25 percent of the refinery capacity in America is in Texas. It is in the gulf coast of Texas. That is where the refiners are. We are talking about producing now more affordable energy for all the consumers in our country by bringing it straight down and having it refined and sent back out to all points in America. Otherwise, what my colleagues have just been talking about—Senator ISAKSON and Senator HOEVEN—is that we will see Canada export this to other countries, whether it be China or other countries, and eventually it is going to be coming back into the United States much more expensively to be refined in Texas and sent out.

So specifically for Texas, it would put our State's 26 refineries into probably 24 hours' of business, which means lots of jobs in Texas. That 25 percent of U.S. production is approximately 5 percent of worldwide capacity. So we are talking about lowering the price of energy throughout our country and the world.

It would produce an estimated $2.3 billion in new spending and generate more than $48 million in new tax revenue for my state alone. It would result in 700,000 barrels of oil a day, as I have said. We know the Canadian find—the sands that have been found there—is the third largest capacity, next to Saudi Arabia and Venezuela, in recoverable oil in the world. So we have the third largest reserve in Canada and we know we have the ability to bring that oil down, have it refined, and go out to the United States because dependence on the Middle East and North Africa has certainly led to price spikes. Venezuela is certainly not a reliable partner right now and supply interruptions threaten our economy and our national security.

So the Keystone XL Pipeline would certainly be a boom to Texas and Texas jobs. But more than that, it is going to benefit every consumer of energy in America. It will more than double what we can buy from Canada, and think of the reliability of our Canadian relationship. The reliability of our trade and our relationship with our neighbor to the north, Canada, is among the most solid we have in all of the globe.

It is essential we build this pipeline. As the leader said earlier, this is a no-brainer—as close as you can get to a no-brainer for building our economy, creating jobs, and creating more tax revenue that will bring down the deficit we have heard so much talk about on the other side—but this would do it the old-fashioned way: by giving people the ability to provide for their families and contribute to the economy of our country.

That is the way we want to see increased revenue in this country: with more jobs and paying taxes, not collecting benefits because they cannot find work. It is right here, and it does not cost the government a dime because it is private investment that will bring this oil to the refineries and put it back out to the United States.

I urge the President of the United States to go to the State Department and say: Let this go. In lieu of urging the President, we have a bill that was started by Senator HOEVEN, with 40 sponsors, that will tell the President: Now is the time—it is long past due time—for us to create the jobs in this country that are not going to be taxpayer funded, that are going to be privately funded. They are going to create cleaner, better, cheaper, more efficient energy; and they are going to create jobs which people want in this holiday season and on into the future years.

So I thank my colleague from North Dakota for giving us this chance to tell the American people we have an answer to jobs and to bringing down the deficit and increasing revenue the way people want to: by providing for their families and paying taxes with the money they are earning. It is a win for everyone. I thank the Senator from North Dakota for leading this effort.

Mr. HOEVEN. I thank the Senator from Texas. Senator HUTCHISON is, as usual, not only eloquent but has hit the nail on the head. Looking across our country from North Dakota to Texas to Oklahoma, across our country we need these jobs. This is the way to get them, and we can get them now. We need our President to act.

This legislation is a solutions-oriented bill.

It is about job creation. It is about energy independence. It is about good environmental stewardship. We need to do it. I would like to now turn to my esteemed colleague from the State of Oklahoma, Senator INHOFE, who is the ranking member on Environment and Public Works. He has a tremendous background in energy, as does Senator HUTCHISON. I would turn to Senator INHOFE for his comments.

Mr. INHOFE. I do appreciate that. Sometimes we stand on the floor and we talk about jobs. But here is the evidence, Oklahoma has a big dog in this fight. Not only do we have Cushing—when the Senator from North Dakota talked about Cushing, that is Cushing, OK, right there on his map. That is kind of a choke point in this pipeline. They all kind of converge. There is no way of getting down to Texas without getting through what we have in Oklahoma.

But more so, if you do not think this is a jobs bill, you have a very famous Oklahoman working in your State. I would say Harold Hamm is probably

the No. 1 producer out there today. I have talked to him. Do you know what his biggest problem is in North Dakota? His biggest problem is he cannot find anyone to work. They are full employed up there. What better evidence is there that this solves the problem—that this is a jobs bill—than the jobs in North Dakota?

I think there is something sadly lacking in this debate, though; that is, that this is just an extension of what this administration has been trying to do. They have been trying to kill fossil fuels from the very beginning. Let me quote Alan Kruger, who is chair of the President's Council of Economic Advisers. He says: ''The administration believes that it is no longer sufficient to address our nation's energy needs by finding more fossil fuels.'' He wants to kill fossil fuels.

Steven Chu, the Energy Secretary said: ''Somehow we are going to have to figure out how to increase the price of oil to be equal to that in Central Europe.'' That is $8 a gallon. He is trying to wean us off fossil fuels. We cannot run this machine called America without it.

I only wanted to mention that, and I appreciate the Senator from North Dakota talking about the Environment and Public Works Committee. It has been an effort of this administration through the backdoor, through regulation, to do away with fossil fuels. The boiler MACT—MACT, by the way, means Maximum Achievable Controlled Technology.

By increasing the emission requirements on boilers and on utilities, we are talking about around $83 billion a year of cost. Compare that to the cap and trade. Cap and trade right now is—and we have gone through this on the floor with all these bills trying to have cap and trade and the greenhouse gases and all that. The cost of that is between $300 and $400 billion a year. That is more than all the other regulations combined.

It is all aimed at one thing. What is that one thing? To stop fossil fuels. Of course, when we talk about my State of Oklahoma being kind of the choke point, as the Senator has pointed out in his chart over there, I say to my good friend from North Dakota, we have done an analysis of jobs just in my State of Oklahoma. By the construction of the Keystone XL, that would be 14,000 new jobs just in Oklahoma—just in my State—and an increase of personal income by $847 million.

So this is a huge thing that we have in my State of Oklahoma. Cushing just happens to be the crossroads. That is where they all come together. They are clogged up now. As the Senator pointed out, they cannot do anything. Their hands are tied because they are in total capacity right now.

It should be a no-brainer. But the problem is there is one man, as the Senator from Nebraska said, one man can make this a reality, the President of the United States. He has made it very clear he does not want to do anything to help fossil fuels in America. It is a political problem we have.

Mr. HOEVEN. If I may, I would like to ask the esteemed Senator from Oklahoma to talk for a minute on the subject of how we create that environment that gets job creation going. I think this project is a perfect example of what we are talking about. We have to create an environment—a legal, tax and regulatory environment—that empowers private investment, not government spending but private investment, to get job creation going.

Here we have a regulatory issue, where we just—TransCanada has worked for 3 years to meet the environmental process. Most recently, the problem was in Nebraska, the Sand Hills area of Nebraska, the Ogallala aquifer. But now we have come up with a solution to make sure we deal with that issue. So we have cleared that process.

That means this project is ready to go as we have just described. Leader MCCONNELL just a minute ago talked about how the labor unions strongly support this project. I can go through that whole list as well. In addition, the U.S. Chamber of Commerce says: Let's go. We support this project. So we have 40 Senators, bipartisan, labor unions, Chamber of Commerce.

Here is an another interesting statistic. This example is such a good example of what we are talking about. I ask the Senator from Oklahoma to maybe expand on the point. But the U.S. Chamber of Commerce last year released a study identifying 351 stalled energy projects nationwide costing the American economy $1.1 trillion in lost income impact, and nearly 2 million jobs annually.

My point is this: We have to find a way to empower private investment to get job creation going. The esteemed Senator from Oklahoma is ranking member on Environment and Public Works. He sees this every day. But without more government spending, the secret to unlocking jobs in this country is to empower the investment. I would ask if the Senator from Oklahoma can address that for just a minute because I think this project is such a perfect example of what we are talking about.

Mr. INHOFE. It is, and this is something that is understood. The term a ''no-brainer'' has been used several times because we do not have to think this through. One of the problems I have had—back when Republicans were a majority, I chaired the Environment and Public Works Committee. That has jurisdiction over the Environmental Protection Agency, which has been making every effort to overregulate, to the extent—we know everybody knows of the spending crisis we have, the deficit and the debt and all that. They do not understand the overregulation actually costs us more than all these fiscal issues combined.

I mentioned just a few of those. I can recall, before the Senator from North Dakota was in this body, back during the Kyoto treaty—in the Kyoto treaty, they were trying to get this through to have a type of cap and trade, something that they said somehow greenhouse gases were going to cause catastrophic global warming and all that. That went down the tubes. Then they started introducing legislation to do the same thing. Then we had—and I appreciate the honesty of Lisa Jackson, who is the Administrator of the Environmental Protection Agency, when she came out and said: No, if we were to have this strictly in the United States, it is not going to reduce the emissions.

This is kind of a long way around. The point I am trying to make is, it is very difficult for people to understand. Just the cap and trade this administration is trying to do through regulations, because they could not do it through legislation, is going to end up having the same effect: kill fossil fuels. That is what they are trying to do.

But the point the Senator from North Dakota is making is that is kind of complicated. That is hard to understand. This is not. This is already out there. As I mentioned, just in my State of Oklahoma alone, 14,000 new jobs. Who would be against it? The only ones against it are people who do not want to keep this machine running in America because they know they cannot do it without fossil fuels.

Maybe someday that will be different. It is not different today. The way to get it down, to bring it down, is through this pipeline. I am very selfish. It is not just the country; I have 20 kids and grandkids right there in Oklahoma who are depending on us doing what we are supposed to be doing.

Mr. HOEVEN. I thank the esteemed Senator from Oklahoma. He is so right. That is what it is all about. It is about putting people back to work. It is about American ingenuity, private investment. It is about getting this economy going.

We have to find ways to save dollars, to reduce the spending that has gotten out of control. But a big part of getting out of the deficit and the debt is getting people back to work and getting this economy rolling. We are talking about a project that will create 20,000 construction jobs right upfront, 250,000 permanent jobs, $600 million in State and local tax revenues.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator's time has expired.

Mr. HOEVEN. This is a project that reduces our dependence on oil from the Middle East. This is a project that provides better environmental stewardship, as we have described. This is a project where we need to move forward. This body needs to be about solutions. This is a solution. We need to act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

RICHARD CORDRAY NOMINATION

Mr. WHITEHOUSE. Mr. President I come to the floor to speak in support of President Obama's nomination of Richard Cordray, from Ohio, to be the Director of the Consumer Financial Protection Bureau. He is a former attorney general, former solicitor general, and former State treasurer of Ohio.

He is unquestionably well qualified to take on the position for which he has been nominated. Unfortunately, we are stuck in a Republican filibuster of Mr. Cordray's nomination. Sometimes there is a hidden ulterior motive around here. In this case, there is a stated ulterior motive: to weaken the new agency's power to protect consumers.

Republican obstruction of Mr. Cordray's nomination has nothing to do with Mr. Cordray himself. Former Republican Senator and current Ohio attorney general Mike DeWine has called Mr. Cordray very well qualified for this job. Just last month, eight Republican attorneys general colleagues of his joined 29 Democratic attorneys general in writing to Leaders REID and MCCONNELL with their support for Mr. Cordray's nomination.

Mr. Cordray has been endorsed by groups as varied as the AFL–CIO, the Credit Union National Association, the National Fraternal Order of Police, and the AARP. But notwithstanding widespread bipartisan support on Main Street, Senate Republicans are seeking to prevent Mr. Cordray from taking office as a service to Wall Street.

As one Republican member of the Senate Banking Committee said: ''My colleagues and I stand by our pledge that no nominee to head the CFPB will be confirmed by the U.S. Senate regardless of party affiliation without basic changes to the Bureau's structure.''

What are these basic changes? The basic changes the Republicans have demanded include: making the agency subject to the budgetary influences of Congress, which given the way Congress is behaving is a way of allowing the influences of Wall Street to come through and control it, and also replacing the Director's position with a board that would ensure that Wall Street is represented.

These are not constructive changes. These are an attempt to weaken a regulator designed to protect consumers. I hope my Republican colleagues will reevaluate their filibuster of Mr. Cordray's nomination. But in the event they do not, let's take a moment to review the consequences for the American people.

As many of our constituents know, in Rhode Island and in Minnesota, we established the CFPB in the Wall Street Reform and Consumer Protection Act as a new agency to protect American consumers from misleading and potentially ruinous financial products. After the subprime mortgage catastrophe, the logic behind that is pretty clear. We designed this new agency to be for mortgages, credit cards, student loans, debt collection, credit reporting—what the Consumer Product Safety Commission is for toaster ovens, toys, baby strollers, batteries, and swimming pools.

Harvard law professor Elizabeth Warren first proposed such an agency, and I was very proud to cosponsor Senator DURBIN's original Financial Product Safety Act of 2009, which was the first bill to bring Professor Warren's idea to the Senate.

We designed the CFPB to investigate consumer financial products and gave it the power to make rules ensuring that financial products are transparent and fair, including, for the first time, providing Federal oversight of previously unregulated loans and financial services from nonbank financial institutions. Those institutions are often the ones that get regular Americans in deep and unexpected trouble because of tricks and traps in those contracts.

When you look at the length and the amount of fine print in consumer contracts and when you look at the extent to which different traps and tricks get hidden in all that fine print in order to catch consumers in things they weren't aware of and would not accept if they had been aware of them, the reason for this oversight is obvious to most Americans. Indeed, it is my contention that Americans in today's society are the most bedeviled group of humans in history by fine print. Everywhere you go, you find fine print filled with tricks and traps that fool you, that kick up your interest rate or give away rights that you have. So what we want is a little bit of a fair shot and a straight deal for the American consumer.

Under the temporary direction of the Treasure Secretary, the Consumer Financial Protection Bureau is actually already up and running. It is now regulating the largest banks in the country—those with over $10 billion in assets—as well as credit unions. Unfortunately, its authority to protect consumers from these other financial products will be unclear until there is a Director, which may be another motive for blocking a Director.

The Consumer Financial Protection Bureau is already out there looking out for American consumers to make sure big banks and credit unions are playing by fair rules, but it has not yet been able to regulate the nonbank companies, such as mortgage services, the private student loan lenders, debt collectors, payday lenders, and credit reporting agencies. While the Senate Republicans filibuster this nominee—a very qualified nominee, an indisputably qualified nominee—some of the worst financial actors in the country remain unaccountable for their deceptive and harmful practices. Predatory lenders near military bases continue to charge our servicemembers effective interest rates of up to 800 percent. Private student lenders continue to withhold clear information about repayment terms from young students taking out these loans. Debt collectors continue to bully and harass those who are on the edge of bankruptcy. So-called payday lenders continue to dupe senior citizens into taking out loans bearing triple-digit interest rates.

This is the status quo Senate Republicans are preserving by blocking Mr. Cordray's nomination. Consumer protection against these kinds of practices should not be a partisan issue. I really hope our colleagues across the aisle at least allow us to have an up-or-down vote on this nomination. The majority rules, so let's vote and let's go.

Every day that Republicans continue their obstruction, Americans from all walks of life—from students, to senior citizens, to our men and women in uniform—will continue to be subjected to unchecked and unregulated deceptive financial products. They will continue to be prey for predatory loan instruments.

Abusive lending practices that strip wealth from communities and purchasing power from consumers continue to hold back our struggling economy. Let's confirm Mr. Cordray so that he can begin the hard work of leveling the playing field for the American consumer and help ordinary Americans get a straight deal in our increasingly complex economy. I hope we will be able to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Mr. President, I am honored to join and associate myself with the remarks made by my colleague from Rhode Island, who has expressed forcefully and eloquently the reasons that I believe Richard Cordray should be confirmed in his nomination as Director of the Consumer Financial Protection Bureau.

This country faces a continuing financial crisis. We see it on the job lines, in the streets, and in our communities. That crisis can be traced to the same abuses that this new agency was created by the Congress to fight.

The laws are good laws. They are designed to protect consumers from those abuses and problems that led to this financial crisis. But the laws are dead letter, or meaningless, unless they are enforced vigorously and rigorously, unless consumers are protected not just in word but in deed. That is the reason we should confirm Richard Cordray as the Director of the CFPB.

The people in this agency are doing good work. They have the authority now to supervise some of the biggest banks, credit unions, and other financial institutions, but they need a Director to oversee the work of nonbank financial institutions, such as independent payday lenders, nonbank mortgage lenders, nonbank mortgage servicers, debt collectors, credit reporting agencies, and private student lenders.

Lest anyone think these are abstract or potential problems, they have only to look to their neighbors and friends

who are struggling to stay in their homes, seeking to pay their debts, and facing every day the continuing abuses in these areas. The bad actors may be among a minority of actors in this area, but they cannot be counted unless Richard Cordray is confirmed. I know from my experience that consumer protection laws are meaningless to ordinary Americans, as they are to citizens of Connecticut, unless there is vigorous enforcement of these laws.

Richard Cordray will bring to this job a unique set of qualifications. He has been involved at the local and State levels in working closely with community banks and credit unions, as well as other financial institutions, as a State and county treasurer. He understands the important role they play in small towns and communities. He knows how to work with institutions and the businesspeople who run them. He is realistic and sensible. He has common sense. He has had a positive experience—hands on—working at the local and State level.

I have worked with him personally as an attorney general, worked collaboratively with him—indeed, helping to start the investigation of the mortgage service abuses that have led to a nationwide inquiry and, hopefully, will lead to a nationwide solution. I know him to be a practical and sensible person who knows how to listen. Richard Cordray knows how to listen to people who are affected by the rulings he may make, the policies he may implement, and the people whom he may hire. Indeed, his nomination was praised by a former U.S. Senator and current attorney general, Mike DeWine, a Republican who defeated him in 2010.

Republicans in this body have made this issue a partisan one. It should not be. There is nothing partisan about debt collectors or mortgage services or others who may abuse the trust of consumers. There is nothing partisan about people who become victims of the abusive practices that continue, which we need the CFPB to counter. There is nothing partisan—or should be nothing partisan about this individual, Rich Cordray, who has dedicated his life to protecting ordinary men and women against the financial abuses the CFPB is designed to fight.

Blocking his nomination is, very simply, a way to stop the CFPB from ending abuse. It may be articulated in a variety of ways, using words such as ''accountability,'' ''rulemaking,'' ''structure,'' or ''authority'' as terms that are at issue. But the fact is that his nomination cries out for confirmation simply to implement the important laws that this body has passed, laws that remain dead letter as long as they are not enforced.

The men and women who are working in this agency now, under the leadership of Raj Date, are doing the best they can. They are making a difference. They are protecting, for example, our veterans. Holly Petraeus, who is head of the division in the agency designed to protect our veterans, is doing great work in that area. She deserves our support; she needs and merits our support. She and others in that agency need and deserve the support of this Congress and this body in confirming Rich Cordray.

I have worked with Rich Cordray. I know him as a man, as a public official, as a nominee. We will be losing a uniquely qualified person for this job if we fail to do the right thing and protect consumers from the continuing abuses of this industry.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

PAYROLL TAX CUT

Mr. CASEY. Mr. President, I rise to speak about the issue of the payroll tax and the tax cuts we are trying to enact, very similar to what we did last year when Democrats and Republicans came together at the end of the year, right before the holiday season, and said, we have to take action now to make sure we are doing everything possible to jump-start the economy.

One of the elements of that agreement last year—and, again, it was bipartisan—was a cut in the payroll tax. Just so people understand my point about this tax—and I will deal only with the employee side—we know that employees in the United States, when they make their payroll tax payment, it is 6.2 percent of their earnings. Last year we cut that from 6.2 to 4.2. It was the right thing to do and it had a positive impact. What I am trying to do now—and, again, I think this is bipartisan—is to not just do that again, but we want to cut it even more so that we can reduce it in half, so instead of paying 6.2, an individual would pay 3.1.

This is a very basic idea, and what we are trying to do are two basic things. No. 1 is to give folks out there more take-home pay—kind of dollars in the pocket. Last year, it was roughly $1,000 per worker. The impact on a family—the positive impact of that—is very significant. This year, we hope it will be greater. We hope we can enact something where the take-home pay savings are increased, depending on how one argues it, almost $1,500. Instead of being $900 or $1,000, for some folks it can be $1,500 or $1,400 or somewhere in that range.

The second point on this is peace of mind. We ought to take action here in a bipartisan way—and every once in a while we get this right—that will say to people, we are trying to do our best to understand what you are up against. We are trying to take actions here that will lead to economic growth and job creation.

One of the actions we can take is making sure we reduce the payroll tax so folks out there have more money in their pocket—more take-home pay—as they head not just into the holiday season but as they head into the new year in 2012. So it is about take-home pay and peace of mind.

We have made some progress in the last couple of months, when we consider where we have been and in trying to dig our way out of this great recession. Unfortunately, the progress we have made is far too modest, and the economic recovery right now is still very vulnerable, very fragile—pick your word, there are lots of ways to describe it. We need this tax cut to boost consumer spending.

A lot of the business folks I talk to in Pennsylvania, when I ask them if they want to hire, or if they want to increase their payroll, say, I want to, but I can't. I say, why can't you? They say, there is not enough demand out there. So one of the best ways—maybe the best way—to create demand in our economy is to have folks have more take-home pay.

As you can see from this chart on my left, when we look at the quarters, starting right here, we see minus 6.7 percent. That is the first quarter of 2009. Eventually, we have gotten to the point where we have started to have some growth. We have had nine straight quarters of GDP growth. But that is not enough—not nearly enough. It is movement in the right direction, but it has been barely positive, as you can see, even if you look at just the last year. This .04 is the first quarter of 2011. So even though we had almost 4 percent of good growth back in a couple of quarters in 2009 and into 2010, in the last three-quarters of 2011, we had .4 percent growth, 1.3 percent growth, and 2.0 percent growth.

What we have to do now is make sure the fourth quarter is stronger, as best we can, and we need to make sure, by the actions we take here, that 2012 is much better. We need to ensure we have stronger growth, and putting $1,500 of additional earnings into the pockets of 160 million workers, as I said before, will help substantially. I think that number should be repeated. When we talk about cutting the payroll tax in half and putting more take-home pay in people's pockets, we are talking about affecting 160 million workers in the United States.

Economists across the board have told us why this is so important. They have reported the payroll tax cut will create jobs and increase GDP—increase those numbers I referred to on the chart—and that failing to extend the tax cut will slow growth and lead to fewer jobs. Mark Zandi, of Moody's Analytics—one of the economists both parties have quoted over many years—estimates that not extending the current payroll tax cut—meaning allowing the payroll tax to go back up to the 6.2

percent, not cutting it in half—would reduce gross domestic product growth by .5 percent in 2012.

So instead of having positive growth, he is saying that if we don't enact and extend the payroll tax cut from last year, at a minimum we would be losing a half point of growth. That would be devastating to this economy.

Goldman Sachs has said similar things. They put the negative impact on GDP growth at as much as two-thirds of 1 percent in 2012. Most economists are in that range in terms of the adverse impact. RBC Capital Markets concludes that the hit to GDP next year of failing to act would be a full 1 percent.

So you have economists saying half a percent adverse consequence, two-thirds maybe, but at least among others saying a full percentage point. That would be devastating when we need to see growth at above 2 and hopefully even above 3. But that has been very hard to reach in the last couple of months.

I put this chart up on my left to highlight what Mark Zandi said. Here is his warning when discussing what could happen on the current payroll tax cut in effect right now, the 4.2 level that we are at right now from the cut from last year:

> We'd be in recession right now without it.

That is what he said about what we did last year in a bipartisan way. I would hope we could end this year on a high note, on a bipartisan note, and make sure we cut the payroll tax again and put more take-home pay in people's pockets.

Then here is Mark Zandi talking about if we don't extend, what could happen into the near future:

> We'll likely go into recession.

So says Mark Zandi. We can't afford to do that. The payroll tax cut has helped sustain the economic recovery this year, and it will strengthen the economy in 2012 if we reduce it again.

My bill not only extends it but increases it so that the per worker take-home pay increase, instead of being around $1,000, would be approximately $1,500.

We also know that cutting the tax leads to job growth. We know this from our experience, and we know this from recent history. At the end of 2010, Congress enacted the current payroll tax, cutting it from 6.2 to 4.2, and it took effect at the beginning of the year.

As we look at private sector job growth in 2011, we can see some of the impact of the cut. As we can see on the chart, if you look at the first couple of bars—even if you can't read the smaller print here—this depicts starting in January of 2011 what was the monthly change in private payrolls, meaning private sector job growth. January was only 94,000, not that great of a month in January 2011. But look at February: 261,000 private sector jobs added. Look at March: 219,000 private sector jobs added. And then April: 241,000. So you had an average of about 240,000 private sector jobs growing in those 3 months. When we got to May and June, of course, a lot of things happened which took that number way down. It slowed for a lot of reasons. One of them was the spike in oil prices, another was the effect on gas prices, and, finally, the earthquake in Japan had a terrible effect on our economy.

I am wrapping up here, but I want to make one more point about this. The American people are looking at us right now, watching what we do, and they are saying basically two things to us—at least the people in Pennsylvania, to me. They ask me one basic question: What are you doing to grow the economy and create jobs? What are you doing as an individual Member of the Senate? One of the ways I can respond affirmatively and positively is to say we have come together to reduce the payroll tax even more than we did last year to help you in your bottom line, so you have more take-home pay for you and your family.

The second thing they ask is, what are you doing to try to bring people together, to try to reach a bipartisan consensus? We have all got to try do that in our own way. This is about take-home pay and peace of mind. We need this tax cut in place to boost consumer spending, to create jobs, and accelerate economic growth.

I want to conclude with one thought about Social Security, because I know it has been raised by a number of folks the last couple of days.

I ask unanimous consent to have printed in the RECORD a letter addressed to Secretary of the Treasury Geithner and Director, Office of Management and Budget, Jacob Lew, dated December 6, 2011. It is signed by Steven C. Gross, Chief Actuary of the Social Security Administration.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY ADMINISTRATION,
OFFICE OF THE CHIEF ACTUARY,
Baltimore, MD, December 6, 2011.

Hon. TIMOTHY F. GEITHNER,
Secretary of the Treasury, Washington, DC.
Hon. JACOB J. LEW,
Director, Office of Management and Budget, Washington, DC.

DEAR MR. GEITHNER AND MR. LEW: We have reviewed the language in the "Middle Class Tax Cut Act of 2011" (S. 1944), introduced yesterday by Senator Casey. We estimate that the enactment of this bill would have a negligible effect on the financial status of the Old Age and Survivors Insurance and Disability Insurance (OASDI) program in both the near term and the long term. We estimate that the projected level of the OASI and DI Trust Funds would be unaffected by enactment of this provision.

Section 2 of the bill would make the following changes for payroll tax rates and OASDI financing: (1) for wages and salaries paid in calendar year 2012 and self-employment earnings in calendar year 2012, reduce the OASDI payroll tax rate by 3.1 percentage points, (2) transfer revenue from the General Fund of the Treasury to the OASI and DI Trust Funds so that total revenue for trust funds would be unaffected by this provision, and (3) credit earnings to the records of workers for the purpose of determining future benefits payable from the trust funds so that such benefits would be unaffected by this provision. For wage and salary earnings, the 3.1–percent rate reduction would apply to the employee share of the payroll tax rate. For self-employment earnings, the personal income tax deduction for the OASDI payroll tax would be 66.67 percent of the portion of such taxes attributable to self-employment earnings for 2012. Other sections of the bill would have no direct effects on the OASDI program.

Sincerely,

STEPHEN C. GOSS,
Chief Actuary.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CASEY. Mr. President, I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. The point of this letter is very simple. I won't read the whole letter, but here is the pertinent part of this letter from the Social Security Administration.

> We estimate that the projected level of the OASDI and DI Trust Funds would be unaffected by enactment of this provision.

What he is talking about there is Social Security would be unaffected. The trustee said last year the same thing. I won't add all this to the RECORD, but read the one sentence. This is page 33 of a report from last year:

> Therefore, this payroll tax cut is estimated to have no financial impact on these same trust accounts.

So it is abundantly clear that there is no impact on Social Security and, secondly, it is abundantly clear that passing a payroll tax cut again will boost job growth, strengthen the economy, grow the economy, and give American families some measure of peace of mind as we head into the holidays and head into the year 2012.

Mr. President, I yield the floor.

ATF'S LANNY BREUER

Mr. GRASSLEY. The Alcohol, Tobacco, Firearms is a division of the Justice Department. I have been investigating Alcohol, Tobacco, Firearms' Operation Fast and Furious for almost 11 months now. It is past time for accountability at the senior levels of the Justice Department. That accountability needs to start with the head of the criminal division, Lanny Breuer. I believe it is time for him to go, and I wish to explain why I have come to that conclusion.

The Justice Department denied, in a letter to me on February 4, 2011, that ATF had ever walked guns. Mr. Breuer had been consulted in the drafting of that erroneous letter of February 4, this year.

On May 2, 2011, rather than acknowledging the increasingly obvious facts and apologizing for its February letter, the Justice Department reiterated its denial on May 2, this year, the same denial of February 4th.

Thus, when the Justice Department revealed on October 31 of this year that

Breuer had known as far back as April 2010 about gunwalking at ATF, I was astounded. That was a shocking revelation.

The controversy about gunwalking in Fast and Furious has been escalating steadily for 10 months now. The Justice Department had publicly denied to Congress that ATF would ever walk guns. Yet, the head of the criminal division, Mr. Breuer, knew otherwise and said nothing. He knew the same field division was responsible for walking guns in a 2006–2007 case, and that case was called Wide Receiver.

But the real shock was how Mr. Breuer had responded within his own department when that earlier gunwalking was first brought to his attention in April 2010. He didn't tell the Attorney General. He didn't tell the Attorney General's Chief of Staff. He didn't tell the Deputy Attorney General. He didn't tell the inspector general. Instead, he simply told his deputies to meet with ATF leadership and inform them of the gunwalking:

> . . . so they know the bad stuff that could come out.

Later, his deputy outlined a strategy to:

> . . . announce the case without highlighting the negative part of the story and risking embarrassing ATF.

Think about that. In that case, saving face was more important than the bad policy.

For 18 months, the embarrassing truth about ATF gunwalking in Wide Receiver and Breuer's knowledge of it was successfully hidden. It only came out because of the congressional investigation into gunwalking in Fast and Furious.

The public outrage over Fast and Furious comes from the average American who cannot understand why their very own government would intentionally allow criminals to illegally buy weapons for trafficking into Mexico.

Next week, it will be 1 year since Border Patrol Agent Brian Terry was murdered by bandits armed with guns as a direct result of this policy of letting guns walk. The Terry family, and all Americans who sympathize with their loss, are rightfully outraged and astonished at their very own government doing such a thing. Yet, when Mr. Breuer learned of a case where ATF walked guns in a very similar way, all he did was give ATF a heads up. There seems to be a vast gulf between what outrages the American people and what outrages Lanny Breuer.

Mr. Breuer showed a complete lack of judgment by failing to object to the gunwalking that he knew about in April 2010, 9 months before I was ever aware of Fast and Furious. If Mr. Breuer had reacted to gunwalking in Wide Receiver the way most Americans reacted to gunwalking in Fast and Furious, he would have taken steps to stop it and hold accountable everyone involved. Consequently, Fast and Furious might have been stopped in its tracks and Brian Terry might be alive.

When Mr. Breuer came before the Senate Judiciary Subcommittee on Crime and Terrorism the day after those revelations, I gave him a chance to explain himself. I listened to what he had to say. He told us that he:

> . . . thought that . . . dealing with the leadership of ATF was sufficient and reasonable.

Clearly, it was not sufficient. Mr. Breuer even admitted as much, saying:

> I regret that I did not alert others within the leadership of the Department of Justice to the tactics used in Operation Wide Receiver when they first came to my attention.

He regrets not bringing gunwalking in Wide Receiver to the attention of the Attorney General. But what about bringing it to the attention of Congress? He didn't even step forward to express his regret until e-mails that detailed his knowledge were about to be produced under congressional subpoena.

It is astounding then that it took the public controversy over Fast and Furious to help the chief of the criminal division realize that walking guns is unacceptable. Yet he had had 9 months after the February 4 letter to step forward, correct the record, and come clean with the American public. He had 18 months, after learning of gunwalking in Wide Receiver, to put a stop to it and hold people accountable. He failed to do so.

During his testimony, I asked him pointblank if he reviewed that letter of February 4 before it was sent to me. His misleading answers to these questions formed the basis for my second reason for calling on Mr. Breuer to resign. He responded that he could not say for sure but suggested that he did not review the letter. He said, ''[A]t that time, I was in Mexico dealing with the very real issues that we are all so committed to.''

Last Friday, the Justice Department withdrew their February 4 letter to me because of its inaccuracies—and the word ''inaccuracy'' is their word. The Department also turned over documents under subpoena about who participated in the drafting and the reviewing of the letter. One can imagine my surprise when I discovered from documents provided Friday night that Mr. Breuer was far more informed during the drafting of that letter than he admitted before the Judiciary Committee. In fact, Mr. Breuer got frequent updates on the status of the letter while he was in Mexico.

He was sent versions of the letter four times. Two versions were e-mailed to Mr. Breuer on February 4, after he returned from Mexico, including the version of the letter that was ultimately sent to me that day. At that time, he forwarded the letter to his personal e-mail account. Mr. Breuer's Deputy also sent him two drafts of the letter while he was in Mexico, and he also forwarded one of those to his personal e-mail account. We do not know whether he did that in order to access it on a larger screen than the Government-issued BlackBerry or whether he engaged in any further discussion about the letter in his nongovernment e-mail account. However, we do know, in response to the draft received in Mexico, he wrote to one of the main drafters of the letter: ''As usual, great work.''

The Justice Department excluded Breuer's compliment about the context of the draft from the set of e-mails it released to the press on Friday, before they released those documents to this Senator.

That evening, Mr. Breuer submitted answers to written questions. He wrote:

> I have no recollection of having [seen the letter] and, given that I was on official travel that week and given the scope of my duties as Assistant Attorney General, I think it is exceedingly unlikely that I did so.

So as late as last Friday night, Mr. Breuer was still trying to minimize his role in reviewing the letter, despite all the evidence to the contrary. Why would Mr. Breuer say ''great work'' to a staffer about a letter he claimed he had not read?

It is not credible that someone such as Mr. Breuer would forget about his involvement in a matter such as this. Mr. Breuer's failure to be candid and forthcoming before this body irreparably harms his credibility. His complete lack of judgment and failure to deal with gunwalking when he first learned of it in April 2010 was bad enough, but this is the final straw. Mr. Breuer has lost my confidence in his ability to effectively serve the Justice Department. If he cannot be straight with the Congress, he doesn't need to be running the Criminal Division. It is time to stop spinning and start taking responsibility.

I have long said the highest ranking individual who knew about gunwalking and Operation Fast and Furious needs to be held accountable. That standard applies no less to officials who knew about gunwalking in Operation Wide Receiver. Gunwalking is unacceptable no matter when it occurred. Documents made clear that Assistant Attorney General Breuer was the highest ranking official in the Justice Department who knew about gunwalking in Operation Wide Receiver. He did nothing to correct the problem, alert others to the issue, take responsibility or even admit what he knew until he was forced to do so by the evidence. Therefore, I believe the Attorney General needs to ask for Mr. Breuer's resignation or remove him from office if he refuses. If Mr. Breuer wants to do the honorable thing, he would resign.

I am not somebody who flippantly calls for resignations. I have done oversight for many years, and in all that time I don't ever remember coming across a government official who so blatantly placed sparing the agency embarrassment over protecting the lives of citizens. He has failed to do his job of ensuring that the government operates properly, including holding people accountable.

Because of that, Mr. Breuer needs to go immediately. Anything less will show the American people the Justice Department is not serious about being honest with Congress in our attempt to get to the bottom of this.

In regard to my attempt to get to the bottom, just last night the Justice Department sent a letter refusing to provide several Justice Department staff for transcribed interviews. The letter explicitly goes back on the assurances I received when I consented to proceed with the confirmation of three senior Justice Department officials, which I had held up to get an agreement to get the information Congress is entitled to.

One of my conditions for agreeing to proceed with those nominations was that officials who agreed to voluntary interviews in this investigation would have either a personal lawyer present or a Department lawyer present but not both. I personally met with the Attorney General, and he had the conditions listed on a piece of paper in front of him. It looked as if he had read it and was familiar with it. Yet he never objected to that condition.

Dozens of witness interviews have been conducted under that understanding with no problem. The only difference is that instead of ATF witnesses, we are now seeking to interview Justice Department witnesses. What is good for the goose is good for the gander. There is no reason to change the rules in the middle of the game. I was relying on the Attorney General and other officials at the Department to honor their agreement. Apparently, that is not going to happen.

Fortunately, Chairman ISSA has the ability to require the witnesses to appear via subpoena if they refuse to appear voluntarily under conditions that the Department previously agreed to with me. I am confident he will do that if it becomes necessary, and I will take whatever steps I have to take in the Senate to encourage the Department to reconsider and stick to its original agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

THE CORDRAY NOMINATION

Mr. CARPER. Mr. President, I am delighted to stand before you on this Delaware Day, 2011. This is the anniversary of the day when, on December 7, 1787, Delaware became the first State to ratify the Constitution. For 1 week, Delaware was the entire United States of America. We opened up things in Pennsylvania and New Jersey, eventually New Mexico. For the most part, it has turned out well, especially the New Mexico part. We are happy to be here to celebrate this day with all our colleagues.

Later today, Senator COONS and I will return to regale our colleagues with more about what we started all those years ago and how it has turned out.

I wish to fast forward, if I could, though, to 2008. As the Presiding Officer will recall, during the aftermath of the 2008 financial crisis on Wall Street, one question which Congress repeatedly asked itself was: What can we do to prevent future harm from reaching Main Street? What can we do to prevent future harm from reaching Main Street?

This theme continued as we considered and ultimately passed in 2010 comprehensive financial regulatory reform regulation, which fortunately the majority of us, including myself, supported, the legislation now known as the Dodd-Frank law.

While none of us were able to agree on each of the elements of the Dodd-Frank law, and while some of my colleagues did not support it in the end, most us could agree we needed to do more to help protect American families and businesses from bad actors.

As a result, the Consumer Financial Protection Bureau was created. For the first time in history, one agency would be charged with overseeing consumer protection for Main Street Americans within the financial industry.

In July of this year, 5 months ago, Richard Cordray was nominated to be Director of the Consumer Financial Protection Bureau. Richard Cordray served for many years as the president pro tem of the Delaware State Senate before retiring roughly 10 years ago—a man now probably in his mid-70s. I was shocked to hear he had been nominated to head this new agency. It turns out it is another Richard Cordray. This Richard Cordray had been the attorney general of Ohio for a number of years. He was well regarded. He helped protect consumers, investors, retirees, and business owners to ensure that Americans on Main Street got a fair deal. At the time of his nomination, he was leading the Consumer Financial Protection Bureau's enforcement efforts. Mr. Cordray, former AG, is someone who has been intimately involved in getting the new bureau stood up and running and who brings key expertise to the table.

When we first passed the law, I suggested to the President, to Secretary Geithner, and others—I said I think there are three models they could choose from to pick someone to nominate to head this new bureau. No. 1, they could pick an academician; No. 2, they could pick somebody who has been a regulator or, in this case, attorney, an Attorney General; and the third, I said they might want to try to find somebody in the private sector who has run a significant financial service company but had a great, impeccable record, that of a ''white hat'' for consumer protection, for looking out for consumers, somebody who believes one can do well and do good at the same time. I thought those were the models. The administration looked at people in all three categories, including the latter one and ultimately decided, within the Consumer Financial Protection Bureau, they had Mr. Cordray. He had a good track record, and he was the person the President wanted to nominate. I think he has made a very good choice.

I talked to a number of my colleagues who sat in on hearings where he testified on his nomination and for the most part got good reviews from Republicans and Democrats here.

As my colleagues and I debate this nomination and ask ourselves is he qualified to do the job, I think the answer is yes. My colleagues on the Senate Banking Committee agreed, and 37 attorneys general from across the country, both Republican and Democratic, agreed.

However, today's debate has not been about whether Mr. Cordray is qualified to do this job; instead, the debate has focused on the structure of the new Consumer Financial Protection Bureau. In May of this year, 44 of my colleagues from the other side of the aisle sent a letter to the President saying they would block any nominee until structural changes are made in the new agency. This is before the President ever nominated Mr. Cordray. My colleagues want to see changes made such as replacing the Director with a board structure and subjecting the Bureau to the appropriations process. My colleagues, 44 colleagues in any event, pointed out that these structural changes would model the Bureau after already-existing agencies, while some of my other colleagues have also made the point that there are already existing agencies not subject to the appropriations process, such as the FDIC and the Federal Reserve.

What we have is a disagreement, one where colleagues on both sides of the aisle have what I believe are legitimate points. The Consumer Bureau was created in Dodd-Frank through a series of compromises. Rarely is any compromise perfect. The Presiding Officer and I have been involved in enough compromises over the years to know if, in the end, neither side is fully satisfied with the compromise, maybe we struck a pretty good balance, and I think that is the case here.

But the point of the Bureau is to put the consumer first, and I will be the first to admit that there is no such thing as a perfect law. I assume my colleagues who are here and back in their offices and at committee hearings would agree with that. If there are aspects to Dodd-Frank that can be tweaked and approved, we ought to do that. But at the end of the day, we must put financial protection of consumers above our disagreements and our personal preferences.

The longer we continue to constrain the Bureau by denying it a leader and only discussing the structural changes that some Members would like to see made, the greater the disservice to consumers across America. The Bureau's authority was created so that it would not just be limited to banks since those institutions are already regulated, as

are credit unions and bank-holding companies. The Bureau's authority is supposed to extend to nonbanks as well, nonbanks which provide a form of financial service, such as payday lenders and debt collectors.

Prior to Dodd-Frank, nonbank entities were subject to little, if any, Federal supervision. Yet their reach and use across our country is widespread. As a result, many unscrupulous actors were able to exploit loopholes and harm American consumers. That is not to say all payday lenders or all debt collectors are unscrupulous actors. They are not. They are not all out there to exploit the loopholes. But too many of them do, and they do so without the kind of supervision they should receive.

However, without a Director in place, the Consumer Financial Protection Bureau does not have the authority to supervise these very entities. This drastically undermines the very spirit in which the Bureau was created. It is not just the consumers who are harmed but our small community institutions as well. These community institutions want to see a level playing field where they can compete and where everyone plays by the rules. Consumers and businesses need certainty, and they need predictability. I hear that almost every day, especially from businesses. Without certainty, without predictability in a whole wide range of areas, we will continue to see our economic recovery hindered.

I think I have shared with the Presiding Officer a story that is germane today to this discussion, and it goes back to 7 or 8 years ago when I was working on clean air legislation to try to reduce the emission of sulfur dioxide, nitrogen dioxide, mercury, carbon dioxide, issues that we debate from time to time in the Committee on Environment and Public Works where we serve.

I remember one day we had seven or eight utility CEOs in from across the country to discuss the merits of different legislative proposals. Finally, one crusty old CEO of a utility down south said to me: Look, here is what you should do. You should figure out what the rules are going to be, use some common sense, give us a reasonable amount of time to comply with them, and get out of the way. That is what he said. I thought those were words of great wisdom, and not just for clean air legislation but also today.

We cannot afford to drag this disagreement out in perpetuity. We must empower this Bureau to look out for Main Street as was envisioned with the creation of the Bureau. We may have to look at the idea of a commission-based structure, and I would love to sit down with my colleagues from the other side of the aisle and discuss that option if the former General Cordray's nomination continues to be blocked later this week.

Right now we have the ability to move forward and to stand by our words and by the spirit of the law. We need to look out for every American with a mortgage, credit card, and those looking to send their kids to college. I hope my colleagues will join me in supporting Mr. Cordray's nomination. It is the right thing to do, and it is our opportunity to show the American consumers that we are putting them first, ahead of partisan politics, by governing as we were meant to do in the first place.

I see Senator WEBB of Virginia has joined us on the Senate floor. I will close, before turning it over to him, on a little brighter note. It is a gloomy day in our Nation's Capital. It has been raining, sometimes pretty hard. When I was walking up here from the train station it was.

I want to go back and talk about the issue of uncertainty and lack of predictability. I think the greatest impediment to getting our modest economic recovery going and turning it into a robust economic recovery is to address so much of the uncertainty and lack of predictability. It revolves around a bunch of issues. Can we demonstrate to those who question our ability to find the middle to reach across the aisle? Can we demonstrate the ability to govern? Are we able to demonstrate through an approach much like the Bowles-Simpson Deficit Commission plan the ability to get us back on the right track in terms of reducing our debt?

What is going to happen with the health care law? Is it going to be deemed constitutional or unconstitutional? What about the Tax Code? What is going to happen in a year from now, and what will happen to all of these tax provisions that expire at the end of this month? There is a lack of certainty and a lack of predictability, and we need to deal with that.

I want to mention two or three promising signs before I close. We have new job numbers for the month of November. The unemployment rate dropped down to 8.6 percent. Before we stand and celebrate that, there are still a lot of people we know who don't have a job and are looking for a job. A lot of people stopped looking for a job, and that is one of the reasons that number has dropped.

Here is the good news: There were about 120,000 private sector jobs created last month. About 100,000 jobs were created the month before and roughly 200,000 jobs the month before that. So that is roughly 140,000 jobs per month. We are actually starting to see growth occurring not just over a couple of months, but now for well over a year there has been private sector job creation. It is not the numbers that we like, but it is in the right direction.

The other thing we are seeing is a regrowth and rebirth of revitalization occurring in the manufacturing sector of our economy. Some of you may know that we have something called a manufacturing index. If it sits at 50, it means the manufacturing sector is not growing, and it is not shrinking. I think it has been over 50 for about 25 consecutive months.

We are seeing a resurgence of manufacturing in this country, which encourages me to believe that what the President is trying to do, to double exports over a 5-year period of time, is not just a pipe dream. It is something that might just happen. It is aided by the three free-trade agreements that we passed in the last month or two.

On those happier notes, I want to say thank you, Mr. President, for allowing me to talk about some leadership that is needed and the willingness to compromise if we cannot get Mr. Cordray confirmed this week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

PEARL HARBOR DAY

Mr. WEBB. Mr. President, 70 years ago today at 0745 in the morning in Hawaii—where it is now about 0840 in the morning—our country was attacked at Pearl Harbor bringing us into World War II. It was a war that had been ongoing in Europe for more than 3 years, and in Asia, in different forms, for a much longer period, probably 7 to 8 years.

This began a national effort that was historically unprecedented in its unity and in its vigor in which the United States astounded the world in terms of its capacity to respond to this attack on many different fronts. Our economic production was staggering by 1943. Our production schedule included 125,000 aircraft, 75,000 tanks, 35,000 anti-aircraft guns, and 10 million tons of merchant shipping.

During the course of that war, the productive capacity of this country gave our allied forces more than half of all of its armaments, including 86 percent of the armaments that were used in response to the Japanese attack on Pearl Harbor.

I rise today to express my thanks and my appreciation to the men and women of that generation who stepped forward and responded to the call of service in this period. During World War II more than 16 million Americans stepped forward to serve our country. In that period more than 400,000 of them died, including 291,557 who were killed in action. Another 670,846 were wounded in action. Out of those 16.1 million, today about 1.7 million World War II veterans remain alive. They are carrying the torch and the memory of this larger group who stepped forward and served and became known as the ''greatest generation.''

It is my profound pleasure and, quite frankly, my duty to remember all of them today. Among those 16 million who served, nearly 8 million were able to take advantage of the World War II GI bill. It was my honor to have introduced a similar GI bill on my first day in the Senate in 2007. Within 16 months, our body and the other body

had come together to agree on an educational package that would allow those who served since 9/11 to have the same chance at a first-class future as those who served during World War II. It is a program that will pay their tuition, buy their books, and give them a monthly stipend.

On this day of remembrance, for those who served during World War II, we should also remember that for every dollar that was spent on the World War II GI bill, our Treasury received $7 in tax reimbursements because of the ability of the ''greatest generation'' to have successful careers and to contribute to our economy.

So today I would just like to say, as one of many of us here who are the next generation from the ''greatest generation,'' how thankful I am for the service they gave and for the example they set when they returned from war. For many of us—me—they were our parents, they were our mentors, they were our role models, they were our leaders as we ourselves matured into leaders. They taught us how to love our country. They taught us how to value the notion of service. Their legacy is in every area of our society today.

We honor them and we should resolve, all of us, to continue in the traditions that were imbued in us by their sacrifices and the example they set when they returned from a most difficult war.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MUST-PASS LEGISLATION

Mr. CARDIN. Mr. President, I take this time because we are in the last, we hope, few days before we adjourn for the holidays. There are certain pieces of legislation we must get done before we leave town. We call these the must-pass bills that we have to make sure are enacted before Congress adjourns for the year.

One, of course, is what President Obama has been talking about. We need to deal with the payroll tax issue. We don't want to see middle-income families finding that on January 1 their paychecks—the actual amount of money they take home—are reduced. During this economic time, we want to make sure the money remains constant, and we don't want to see additional burdens placed on middle-income families.

We all know we have to deal with the Medicare extenders, including the physicians problem. We have a flawed system for reimbursing physicians that causes a substantial reduction in rates physicians receive—a 27-percent reduction. That would affect not only the fairness of our reimbursement system to our doctors, but it would also affect the access Medicare patients have to physicians. So we need to absolutely take care of that issue.

We have the Omnibus appropriations bill. I certainly hope that is going to be an appropriations bill so we can give some predictability through the remainder of this fiscal year. We have to get that done before we adjourn for the holidays.

We also need to pass the tax extenders. I know the Presiding Officer has been very actively involved in the energy extenders, knowing full well the importance not only to New Mexico but to our entire country. Those extenders need to be passed because, if not, we lose jobs. This involves the ability to move forward with sustainable energy projects that will mean jobs in our communities and energy self-sufficiency for America.

But I wish to take this time to talk about another must-pass bill before we adjourn for the year; that is, the extension of the unemployment insurance. It is absolutely essential that we get that done before Congress adjourns for the year.

I think we have to make it clear that this extension will mean providing the same number of weeks of unemployment insurance for those who are currently in the system—those who have lost their jobs—that we have had for the last couple of years for those who have been caught up in this economic downturn. We are not extending beyond what the unemployed have already received. So we are basically extending the current policy because we are still in a very difficult economic circumstance.

For every job that is open, there are four people who apply for it. So it is very difficult for someone who is unemployed to be able to find employment. As I know and as the Presiding Officer knows, if a person is unemployed and looking for work, it is much more difficult.

For all of those reasons, the right thing to do is to acknowledge that the number of weeks of benefits should not be reduced at this period, that those who are currently in the system who have lost their jobs should be able to get the same number of benefits that earlier unemployed people were able to get during this economic period. That is what this legislation would do.

Unemployment insurance is an insurance program. During good times, we pay more into the system. During economic downturns, we take the money out of the system. It is countercyclical so that we help our economy as well as help our families.

This is the right thing to do. This is the only lifeline for many families. This represents their ability to be able to put food on the table for their families or to keep their home from going into foreclosure or to pay their rent or to take care of their family needs. This is the right thing to do from the point of view of families who have been caught up in this economic period.

It also, by the way, would affect millions of our families. Over the next year, if we were not to extend the unemployment insurance benefits, it is estimated that 6 million families would be denied their full benefits that they are receiving currently—6 million families—and each one is a family in our community who would be adversely affected.

It also helps our economy. Mark Zandi, who was the economic adviser for then-Presidential candidate Senator MCCAIN, said that for every dollar we put out into the economy for unemployment benefits, we get back $1.61 in our economy. The multiplier effect of unemployment compensation is positive to our economy. So, once again, when we are trying to stimulate job growth, this helps us. How does it help us? The people who receive unemployment benefits visit our local shops, our small businesses in our communities, keeping our economy moving, keeping our path forward to job growth.

For all of those reasons—for the fact that it is the right thing to do for families and for what the intent of unemployment insurance is all about—it is the right thing for us to do because it helps our economy. This must be on our list of must-pass legislation. We have to get this done before we adjourn for the year.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

PEARL HARBOR DAY

Mr. INOUYE. Mr. President, today is December 7, 2011. Seventy years ago, something happened in Pearl Harbor. I shall never forget that day because it was a Sunday, and, as were many Americans, I was preparing to go to church. I was putting on my necktie and having a good time listening to delightful Hawaiian music. Suddenly, at about this time—1:55 p.m. here—the disc jockey in charge of that program began screaming, yelling into the mike. He was saying: ''The Japanese are bombing Pearl Harbor!'' He kept on repeating that. For a moment, I thought it was a repeat or replay of Orson Welles, which my colleagues will recall was the program that was a mighty hit in the United States.

The disc jockey kept on doing this for about 5 minutes—no music, just screaming—so I decided to take my father out on the street and look toward Pearl Harbor. We could see these black puffs, and then we knew what was happening. Suddenly, while watching these black puffs of explosions, we could hear a rumble just overhead, and there were three aircraft. They were pearl gray in color, and they had red dots on the wings. I knew what was happening, and I thought the world had just come to an end. Just about 2,400 American sailors and soldiers and noncombatants died that morning.

I was a young man of 17 at that time, but I was also a volunteer medical aid man. We had a little aid station—a temporary one—set up by the elementary school called Lunalilo. So I rushed there to respond to the call of duty, and I stayed there for about a week taking care of the wounded and the dead, because we also maintained a morgue on the school premises.

I became familiar with the cost of war—not the full cost, but I knew what was happening. The war was much more than just blood and guts. We have an extraordinary Constitution. We have an extraordinary set of laws. But throughout the history of mankind—not just the history of the United States but the history of mankind—war has always provided some justification for leaders to set aside these laws. For example, on just about Christmas Eve of 1941, about 3 weeks after December 7, the U.S. Government made a decision, and that decision was to provide a new designation for all Japanese residing in the United States. Citizens and noncitizens, such as my father, were given the new designation, which was 4–C.

As the Presiding Officer knows, 1–A means you are physically fit, mentally alert, and you can put on a uniform; 4–F means something is wrong with you; and 4–C is the designation for an ''enemy alien.'' Just imagine that—an enemy alien. This was used as one of the justifications to round up over 120,000 Japanese, most of them Americans of Japanese ancestry, and place them into these internment camps. There were 10 of them throughout the United States in very desolate areas—Arkansas, Arizona, Utah, out in the deserts. Their crime was they were ''enemy aliens.'' None of them had committed any crime. Investigation after investigation disclosed that. No sabotage, no espionage, no assault—nothing. They were rounded up and placed into these camps, which were described by our government as concentration camps. Yes, it was unconstitutional, but our leaders felt the war was a justification to set aside the Constitution and set aside the laws.

Well, many of us—especially the young ones—were very eager to demonstrate to our neighbors and to our government that we were loyal, that we wanted to do our part in this war, and, if necessary, put our lives on the line. We petitioned the government. Finally, after about a year of petitioning, President Roosevelt issued a statement saying: Americanism is not a matter of blood or color. Americanism is a matter of heart and soul. He said: OK, form a volunteer group. And that was done. We trained in Mississippi and we did our best.

The 100th Battalion, the 442nd Regimental Combat Team were assigned to do our battles in Europe. We fought in Italy and France. We started off the war with about 6,000 men. At the end, over 12,000 had gone through the ranks. So you can imagine the casualty rates. We had about 10,000 Purple Hearts for all the wounds they received. We were told that these two units became the most decorated in the history of the United States.

Yes, the bombing of Pearl Harbor 70 years ago began a period of my life when I became an adult and, I hope, a good American. It is something I will never forget. It changed my life forever.

Something of interest at this moment: 20 years ago, when we decided to make it a national event—the 50th anniversary of the bombing of Pearl Harbor—on that morning, the President was there. The Secretary of Defense, the Secretary of War, the Secretaries of the Interior Department, State Department—all of the important people of the United States were in attendance.

In preparation of this, we took a poll, about 6 months before December 7, and the poll was among high school seniors, well-educated young boys and girls. The question was a very simple one: What is the significance of December 7, 1941?

Mr. President, I am sad to report to you that less than half could respond. Most of them thought it was a birthday of some President or some historic date of some nature, but they could not recall what it was.

On this 70th anniversary, I wonder, if that poll were taken again, What would be the outcome?

Well, I hope we will remember December 7. I hope we will remember 9/11. That was just a few years ago. But people are beginning to forget 9/11, as well as forgetting December 7.

If December 7 is going to teach us anything, it should be that we must remain vigilant at all times—not just to avoid war but vigilant among ourselves so we would not use this as a justification to set aside our most honored document, the Constitution. I hope it will never happen again.

Mr. President, I thank you very much for this opportunity.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I am very moved by the words of the Senator from Hawaii—not only his words but the example he has set for all Americans of heroism and sacrifice and service to his country, and a most valued Member of the U.S. Senate but, more importantly, a genuine American hero.

I thank the Senator from Hawaii for his continued service and his continued inspiration to all Americans, especially those who are serving in the military today.

Mr. REID. Mr. President, would my friend yield for a brief statement.

Mr. MCCAIN. I would be glad to yield.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I, like my friend from Arizona, compliment my friend from Hawaii. But I think it speaks volumes to hear Senator JOHN MCCAIN talk about a hero. It is a hero talking about a hero. Far too rarely do we recognize these people whom we have the opportunity to serve with here in the U.S. Senate.

When I came here with Senator MCCAIN—we came at the same time—we had a lot of people who were war veterans. It is not the case anymore. But I so appreciate JOHN MCCAIN—a certified, unqualified hero—standing and talking about DAN INOUYE being a hero. This says, I repeat, volumes coming from someone who is a hero himself.

I have such admiration for both of these men. For someone who has never served in the military, to have the pleasure of being able to serve and work together with these two men will be something I will remember the rest of my life.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I am deeply touched by the kind and undeserved words of my old friend of many years, the distinguished majority leader. We have had our spirited combat and our agreements, but we share a commitment—the two of us—for the betterment of this Nation.

I also remind my friend from Nevada what he already knows, but I remind him, it does not take a great deal of talent to get shot down. I was able to intercept a surface-to-air missile with my own airplane, which will not go down in the Aviation Hall of Fame, not to mention the several aircraft I destroyed at taxpayers' expense in previous times.

So I thank my dear friend from Nevada, as well, for his kind words.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I appreciate the humility of my friend. I have heard him say words to this effect before. The fact is, what he did after the plane went down is what we all will remember. As long as our country is the country it is, we will always remember what happened after that plane went down, what JOHN MCCAIN did, setting an example for the world and certainly his country.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask to speak in morning business.

The PRESIDING OFFICER. The Senator is recognized.

RUSSIA

Mr. MCCAIN. Mr. President, I rise to speak about Russia, and to review—particularly, in light of the recent election in Russia and the relationship we have—the state of what this administration has trumpeted as a so-called reset of U.S.-Russia relations, especially in light of the flawed Duma election that occurred this weekend, and in light of my strong belief that the growing demand for dignity and uncorrupt

governance that has defined the Arab world this year may impact Russia as well.

Let me once again make clear that I am not opposed to U.S. engagement with Russia. I am not opposed to working consistently in good faith with Russia to find more ways to improve our relationship. To the contrary, we must continue to actively seek ways to cooperate with Russia in mutually beneficial ways. It is in our national interest to do so. And whatever can be said about the administration's policy toward Russia, no one can accuse them of a lack of sincerity and diligence in trying to increase cooperation with Russia.

I would simply ask, What has been accomplished? What has been the result of the administration's good-faith desire for a so-called reset of relations with Russia? The answer, I am afraid, is precious little. Yes, there have been some areas of progress, but even those minor steps may now be getting rolled back.

There has been a lot of news recently pertaining to our relationship with Russia and Russia's future development, which my colleagues may have missed. It is very important to spend some time today and review these new developments.

Let's start with the issue of missile defense.

My colleagues will remember the debate we had here last year over the ratification of the New START treaty. In that debate, we spent a lot of time discussing the Russian threat to withdraw from the treaty if the United States took any further steps to build up its missile defense capabilities. Specifically, the Russian Government stated that the New START treaty ''may be effective and viable only in conditions where there is no qualitative or quantitative build-up in the missile defense system capabilities of the United States of America.'' The Russian Government stated that in the ratification of the treaty. They went on to say that if those conditions were not met, Russia would exercise its right to withdraw from the treaty.

Many of us felt strongly at the time, and feel strongly now, that it was a mistake to ratify a treaty on which the two signatories had two completely antithetical positions about the implications of that treaty, particularly as it pertains to one of our most vital national security programs—our missile defenses. Some of us thought and argued at the time that the United States should not voluntarily sign up to a treaty that would likely be used by the Russian Government as a source of political pressure and blackmail to get us to make concessions on our missile defenses.

Well, here we are, 1 year later, and let's review some of what the Russian Government has been saying and doing in this regard.

On November 23, we read an article from Bloomberg entitled ''Russia Prepares to 'Destroy' U.S. Shield.'' This is what it said:

> Russian President Dmitry Medvedev ordered the military to prepare the capability to ''destroy'' the command structure of the planned U.S. missile-defense system in Europe.
>
> Russia may also station strike missiles on its southern and western flanks, including Iskander rockets in the Kaliningrad exclave between Poland and Lithuania, both members of the North Atlantic Treaty Organization and the European Union, Medvedev said on state television today.
>
> ''I have ordered the armed forces to develop measures to ensure, if necessary, that we can destroy the command and control systems'' of the U.S. shield, Medvedev said. ''These measures are appropriate, effective and low-cost.''

On the same day, we read the following in an article in the New York Times entitled ''Russia Elevates Warning About U.S. Missile-Defense Plan in Europe.'' I quote from the article:

> Russia will deploy its own missiles and could withdraw from the New Start nuclear arms reduction treaty if the United States moves forward with its plans for a missile-defense system in Europe, President Dmitri A. Medvedev warned on Wednesday.
>
> ''I have set the task to the armed forces to develop measures for disabling missile-defense data and control systems,'' Mr. Medvedev said. . . .
>
> But it was Mr. Medvedev's comments about the New Start treaty, put into effect this year, that suggested a darkening tone in what has been a steady drumbeat of warnings out of Moscow in recent days over the plans for a missile-defense system based in Europe.
>
> ''In the case of unfavorable development of the situation, Russia reserves the right to discontinue further steps in the field of disarmament and arms control,'' Mr. Medvedev said in a televised address from his residence outside Moscow. ''Given the intrinsic link between the strategic offensive and defensive arms, conditions for our withdrawal from the New START treaty could also arise,'' he said.

If all this were not troubling enough, we then read on November 28 an article from a Russian state news agency entitled ''Russia's NATO Envoy to Visit China, Iran, Over Missile Defense.'' Here is what was reported:

> Russian envoy to NATO Dmitry Rogozin will visit China and Iran in mid-January to discuss a U.S.-backed global missile defense network.
>
> ''We are planning to visit both Beijing and Tehran soon under the Russian president's directive, to discuss the planned deployment of a global missile defense network,'' Rogozin said during a roundtable meeting at the lower house of the Russian parliament.

On November 28, the Russian Government went even further, not just using the New START treaty to try to blackmail us into weakening our missile defenses but threatening to cut off NATO's supply routes into Afghanistan as well, which was another area of limited progress that the administration hailed as part of its so-called reset policy. This is how the Wall Street Journal described it last Monday in an article entitled ''Russia Considers Blocking NATO Supply Routes.''

> Russia said it may not let NATO use its territory to supply troops in Afghanistan if the alliance doesn't seriously consider its objections to a U.S.-led missile shield for Europe, Russia's ambassador to NATO said Monday.
>
> If NATO does not give a serious response, ''we have to address matters in relations in other areas,'' Russian news services reported Dmitri Rogozin, ambassador to NATO, as saying. He added that Russia's cooperation on Afghanistan may be an area for review, the news services reported.

So let me summarize: After being assured that the New START treaty would contribute to the improvement of U.S.-Russia relations, and that the Russian Government would not use the treaty against us as blackmail, we are now in a situation where the President of Russia is threatening to deploy ballistic missiles to destroy U.S. missile defense systems in Europe; where he is openly threatening to withdraw his government from the New START treaty if the United States does not make unacceptable concessions on its missile defense programs; and where the Russian Ambassador to NATO is threatening to cut off NATO's supply routes to Afghanistan and planning to visit China and Iran with the purpose of deepening Russia's cooperation with those governments against U.S. missile defenses.

I think it is safe to say that the effect to date of the New START treaty on the U.S.-Russia relationship is rather less positive than originally advertised. The problems in our relationship with Russia go well beyond missile defense, as important as that is. In recent months, as the Assad regime in Syria has slaughtered roughly 4,000 of its own citizens who are seeking a democratic future, what has been the Russian Government's response? With the help of China, Russia has been absolutely shameless in blocking any serious action in the United Nations Security Council, including by vetoing a toothless security resolution that would not have even imposed sanctions but merely hinted at the possibility of sanctions. At the same time, while the Assad regime's bloody rampage has continued against the Syrian people, the Russian Government has continued to serve as its primary supplier of weaponry. In fact, last week in a story entitled ''Russia Delivers Missiles to Syria,'' AFP reported that despite the brutal violence of the Assad regime, and over Israel's strenuous objections, Russia delivered 72 supersonic cruise missiles to the Syrian Government worth at least $300 million.

Then there is Russia's continued interference in the sovereign territory and internal affairs of the Republic of Georgia, a country that the Russian military invaded in 2008 and continues to occupy to this day. Two weeks ago there was a Presidential election in the breakaway state of South Ossetia, which is part of Georgia's sovereign territory. But when Moscow's preferred candidate was overwhelmingly defeated in those elections, the supreme court of this Russian proxy state declared the results illegal and nullified

the vote. Russian parliamentarians applauded.

Finally, there is the unfortunate issue of Russia's backsliding on human rights and democracy. A few months ago, President Medvedev announced, as we all know, that he would step aside in Russia's election next year so that Vladimir Putin could once again run for the Presidency. Some see this as a sign that Putin will come back. I object to that characterization, because I do not believe Putin ever left. He has been running things in Russia with no less informal power than he had as President.

Not surprisingly, over the past 3 years, the state of human rights and freedom in that country has gotten no better. In fact, things have gotten worse. Perhaps the clearest evidence of this fact is the tragic and heartbreaking case of Sergei Magnitsky, a Russian tax attorney working for an international company, Hermitage Capital, that had invested in Russia. Magnitsky did not spend his life as a human rights activist or an outspoken critic of the Russian Government. He was an ordinary man. But he became an extraordinary champion of justice and the rule of law in a Russia where those principles have lost nearly all meaning.

What Magnitsky uncovered was that a collection of Russian Government officials and criminals associated with them colluded to defraud the Russian state of $230 million. The Russian Government, in turn, blamed the crime on Hermitage Capital and threw Magnitsky in prison in 2008. Magnitsky was detained for 11 months without trial.

Russian officials, especially from the interior ministry, pressured Magnitsky to deny what he had uncovered, to lie and recant. But he refused. He was sickened by what his government had done and he refused to surrender. As a result, he was transferred to increasingly more severe and more horrific prison conditions. He was forced to eat unclean food and drink unclear water. He was denied basic medical care even as his health continued to deteriorate. In fact, he was placed in even worse conditions until, on November 16, 2009, having served 358 days in prison, Sergei Magnitsky died. He was 37 years old.

The Magnitsky case shined a light on the tragic realities of human rights abuses in Russia today, and the overwhelming cruelty and injustice that Magnitsky endured has made it impossible for the government and the people of Russia to ignore. Even the Public Oversight Commission of the City of Moscow for the Control of the Observance of Human Rights in Places of Forced Detention, a Russian organization empowered by Russian law to independently monitor the country's prison conditions, concluded the following in a report this year:

> A man who is kept in custody and is being detained is not capable of using all of the necessary means to protect either his life or his health. This is a responsibility of a state which holds him captive. Therefore, the case of Sergei Magnitsky can be described as a breach of the right to life. The members of the civic supervisory commission have reached the conclusion that Magnitsky had been experiencing both psychological and physical pressure in custody, and the conditions in some of the wards . . . can be justifiably called torturous. The people responsible for this must be punished.

The case of Sergei Magnitsky is but an extreme example of a problem that is all too common in Russia today, the flagrant violations of human rights and the rule of law committed by the Russian Government and its allies outside of government. We have seen the problem in the show trial of Mikhail Khordokovsky, which I would remind my colleagues was unfolding at the exact same time that this body was debating the ratification of the New START treaty last December.

After the Russian Government stole Khordokovsky's oil company, it then turned around and charged him for the crime. Even more absurdly, as he was nearing the end of his 8-year prison sentence, the Russian state then charged him again for virtually the same crime. Before the judge had even handed down his verdict, Prime Minister Putin said, Khordokovsky ''should sit in jail.'' And lo and behold, that is exactly what the judge ultimately ruled, sentencing Khodorkovsky to 5 additional years in prison on top of the 8 years he had already served.

Earlier this year, not surprisingly, Khodorkovsky lost his appeal of this ruling. In a report released this year, Freedom House concluded that the cases of Magnitsky and Khodorkovsky:

> Put an international spotlight on the Russian state's contempt for the rule of law. . . . By silencing influential and accomplished figures such as Khodorkovsky and Magnitsky, the Russian authorities have made it abundantly clear that anyone in Russia can be silenced.

The violations of human rights in Russia also extend to the deep and worsening problem of corruption, which perhaps as much as any other issue mobilizes the frustration and anger of the Russian public. In its annual index of perceptions of corruption, the independent organization Transparency International ranked Russia 154th out of 178 countries. That means that Russia is perceived as more corrupt than Pakistan, Yemen, and Zimbabwe. The World Bank considers 122 countries to be better places to do business than Russia. I would point out that one of those countries is the Republic of Georgia, which is ranked 12th by the World Bank.

When we consider the pattern of corruption and abuse the Russian Government has perpetrated over many years, it is not surprising to see the outpouring of anger and dissatisfaction that Russian voters expressed in this weekend's parliamentary elections. Unfortunately, the conduct of that election and especially its aftermath has only validated the growing frustration that Russians feel for their rulers. Before the ballots were even cast, a noted Russian election monitoring organization called Golos was subjected to intimidation, harassment, political pressure, and fines. The subsequent election has been criticized by impartial international observers, including the Organization for Security and Cooperation in Europe, which documented in its preliminary assessment numerous irregularities and other efforts by the government to sway a vote in its favor.

Instances of ballot stuffing have been documented. For example, in Chechnya, it was reported that 99 percent of the population participated in the election and 99.5 percent of them voted for Putin's party. That seems a little suspicious, especially considering that the Putin government has waged years of bloody warfare in Chechnya.

Despite the fact that the recent Duma election fell short of international standards and violated Russia's law, substantially fewer Russian voters chose to cast their vote for Putin's party, including in its stronghold and home base of St. Petersburg. This frustration has subsequently poured into the streets where Russian citizens have peacefully sought to demonstrate against the recent election fraud. The Russian Government has responded, in turn, by arresting hundreds of opposition leaders, democracy and human rights activists, journalists, and other members of civil society, including Boris Nemtsov, Alexey Navalny, and Ilya Yashin. Those men and women are exercising universal human rights and fundamental freedoms which should not be a crime in any country.

I call on the Government of Russia to release every Russian citizen who is unjustly detained for political purposes and to clarify the whereabouts and conditions of those individuals.

Mr. President, throughout this year, I have said that the demand for dignity, justice, and democracy that is shaking the Arab world to its foundations will not be confined to that one region alone. It will spread. It will inspire others. It will demonstrate to others that the frustrations, indignities, and lack of hope they may feel today need not be the realities they endure tomorrow. They can change those realities. They can change their destiny. They can change their countries. And it appears that message may be resonating with the people in Russia. We should hope that it does resonate and resonate in a peaceful manner, because we agree with a growing number of Russians who clearly believe they deserve better. They deserve a government that respects and responds to their aspirations for a better life. They deserve the power to freely elect their own leaders.

The political development of Russia is more than an issue of moral principle for the United States. It is closely

tied to our national interests. We have seen in the past that when autocratic governments feel they are losing legitimacy among their people at home, they try to demonize others, both in their country and beyond it, and redirect their public's anger against imaginary enemies. We have seen how the Putin government has done this in the past. We have seen its attempts to paint the United States and our NATO and other allies as enemies of Russia and to lash out against us in the hope of mobilizing public support at home. This is why the growing pattern of confrontation from the Russian Government that we have seen in recent months—over missile defense, resupply efforts into Afghanistan, and other issues—should be so concerning to us and why we must understand that the actions of the Russian Government cannot be separated from its character. In fact, as Russia's Government grows less tolerant of its own people's rights at home, we should not be surprised if it treats us the same way.

As I have said before, I believe we need greater realism about Russia, but that is not the same as pessimism or cynicism or demonization. I am ultimately an optimist, and I often find sources for hope in the most hopeless of places.

One year ago, after languishing in prison for 7 years and facing the near certainty of enduring many more, Mikhail Khodorkovsky spoke before his sentencing about the hopes of the Russian people as they watched his trial. He said:

> They are watching with the hope that Russia will after all become a country of freedom and of the law. Where supporting opposition parties will cease being a cause for reprisals. Where the special services will protect the people and the law, and not the bureaucracy from the people and the law. Where human rights will no longer depend on the mood of the tsar, good or evil. Where, on the contrary, the power will truly be dependent on the citizens and the court, only on law and God. For me, as for anybody, it is hard to live in jail, and I do not want to die there. But if I have to, I will not hesitate. The things I believe in are worth dying for.

That there are still men and women of such spirit in Russia is cause for hope. And eventually—maybe not this year or next year or the year after that but eventually—the Russian people will have a government that is worthy of their aspirations, for equal justice can be delayed and human dignity can be denied but not forever.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I thank my most distinguished friend from Arizona for his generous, warm, and friendly remarks. They mean a lot to me. I will never forget them. I thank the Senator very much.

Mr. AKAKA. Mr. President, I rise today in observation of the surprise attack that the Empire of Japan launched on the U.S. military bases in Hawaii 70 years ago. The attack was concentrated on the Pearl Harbor Naval Base, where over 2,400 courageous sailors, soldiers, and marines lost their lives. Each year, close to 1½ million people from across the country and around the world visit the memorials at Pearl Harbor to remember the events of December 7, 1941, and how the world was changed forever on that day.

As the Sun rose over Pearl Harbor today, solemn prayers were offered and large crowds gathered to honor the sacrifice made by so many of our brave young men and women.

The National Park Service and the Navy Region Hawaii are hosting the 70th Anniversary Pearl Harbor Day Commemoration at the Pearl Harbor Visitor Center to recognize those who bravely survived the attacks and to remember the thousands more who gave their lives in service to their country that day.

Representative CHARLES WILLIAM ''BILL'' YOUNG from Florida will be representing Congress at the commemoration ceremony accompanied by William Muehleib, the president of the Pearl Harbor Survivors Association, and approximately 100 survivors of the attacks, including 8 who were aboard the USS Arizona, which lies enshrined at the bottom of Pearl Harbor today. The USS Oklahoma, BB 37, Memorial Executive Committee will dedicate a rose granite memorial marker at the National Memorial Cemetery of the Pacific at Punchbowl to honor the memory of the approximately 355 USS Oklahoma sailors who perished but were never individually identified. The remains of two servicemembers will be interred at the USS Utah and the USS Arizona so they may again join their shipmates in accordance with their wishes. And the Hawaii Air National Guard will fly F–22 Raptors over the memorial sites at Pearl Harbor and Hickam Air Force Base in honor of the fallen.

I want to recognize and thank the National Park Service and Navy Region Hawaii for their diligent work and dedication to ensuring that the legacy of the thousands of servicemembers who perished that day lives on through the memorials that stand solemnly at Pearl Harbor. They have done an outstanding job conveying the unwavering spirit of those who, in the face of perilous odds, stood their ground and fought back against the Japanese attack to save the lives of their brothers in arms. The efforts of these organizations have helped to make sure that our country will never forget the tragic loss that all Americans felt as news of the attack spread across the Nation.

We must continue to remember the acts of heroism, bravery, and sacrifice that followed the attack. Our country fought in the name of justice to preserve our Nation's sacred freedoms. And we must also recognize and thank the courageous men and women of our Armed Forces today who are still fighting in the name of those same freedoms. I urge the citizens of this Nation to recall that it was the collaboration of a country and the sacrifices made by ordinary men and women who rallied in defense of freedom, liberty, and the great promise of our democracy that preserved our Nation's freedom and liberty. It is in that spirit of coming together to save our country that has always produced the strongest results and made our country great.

Mr. President, I ask my Senate colleagues to join me in prayer and remembrance for the men and women who died in Pearl Harbor and those who are still fighting overseas today. May God bless all of those who have served to protect our shores, and God bless America.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

(The remarks of Mr. SANDERS pertaining to the introduction of S. 1960 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. SANDERS. With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOR-PROFIT COLLEGES

Mr. DURBIN. Mr. President, in the school year 2009–2010, the U.S. Department of Education provided $132 billion in grants and loans to students. That was up from $49 billion in 2001—a dramatic increase in Federal aid to education. A large part of the increase can be traced to one particular type of school: enrollment at for-profit colleges. That has grown faster than any other sector.

Currently, about 10 percent of the students pursuing education after high school attend for-profit schools—for-profit colleges and different training schools that offer certification in certain skills and certain professions, 10 percent. But that 10-percent portion of students in America account for 25 percent of all the Federal aid to education. In other words, dramatically more money is going to those students than those attending other schools after high school.

When it comes to the student loan defaults, where college students borrow money to go to school and then fail to pay it back, for-profit school students account for 44 percent of the student loan defaults in America. Again, 10 percent of the students, 25 percent of the Federal aid to education, and 44 percent of student loan defaults are attributable to for-profit schools.

The industry is dominated by 10 publicly traded for-profit companies. Of those 10 companies, they enroll almost half the students in for-profit schools.

So it is dominated by the big players. The largest, of course, the Apollo Group, University of Phoenix, at one point had over 450,000 students enrolled nationwide, more than the combined enrollment of all the Big Ten colleges and universities—a big player when it comes to higher education and a big player when it comes to Federal aid to education. The Apollo Group, University of Phoenix, receives more money than any other college in America, far and away. None are even close. The next two schools, when it comes to Federal aid to education, are also for-profit colleges.

While Federal spending on student aid has seen a huge increase, there has been very little accountability when it comes to these for-profit schools. Worse yet, almost no information has been available about whether the students are actually learning and finding work in their respective fields after graduation.

In June of last year, Senator TOM HARKIN—who has joined me in this effort to look closely at for-profit schools across America—added his name to a letter we sent to the Government Accountability Office to study the outcomes for students attending for-profit colleges. The report has been formally released. For-profit colleges serve—and one could argue they target—primarily low-income, nontraditional, and minority students.

For-profit colleges often claim the reason more of their students can't find jobs and the reason more of their students default on student loans is because they are trying to provide education to students whom others will not accept. That is their explanation for higher debt levels and higher default rates and poorer student outcomes. Senator HARKIN and I wanted to ask the Government Accountability Office straight out to take a look at the different students in terms of their income and background and compare outcomes—for-profit schools versus public universities and private schools. Our question was: What does the research show about graduation rates, employment outcomes, student loan debt, and default rates for students at for-profit schools compared to those at nonprofit and public schools, taking into consideration different student backgrounds.

When looking at student debt, one study by the GAO found that 99 percent—99 percent—of for-profit college students took out loans, almost all of them. What is the comparison? Seventy-two percent of those attending public colleges took out loans, with 83 percent of those attending private, nonprofit colleges.

When it comes to student loans, the for-profit colleges lead all types of schools and universities in the number of students who are taking out loans. The GAO found that for-profit college students have higher rates of unemployment when it is all over. When it comes to loans and debts, students at for-profit colleges fare much more poorly than their peers attending nonprofit or public institutions. Students at for-profit colleges took out more student loans and they generally had higher loan debt.

Let me tell you about one of those students who contacted our office. His name is Jacob Helms. He attended a for-profit, online school to earn a bachelor of computer science degree in videogame design. When he enrolled, he was a little bit apprehensive because of the cost. You see, this for-profit, online school told him he had to take about nine classes a year and each class would cost him $1,500. Jacob was concerned about the cost, but the school told him: Don't worry about it. The loans you have to take out will cover your entire education.

With that assurance, Jake enrolled 4 years ago. After about 4 years of attending courses year-round, Jake reached the maximum direct loan amount for independent undergraduate students. He had borrowed $57,500. The problem was, he wasn't finished. He hadn't completed his required courses. He had just run out of the ability to borrow any more money from the government. Jake is $57,500 in debt. He has no degree and no job prospects. He says all he wants to do is move forward and start a career—his original goal. Jake says the school will provide him with no assistance or alternative other than to drop out with a debt, no diploma, and no job.

In fact, Jake didn't even know he had reached the maximum level on his Federal direct loan limit. He was withdrawn from online classes with no explanation and finally determined that since he could no longer borrow money from the Federal Government—he was at the top, with $57,500—they didn't want him. When he inquired, the school told him he had run out of money. With an annual income of less than $25,000 and no other way to pay the tuition, Jake dropped out. He says the school's attitude was very clear: We got our money; we are done with you.

Jake is not alone. Student debt has outpaced credit card debt. Imagine that. In October of last year—13 months ago—for the first time in history, the total amount of student loan debt is greater than credit card debt in America. In 2009, the average debt nationally for students at for-profit colleges was well above those who attended other institutions. Students at for-profit colleges graduated with an average debt of $33,000. At public universities, the average was $20,000. At private nonprofits, the average was $27,600.

There are very few penalties for schools where students incur huge amounts of debt and can't repay their loans. More than three in four—that is 76 percent—of young adults say college has become harder to afford in the past 5 years. Nearly as many—73 percent—say graduates have more student debt than they can manage.

It was interesting to see with this Occupy movement—which had many different causes, in many different cities—that the one recurring theme, particularly from the younger people who were there, was we have to do something about student loan debt. Students across America, those who have attended colleges and universities, understand that debt and the burden it places on their lives. These students have to put off buying homes, starting families, and other major life decisions because of their debt.

Sadly, many students are not informed about the loans they are taking out. They do not know the difference between a direct loan and a private loan, but they should. The one critical difference is this. It wasn't that long ago in America where people could borrow money from the Federal Government to go to college and beyond and then declare bankruptcy, so we changed the law. We said: That is not fair. They can't borrow this money from the Federal government and then refuse to pay it. So student loans from the government were no longer dischargeable in bankruptcy.

I thought there was some sense and justice to that decision. We had cases that were reported of students literally finishing medical school and declaring bankruptcy before they went into practice so they didn't have to pay their student loans. That was unacceptable and unfair and it can no longer be done. Just a few years ago, we changed the law again and said private college student loans—those are loans from the university and not from the government—were also not dischargeable in bankruptcy. What does that mean? It means, if a student has incurred a debt or if one has signed on to their son or daughter's college debt, they are on the hook. They will have to pay that off or else.

We asked some of the Federal agencies: Are you concerned about student loan default? They gave a very cold answer. They said: No. We will get our money because we will be watching for the rest of that person's life. Every time they think they are going to receive a Federal income tax refund, we will take the check. If necessary, we will take their Social Security checks too. That shows this student loan debt can haunt them for a lifetime.

We recently had an e-mail from a young man. It was heartbreaking. He told a story of going to one of the for-profit colleges in the Chicago area and he ended up coming out of college with $90,000 in debt, a worthless diploma and no job. His parents signed a note. Because of the penalties and interest which accumulated after he had finished his education, his debt was now up to $124,000. Both his parents had decided they could no longer afford to retire, as they had planned. They had to keep working to pay off their son's student loan for an education that turned out to be worthless.

I wish that was the only example I knew of, but we have been receiving

more and more examples just like it. There is no way in this circumstance for this student to consolidate loans, lower interest rates or pay off the balance.

Sadly, many students are not informed about the loans they take out. They do not know the difference between direct loans and private loans. They do not know this aspect of nondischargeability in bankruptcy. Private loans are even more burdensome. You see, when a person takes out a government student loan, after a period of time—because of some of the decisions made by President Obama and by this Congress—they can be at least limited in their exposure of how much they have to pay each year, 10 percent of their income, with certain qualifications—10 percent, no more. After 10 years, should they take a job as a teacher or nurse, some of their government student loan debt can be forgiven.

This is not true on the private side. The money loaned to a student by the school, for example, or by some other institution other than the government is not subject to these benefits or limits. Students wrack up unmanageable amounts of debt, then can't repay their loans or discharge their private student loans in bankruptcy.

In September, the Department of Education released the fiscal year 2009 national student loan default rates. It is a measurement of how many students default on their student loans, and it gives us a view of the overall burden of college on students. The rates of students attending for-profit colleges continue to soar well above the rates for students at private and public colleges—4.6 percent of students who attend private schools defaulting on their loans. But students who attend for-profit schools default at a rate almost 3½ times as high, at 15 percent. That is dramatically higher if they attend for-profit schools. Because their debt is higher, their likelihood of a job is much less.

This says more about the institutions than it says about the students. Yet there are no repercussions for schools with high default rates, unless—under new regulations from this administration—they have 25 percent default rates for 3 consecutive years. This is unacceptable.

The recent GAO study recognizes we have few measures to determine the quality of education students receive. One measure we do have is that students at for-profits continue to go deeper and deeper into debt even though most of them don't graduate. Of students who began their education at for-profit schools in the 2003–2004 school year, only 15 percent had obtained a bachelor's degree by 2009. Again, for-profit schools, over a period of 6 years, graduate 15 percent.

What about other schools? Sixty-four percent of students at public colleges graduated in that 6-year period of time, and 71 percent at private colleges obtained a bachelor's degree. That is a huge difference. A 15-percent graduation rate at for-profit schools means students, many of them, are deeply in debt by a margin of almost 6 to 1 are not graduating. They don't end up with a diploma. They have the debt, they have no diploma, and some of them end up with a worthless diploma.

The recent Department of Education regulations are starting to work. They are cracking down on aggressive recruiting practices. Students are thinking harder about where they enroll in schools. In some cases, students are avoiding for-profit colleges. Every high school student in America should read the summary of the Government Accountability Office report on for-profit schools before they even consider enrolling in one of those schools.

Some of the schools are starting to ask questions on their own about the way they do business, and they have come to me—many of these schools—pleading with me, saying: You are just talking about the bad guys. We are the good guys.

Well, prove it. Prove it. Make certain that students are getting an education that is worthwhile. Don't sink them with debt. Stand by them when it comes to finding a job or at least be mindful of what that debt means to their lives.

More needs to be done to educate families, high school teachers, and high school counselors about the choices students face. I hope these companies will continue to examine their practices, and I hope the Department of Education is going to continue monitoring the schools and the way they operate.

Let me tell you about one such operation, the Career Education Corporation. I know about this school because its former CEO came and met with me in my office in Chicago and then appeared at a hearing, pleading with me to give special consideration to his for-profit schools, which were different and better and shouldn't be lumped into the category of these schools that are exploiting young people coming out of high school. I listened to him and basically said: Well, I will pay attention to the way this turns out.

This gentleman, whose name is Gary McCullough, resigned as the CEO of Career Education Corporation on November 1 after it was reported that his school had misrepresented its placement rates for its graduates.

Career Education Corporation is an Illinois-based company with over 100,000 students nationwide. If you have not heard of Career Education Corporation, you may have heard of some of the names of its schools. I saw one of them on a bus in Chicago advertising for more students, and it is a familiar name to people who have followed the culinary side of business for a long time: Le Cordon Bleu. They bought that name, and they named one of their schools Le Cordon Bleu. We will teach you how to be a superchef, an Iron Chef, whatever chef you want to be. But it turns out that they were not only failing to educate and train the students, but the students couldn't get jobs, and the students were deep in debt.

When Mr. McCullough ended up resigning as CEO of Career Education Corporation, they found out that only 13 of their 49 health, education, and art design schools—13 of 49—met the 65-percent minimum placement rate for the reporting period. They had falsified their numbers, and now they are under investigation. They should be. We need to get to the bottom of it. If they are lying to the students, something has to happen.

First, they shouldn't be qualified for Federal student loans or Pell grants. If they are not graduating students into jobs, then they ought to be held to higher standards. And the students shouldn't be misled into believing that if they can get a Federal loan at a school, it has to be a good school.

Secondly, there has to be some standard for accreditation. There obviously is little or no accreditation accountability at this point. You can't expect a high school student or his parents to be able to look at a school from the outside or look at the Web site and decide whether it is any good. There have to be some standards for performance and excellence when it comes to these for-profit schools—for every school, for that matter.

Finally, if this school loses its accreditation, particularly in the programs where it has failed to graduate students, I think this school and this corporation should be held accountable for the student loans that have been incurred by these students. They didn't know they were signing up to go to an unaccredited school. Their debt is very real; their diploma is a phony. So it is time for these schools to be held accountable.

I am sure there are many for-profit schools that offer a good education, but there are certainly many that are exploiting students today. They are so good at marketing, you can't avoid them, whether it is on the Internet or television. They are everywhere, everywhere you turn, particularly in low-income communities. They are offering ''college'' to many students who can't get into a regular college or university. These students feel they are finally going to get their chance. Little do they know that all these for-profit schools are looking for is the money they can bring to them. When it is all over, they are deep in debt with no job and no place to turn.

What is our responsibility? Remember, we put $132 billion a year into Federal aid to higher education. It is time for us to make sure the schools that receive them for the students are real schools, are graduating students and preparing them for a good life and a good job.

NOMINATION OF RICHARD CORDRAY

Mr. DURBIN. Mr. President, experts blame credit default swaps and collateralized debt obligations for the financial crisis. The fact is, these complicated financial products were based on mortgages sold to families who couldn't afford them, credit cards with hidden fees, and loans targeted to low-income individuals with up to 400 percent interest rates. The financial regulators ignored their responsibility to protect consumers from these predatory practices. Because there was not one regulator solely responsible for consumer protection, the financial regulators pointed their fingers at the other guy when the system collapsed. Consumers lost $17 trillion in household wealth and retirement savings almost overnight.

That is why a bipartisan group of 60 Senators voted last year to consolidate consumer protection authority into one agency: the Consumer Financial Protection Bureau. The CFPB was given new responsibilities to oversee nonbank actors who deal in payday loans, prepaid cards, student loans, and credit reporting.

Mr. President, 200 million Americans rely on credit reporting agencies when they make a big purchase and sometimes when they apply for a job. An estimated 20 million people use payday lenders to make ends meet. I wish they didn't, but they do. Many of them face up to 400 percent interest rates to obtain these short-term loans. Four million Americans have prepaid debit cards. As more companies use these types of products instead of checks or direct deposit, it is expected that over $670 billion will be loaded into prepaid cards in the next few years. More than $10 billion in private student loans is given to students, who then face up to 15 percent interest rates. I talked about a few of them in an earlier statement.

Tens of millions of Americans relying on nonbanks for their financial needs will go without protection unless the Consumer Financial Protection Bureau has the resources it needs to help American consumers and a Director.

Earlier this year, President Obama nominated Richard Cordray to be Director of the Consumer Financial Protection Bureau. He was recruited to lead the Enforcement Division and now is being asked to move up and take over the directorship. Before joining, he served as Ohio's attorney general, recovering billions of dollars in pension funds on behalf of retirees and taking on the predatory lenders. Mr. Cordray saw firsthand how the failure to enforce Federal consumer protection laws related to mortgages affected Ohio residents. He has a strong grounding, working with both consumer advocates and the financial sector. He is an excellent choice, and I strongly support his nomination.

Unfortunately, Mr. Cordray is asking to head up a consumer protection agency which, to paraphrase a former colleague on the floor, the banks hate like the devil hates holy water. The idea that we would give authority to an agency to watch these financial institutions—payday loan operations and the rest—to make certain they don't exploit American consumers drives these banking interests wild. They have done everything they can to stop him from becoming Director and to cut the money available for his Bureau. They don't believe there should be consumer protection. Let the buyer beware. They don't care, at the end of the day, if innocent people suffer across America. But they should.

My colleagues claim there won't be any real checks on his power if Mr. Cordray is given this position, but he is subject to an annual audit by the GAO; he has to report to Congress biannually; is subject to private sector independent audit; monitored by the inspector general of the Federal Reserve; the Comptroller General is required to annually audit the financial transactions of the Bureau; and is subject to the Regulatory Flexibility Act, the Paperwork Reduction Act, the Congress Review Act, and the Administrative Procedures Act, to name a few. The Financial Stability Oversight Council that includes members from across the financial sector can review and overturn CFPB regulations. No other agency is subject to having regulations under its own jurisdiction overturned. But that isn't enough for the special interests that hate the Consumer Financial Protection Bureau. These are the same players who helped create the financial crisis that devastated our economy.

Despite all these measures to ensure congressional oversight, those who couldn't kill the CFPB outright are determined to destroy its ability to act. And now, as we finally start to recover from this economic crisis, the same special interests are protesting efforts to require the disclosure of credit card fees, for example. The same banks that made billions from selling homes to families who couldn't afford them are refusing to modify mortgages so families can stay in their homes. They don't want to change the structure of the CFPB; they want to destroy its ability to protect America's consumers and families. They want to go back to the days of "heads I win, tails you lose," back to the days when we didn't have to worry about a regulator enforcing consumer protection laws.

The CFPB structure is similar to other financial regulators. The Office of the Comptroller of the Currency has been led by one individual with congressional oversight for over 100 years, for example. The Federal Housing Finance Agency, which oversees Fannie Mae and Freddie Mac, is also led by a single Director with congressional oversight. Yet both financial regulators have avoided the political outcry we are hearing about the Consumer Financial Protection Bureau.

Really, what we are seeing, I am afraid, is a partisan effort to block a well-qualified nominee. Many intelligent, decent, and hard-working Americans volunteer to contribute as appointed public servants. They are well qualified, but all too often these days, they can't get through the Senate. This has serious consequences on all Federal agencies and our judiciary.

Yesterday, we saw an incredibly astonishing Republican filibuster of the nomination of Caitlin Halligan to serve in the DC Circuit Court of Appeals. The fact is, those voting against her nomination couldn't come up with a good reason. She had been found by the ABA to be unanimously "well qualified," she had an amazing resume, and she was rejected on a filibuster initiated by the Republican side. That is unfortunate.

I would just say to my Senate Republican colleagues that I think Richard Cordray has the background and experience to lead this agency. He should be given a chance. I know the banks aren't happy that anybody is watching them. These financial institutions—payday lenders and the rest—would rather do their business without anybody looking over their shoulders.

Holly Petraeus is the wife of General Petraeus. She has been working with the Consumer Financial Protection Bureau to stop the exploitation of men and women in military service. She came by my office to talk about what this agency is doing to protect these families. Sadly, some of these families are exploited so badly that they are forced out of the military and have to be discharged. We don't want that to happen. We don't want it to happen to American families who unsuspectingly find themselves lured into financial arrangements that are totally unfair.

Richard Cordray is competent, qualified, and an honorable public servant. He deserves an up-or-down vote. We are going to have that vote probably tomorrow, and I hope he will be confirmed and given an opportunity to lead this important agency.

Mr. President, I yield the floor.

Mr. THUNE. Mr. President, I ask unanimous consent that when I complete my remarks, the Senator from Wyoming, Mr. BARRASSO, be allowed to follow me.

The PRESIDING OFFICER. Without objection, it is so ordered.

KEYSTONE XL PIPELINE

Mr. THUNE. Mr. President, the President of the United States has said repeatedly that he makes jobs his top priority, he wakes up every morning thinking about what he can do to create jobs and how he can create jobs. Yet we have the greatest shovel-ready project in the country right in front of us, and when it comes to that particular project, for some reason the President is suddenly not interested. I think we have to ask the question of why that is. I think there are probably

a number of reasons, most of which have to do with politics and not the economy and not jobs because clearly this is a subject on which there is no debate when it comes to the job-creation potential there, the impact it would have on the economies of multiple States in our country and what it would do for the issue of energy security.

The project to which I am referring is the Keystone XL Pipeline. The Keystone XL Pipeline is a project that has been under review now for the better part of 3 years. In fact, there have been two environmental studies. If you look at all of the due diligence that has been done, it has clearly been reviewed, it has been analyzed, it has been studied, and it has been scrutinized. It has gotten to the point now where it is time to move forward, time to make a decision on this.

Ironically and I think sort of surprisingly to a lot of people, recently the administration said they are not going to decide this now, for 18 months. They are going to put it off for 18 months—interestingly enough, from a timing standpoint, until after the next election. I think it is unfortunate that is the case because, again, if your No. 1 priority is job creation, you have one here ready to go today that could be under construction, and it would immediately create 20,000 jobs in this country, and it would create $7 billion of investment and a lot of revenue for State and local governments, many of which desperately need it.

In my own State of South Dakota, the Keystone XL Pipeline would traverse my State of South Dakota as the oil that comes from the oil sands area up in Canada makes its way down to the refineries and other parts of the country, comes through South Dakota, and just in our State alone that would be about $½ billion of economic activity, meaning hundreds of jobs and revenue for a lot of State and local governments.

This project in my State, like so many States where it comes through, where it impacts—there have been a number of opportunities for people to be heard, to get their input made on this. It has been going on now for 3 years. You finally get to a point where you have to say it is time to make a decision one way or the other. Clearly, my view on this is that this is a project that should move forward. But one way or the other, the President of the United States and his administration ought to be acting with some finality on this subject now, not waiting 18 months, not waiting until after the next election because it is politically expedient to do that, but making a decision now. Why is that? Because, if it does not get done here, that oil from the oil sands area in Canada will go somewhere else and some other country around the world will benefit from that. It will not be the United States, it will not be refineries here in this country, it will not be the citizens of America—who have a good relationship with our neighbor to the north. Canada is our biggest single trading partner. We do about $640 billion of bilateral trade every single year with Canada. It makes a lot of sense, if you are thinking about energy security, if you are worried about the dangerous dependence that we have on other countries around the world for our energy needs, that if we are going to get energy we get it from a country with which we have a good relationship, a country that is friendly and a country with which we do a tremendous amount of trade.

If we cannot move forward, it is going somewhere, probably to Asia, probably to China. China will get the benefit. The citizens of China will get the benefit of this project rather than having the American people benefit from all this project would entail if we could get it approved here.

But we ought to at least make a decision. We have all these discussions in this country, all the rhetoric coming from the other side about how it is so important that we create jobs in this country. Yet the administration seems willing to disregard that and say we are going to make what is clearly a political decision and put this off for 18 months until after the next election.

I think it is interesting to note what some are saying about this, and frankly even what the President himself has said as recently as last April about the importance of getting energy from countries that are stable and friendly. This is something the President said:

> Importing oil from countries that are stable and friendly is a good thing.

That is something the President of the United States said as recently as last April. There is a letter that went from 22 congressional Democrats to the President, telling him that America needs the Keystone XL Pipeline. Twenty-two Democratic Members of the House of Representatives weighed in on this issue. We have had Democratic Senators here as well who weighed in with the administration and weighed in publicly and said this is an important project that needs to be completed.

You even have the labor unions. Traditionally you would think of them as part of the President's political base. What are they saying about this? The AFL–CIO said:

> For America's skilled craft construction professionals, any discussion of the Keystone XL Pipeline project begins and ends with one word: JOBS.

That is what the AFL–CIO is saying.

Laborers' International Union of North America says it is:

> . . . not just a pipeline, but it is a lifeline for thousands of desperate working men and women.

You have bipartisan support here in Congress. You have the working people, the organizations of this country that represent working people, weighing in saying this is a project that needs to be approved, that would create jobs, that would address some of the economic angst we are feeling in this country, and here we are faced with this unnecessary delay.

We have legislation that has 40 cosponsors in the Senate. It was introduced last week. Many of our colleagues have taken the lead: Senator HOEVEN of North Dakota, Senator JOHANNS from Nebraska, Senator MURKOWSKI, Senator BARRASSO, who is here on the floor, and others who believe so strongly in the issue of economic growth, job creation, energy security, national security, that we have introduced a bill that would allow this project either, No. 1, to move forward or to have to provide a rationale why it would not move forward. It is pretty simple, straightforward legislation. It would allow 60 days from enactment of the legislation for a decision to be made about the permit, one way or the other. Either it gets permitted or, on the contrary, the President gives an explanation as to why it should not be permitted. But at least we get a decision made so there is some economic certainty for the people behind this project, the people who are making this investment, about whether it is going to go forward.

One thing we hear over and over from small businesses across this country—and large businesses, job creators—is we need economic certainty. We cannot continue to operate in this complete cloud of economic uncertainty if we are going to put investment out there and create the jobs that go with that investment.

Mr. President, 700,000 barrels a day is the equivalent of what we get daily from Venezuela. If we could get 700,000 barrels of oil today from Canada, a friendly neighbor to the north, or 700,000 barrels from Venezuela or any other countries from which we import oil, it seems so logical and such a no-brainer for us to be able to trade and interact and to have this economic relationship with Canada on this particular project. It does come across that way, as I said, in many parts of the Dakotas and Montana. It would encourage greater oil production here in this country as well, because you have the Bakkan Reserve in North Dakota and Montana which we would be able to access for this pipeline to be able to get some of their energy to refiners around this country. It is an ''all of the above'' domestic energy strategy: More domestic oil, more alternative fuels, more innovation. It is all these things we need when we talk about energy security. But clearly in this case, for some unexplained reason, the administration has concluded that this project should not go forward.

There was a concern raised earlier on about the State of Nebraska and the route the pipeline was taking. That issue has been addressed. The leaders in Nebraska—Senator JOHANNS and the Governor of Nebraska—have come together behind an alternative route which I believe was agreeable to the company, TransCanada, so you can no

longer hide behind that and use that as a shield. The legislation we are introducing would make, of course, this subject to States rights and having States such as Nebraska intervene and work with the company to find this alternative route. It also would ensure and require strong environmental protections in the legislation. So that issue is something the legislation has addressed.

More than anything else, what it does is it at least forces some action. It at least says we are going to be serious about job creation in this country or we are not. We are going to support a shovel-ready project that could create 20,000 jobs and start immediately or we are not. All this rhetoric and all the hot air that comes from people here in Washington, DC, about wanting to create jobs, this is putting it to the test. This is where you have to put up or shut up when it comes to whether you are serious about creating jobs in this country.

I hope my colleagues here in the Senate on both sides of the aisle—because I believe this is a bipartisan issue—will work with us to advance this legislation. There is some thinking that perhaps the House of Representatives, the other body, may include it in some legislation they send us that could be coming this way in the not too distant future.

If that is the case, I hope we will pick that up and act on it because if we are serious and mean what we say about job creation in this country, there is no better way than to put some certainty behind this project. Again, it would be one thing if this had not been studied and overstudied and evaluated and analyzed and scrutinized—but it has, over and over again, now for the better part of 3 years. Mr. President, 700,000 barrels of oil today from Canada and the Bakkan region in North Dakota and U.S. refineries or 700,000 barrels of oil to some other place around the world that will benefit from it and, just as important if not more important, 700,000 barrels of oil the United States will have to import from some other country around the world that perhaps is not nearly as friendly as our neighbors to the north.

This is not complicated. This is a pretty straightforward issue and one where I don't think there is anything but support from the States that are impacted by this, anything but support from the leadership, political leadership at the State level and local levels. I am not suggesting there is—there is no project that has unanimous support. There are people who oppose this as there are people who oppose almost anything that happens in this country. But the huge majority of people I think in the States that are impacted see this for what it is—a positive, forward-looking project that would address so many of the important priorities for this country right now: economic growth, job creation, energy security, national security, addressing some of the needs the State and local governments have for additional revenue. All these issues are addressed with regard to this project.

It is mystifying as to why the President of the United States and his administration would put this decision off until 18 months from now after the next election, other than purely and simply political reasons and motivations. That is wrong for the American people. It is wrong for this project. It is wrong for jobs. It is wrong for the economy. I hope this body, the Senate, will take steps to rectify that by putting a date certain out there by which this project is at least acted on, at least decided, at least permitted or not permitted—hopefully permitted—so these jobs can be created and we can get this economic activity underway in these many States.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Wyoming.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor today as I have so many times since the President's health care bill was signed into law, with a doctor's second opinion. I do that because I practiced medicine in Wyoming, taking care of families from around the State for about a quarter of a century.

When I talk to patients at home and I talk to people on the street, when I talk to folks all around my State and around the country, what I hear they want from a health care law was an opportunity to have the care they need from the doctor they want at a cost they can afford. But what we have gotten in this country through this administration and this health care law is a law that is bad for patients, in my opinion; bad for providers, the nurses and doctors who take care of those patients; and terrible for American taxpayers. So I come to the floor again with a second opinion today because I am thinking about job creation.

We just heard about the Keystone XL Pipeline and the opportunity there with a shovel-ready project to get people back to work. I am reminded what former Speaker of the House NANCY PELOSI claimed after the health care law was passed. She said it would ''create 4 million jobs.'' She went on to say ''400,000 jobs almost immediately.''

As we all know, that prediction never came true. In fact, the nonpartisan Congressional Budget Office said the health care law will actually encourage some people to work fewer hours or to withdraw from the labor market altogether.

This past week when the employment statistics came out we saw that over 300,000 Americans have withdrawn from the labor market altogether.

It is interesting that about the same time the health care law was signed, March 2010, Senator CHUCK SCHUMER, the New York Senator, claimed on ''Meet the Press'':

> . . . as people learn about the bill, and now that the bill is enacted, it's going to become more and more popular.

In fact, this health care law is less popular now, today, December 2011, than it was at the time it was signed into law.

We look at all of these predictions that never came true. It has been 20 months. The health care law's popularity remains low. The law is in front of the Supreme Court to deal with the constitutionality of this government going into the homes of American people, telling them they must buy a product. It is clear that Washington Democrats and the President have miscalculated. They made promise after promise to the American people. They asked families, they asked businesses all across the Nation, to trust them. The President promised that if you like what you have, you can keep it. The American people know that promise has been broken. The President said that premiums, health care premiums or insurance costs for families would drop by $2,500 per family per year. We know that the costs have gone up higher than if the law had never been passed in the first place.

Week after week we hear of more unintended consequences within the law, glitches that are found which show additional problems with the law and additional promises of the President being broken.

The American people know that they do not like this health care law. When you ask them do you think this health care law was passed for you or for someone else, most Americans will tell you that they think it was passed for someone else.

Today I want to talk about two specific examples of problems with this health care law and the possible unintended consequences and some of the repercussions of the things that have happened with this health care law.

One has to do with the labor statistics that came out on December 2 of this year. They released updated payroll employment and unemployment numbers. The Bureau of Labor Statistics data actually shows that health care employment was up in November. It was up for all the wrong reasons. The problem is, the health care law's excessive mandates and burdensome regulations are prompting the health care industry to create additional administrative jobs, not caregiver jobs.

The health care law was supposed to actually work to get more doctors and more nurses and more x-ray techs and physical therapists to take care of patients, but that is not what happened. Now we see it is administrative jobs that are up, not caregiver jobs. As a matter of fact, USA Today printed a half-page article, and the title was ''Health Care Jobs Grow . . . in Administration.''

The article actually talked about a New Hampshire hospital, and that hospital—according to the article—was forced to eliminate 5 percent of its

workforce. So we have a hospital eliminating 5 percent of the workforce after the State cut Medicaid funding last year. So here is a hospital where 5 percent of the workforce is cut. Many of those workers were nurses and other caregivers. When I hear caregivers, I think of physical therapists, radiation technologists, nurse's aides.

Yet in spite of the fact that they had to eliminate 5 percent of its workforce, they are actually still hiring. How can that be? Let's listen to what the hospital's vice president, Mark Whitney said. He said:

> We need to deal with new technology, new services, new regulations, electronic health records, government reporting requirements on quality . . . a lot of this is related to the new Federal health law.

So they are eliminating nursing positions, eliminating positions of caregivers and hiring more people to push paper.

The President and the Democrats in Congress promised their health care law would expand health insurance coverage. Look at what is happening now. More and more people are pushing paper.

It is interesting that what the President and Democrats did not tell the American people is that the health care law's oppressive mandates, burdensome regulations would actually cause health care employers to lay off or stop hiring the very health care professionals needed to treat patients.

Instead, the health care employers must be hiring more clerks, more administrators, more paper pushers, all in an effort to figure out and then comply with the health care law's rules and mandates. I do not believe that is the change most Americans wanted when they started to think about health care reform.

The second example I would like to give is from a column in the Washington Post, December 2 of this year—just a week or so ago—written by George Will. The article is titled ''Choking on Obamacare.'' The article talks about the health care law's crushing insurance mandates and how those influence both small and large businesses in terms of their willingness to actually hire new workers.

When we have this kind of record unemployment, such as we are dealing with in this country, we want to have businesses hire more people, get people back to work. That is what makes America grow. That is what helps our economy, putting people back to work.

In the article, they use the example of Carl's Jr. and Hardee's restaurants. There are about 3,200 of those restaurants around the world. The parent company said they have created about 70,000 jobs, and they want to hire more workers. But the CEO of the company, Andy Puzder, said they cannot hire more workers because they don't know how much they will need to spend on health care. They are planning to spend about $18 million on health care, and they say that is just a guess.

If someone is running a business, they want to be able to figure out what their future costs are going to be, what the expenses are going to be, and they would rather have a little more predictability than just guessing. Thanks to the health care law's complex formulas and many regulations which have not yet been released and many of the uncertainties that continue to exist, this is a company that is going to have to guess about how much they will need to spend on health care.

What business can afford to guess what one of their largest costs is going to be? They are guessing they are going to have to spend about twice the amount of money on health care as they did building new restaurants last year. So they talk about building new restaurants—and those are construction jobs and jobs for the people who work in the restaurants providing services—and they are going to end up spending twice as much on health care as building new restaurants. It doesn't take a lot to realize that hindering a company's ability to build new restaurants means fewer available jobs for construction workers and for service suppliers in a struggling economy.

The CEO of the company is right when he says that ''employers everywhere will be looking to reduce labor content in their business models as Obamacare makes employees unambiguously more expensive.''

If we want to spur the economy and economic growth and job creation, Washington must take its shackles off our job creators. This is just one more reason why the President's health care law must be repealed and replaced.

I thank the Chair.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORDRAY NOMINATION

Mr. FRANKEN. Mr. President, I rise today to strongly support Richard Cordray, the President's nominee to be Director of the Consumer Financial Protection Bureau.

Three years ago our economy was tumbling into the deepest recession since the Great Depression. In the fall of 2008, the stock market was plummeting, unemployment was skyrocketing, and there were daily reports of yet another financial institution crumbling. Our economy was in a chaotic tailspin. That was only 3 years ago.

Today we are in a slow and tenuous recovery. Unemployment is still way too high. Millions of Americans are out of work and have been for some time. Long-term unemployment is staggeringly high. Retirement accounts are still reeling. Yet in the Halls of Congress we are dominated by discussions of our Nation's debt and deficit. In fact, we are doing little else. These discussions are necessary. We need to tackle our deficits and our long-term debt. But as we do, we shouldn't lose sight of how we got here.

The lessons we learned in the aftermath of the 2008 crash shouldn't be so quickly forgotten. The crash of 2008 was driven in no small part by unfair practices in the mortgage industry which led to many consumers being trapped in loans they didn't understand and couldn't afford. It should come as no surprise that this was as a result of increasing deregulation of the banking industry.

So in response, Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act. Dodd-Frank, which was passed into law last year, sought to rein in abusive practices, protect American consumers, and prevent future meltdowns. One of the bill's centerpieces was the establishment of the Consumer Financial Protection Bureau. The CFPB is the first Federal financial regulator devoted solely to looking out for the best interests of American consumers and to do so before a crash and before any taxpayer-funded bailouts are necessary.

The CFPB's mission is a commonsense one. The CFPB is tasked with ensuring that consumer financial markets are fair and competitive; that consumers have clear information about financial products; that financial practices are not unfair, deceptive, or abusive; and that consumer financial regulations are improved and streamlined. The CFPB seeks to empower American consumers to make the best financial decisions for their families, and that can only help out our Nation as a whole.

Several months ago, on the 1-year anniversary of the enactment of Dodd-Frank, there was good news and bad news. The good news was that the CFPB officially opened its doors. It has already hired staff and begun some of its work. In fact, a while back I met with Mrs. Holly Petraeus, who is heading up the Office for Service Member Affairs at CFPB. She wanted to discuss a few problems that disproportionately harm members of our armed services.

We talked about ways to educate servicemembers about the potential downfalls of certain types of loans. This is exactly the type of work I am so happy that the CFPB has begun. That would be the good news.

The bad news is the CFPB still does not have a Director. Under Dodd-Frank, the CFPB cannot fully do its job until a Director is in place. It can do some things, but it will be limited until the Senate confirms a nominee. President Obama has nominated Richard Cordray. Rich is an impressive figure, and he has my full support.

Rich Cordray has been on the front lines protecting homeowners from

risky and sometimes illegal practices of mortgage servicers. In 2009 he was the first State attorney general to take on a mortgage servicer for violating consumer laws.

Last year, he continued his strong record of standing up for homeowners when he represented the people of Ohio against GMAC Mortgage for signing thousands and thousands of affidavits allowing foreclosures to proceed despite the fact that nobody at the company had any knowledge of these cases. So I want Rich Cordray at CFPB to put his previous expertise to work.

During his tenure as attorney general, he also took on the credit rating agencies on behalf of Ohio's pensioners. Because of the rating agencies' reckless behavior, hard-working Ohioans lost over $450 million from their pensions. Rich Cordray is exactly the kind of strong consumer advocate that CFPB needs.

Further compounding the bad news is that most of my colleagues on the other side of the aisle have vowed to oppose any nominee until the CFPB is substantially altered—literally any nominee. They claim that changes to the CFPB need to be made before they will even look at a nominee. The proposed changes supposedly rectify the unprecedented authority—unprecedented authority—granted to the CFPB and impose real checks on that authority. In fact, the CFPB is subject to unprecedented limitations. It is the only banking regulator with rules that are subject to veto power by a group of other regulators, the only banking regulator subject to Small Business Regulatory Enforcement Fairness Act panels, and the only banking regulator with a budgetary cap.

We already have had this debate. During the consideration of Dodd-Frank last year, there were attempts to weaken the CFPB, and those attempts were defeated. Now the people who lost that debate are taking a second crack at consumers and trying to bring down this Bureau. Only this time, instead of debating on the Senate floor, they are hijacking the advice-and-consent function of the Senate. Is that a precedent that we want to set? I do not believe that is what the Founders of this great Nation conceived when they gave this function to the Senate.

I urge my colleagues instead to consider this nominee on his merits. Rich Cordray has demonstrated he is looking out for middle-class families. He is looking out for homeowners who have been scammed by mortgage servicers. He is looking out for pensioners who have lost their pensions at the hands of Wall Street recklessness. He has been endorsed by former Republican Senator and current Ohio attorney general Mike DeWine. He is exactly—exactly—the type of person we need at the helm of this critical Bureau, and this Bureau cannot do its job until he is confirmed.

I hope my colleagues will reconsider their position and instead do what is right for American consumers. I hope my colleagues will join me in supporting Rich Cordray to be the first Director of the Consumer Financial Protection Bureau.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARPER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

DELAWARE DAY

Mr. CARPER. Madam President, today is Delaware Day. Something very important for our State and our Nation occurred on December 7, 1787. Senator COONS is here. I ask him to take a moment and share with our colleagues what that was all about. What happened then at that Golden Fleece Tavern?

Mr. COONS. I thank the Senator for entering into this colloquy about Delaware Day. As some folks may know, if you look at the Delaware flag, as the Senator mentioned, there is the date, December 7, 1787. That is the day 30 Delawareans, elected delegates, gathered at the Golden Fleece Tavern in Dover and voted unanimously to make Delaware the first State to ratify the U.S. Constitution. That is why our State moniker is—

Mr. CARPER. The First State.

Mr. COONS. Yes, the First State.

Mr. CARPER. The small wonder. Thirty of those guys who were there that day—I would like to say they were drinking hot chocolate. I am not sure what they were drinking at the Golden Fleece Tavern, but the outcome was a good one. For one whole week after that, Delaware was the entire United States of America. Who was next, Pennsylvania? Maybe Pennsylvania, maybe New Jersey. Then the rest followed and I think, for the most part, it turned out pretty well.

Mr. COONS. One of the things I have always been struck by is that it was 11 years before that that Delaware actually, on Separation Day, on June 15 of 1776, acted both to declare its independence from Pennsylvania and its independence from the King of England, and by doing so acted in an incredibly risky way because, of course, had the Continental Congress on July 4 not chosen to ratify the Declaration of Independence, Delaware would have stood alone, and arguably hung alone, for having taken the risk of stepping out first.

Delaware has a tradition of being first—first in declaring its independence and acting to secure its independence, and in ratifying the Constitution, which set the whole structure that ended the debate over the Articles of Confederation and moved toward the Federal system, one where we look to each other as States and look to this government for the provision of and the securing of our liberty through the balance of justice and liberty that we rely on so much. What else are we doing to celebrate this great day?

Mr. CARPER. The Constitution that was ratified that day—the thing about it is that it is the most enduring Constitution of any nation on Earth, the most copied or emulated Constitution of any nation on Earth as well, and a living document that provides for us to change and update as time goes by. It is remarkable, the role we played in getting the ball rolling in this great country of ours.

I want to go back to July 1776, if I can. Not far away from the Golden Fleece Tavern, there was a guy named Caesar Rodney, who rode his horse. Does the Senator want to share that story?

Mr. COONS. That made it possible for our delegation to be represented in Philadelphia and for us to commit to the Declaration by breaking a tie between the other representatives of Delaware in the Continental Congress.

Mr. CARPER. If you look at the back of the Delaware coin, you might say why is Paul Revere on the back of that coin? Well, that is not Paul Revere, that is Caesar Rodney riding the horse from Dover to Philadelphia. For people who are familiar with Dover Air Force Base, where big planes come in—the C–5s and C–17s that fly all over the world—as you come in on the approach, the runway heading north-northeast to land, you are very close to flying over an old plantation house where a guy named John Dickinson used to live. There is a John Dickinson high school in Delaware, which was named after him. He was also a guy who was involved in the Constitutional Congress and also involved in the Declaration of Independence, and the penman of the Revolution. So if you think about it, there at the Golden Fleece Tavern, the Constitution was ratified. Caesar Rodney, from Dover, departing from not far from there, casts the tie-breaking vote for the Declaration of Independence, and the penman of the Revolution, growing up in what is now the Dickinson plantation. There is a lot of history there, especially for a State that doesn't have a national park.

Mr. COONS. Although we have a senior Senator who is tireless in his effective advocacy of our State.

Mr. CARPER. Maybe we can do something about that with the Senator's help and that of Congressman CARNEY, and our colleagues in the Senate and the House—and maybe including the Presiding Officer from North Carolina. In closing, believe it or not, the economic value of national parks is actually charged for every one of our States.

The most visited sites in the United States among tourists from foreign countries are our national parks. The economic value to the State of North Carolina—I was told last year—from

their national parks was $700 million. Not bad.

Mr. COONS. If I might, later today we are having our first Delaware Day reception in one of the Senate buildings. It is a way for us to promote and celebrate what is great about Delaware.

One of the things I treasure most about Delaware is our unique political culture—a culture that focuses on consensus, on reasoned compromise, on bringing folks together across from what is, in some other places, a sharp partisan divide to find reasonable, principled paths forward to tackling the challenges that face our State. It is that consensus, commonsense approach I know my senior Senator brought to his two terms as Governor and has brought to the Senate. Our Congressman, who was on national television this morning with a Republican cosponsor of an initiative, has also made that a hallmark of his tenure. I know our Governor has as well.

I wanted to suggest that one of the things that makes Delaware unique, special, valued, and first isn't just our agricultural products, it isn't just our great and enjoyable food products, and it isn't just our unique history in the beginning of our country but it is also how we continue to find ways to build bridges across the divide that so many Americans watch us in the Congress wrestling with at this moment and that I think, in our home State, we have managed to find a good path forward.

Mr. CARPER. Madam President, we call this the Delaware way. As my colleague from Delaware knows, whenever I run into people who have been married a long time—50, 60, 70 years—I ask them what is the secret to being married so many years. They give some funny answers, but they also give some very pointed answers. One of the best answers I have heard—and I hear it over and over—as the reason why they have been married such a long time is because of the two Cs. I say: What are the two Cs? They say, ''Communicate and compromise.''

I would suggest that is what we do pretty well in our State. It is not only good advice for creating an enduring marriage, but it would also be good advice for us in this body, in this town, to do a better job—both parties—at communicating and compromising. We show, I think every day, in our State, if we do those things, take that seriously, the result is pretty good. We could get a better result here if we keep that in mind.

With that, I think we have said our piece. It is Delaware Day, one more time, and may the spirit of Delaware and the Delaware way permeate this place as well.

I have enjoyed being with my friend and colleague in this colloquy.

Mr. COONS. I thank my colleague.

Mr. CARPER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF RICHARD CORDRAY

Mr. HARKIN. Madam President, I have come to the floor on numerous occasions this year to discuss the distressed state of America's middle class. In fact, in our committee, we have had a series of hearings looking at the state of the middle class and what is happening to the middle class in America. In recent decades, our Nation's once secure middle class has struggled in the face of stagnant wages, declining job security, rising indebtedness, and disappearing pensions, not to mention sharply higher costs for health care, education, food, and energy.

It wasn't always this way. In the three decades after World War II, America's middle class grew rapidly. Incomes rose steadily as the middle class secured its fair share of the expanding national wealth. The Federal Government invested generously in infrastructure building, innovation, and education, vastly expanding opportunity for people to move into the middle class. America became a more equal, fair, and just society, built on a solid bedrock of a strong middle class.

I am an example of that. My father had an eighth grade education. He was a coal miner. My mother was an immigrant with very little formal education. Yet their three children were able to go to good schools, get good jobs, and get an education. All three of their children graduated from Iowa State University, a great land grant college, because it didn't cost very much and we could afford to go there and we were able to enter the middle class from those humble beginnings.

But beginning in the 1970s, much of that progress started to come to a halt. Our manufacturing base declined, and the U.S. economy became increasingly dominated by financial markets and Wall Street—a trend that was accelerated by ill-advised deregulation. Soaring profits and sky-high salaries attracted more of our Nation's best and brightest to pursue careers in finance at the expense of engineering, teaching, and public service.

Wall Street bankers were emboldened by deregulation. They were incentivized by huge salaries and bonuses to take ever greater risks, and they devised ever more exotic and risky investment schemes. As we all know, in 2008, this frenzy of greed and recklessness culminated in the catastrophic meltdown of our Nation's financial system. This economic crisis was a hammer blow to our already struggling middle class. The value of Americans' homes and retirement accounts plummeted, millions lost their jobs or were forced into foreclosure, and hopes for the future dimmed.

In the wake of this financial crash, with its pervasive damage to the middle class, the American people demanded action to rein in the worst abuses of Wall Street and to prevent a replay of 2008. This led to the Dodd-Frank Wall Street Reform and Consumer Protection Act—let me repeat that, the Wall Street Reform and Consumer Protection Act—the most sweeping reform of our financial system since the Great Depression. For hundreds of millions of American consumers in their everyday lives, no aspect of this law is more important and transformative than the creation of the Consumer Financial Protection Bureau. Again, read the words of the legislation. It is the Wall Street Reform and Consumer Protection Act. Therefore, a big part of the bill was to build in consumer protections, and one of those was to create the Consumer Financial Protection Bureau.

I have come to the floor in strong support of the nomination of Richard Cordray to be Director of this Consumer Financial Protection Bureau. The idea behind this bureau is very simple. We need a cop on the beat looking out for the best interests of consumers who use financial products, just as we have regulators looking out for the financial health of banks.

A strong Consumer Financial Protection Bureau will ensure consumers are not lured into debt through hidden fees, for example. It will simplify disclosures and reduce paperwork so consumers aren't faced with mountains of paperwork they can't understand. It will oversee providers of consumer credit, such as payday lenders, which for years have acted like banks without facing any kind of banking regulation. Additionally, as student debt surpasses credit card debt as the largest source of consumer debt—which has already happened, by the way, that student debt right now is larger than credit card debt—this Consumer Protection Bureau can play a critical role in helping families better understand the increasing challenges of facing a college education and financing it as well as bringing some sanity to the private student loan marketplace.

Finally, a key function of the Consumer Financial Protection Bureau will also provide help to our veterans through the Office of Service Member Affairs. Sadly, too often our servicemembers fall victim to abusive financial traps upon their return home. The Bureau has made an outstanding choice for leadership of this office with the selection of Mrs. Hollister Petraeus. But cynically, my Republican colleagues have chosen to protect the unscrupulous lenders that prey on military families. They would rather neuter the entire agency, have no Director, than to fully empower Mrs. Petraeus to protect military personnel and their families from all forms of predatory lending activities.

These steps are essential elements of helping to tilt the scales of our economy back into balance so that once again we put the interests of the 99 percent of Americans who use financial products ahead of the 1 percent who profit from them.

I was deeply disappointed when our Republican colleagues voted against the Wall Street reform bill that should have been overwhelmingly a bipartisan bill. But now the bill is law, and guess what. My Republican friends are doing everything in their power to prevent it from doing its important job.

Earlier this year, 44 Republican Senators served notice that they would not confirm anyone—let me repeat, they would not confirm anyone—to the position of Director unless structural changes are made to the Bureau that would effectively take away its ability to stand up for consumers. The changes they have demanded are unfair and unreasonable. No other independent financial regulator has its rules subject to veto by other regulatory agencies. To suggest that the only regulator with a primary mission to protect everyday hard-working Americans should face unprecedented levels of oversight simply does not make sense. Once again, the Republicans have brazenly put the interests of Wall Street, payday lenders, and unscrupulous mortgage lenders ahead of the interests of Main Street consumers.

To restore the American economy to its place, we need a financial system that works for them. This means a financial system where consumers choose services based on a full and transparent understanding of the costs of those services. But absent a Director, the Consumer Finance Protection Bureau won't be able to supervise payday lenders, debt collectors, or private student lenders. They won't be able to make it easier for the good actors in the financial system—our community banks, for example, or our credit unions—to compete against those who are making a large profit by unfairly taking advantage of unsuspecting consumers.

Richard Cordray is a superb choice to serve as the first Director of this Bureau. As attorney general of Ohio, he was a strong and fair advocate for consumers. His work has earned him the endorsement of bankers, CEOs, and civil rights leaders across the State of Ohio. He is a public servant of the highest caliber who deserves to be given the opportunity to lead this critically important Bureau.

As a matter of fundamental fairness to hard-working Americans on Main Street, we need an effective, evenhanded Consumer Financial Protection Bureau. Mr. Cordray deserves the opportunity to lead this new Bureau.

I call upon my Republican colleagues, at long last, to put the interests of consumers ahead of the interests of those whose reckless pursuit of profits and bonuses have caused so much harm to our society and economy. I call upon my Republican colleagues to ignore the legions of Wall Street lobbyists who are urging them to disable and, if possible, kill the Consumer Financial Protection Bureau.

Richard Cordray is a dedicated and impartial public servant who will put the best interests of American consumers first. We should give him that opportunity. I hope my colleagues will join me in strongly supporting his nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

THE ECONOMY

Mr. WICKER. Mr. President, we are now as a country squarely in the middle of the Obama economy. It is a period of slow growth, persistently high unemployment, with many potential workers having abandoned the playing field and simply given up looking for work.

There is a growing awareness among our countrymen that the policies of President Obama—the policies enacted during the first 2 years of his administration under Democratic supermajorities—have made matters worse.

We have legitimate disagreements in this Capitol concerning the solutions to the problems we are experiencing with the Obama economy. My colleagues and I on this side of the aisle would enact aggressive regulatory reform, an expansive energy policy, and we would vastly limit the size and scope of the Federal Government. That is our plan, and it is a plan about which we could have genuine disagreements.

What I want to talk to my colleagues about today, though, is what I would suggest is a manufactured dispute over this issue of the extension of the payroll tax. That is an issue on which really there is a wide consensus on the Democratic side of the aisle, over here on the Republican side, and down the hall in the other body.

The President said only a few months ago that it is not wise to raise taxes on anyone during a recession. And we certainly are in a recession. In recent weeks, the President has suggested that perhaps he has abandoned this position and changed his mind and that we should perhaps raise taxes on some people even though we are still in a recession. But Republicans have consistently agreed with what the President said earlier: We are in a recession, and this is no time to raise taxes on anyone. This means we shouldn't raise taxes on the working poor. It means we shouldn't raise taxes on employees working on the assembly line or working in the retail sector. It means we should not raise taxes on job creators. We should not raise taxes on investors on whom we depend to provide the capital to create jobs. We shouldn't raise taxes on anybody because we are in a time of recession.

Let's put this into a historical context. Last December, at a time when Democrats still had supermajorities over here in the Senate, when Speaker PELOSI was still in charge in the House of Representatives with her majority there, this Congress on a bipartisan basis enacted legislation to keep in place the Bush-era tax cuts, to leave those rates in place for all Americans at whatever income level, and we also on a bipartisan basis enacted a cut in the payroll tax. This is the Social Security tax that all workers pay regardless of income, the so-called FICA taxes that you see on your pay stubs. Last December, that tax cut dropped the payroll tax for employees from 6.2 percent to 4.2 percent. I supported that. Republicans and Democrats supported that. It is up for renewal, and there is a huge majority of Members of the House and Senate who want to renew that. The distinguished majority leader, Senator REID, however, has suggested that not only do we keep the lower rate of 4.2 percent rather than 6.2 but we actually lower that FICA tax to 3.1 percent.

We can have an extension of the current FICA tax rate. Democrats know it, the White House knows it, and the Republican conference knows it. But one problem must be addressed, and I think both parties want to address this: We need to offset the cost to the Social Security trust fund of these lower payroll tax rates. Why do we need to do this? Because when the law says we are really supposed to be taking in 6.2 percent and putting that in the trust fund to make the Social Security Program as solvent as possible and we lower that to 4.2 percent or to less, as the majority leader wants to do, it amounts to a drain on the Social Security system. I think the last thing we want to do with a weak system, which we know can't come out in the end, is to put further pressure on the Social Security trust fund. So both parties have proposed to offset, or pay for, a continuation of the payroll tax cuts.

Last week, the White House unveiled a digital clock at the top of its Web site that counts down to the date when the payroll tax cuts will expire at the end of the year. This somehow suggests that someone in this town wants the payroll tax to go back up to 6.2 percent. This is pure political gamesmanship. We can have a bipartisan solution to keep the payroll tax at 4.2 percent, but we must pay for it.

The distinguished majority leader, Senator REID, had a proposal last week not only to lower the payroll tax to 3.1 percent but to pay for it by raising taxes on someone else. This violates what the President said several months ago: We don't need to raise taxes on anyone.

We can pay for a continuation of this, as Republicans have proposed to do, by offsetting it with smart spending cuts, a freeze in Federal pay, a reduction in the Federal workforce, and means testing of some benefits at the upper income levels. We proposed this

last week, but it was shot down by the majority in this body with, to me, a contrived plan to actually lower the payroll tax and shift those taxes to someone else.

We are told that this week, just like last week, we are going to have some more political theater. The majority leader will propose once again a tax increase on others so that we can keep this payroll tax cut, and we will propose a side-by-side which is essentially the pay-for plan to keep the tax rate as it is. Both of these will fail because the majority leader intends for them to fail, and essentially we will have wasted 2 weeks at the end of this session of Congress by creating a manufactured disagreement for the sake of scoring political points.

Maybe after we get this week over with and we have had yet another week of gamesmanship, the Senate can get down to the business of passing a simple extension of the payroll rates in their current form and to offset that action with savings. There is an absolute majority in the Senate and in the House to do just that. In doing so, we can end 3 weeks of political theater with the Democrats trying to score points for 2012.

I wish we could fast-forward to next week and get this important piece of legislation done and enact a continuation of the payroll taxes that a vast majority of Republicans and Democrats support.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Louisiana.

NATIONAL FLOOD INSURANCE PROGRAM EXTENSION

Mr. VITTER. Mr. President, last week I came to the floor and urged all of my colleagues on both sides of the aisle to come together in a commonsense, bipartisan way and extend for a significant period of time the very important National Flood Insurance Program. That program, which is essential to the country, involves a lot of properties essential to real estate closings, to allow that important part of our economy to happen as we struggle to get out of this recession. That program would otherwise expire 1 week from this Friday.

I also wrote Senator REID that same day, as I came to the floor, urging him to support this legislation, extending this vital program, to be passed quickly, hopefully unanimously, through the Senate.

The good news is that I have reached out to many folks—Democrats and Republicans—since then, and we have continued to build consensus to do that, to make sure there is no threat of the National Flood Insurance Program lapsing yet again, as it did, unfortunately, four times in 2010—no good reason—for a total of 53 days. Every time that happens or is even threatened to happen, within a few days there is great chaos and uncertainty in the real estate market. Good closings are put off. Our economy slows down for no good reason, as we need every closing in sight to do exactly the opposite and to improve the economy. Again, the good news is that we have built consensus, and I think we have reached consensus to avoid that sort of lapse. So I return to the floor today to get that formally done.

I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1958, my bill, to extend the National Flood Insurance Program well into next year, to May 31, which I introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1958) to extend the National Flood Insurance Program until May 31, 2012.

There being no objection, the Senate proceeded to consider the bill.

Mr. VITTER. Mr. President, I know of no further debate on this measure. I will have a few closing comments after we formally pass it, but I urge its passage.

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

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 1958) was passed, as follows:

S. 1958

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

SECTION 1. EXTENSION OF THE NATIONAL FLOOD INSURANCE PROGRAM.

(a) PROGRAM EXTENSION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking ''September 30, 2011'' and inserting ''May 31, 2012''.

(b) FINANCING.—Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking ''September 30, 2011'' and inserting ''May 31, 2012''.

(c) REPEAL.—The Continuing Appropriations Act, 2012 (Public Law 112–36; 125 Stat. 386) is amended by striking section 130.

Mr. VITTER. Mr. President, I ask unanimous consent the motion to reconsider be considered made and laid upon the table and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, in closing, I thank everyone, on both sides of the aisle, who worked in a very commonsense way to get this done. Again, sort of the worst case scenario is what we all experienced in 2010. Four different times in 2010 the program actually lapsed, a total of 53 days. More times than that it came within a few days of lapsing and created great uncertainty in the real estate market.

We do not need any of that. We have been trying to struggle out of a recession and a very bad economy which has been led by a real estate downturn. We need every good closing we can get. Giving the market this certainty over a week before it would otherwise expire is very good as we try to create that certainty and build a better economic climate.

I am happy we came together in a commonsense bipartisan way to extend the National Flood Insurance Program, as is, to May 31. Let me also say in closing I strongly support a full 6-year reauthorization of the program. I have worked on that bill with many others in the relevant Senate committee, the Senate Banking Committee. We have reported a good bill out of committee. I want to get that to the Senate floor and merge it and compromise it in some reasonable way with the House reauthorization.

We need a full-blown 6-year reauthorization of the program with significant reforms. That was obviously not going to happen between now and a week from Friday. It is obviously not going to happen a month or two into the new year. So we needed to create the certainty this extension will create as we continue to work on that full reauthorization.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIDDLE CLASS TAX CUT ACT

Mrs. MURRAY. Mr. President, I come to the floor this evening to urge my colleagues to support legislation to extend and expand the payroll tax cut on which middle-class families across America depend. Last week Democrats brought a bill to the floor that would have not only accomplished this goal for our workers, it would have also cut the payroll tax for half of our Nation's employers and eliminated it entirely for businesses who were making new hires.

To pay for this proposal, Democrats proposed a small surtax on millionaires and billionaires; that is, people who are earning more than $1 million a year. In order to extend and expand the critical tax break for middle-class families and small businesses owners, we thought it right to call on the wealthiest among us—those who can afford it—to pay just a little bit more at a time when a vast majority of Americans are struggling.

Our bill set up a choice, and we thought it was an easy one: Do you vote to extend critical tax cuts for middle-class families or do you vote to protect the wealthiest Americans from paying one penny more toward their fair share?

Unfortunately, almost every Senate Republican chose to side with the richest Americans and filibuster our middle-class tax cut bill. In a surprising development, their leadership's own bill to simply extend the middle-class tax cuts while protecting the wealthiest Americans was opposed by the majority of Republicans.

Republicans spent months on the Joint Select Committee on Deficit Reduction saying that the tax cuts for the wealthiest Americans should be made permanent, that the wealthiest Americans and biggest corporations should get even deeper tax cuts, the tax cuts for the rich should not be paid for and should be simply added to the deficit, and that a pledge made to a Republican lobbyist named Grover Norquist gave them no choice but to support tax cut extensions.

So I have to say I am truly disappointed to see, once again, that this apparent concern for tax cuts only seems to extend to millionaires and billionaires. Now that a break for the middle class is on the verge of ending in a few short weeks—potentially causing deep harm to our weak economy—those Republicans who fought tooth and nail for tax cuts for the rich are nowhere to be found. In fact, many of them are actively opposing it.

Republicans seem to be operating under the backwards economic principle that only tax cuts for the richest Americans and biggest corporations are worth fighting for. In fact, they have a name for that group of people. They call them the job creators. They believe the only ones who create jobs in America are the rich, and they claim the tax cuts and loopholes they fight for that benefit the wealthy will somehow trickle down to the rest of us.

Well, that is wrong. We know the Republican economic policy has failed us. It was this kind of thinking that turned a surplus into a deficit, that brought our economy to its knees, that failed our middle class and allowed the wealthiest Americans to amass record fortunes, paying the lowest tax rates in decades. It is the wrong way to go. Americans know it and our country has the scars to prove it.

A constituent of mine named Nick Hanauer recently published an op-ed in Bloomberg Businessweek that speaks to this point exceptionally well. Nick is a businessman. He is a venture capitalist in Seattle. He helped to launch more than 20 companies, including amazon.com, and he has a deep understanding of 21st-century jobs and the innovation economy.

Nick wrote that it is not tax cuts for the rich that create jobs—and I want to quote him. He says:

> Only consumers can set in motion a virtuous cycle that allows companies to survive and thrive and business owners to hire. An ordinary middle-class consumer is far more of a job creator than I ever have been or ever will be.

He advocates ending the tax breaks for the rich and using some of that savings to give average working families a break and put more money in their pockets. Nick's logic is clear, and it makes economic sense. It is in line with what the American public believes, and it is exactly why this middle-class tax cut needs to pass.

So while I strongly supported our last bill that would have extended and expanded this tax cut on both workers and employers, it was clear that Republicans were not going to drop their filibuster. So we are back now with a compromise.

Republicans claim to be concerned that our bill was too big, so we scaled it back. They didn't like the surcharge on the wealthiest Americans, so we cut it down significantly and we made it temporary. To make it even more acceptable, we included spending cuts that both sides said were acceptable as well as their proposal to make millionaires ineligible to receive unemployment insurance and food stamps.

The compromise that is before us is fully paid for. It extends and expands payroll tax relief for millions of middle-class families in our country. It will create jobs and provide a critical boost for this economy at a time when we desperately need it.

So I continue hoping that our Republican colleagues will be as focused on tax cuts for the middle class as they are for the wealthiest Americans and largest corporations. I hope they stand with us to pass this critical legislation in time for the holidays because that is what American families want.

I thank the Chair.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORDRAY NOMINATION

Mr. MERKLEY. Mr. President, tomorrow we will be voting on whether to close debate on the nomination of Richard Cordray as Director of the Consumer Financial Protection Bureau. This vote can be framed in terms of his qualifications, but that would be a mistake because folks on both sides of the aisle have noted he is exceptionally qualified for this position. He is a graduate of Michigan State University, of Oxford University, and the University of Chicago Law School, where he was editor in chief of the University of Chicago Law Review.

In addition, he has held a number of public positions with honor and distinction as State representative, as Ohio's treasurer, as Ohio attorney general. Indeed, as Ohio's attorney general, he was an aggressive advocate for consumers. He recovered more than $2 billion for Ohio's retirees, investors and business owners and took major steps to help protect its consumers from fraudulent foreclosures and financial predators. What a terrific resume. He is an individual who has stood up for retirees, business owners, and investors. He has said fraud will not be tolerated. We will seek it out and we will penalize it and we will end it. In other words, it is exactly the resume of someone we would want to head a consumer financial protection department or division or bureau.

Why are we voting tomorrow to end debate? Why don't we just have a unanimous consent agreement that we go to a final vote? The answer is, my colleagues across the aisle are objecting. They are objecting to a vote on his nomination not because he isn't qualified but because they want to prevent this agency from doing its job: protecting America's families against predators. I cannot think of many issues that are so important to the success of our families as making sure they are not subject to financial predators. Yet my colleagues across the aisle are opposing this nomination in order to protect the predators preying on America's families. That is just plain wrong. I hope they will change their position before tomorrow.

Let's turn the clock back to 2003. In 2003, a new type of mortgage was invented in the United States. This was a mortgage that had a 2-year teaser rate—a very favorable, low rate—so as to serve as the bait for mortgage originators to say to their clients: This is the best mortgage for you because it has the lowest rate. But what the originators didn't tell their clients was that after 2 years, that rate exploded to a very high interest rate—a predatory rate—and they couldn't get out of the mortgage because the mortgage had a little sentence in it that said they have to pay a huge penalty if they try to refinance this mortgage. That penalty was 5 or 10 percent of the value of the loan. Show me a working family in America who buys a house, puts down their downpayment, makes their repairs, gets moved in, and still has 10 percent of the value of the house sitting in the bank, able to pay a penalty so they can get to a fair interest rate after the interest rate explodes.

So this new mortgage turned the humble, amortizing, family mortgage that had been the pathway for the middle class, for millions of American families, into a predatory trap that destroyed families and that created a lot of wealth for the 1 percent who run the system in our society. Have no doubt, that 1 percent got in, in every possible way. They said: Let's package these predatory mortgages and sell them and then let's take pieces of those packages and combine them with pieces of other security packages and resell them and then let's develop a brandnew insurance industry that insures securities. This insurance is what is often called credit default swaps or derivatives, which are fancy names for insurance on

these packages and mortgages. So then they said let's thereby make them very attractive to pension funds and investors across the world. This was so successful that those who were buying the mortgages were willing to pay a huge bonus to the mortgage originators to steer families away from the very successful, humble, amortizing, fixed-rate mortgage into this predatory, exploding interest rate mortgage, all the time posing as the family's counselor, saying it is my job to do what is best for you.

Why did this predatory practice in 2003, that grew enormously over the next 4 years, continue to go on? What happened to oversight of fairness, and what happened to the agency that was supposed to shut down predatory practices? That agency was the Federal Reserve and the Federal Reserve is a very powerful organization. The Federal Reserve has two responsibilities: employment and monetary policy. Those are the traditional responsibilities, but they were given a third, which is consumer protection. Somewhere in that vast, powerful agency on the upper floor, the head of the Federal Reserve and his key advisers were hard at work on monetary policy, deciding what interest rates they would lend to our major banks, and they were hard at work, we would hope, on the employment side as well. But they seemed to have forgotten they were also responsible for consumer protection. That mission was set aside. It was put down in the basement of the building and the lights were turned off and the doors locked and they did absolutely nothing about these predatory practices that were destroying the finances of millions of Americans, that were betraying the fundamental relationship between a family and its trusted mortgage originator who was getting bonus payments for steering them into these loans. They did absolutely nothing about a number of other predatory practices.

That is why the Consumer Financial Protection Bureau was created. It doesn't have other responsibilities to distract it. It isn't going to take the fate and success of our families and lock that mission down in the basement and turn out the lights because this is the heart of why this bureau exists.

This vote tomorrow is about whether we believe in the family value of fair deals that build the success of our families or whether we believe in the 1 percent exercising full predatory practices to destroy the financial lives of Americans, destroy the financial lives of our veterans for standing up for us in war and who are often a highly targeted group when it comes to these types of mortgage practices and these types of payday practices.

This is an important vote tomorrow. It is not a vote about the qualifications of the nominee because the nominee has the right set of skills to be highly qualified in a number of directions. It is a vote about whether, in America, one believes it should be OK to be a predator or not OK. I believe it is not OK. I believe States and the Federal Government should do all they can to make sure deals are fair, to make sure there are not conflicts of interest, to make sure there are not payments that are undisclosed to a customer, to make sure there are not hidden clauses to convince customers by their trusted advisers to sign documents which cause the destruction of families' financial lives over the next 10 to 20 years as a result of that trust. Fairness matters to the success of our families.

We should have a unanimous vote tomorrow to end this debate and get on to the final vote of whether to confirm a very distinguished and capable and honorable man who is prepared to fight for the success of American families.

I thank the Chair.

DEFENSE AUTHORIZATION

Mr. CASEY. Mr President, I would like to express my support for the Menendez amendment, which passed 100 to 0 and would sanction the Central Bank of Iran. I was proud to be an original cosponsor of this important legislation. The Islamic Republic of Iran has proven through its recent behavior its blatant disregard for its international commitments to the IAEA and for the universal declaration of human rights. Iran is a serious threat to the security of the United States, the Middle East, and the world.

Last month's IAEA report on Iran said that the Agency had credible information that Iran may have worked on developing nuclear weapons. This is the most damning report yet on Iran's nuclear program and has served as a wake up call to the world. The United Kingdom has responded with tough sanctions. Italy and France have expressed support for tougher measures.

This opinion has been held by many here in the Senate for a long time. That is why we in the Senate have been so persistent in our efforts to pursue tougher sanctions to isolate Iran. This is why we continue to strive to provide all the tools necessary to ensure that maximum pressure is brought to bear on the regime in Tehran.

I appreciate the administration's efforts to engage with the Iranian regime since coming into office. The administration has made serious efforts to diplomatically engage Tehran officials. But the regime has rejected requests by the United States and international community for true dialog. Regretfully, I do not think dialog will work with this regime.

The IAEA report was a culmination to months of events that showed Iran's brazen disregard for international norms. In October, the regime planned to assassinate the Saudi Ambassador to the United States. The Iranian regime sought to kill a senior foreign official on U.S. soil.

There must be consequences for the planned attack on the Saudi Ambassador. There must be consequences for Iran's nuclear conduct as evidenced in the new IAEA report. This amendment makes these consequences clear.

I am concerned that the administration's November 21 sanctions response is not adequate in responding to this new information on Iran's intentions. European countries, led by the United Kingdom and France, have called for sanctioning of the Central Bank of Iran. My question to the administration is this: does the IAEA report indeed reflect a turning point for U.S. policy? And if so, what should the United States do to address this looming threat? The administration's announcement of new sanctions on November 21 is a good step, but the United States must take this one step further and sanction Iran's Central Bank. If the IAEA report does not indicate that we have turned a corner with respect to this critical national security threat, I don't know what does.

This administration has taken unprecedented measures to isolate the Iranian regime. It understands the threat posed by a nuclear Iran. And while I appreciate the administration's focus on this issue at this critical juncture in history, I believe that we must do more.

This amendment would restrict U.S. financial institutions from doing business with any foreign financial institution that knowingly conducts financial transactions with Iran's Central Bank. With this amendment, we are hitting Iran where it hurts. Eighty percent of Iran's hard currency comes from crude oil sales, which depend on transactions through the Central Bank. The Central Bank of Iran is complicit in Iran's nuclear program. This amendment also has measures that would ensure that the oil markets are not affected by isolation of the Iranian oil industry. The amendment also requires the President to start a ''multilateral diplomacy initiative'' to convince other countries to cease oil imports from Iran.

It has become increasingly clear in the past month that the international community cannot negotiate with the current leadership in Iran, which has proven incapable and unwilling to abide by its international commitments. This was made crystal clear by the planned attack on the Saudi Ambassador, credible evidence of illegal nuclear activity in the IAEA report, and the attack on the British Embassy. I believe that we have turned a corner in how we should regard this regime in Iran.

This means that in addition to severe sanctions, the United States should renew its support for democratic activists in Iran. Amid the remarkable change taking place across the region, the United States should clearly place itself on the side of democratic forces in Iran. Compromise with the current regime is not possible, and we, working with the international community, should work to engage fully with the democratic actors in the country.

Those who ransacked the British Embassy do not represent the Iranian people. The majority of Iranians, based on the outpouring of support for the Green Movement in 2009, aspire for a different future.

We have reached a pivotal moment, and we must stand on the right side of history. We must do all that we can to prevent Iran from gaining a nuclear weapon. I am proud to have cosponsored the Menendez amendment sanctioning the Central Bank of Iran. We must make it clear that there are substantial consequences to Iran's nuclear intentions.

TRIBUTE TO LIEUTENANT GENERAL LOREN M. RENO

Mr. INHOFE. Mr. President, I rise today to pay tribute to an exceptional leader, superb officer, and friend, LTG Loren M. Reno, the deputy chief of staff, logistics, installations and mission support for the Air Force, as he prepares to retire after more than 38 years of dedicated and distinguished service to our Nation.

General Reno is a consummate professional and, truly, the most humble, genuine general officer whom I have had the pleasure of working with during my years in the Senate. Thankfully, I have had the opportunity to get to know him very well. We worked closely together during his two tours at the Air Logistics Center in Oklahoma City, and that relationship continued during his time back on the Air Force staff.

General Reno accomplishments over his 38-year career have been remarkable. He is a senior navigator with more than 2,500 flying hours in the C–9, C–130, T–29, and T–43 aircraft, a master maintainer with over 24 years experience keeping the Air Force flying, and an accomplished leader of airmen. General Reno commanded two aircraft maintenance squadrons, a technical training group, and the Defense Fuel Supply and Defense Energy Support Centers, and, of course, the Oklahoma City Air Logistics Center at Tinker Air Force Base, OK.

A native of Port Jefferson, NY, General Reno graduated from Cedarville University in Ohio in 1970 and spent 4 years teaching middle school science before attending Officer Training School. After earning his commission from OTS as the distinguished graduate and his initial training where he was also the distinguished graduate, he was assigned to the 21st Tactical Airlift Squadron in the Philippines. It was from there that he flew missions into Saigon, Vietnam, at the close of the war in 1975. His prowess as a navigator earned him selection to attend instructor training at Mather Air Force Base, CA, in 1978, where he once again graduated as a distinguished graduate. His subsequent performance as an instructor earned him the award as the Instructor Navigator of the Year in 1979.

Next, General Reno worked in legislative affairs on the Air Staff in the Pentagon and then for Air Mobility Command from 1981 to 1985. Following his staff tour, General Reno moved to Dyess Air Force Base, TX, in 1985 where he continued to shine on the ground and in the air as the chief navigator for the 773rd Tactical Airlift Squadron. It was during this assignment that he left the navigator career field and cross-trained as an aircraft maintenance officer. In 1987, General Reno took command of the 463rd Avionics Maintenance Squadron and then the 463rd Field Maintenance Squadron there at Dyess. After Air War College, he moved back to the Air Staff from 1990 to 1992, working as a program manager and as the chief of maintenance policy for the Air Force.

After two years in the Pentagon, General Reno moved back to Texas, this time to Sheppard Air Force Base, where he commanded the 396th Technical Training Group and the 82nd Training Group before moving to Fort Belvoir, VA, to work in the Defense Logistics Agency from 1994 to 1998 in positions of increasing responsibility, working on joint logistics for contingency operations and strategic programming, before being selected as the commander of the Defense Fuel Supply Center and Defense Energy Support Center.

Upon the completion of his command at the DLA in 1998, General Reno moved to my home State of Oklahoma to work at the Oklahoma City Air Logistics Center. While there, he was promoted to brigadier general and appointed as the center's deputy commander. After his first Oklahoma tour, General Reno returned to Scott Air Force Base in 2002 as the director of logistics for air mobility command. In this capacity, he was responsible for developing policy logistics plans for 14 major active air installations in the United States and 17 locations throughout the world. It was also in this position that General Reno was selected for his second star.

After this, General Reno returned to the DLA, where he served as the vice director and was responsible for providing logistics to the various military departments and combatant commands. We were able to get him back to Oklahoma in 2007 when he returned to command the Oklahoma City Air Logistics Center, where he provided maintenance for the Air Force's KC–135s, B–1, and B–52s, as well as numerous types of aircraft engines while also commanding Tinker Air Force Base. He also helped shepherd through one of the biggest growth opportunities for the base by working with the local community to acquire an abandoned automotive plant that was located adjacent to the base. The new facility vastly increased the base's ability to accomplish the Air Force's depot maintenance mission and ushered in an era of new possibilities for Oklahoma City and the Air Force. It is this kind of performance that characterized General Reno's whole career.

Based on this performance, he was promoted to lieutenant general and sent back to the Pentagon in 2009 to be the Air Force's deputy chief of staff for logistics, installations and mission support. During that time Lieutenant General Reno's demonstrated a mastery of complex issues, decisive leadership, and dedication to both mission and people. He advocated and defended over $30 billion annually in logistics and installation programs and developed long-range strategic guidance for Air Force weapons systems, facility sustainment, military construction, and contingency support to achieve national security objectives. He led the Air Force's first-ever worldwide inventory of all nuclear components at 581 sites. This epic venture allowed the Air Force to reestablish control of more than 34,000 items valued at $1.3 billion and was the first of many crucial logistics milestones needed to reinvigorate the nuclear enterprise, the Air Force's No. 1 priority. His leadership was invaluable to the success of the $1 billion Expeditionary Combat Support System Program, the culmination of a decade-long effort in developing and modernizing Air Force business operations that will ultimately save the Air Force $9 billion in supply chain costs.

Finally, as a hands-on leader and champion of airmen resiliency initiatives, he was instrumental in the creation of the Air Force's Deployment Transition Center providing a critical, strategic, physical, emotional, and spiritual respite for thousands of airmen. He provided the leadership and support to ensure outside-the-wire airmen are provided an opportunity to decompress before they return to their home station and families.

What I appreciate most about Loren is his dedication to others. He doesn't have hobbies because he works for the benefit of everyone else. He set aside hobbies like golf and instead made spending time with his children and wife his hobby. As a man of deep faith in Jesus, he sacrificed personally so he could give extravagantly to missions and to ministry. Although General Reno's service in the Air Force will come to an end, his service to God, his family, and his country continues. I can't wait to see what's next.

On behalf of Congress and the United States of America, I thank Lieutenant General Reno, his wife Karen, and their entire family for their extraordinary commitment, sacrifice, contribution, and dedication to this great Nation during his distinguished career in the U.S. Air Force. I congratulate him on the completion of an exemplary career and wish him, his wife Karen, and their family God's speed and continued success and happiness in the future.

ADDITIONAL STATEMENTS

RECOGNIZING OLD FARM CHRISTMAS PLACE OF MAINE

• Ms. SNOWE. Mr. President, December in Maine invokes the classic images of Christmas. The wonders of children sledding down snow-covered hills and small towns enveloped in December's darkness while illuminated by the glow of twinkling lights. One of the most memorable parts of any Christmas celebration revolves around the selection and decoration of the perfect tree. Today I rise to commend and recognize the Old Farm Christmas Place of Maine, a small business that allows families throughout the Nation to enjoy the tradition of selecting and cutting down their own Christmas tree.

The Old Farm Christmas Place of Maine, located in the coastal town of Cape Elizabeth, opened in November of 2010. Jay Cox, the owner of Old Farm, purchased the historic Dyer-Hutchinson farmhouse in 2001. Built in 1790, the Old Farm stands as a testament to Maine's rich history and in 1997 was accepted into the National Registry of Historic Places. After substantial renovations to the historic property, Jay planted his first Christmas trees in the spring of 2004 on the 50-acre property. Finally, last year, with roughly 18,000 trees planted and 1,000 trees ready to be sold, Jay opened up his winter wonderland.

This small business provides a unique tree-cutting venture and invites families to experience the joy of selecting the perfect tree. At Old Farm, this is a journey that begins with a wagon ride over the farmland onto the fields where families can explore acres of the beautiful farm until they find their ideal tree. Once this perfect tree is selected, they will assist you in cutting down the tree and loading it into your car or even delivering it to local areas throughout the State. Lastly, as Maine's winters can be frigid, families can finish the experience warming themselves by the fire inside the Old Farm store while sipping delectable cider and rich hot chocolate.

Jay comes from a family of Christmas tree enthusiasts; his parents owned and operated Dun Roamin' Christmas Tree Farm in Cape Elizabeth for 25 years. That farm now makes wreaths which are sold at the Old Farm Christmas Place store. The storefront also carries several locally made Christmas decorations and ornaments to adorn households near and far, adding a new element to the traditional tree farm selection.

As opening a small business is a daunting task, Jay Cox's dedication for nearly a decade to open a Christmas tree farm and storefront reminiscent of old times and tradition is truly inspiring. I am proud to extend my congratulations to everyone at the Old Farm Christmas Place of Maine for their tremendous efforts and offer my best wishes for continued success.•

MESSAGES FROM THE HOUSE

At 11:35 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1541. An act to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1639. An act to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1021. An act to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts.

H.R. 2297. An act to promote the development of the Southwest waterfront in the District of Columbia, and for other purposes.

H.R. 2405. An act to reauthorize certain provisions of the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act relating to public health preparedness and countermeasure development, and for other purposes.

H.R. 2471. An act 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.

H.R. 3237. An act to amend the SOAR Act by clarifying the scope of coverage of the Act.

The message further announced that the House has passed the following joint resolution, with an amendment, in which it requests the concurrence of the Senate:

S.J. Res. 22. Joint resolution to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years.

At 4:34 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoint the following Members as managers of the conference on the part of the House:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. MCKEON, BARTLETT, THORNBERRY, AKIN, FORBES, MILLER of Florida, LOBIONDO, TURNER of Ohio, KLINE, ROGERS of Alabama, SHUSTER, CONAWAY, WITTMAN, HUNTER, ROONEY, SCHILLING, GRIFFIN of Arkansas, WEST, SMITH of Washington, REYES, Ms. LORETTA SANCHEZ of California, Messrs. MCINTYRE, ANDREWS, Mrs. DAVIS of California, Messrs. LANGEVIN, LARSEN of Washington, COOPER, Ms. BORDALLO, Messrs. COURTNEY, LOEBSACK, Ms. TSONGAS, and Ms. PINGREE of Maine.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Mr. ROGERS of Michigan, Mrs. MYRICK, and Mr. RUPPERSBURGER.

From the Committee on Education and the Workforce, for consideration of section 548 and 572 of the House bill, and sections 572 and 573 of the Senate amendment, and modifications committed to conference: Messrs. PETRI, HECK, and GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of sections 911, 1099A, 2852, and 3114 of the House bill, and section 1089 of the Senate amendment, and modifications committed to the conference: Messrs. UPTON, WALDEN, and WAXMAN.

From the Committee on Financial Services, for consideration of section 645 of the House bill, and section 1245 of the Senate amendment, and modifications committed to conference: Mr. BACHUS, Mrs. CAPITO, and Mr. ACKERMAN.

From the Committee on Foreign Affairs, for consideration of sections 1013, 1014, 1055, 1056, 1086, 1092, 1202, 1204, 1205, 1211, 1214, 1216, 1218, 1219, 1226, 1228–1230, 1237, 1301, 1303, 1532, 1533, and 3112 of the House bill, and sections 159, 1012, 1031, 1033, 1046, 1201, 1203, 1204, 1206–1209, 1221–1225, 1228, 1230, 1245, title XIII and section 1609 of the Senate amendment, and modifications committed to conference: Ms. ROS-LEHTINEN, Mr. CHABOT, and Mr. BERMAN.

From the Committee on Homeland Security, for consideration of section 1099H of the House bill, and section 1092 of the Senate amendment, and modifications committed to conference: Mr. DANIEL LUNGREN of California, Mrs. MILLER of Michigan, and Mr. THOMPSON of Mississippi.

From the Committee on the Judiciary, for consideration of sections 531 of subtitle D of title V, 573, 843, and 2804 of the House bill, and section 553 and 848 of the Senate amendment, and modifications committed to conference: Messrs. SMITH of Texas, COBLE, and CONYERS.

From the Committee on Natural Resources, for consideration of sections 313, 601, and 1097 of the House bill, and modifications committed to conference: Messrs. HASTINGS of Washington, BISHOP of Utah, and MARKEY.

From the Committee on Oversight and Government Reform, for consideration of sections 598, 662, 803, 813, 844, 847, 849, 937–939, 1081, 1091, 1101–1111, 1116, and 2813 of the House bill, and sections 827, 845, 1044, 1102–1107, and 2812 of the Senate amendment, and modifications committed to conference: Messrs. ROSS of Florida, LANKFORD, and CUMMINGS.

From the Committee on Science, Space, and Technology, for consideration of sections 911 and 1098 of the House bill, and sections 885, 911, 912, and division E of the Senate amendment, and modifications committed to conference: Messrs. HALL, QUAYLE, and Ms. EDDIE BERNICE JOHNSON of Texas.

From the Committee on Small Business, for consideration of section 804 of the House bill, and sections 885–887, and division E of the Senate amendment, and modifications committed to conference: Mr. GRAVES of Missouri, Mrs. ELLMERS, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of sections 314, 366, 601, 1098, and 2814 of the House bill, and sections 262, 313, 315, 1045, 1088, and 3301 of the Senate amendment, and modifications committed to conference: Messrs. MICA, CRAVAACK, and BISHOP of New York.

From the Committee on Veterans Affairs, for consideration of sections 551, 573, 705, 731, and 1099C of the House bill, and sections 631 and 1093 of the Senate amendment, and modifications committed to conference: Mr. BILIRAKIS, Ms. BUERKLE, and Ms. BROWN of Florida.

From the Committee on Ways and Means, for consideration of sections 704, 1099A, and 1225 of the House bill, and section 848 of the Senate amendment, and modifications committed to conference: Messrs. CAMP, HERGER, and LEVIN.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as managers of the conference on the part of the House:

Mr. Rogers of Kentucky, Mr. Young of Florida, Mr. Lewis of California, Mr. Frelinghuysen, Mr. Aderholt, Mrs. Emerson, Ms. Granger, Mr. Simpson, Mr. Culberson, Mr. Crenshaw, Mr. Rehberg, Mr. Carter, Mr. Dicks, Mr. Visclosky, Mrs. Lowey, Mr. Serrano, Ms. DeLauro, Mr. Moran, Mr. Price of North Carolina, and Mr. Bishop of Georgia.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2297. An act to promote the development of the Southwest waterfront in the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2405. An act to reauthorize certain provisions of the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act relating to public health preparedness and countermeasure development, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2471. An act 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; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4220. A communication from the Deputy Chief of the Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Revisions to 47 C.F.R. Parts 1, 36, 51, 54, 61, 64, and 69 to Comprehensively Reform and Modernize the Universal Service and Intercarrier Compensation Systems'' (FCC 11–161) received in the Office of the President of the Senate on December 5, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4221. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles, including, technical data, and defense services to Japan for the production of the Evolved SeaSparrow Missile (ESSM) in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–4222. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to the Benjamin A. Gilman International Scholarship Program for 2011; to the Committee on Foreign Relations.

EC–4223. A communication from the Secretary General of the Inter-Parliamentary Union, transmitting, a report relative to the Annual 2011 Session of the Parliamentary Conference on the World Trade Organization; to the Committee on Foreign Relations.

EC–4224. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled ''Family Educational Rights and Privacy'' (RIN1880–AA86) received in the Office of the President of the Senate on December 5, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–4225. A communication from the Chairman, Federal Labor Relations Authority, transmitting, pursuant to law, the Authority's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4226. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General of the Intelligence Community received in the Office of the President of the Senate on December 5, 2011; to the Select Committee on Intelligence.

EC–4227. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Methamphetamine Production Prevention Act of 2008'' (RIN1117–AB25) received in the Office of the President of the Senate on December 5, 2011; to the Committee on the Judiciary.

EC–4228. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revision of Patent Term Adjustment Provisions Relating to Information Disclosure Statements'' (RIN0651–AC56) received in the Office of the President of the Senate on December 1, 2011; to the Committee on the Judiciary.

EC–4229. A communication from the Acting Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Arizona Advisory Committee; to the Committee on the Judiciary.

EC–4230. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the semi-annual report of the Attorney General relative to Lobbying Disclosure Act enforcement actions taken for the period beginning on July 1, 2010; to the Committee on the Judiciary.

EC–4231. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the semi-annual report of the Attorney General relative to Lobbying Disclosure Act enforcement actions taken for the period beginning on January 1, 2010; to the Committee on the Judiciary.

EC–4232. A communication from the Director of the Regulation Policy and Management Office, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Servicemembers' Group Life Insurance Traumatic Injury Protection (TSGLI) Program Genitourinary (GU) Regulation'' (RIN2900–AO20) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Veterans' Affairs.

EC–4233. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report relative to expenditures from the Pershing Hall Revolving Fund; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1430. A bill to authorize certain maritime programs of the Department of Transportation, and for other purposes (Rept. No. 112–99).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 1949. A bill to provide for safe and humane policies and procedures pertaining to the arrest, detention, and processing of aliens in immigration enforcement operations; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, and Mr. PRYOR):

S. 1950. A bill to amend title 49, United States Code, to improve commercial motor vehicle safety and reduce commercial motor vehicle-related accidents and fatalities, to authorize the Federal Motor Carrier Safety Administration, and for other purposes; to

the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER (for himself, Mr. LEAHY, and Mr. SANDERS):

S. 1951. A bill to restore the exemption from fees for certain customs services for passengers arriving from Canada, Mexico, and islands adjacent to the United States; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. ROCKEFELLER):

S. 1952. A bill to improve hazardous materials transportation safety and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself and Mr. ROCKEFELLER):

S. 1953. A bill to reauthorize the Research and Innovative Technology Administration, to improve transportation research and development, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. HUTCHISON (for herself and Mr. ROCKEFELLER):

S. 1954. A bill to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces; to the Committee on Commerce, Science, and Transportation.

By Mr. PAUL:

S. 1955. A bill to authorize the interstate traffic of unpasteurized milk and milk products that are packaged for direct human consumption; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE:

S. 1956. A bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COBURN (for himself, Mr. SESSIONS, Mr. CHAMBLISS, Mr. BURR, Mrs. MCCASKILL, Ms. COLLINS, Mr. BEGICH, Mr. MCCAIN, Ms. AYOTTE, Mr. HATCH, Mr. PAUL, Mr. HELLER, Mr. CRAPO, Mr. COATS, Mr. ENZI, Mr. DEMINT, Mr. THUNE, Mr. RUBIO, Mr. JOHNSON of Wisconsin, Mr. LEE, Mr. BOOZMAN, Mr. HOEVEN, Mr. CORNYN, Mr. VITTER, Mr. GRAHAM, Mr. KYL, Mr. TOOMEY, Mr. MCCONNELL, Mr. RISCH, Mr. WICKER, Mr. INHOFE, and Mr. BARRASSO):

S. 1957. A bill to provide taxpayers with an annual report disclosing the cost of, performance by, and areas for improvements for Government programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER (for himself and Ms. LANDRIEU):

S. 1958. A bill to extend the National Flood Insurance Program until May 31, 2012; considered and passed.

By Mr. BURR (for himself, Mrs. FEINSTEIN, Mr. CHAMBLISS, Mr. COATS, Mr. BLUNT, Mr. NELSON of Florida, Mr. WARNER, Mr. INHOFE, Mr. GRAHAM, Mr. CORKER, Mr. KIRK, and Mr. UDALL of Colorado):

S. 1959. A bill to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes; to the Committee on Foreign Relations.

By Ms. COLLINS (for herself and Mrs. MCCASKILL):

S. 1960. A bill to provide incentives to create American jobs; to the Committee on Finance.

By Mr. REED (for himself, Ms. SNOWE, Mr. SANDERS, Mr. BROWN of Ohio, Mr. KERRY, Mrs. SHAHEEN, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. BLUMENTHAL, Mr. CASEY, Mrs. GILLIBRAND, Mr. ROCKEFELLER, Mr. LIEBERMAN, Ms. COLLINS, Mr. BROWN of Massachusetts, Ms. AYOTTE, Mr. SCHUMER, Mr. WEBB, Mr. BEGICH, and Mr. CARDIN):

S. 1961. A bill to provide level funding for the Low-Income Home Energy Assistance Program; to the Committee on Appropriations.

By Mr. DEMINT (for himself and Mr. BARRASSO):

S. 1962. A bill to make the internal control reporting and assessment requirements of the Sarbanes-Oxley Act of 2002 optional for certain smaller companies; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. Res. 345. A resolution expressing the sense of the Senate on the closure of Umatilla Army Chemical Depot, Oregon; considered and agreed to.

ADDITIONAL COSPONSORS

S. 227

At the request of Ms. COLLINS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 227, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 571

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 571, a bill to amend subtitle B of title VII of the McKinney-Vento Homeless Assistance Act to provide education for homeless children and youths, and for other purposes.

S. 678

At the request of Mr. KOHL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 678, a bill to increase the penalties for economic espionage.

S. 737

At the request of Mr. MORAN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 737, a bill to replace the Director of the Bureau of Consumer Financial Protection with a 5-person Commission, to bring the Bureau into the regular appropriations process, and for other purposes.

S. 755

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 755, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due.

S. 1281

At the request of Mr. KIRK, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1281, a bill to amend title 49, United States Code, to prohibit the transportation of horses in interstate transportation in a motor vehicle containing two or more levels stacked on top of one another.

S. 1551

At the request of Mr. KIRK, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1551, a bill to establish a smart card pilot program under the Medicare program.

S. 1692

At the request of Mr. BINGAMAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1692, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, to provide full funding for the Payments in Lieu of Taxes program, and for other purposes.

S. 1718

At the request of Mr. WYDEN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 1781

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1781, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1798

At the request of Mr. UDALL of New Mexico, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1798, a bill to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure, and for other purposes.

S. 1821

At the request of Mr. COONS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1821, a bill to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts.

S. 1822

At the request of Mr. HELLER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1822, a bill to provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya.

S. 1882

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota

(Mr. FRANKEN) was added as a cosponsor of S. 1882, a bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that valid generic drugs may enter the market.

S. 1886

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1886, a bill to prevent trafficking in counterfeit drugs.

S. 1894

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1894, a bill to deter terrorism, provide justice for victims, and for other purposes.

S. 1903

At the request of Mrs. GILLIBRAND, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1903, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1904

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1904, a bill to provide information on total spending on means-tested welfare programs, to provide additional work requirements, and to provide an overall spending limit on means-tested welfare programs.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from Illinois (Mr. KIRK), the Senator from Illinois (Mr. DURBIN), the Senator from Wisconsin (Mr. KOHL), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1944

At the request of Mr. CASEY, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1944, a bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the ''Year of the Girl'' and Congratulating Girl Scouts of the USA on its 100th anniversary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mrs. MCCASKILL):

S. 1960. A bill to provide incentives to create American jobs; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today, along with my friend and colleague Senator MCCASKILL, to introduce legislation we believe is essential to restoring growth and creating jobs in our economy.

Our bipartisan bill is comprised of proposals in four general categories. First: taxes—we would protect American workers from payroll tax increases and preserve and provide new tax incentives for small business job creators to help spur job growth.

Second: infrastructure—we propose restoring and expanding funding to rebuild our nation's crumbling roads, bridges, and water treatment plants, adding jobs now and ensuring that the critical infrastructure needed for long-term economic growth is properly maintained.

Third: sensible regulatory reform—we focus on cutting the tangle of red-tape that is holding businesses back from expanding and adding jobs.

Fourth: job training—we propose fundamentally reforming the hodge-podge of Federal jobs training programs to focus on what really works. We also propose extending the charitable deduction for books and computers.

We would offset the cost of these proposals with a 10-year, 2 percent surtax on those with incomes of a million dollars or more, but with a ''carve out'' to protect small business owner-operators: our nation's job creators.

Let me discuss these proposals in further detail. With respect to taxes, Senator MCCASKILL and I believe that action must be taken quickly to extend the two percent payroll tax cut for employees that is scheduled to expire at the end of this month. Unless we do so, 159 million Americans will face a tax increase of up to $2,000 at a time when the economy is still weak. With so many American families struggling to make ends meet, the last thing we ought to do is to allow an automatic tax increase to take effect in less than a month.

But keeping taxes steady won't be enough to get the economy going again. If we want more jobs, we must do more. That is why Senator MCCASKILL and I are proposing that the two percent payroll tax cut be extended to employers, too, on the first $10 million of payroll. This targets small and medium-sized employers who have historically been the source of our nation's job growth.

We also extend bonus depreciation and Section 179 expensing at the current level, to encourage businesses to use this tax benefit to invest in the tools American workers need to remain the best in the world.

In the global competition for jobs, American workers go head-to-head with workers from China, India, and other countries, who are paid far less than Americans, and whose working conditions would rightly be viewed as unacceptable here in the United States.

The middle-class, the source of America's economic strength, was built by making sure American workers had the best tools in the world, so they would be the most productive workers in the world. Productivity and tools go hand-in-hand, and in the global competition for jobs, the worker with the best tools wins.

The provisions I have described will help businesses invest and keep the American worker ahead of the global competition.

There are several other tax benefits in our package. One is an innovative proposal that originated with Senators MARK PRYOR and SCOTT BROWN to generate investment in new high-tech companies. We all know how dynamic these young companies can be—a decade ago, Google was a fledgling search engine and Facebook didn't even exist. Today, Google executes billions of searches every week, and Facebook has 800 million members, and growing. Both are valued at more than $100 billion, but most important, both employ thousands of American workers.

But without the right investment at the right time, these two companies would not exist. Nor would many other companies in the high-tech field, or the millions of jobs they have created. The tax credit we propose will help the high tech firms of the future get the support they need to get off the ground, and become a part of the American story.

It is also important to help established companies stay on the cutting edge by extending the Research and Development tax credit.

Before I go on to describe the other provisions of this bipartisan jobs bill, I would like to explain further the small business ''carve out'' we built into our offset. Many on my side of the aisle have voiced the concern that a surtax would fall on small businesses. I share that concern. Most of our nation's small businesses are structured as ''flow-through'' entities, such as ''subchapter S'' corporations. These flow-through entities do not pay taxes directly, but instead distribute their income to their owners, who then pay tax on that income on their individual income tax returns.

To impose a surtax on this income as if it were the owners' personal income would be a mistake—we would be raising taxes on our nation's job creators at the exact same time we are trying to get our nation's job engine started again.

If we ignore this reality, we risk taxing small businesses as if they are ''the wealthy.'' They are not.

We cannot impose higher taxes on flow-through income without taking money out of small businesses—money that is needed to help those small businesses invest and add jobs. That is why Senator MCCASKILL and I are proposing to ''carve out'' owner-operator small business income so it is not subject to the surtax.

The way we would accomplish this is to separate ''active business income'' from ''passive business income,'' tracking the passive activity rules of Section 469 of the tax code. Basically, this

means that business owner-operators who ''materially participate'' in the running of their businesses will be protected from the surtax, while those who are passive investors will pay higher rates.

This is as it should be. Owner-operators are actively engaged in running their small businesses. They are on the front lines of our economy, and of the communities in which they live. The pass-through income that shows up on their tax returns is critical to their ability to finance investment, and grow their businesses. Left in their hands, this income will lead to more jobs and buy the tools that make American workers more productive.

Let me turn now to the other provisions of our bill.

With respect to infrastructure, our bill would provide $10 billion to capitalize the U.S. Department of Transportation's State Infrastructure Bank program. These banks are revolving loan funds established and administered by State DOT's to complement traditional funding by providing loans, loan guarantees, and other forms of non-grant assistance that leverage private dollars. This one-time infusion would allow states to voluntarily utilize this additional funding, while at the same time ensuring that there is sufficient oversight, reporting and public disclosure requirements.

Additionally, my bill would provide $25 billion in supplemental appropriations for existing highway and bridge formula programs. This funding is meant to supplement and not replace the approximately $40 billion appropriated annually under the current Surface Transportation authorization for similar transportation programs. According to the Federal Highway Administration's most recent estimates, every $1 billion spent on highway construction supported approximately 30,000 jobs.

It is essential that we rebuild our nation's deteriorating infrastructure. According to the American Society of Civil Engineers, it would cost more than $200 billion annually to substantially improve the conditions of our nation's roads and bridges—far more than current levels of national investment. Our legislation will not only create jobs but also bolster important road and bridge investments throughout the United States.

I am pleased to hear that the American Association of State Highway and Transportation Officials, AASHTO, a nonprofit, nonpartisan association, supports what we have proposed in our bill. These investments not only create jobs now when they are needed most, but they also address our nation's aging infrastructure, a daunting but essential task.

There is also no shortage of sewer and drinking water infrastructure needs in states and communities across the nation. The American Society of Civil Engineers' latest infrastructure report card gave the nation's water infrastructure a D−, and the Environmental Protection Agency estimates $187.9 billion in wastewater needs and $334.8 billion in drinking water needs over the next 20 years.

To help ensure the provision of safe water, we propose providing $800 million in additional funding to the Clean Water and Drinldng Water State Revolving Loan Funds, CWSRF and DWSRF, to help ensure these critical infrastructure programs are funded at the fiscal year 2010 levels of $2.1 billion for CWSRF and $1.387 billion for DWSRF. Water infrastructure investments provide significant environmental, economic, and public health benefits in our states and communities.

Investment in water infrastructure also creates jobs. The National Association of Utility Contractors, for example, estimates that one billion dollars invested in water infrastructure can create over 26,000 jobs.

As I meet with businesses, a chief complaint is that regulations and red tape are preventing them from growing and adding jobs. Our bill also contains important reforms to our regulatory system by incorporating provisions I offered earlier this year as the CURB Act, which stands for Clearing Unnecessary Regulatory Burdens. These provisions are designed to force Federal agencies to cut the red tape that impedes job growth.

All too often it seems Federal agencies do not take into account the impacts to small businesses and job growth before imposing new rules and regulations. The bill we are introducing today obligates them to do so in three ways: first, by requiring Federal agencies to analyze the indirect costs of regulations, such as the impact on job creation, the cost of energy, and consumer prices.

Currently, Federal agencies are not required by statute to analyze the indirect cost regulations can have on the public, such as higher energy costs, higher prices, and the impact on job creation. However, Executive Order 12866, issued by President Clinton in 1993, obligates agencies to provide the Office of Information and Regulatory Affairs with an assessment of the indirect costs of proposed regulations. Our bill would essentially codify this provision of President Clinton's Executive Order.

Second, our bill obligates Federal agencies to comply with public notice and comment requirements and prohibits them from circumventing these requirements by issuing unofficial rules as ''guidance documents.''

After President Clinton issued Executive Order 12866, Federal agencies found it easier to issue so- called ''guidance documents,'' rather than formal rules. Although these guidance documents are merely an agency's interpretation of how the public can comply with a particular rule, and are not enforceable in court, as a practical matter they operate as if they are legally binding. Thus, they have been used by agencies to circumvent OIRA regulatory review and public notice and comment requirements.

In 2007, OMB issued a Bulletin which contained a provision closing this loophole by imposing ''Good Guidance Practices'' on Federal agencies. This requires agencies to provide public notice and comment for significant guidance documents. Our bill would essentially codify this OMB Bulletin.

Third, our bill helps out the ''little guy'' trying to navigate our incredibly complex and burdensome regulatory environment. So many small businesses don't have a lot of capital on hand. When a small business inadvertently runs afoul of a Federal regulation for the first time, that first penalty could sink the business and the jobs it supports. Our bill directs agencies to search their files to determine whether a small business is facing a paperwork violation for the first time, and to offer to waive the penalty for that violation if no harm has come of it. It simply doesn't make sense to me to punish small businesses the first time they accidently fail to comply with paperwork requirements, so long as no harm comes from that failure.

One example of a planned onerous regulatory action by the Environmental Protection Agency is the Maximum Achievable Control Technology standards for boilers and incinerators, known as Boiler MACT. While currently being reworked by the agency, these rules could cost manufacturers billions of dollars, and potentially lead to the loss of thousands of jobs, especially in some of the hardest hit areas across the Nation. According to a recent study commissioned by the American Forest and Paper Association, implementing the rule as previously drafted could cause 36 pulp and paper mills around the country to close, putting over 20,000 Americans out of work—18% of the industry's workforce. For this reason, our legislation includes the EPA Regulatory Relief Act, which currently has 40 bipartisan cosponsors, to guarantee the 15 months the EPA itself requested, to provide the agency with the testing data needed for achievable rules and provide manufacturers with the time needed for the capital planning to comply with these very complex and expensive rules.

Maine has lost more than a third of its manufacturing jobs during the past decade, and I am wary of imposing costly new regulations that could lead to more mill closures and lost jobs. I remain committed to working with my Senate colleagues and the EPA to help ensure that the Boiler MACT rules are crafted to protect public health without harming the forest products industry, which is the lifeblood of many small, rural communities.

We must also act to reform our Federal jobs training programs. In our current fiscal climate, we need to ensure that our Federal dollars are being used

as efficiently and productively as possible. The Collins-McCaskill bill requires OMB to study the consolidation of duplicative job training programs and make legislative recommendations to Congress that contemplate consolidating job training programs under a single agency. Of the savings that result from this consolidation, half will be devoted to classroom, field, and hands-on training, and the other half will be be used to reduce the deficit.

In closing, Senator MCCASKILL and I believe this is the first comprehensive bipartisan jobs bill to be introduced in the Senate since the President's speech before the Joint Session of Congress in September. With the end of the year just three weeks away, we must take action now to protect the American public from a tax increase that will occur automatically on January 1. We must also work together to help grow the economy and add jobs. In achieving these goals, I would ask my colleagues to consider the approach Senator MCCASKILL and I have proposed in this bipartisan jobs legislation.

By Mr. REED (for himself, Ms. SNOWE, Mr. SANDERS, Mr. BROWN of Ohio, Mr. KERRY, Mrs. SHAHEEN, Mr. WHITEHOUSE, Mr. FRANKEN, Mr. BLUMENTHAL, Mr. CASEY, Mrs. GILLIBRAND, Mr. ROCKEFELLER, Mr. LIEBERMAN, Ms. COLLINS, Mr. BROWN of Massachusetts, Ms. AYOTTE, Mr. SCHUMER, Mr. WEBB, Mr. BEGICH, and Mr. CARDIN):

S. 1961. A bill to provide level funding for the Low-Income Home Energy Assistance Program; to the Committee on Appropriations.

Mr. REED. Mr. President, today I am introducing the bipartisan LIHEAP Protection Act, along with my colleagues Senator SNOWE from Maine and Senator SANDERS from Vermont, and many of our colleagues on both sides of the aisle. I am pleased to see such broad support for funding for this critical program even in the midst of our budget challenges.

Indeed, LIHEAP is a lifeline, providing vulnerable families with vital assistance when they need it most by helping low-income families and seniors on fixed-incomes with their energy bills.

Last year, Congress provided $4.7 billion for LIHEAP. In an effort to control Federal spending, the Administration proposed an approximately 45 percent cut in LIHEAP funds from last year's level, down to about $2.57 billion in 2012. The Senate and House Appropriations bills only partially restored this drastic cut, to roughly $3.6 billion and $3.4 billion, respectively.

These cutbacks could put our most vulnerable citizens at risk, especially as the number of households eligible for the program already exceeds those receiving assistance. Given the difficult economy and the projected rise in household energy expenditures, as much as 8 percent more than last year for those who heat their homes with heating oil according to the Energy Information Administration, it does not make sense to cut vital LIHEAP funding.

We also need to act quickly. If funding is not finalized before winter, millions of low-income households run the risk of not receiving assistance during the coldest months when they need it most. Given the uncertainty in the full year appropriations for LIHEAP, which resulted in the release of only $1.7 billion in LIHEAP funding to States in October, some States have already begun lowering LIHEAP grant amounts.

LIHEAP is a smart investment. For every dollar in benefits paid, $1.13 is generated in economic activity, according to economists Mark Zandi and Alan S. Blinder.

I know we face a lot of difficult budget decisions around here, but I, along with so many of my colleagues, believe that LIHEAP should not be the place where we seek savings.

I look forward to working to provide level funding for LIHEAP for fiscal year 2012.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1961

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''LIHEAP Protection Act''.

SEC. 2. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.

(a) PURPOSE.—The purpose of this section—

(1) is to ensure the appropriation for fiscal year 2012 of the total amounts described in subsection (b), for payments described in that subsection, under this Act or prior appropriations Acts; and

(2) is not to require the appropriation of additional amounts for those payments, under appropriations Acts enacted after this Act.

(b) APPROPRIATION.—In addition to any amounts appropriated under any provision of Federal law, as of the date of enactment of this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2012—

(1) an amount sufficient to yield a total amount of $4,501,000,000, for making payments under subsections (b) and (d) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621), and all of such total amount shall be used under the authority and conditions applicable to such payments under the Full-Year Continuing Appropriations Act, 2011; and

(2) an amount sufficient to yield a total amount of $200,000,000, for making payments under section 2602(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(e)), notwithstanding the designation requirement of such section 2602(e), and all of such total amount shall be used under the authority and conditions applicable to such payments under the Full-Year Continuing Appropriations Act, 2011.

SEC. 3. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) this Act should be carried out in a manner consistent with the Budget Control Act of 2011 (Public Law 112–25; 125 Stat. 240);

(2) the Secretary of Health and Human Services should continue and expedite program integrity efforts to identify best practices used by grant recipients under the Low-Income Home Energy Assistance Program, provide training and technical assistance to such grant recipients, recommend policy changes, and assess and mitigate risk at the Federal, State and local levels, in order to eliminate any waste, fraud, and abuse in the Program and strengthen the Program so all Program funds reach the households who need them most; and

(3) every Program dollar going to waste, fraud, and abuse is a dollar not being spent as the dollar is needed or intended.

Mr. SANDERS. Mr. President, I wish to say a few words about an issue of enormous importance to the people of the State of Vermont and people all over this country; that is, the issue of making sure that in America this winter nobody goes cold, that nobody freezes to death, that children do not become ill because the thermostats in their homes are turned down so low.

The issue I am talking about is to ask for support for legislation that is being introduced by Senator JACK REED of Rhode Island and Senator OLYMPIA SNOWE of Maine which would level fund the LIHEAP program at $4.7 billion. As most of my colleagues know, LIHEAP is the Low-Income Home Energy Assistance Program.

Here is the problem we face. We are in the midst of a horrendous recession. Unemployment is sky high. In many cases, wages are in decline, poverty is increasing, and at the same time the price for home heating oil and propane gas is going up. According to the Energy Information Administration, average expenditures for households that heat with oil or propane are forecast to be higher than in any previous winter. Heating oil prices are currently averaging about $3.90 a gallon. So what people in the Northeast and people all over this country are looking at are the highest home heating oil prices we have ever seen, coming in the midst of a terrible recession, with unemployment high and wages in decline.

In Vermont, heating oil prices are already 34 percent higher than they were at the same time last year. It is currently $3.82 a gallon, compared to $2.85 a gallon last year. What is happening is that because of cuts—significant cuts—in LIHEAP funding, the average LIHEAP benefit in Vermont is 45 percent less this year than it was last year, and that is $474 per family as opposed to $866 last year.

One thing that has to be understood about LIHEAP is that nearly 80 percent of funding from this program goes to our citizens who are elderly, families with preschool kids, and the disabled. So the people who benefit from this program are some of the most vulnerable people in our country. Eighty percent of the funding, once again, goes to senior citizens, families with preschool children, young children, and people who are dealing with disabilities.

It is not uncommon in the State of Vermont and in other States for the temperatures to drop to 10 below zero or 20 below zero in the wintertime. When people do not have enough funds to heat their homes or their apartments, serious problems arise.

What I want to do is take a moment to read some comments my office has received from Vermonters all over the State who are trying desperately to stay warm this winter.

Josie Crosby, 81 years of age, of Brattleboro, VT, said this:

We will have money for one more tank. After that, I don't know.

That is a woman who is 81 years of age who has money for one more tank of oil. After that, she is not sure how they will stay warm in the winter.

A 48-year-old from Orleans County in the northern part of our State wrote this:

I was able to get 100 gallons of fuel last week, and for that I am grateful. The struggle begins now on how to stretch that fuel as long as possible. I had to buy a portable electric heater to keep halfway warm while waiting for fuel assistance. I don't even want to see how high my electric bill will be. I am an honorably discharged disabled veteran and have limited funds. I have already slashed my food bill, so what goes next? My meds, my electric service, my home?

That is from a disabled vet in the northern part of Vermont.

A 59-year-old woman in central Vermont writes:

I have been keeping my thermostat as low as I can ''almost'' tolerate. I bundle up in the house with several sweaters, and even a coat and hat at times. When company arrives, I am embarrassed at how ridiculous I probably appear. I am just barely squeaking through each month. I have made cuts everywhere possible, including food.

Wendy Raven, 62, from Whitingham, VT, writes:

I had to drag my bed out of my bedroom and put it in the living room, then close off the bedroom for the winter. I will have to eat even less than I do now in order to pay my fuel bills. I have done everything I can to button up the place, but now all I can do is pray I get through the winter without a bill so large it will again take me until next fall to pay it off.

Is that where we are in the United States of America—that we force people to live under those conditions?

A 31-year-old woman from Bennington, VT, writes:

We are now trying to stay warm by scraping up enough for a gallon or two of heating oil a week, and keeping the thermostat down very low. I turn the furnace off during the day when my child is in school and turn it on an hour before she gets home so that the house gets warm. We are hoping to qualify for crisis fuel assistance or we are in trouble, because there is nowhere to get the extra money needed to pay for the fuel, especially considering its continuously increasing cost. We have to choose what bills to pay each month and what ones not in order to put food on the table.

In this great Nation, in the midst of a recession, in the midst of high unemployment, in the midst of growing poverty, we as the Senate must be very clear that nobody in this country is going to go cold this winter; that we are not going to pick up a paper in Maine or Rhode Island or Vermont or North Dakota and read that some senior citizen was found frozen to death. That is not what we are going to allow. That is why Senators JACK REED, OLYMPIA SNOWE, I, and many others are working hard so that at the very least we can level fund LIHEAP so that nobody in our country goes cold this winter.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 345—EXPRESSING THE SENSE OF THE SENATE ON THE CLOSURE OF UMATILLA ARMY CHEMICAL DEPOT, OREGON

Mr. WYDEN (for himself and Mr. MERKLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 345

Whereas, in December 2001, the National Defense Authorization Act for fiscal year 2002 (Public Law 107–107) was signed into law, which included authorization for a 2005 round of defense base closure and realignment (BRAC);

Whereas, on February 16, 2004, Secretary of Defense Donald Rumsfeld included the closure of the Umatilla Army Chemical Depot, Oregon, as one of his recommendations for the 2005 round of defense base closure and realignment;

Whereas, on September 8, 2005, the Defense Base Closure and Realignment Commission, in its report making recommendations to the President, found that Secretary of Defense Rumsfeld's assertion that the chemical demilitarization mission at Umatilla would be complete by the 2nd quarter of 2011 was optimistic, and wrote, ''An examination of status information for the depot's mission completion and subsequent closure revealed that dates may slip beyond the 6-year statutory period for completion of BRAC actions.'';

Whereas, in that same report, the Defense Base Closure and Realignment Commission took the Secretary of Defense's recommendation ''Close Umatilla Chemical Depot, OR'' and changed it to ''On completion of the chemical demilitarization mission in accordance with treaty obligations, close Umatilla Chemical Depot, OR'';

Whereas, by doing so, the Defense Base Closure and Realignment Commission acknowledged that the closure of Umatilla Army Chemical Depot would happen when the demilitarization mission is completed, even if that is after September 15, 2011; and

Whereas Congress did not pass a joint resolution of disapproval with respect to the Commission's report, and the report and recommendations became law: Now, therefore, be it

Resolved, That, in light of the clear history, the Senate reiterates its original intent and reaffirms its direction that the closure of the Umatilla Army Chemical Depot, Oregon, and subsequent management and disposal shall be carried out in accordance with procedures and authorities contained in the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Wednesday, December 14, 2011, at 10 a.m. in SD–430 to mark up the following:

S. 1855, the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011;

Wendy Spencer, to be Chief Executive Office of the Corporation for National and Community Service;

Deepa Gupta, to be a member of the National Council on the Arts;

Christopher Merrill, to be a member of the National Council on the Humanities;

Stephanie Orlando, to be a member of the National Council on Disability;

Gary Blumenthal, to be a member of the National Council on Disability; and

en bloc, one hundred and seventy-eight nominations to the Public Health Service.

For further information regarding this meeting, please contact the committee on (202) 224–5375.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 7, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Turning the Investigation on the Science of Forensics.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 7, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Drug Shortages: Why They Happen and What They Mean.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on December 7, 2011, at 9:30 a.m. to conduct a hearing entitled ''Homegrown Terrorism: The Threat to Military Communities Inside the United States.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 7, 2011, at 10 a.m., in

room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Reauthorizing the EB–5 Regional Center Program: Promoting Job Creation and Economic Development in American Communities.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER PROTECTION

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Financial Institutions and Consumer Protection be authorized to meet during the session of the Senate on December 7, 2011, at 2:00 p.m., to conduct a hearing entitled ''Enhanced Supervision: A New Regime for Regulating Large, Complex Financial Institutions.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA AND THE AD HOC SUBCOMMITTEE ON DISASTER RECOVERY AND INTERGOVERNMENTAL AFFAIRS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia and the Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs be authorized to meet during the session of the Senate on December 7, 2011, at 2:30 p.m., to conduct a joint hearing entitled ''From Earthquakes to Terrorist Attacks: Is the National Capital Region Prepared for the Next Disaster?''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Ty Grogan, an intern of Senator DEMINT's office, be granted floor privileges for today's session of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Ashley Stevens and Anna Esten of my staff be granted the privilege of the floor for the duration of today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOSURE OF UMATILLA ARMY CHEMICAL DEPOT, OREGON

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 345, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 345) expressing the sense of the Senate on the closure of Umatilla Army Chemical Depot, Oregon.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 345) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 345

Whereas, in December 2001, the National Defense Authorization Act for fiscal year 2002 (Public Law 107–107) was signed into law, which included authorization for a 2005 round of defense base closure and realignment (BRAC);

Whereas, on February 16, 2004, Secretary of Defense Donald Rumsfeld included the closure of the Umatilla Army Chemical Depot, Oregon, as one of his recommendations for the 2005 round of defense base closure and realignment;

Whereas, on September 8, 2005, the Defense Base Closure and Realignment Commission, in its report making recommendations to the President, found that Secretary of Defense Rumsfeld's assertion that the chemical demilitarization mission at Umatilla would be complete by the 2nd quarter of 2011 was optimistic, and wrote, ''An examination of status information for the depot's mission completion and subsequent closure revealed that dates may slip beyond the 6-year statutory period for completion of BRAC actions.'';

Whereas, in that same report, the Defense Base Closure and Realignment Commission took the Secretary of Defense's recommendation ''Close Umatilla Chemical Depot, OR'' and changed it to ''On completion of the chemical demilitarization mission in accordance with treaty obligations, close Umatilla Chemical Depot, OR'';

Whereas, by doing so, the Defense Base Closure and Realignment Commission acknowledged that the closure of Umatilla Army Chemical Depot would happen when the demilitarization mission is completed, even if that is after September 15, 2011; and

Whereas Congress did not pass a joint resolution of disapproval with respect to the Commission's report, and the report and recommendations became law: Now, therefore, be it

Resolved, That, in light of the clear history, the Senate reiterates its original intent and reaffirms its direction that the closure of the Umatilla Army Chemical Depot, Oregon, and subsequent management and disposal shall be carried out in accordance with procedures and authorities contained in the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

ORDERS FOR THURSDAY, DECEMBER 8, 2011

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Thursday, December 8, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to executive session to consider Calendar No. 413, the nomination of Richard Cordray to be Director of the Consumer Financial Protection Bureau, with the time until 10:30 a.m. equally divided and controlled between the two leaders or their designees; and that the cloture vote on the Cordray nomination occur at 10:30 a.m.; finally, that if cloture is not invoked, the Senate resume legislative session and resume consideration of the motion to proceed to S. 1944.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MERKLEY. Mr. President, the cloture vote on the Cordray nomination will be held at 10 a.m. tomorrow. Additionally, cloture was filed on the motion to proceed to S. 1944, the Middle Class Tax Cut Act of 2011. Unless an agreement is reached, that vote will be Friday morning.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MERKLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:03 p.m., adjourned until Thursday, December 8, 2011, at 9:30 a.m.

EXTENSIONS OF REMARKS

A TRIBUTE TO KYRIE HILLS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Ms. Kyrie Hills for her passionate devotion as a leader to inspire others through the performing arts.

Ms. Hills is the daughter of Harold and Patricia Hills and the second oldest of three siblings. Ms. Hills and her family are active members at Berean Baptist Church in Brooklyn, NY where Dr. Arlee Griffin, Jr. is their Pastor and Rev. Byron Benton is the Youth Pastor.

Ms. Hills is currently a sophomore at Clark Atlanta University where she is pursuing a degree in psychology with the aspiration to become a psychotherapist. One of her greatest passions is dance and the performing arts, where she strives to bring her community together. During the summer of 2011 Ms. Hills worked as a camp counselor at Inspired, a performing arts camp in Brooklyn, NY. That same summer she was recruited to perform in the acclaimed play ''For Christian Girls'', written and directed by Termaine Price at Berean Baptist Church.

Ms. Hills also attends Chapel on CAU campus, and is a member of the choir and sings praises. Currently Ms. Hills is the CCO Rep of CAU Dance Theater and aspires to be President of the Dance Theater next academic year. Ms. Hills has previously served as the section leader of BCD ''Royal Dame'' dance line and she is the former Vice President of the Ministry of Sacred Dance at Berean Baptist Church.

Ms. Hills has been awarded several awards and was recognized for her performing arts throughout Brooklyn. In 2009 Ms. Hills performed in Dance Africa at the Brooklyn Academy of Music, was recognized by the National Council of Negro Women, and received the Joseph A.E. Jones ''Youth of the Year Award'' for outstanding and dedicated service to the Youth Ministry at Berean Baptist Church.

Aside from her extraordinary accomplishments in the performing arts, Ms. Hills also performs community service in Atlanta with the NAACP, while also mentoring children at the Booker T Washington Middle School with a group called Lady B Fly.

Mr. Speaker, I urge my colleagues to join me in recognizing the accomplishments of Ms. Kyrie Hills.

MR. WALLACE L. BOYLE

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. BARLETTA. Mr. Speaker, today I rise to honor Wallace L. Boyle Jr. of Hazleton, Pennsylvania, for his faithful and dedicated service to the United States of America through turbulent times.

Wallace Boyle joined the Army Air Corps in 1940. At that time, there was no draft, so an enlistee could choose where he wanted to be stationed. Mr. Boyle selected Hawaii as his duty station, and he was sent to Wheeler Air Field. This put him about 24 miles from Pearl Harbor on the morning of December 7, 1941. The Japanese flew over and attacked Wheeler Air Field on the way to the naval base. The Japanese attack on Wheeler destroyed two-thirds of the aircraft at the field.

On that morning, Wallace Boyle was in the mess hall. He was just handed a plate of pancakes when the first bomb struck. Mr. Boyle ran outside and began helping his wounded comrades. More than 2,400 American lives were lost on that day, and almost 1,300 were injured.

During World War II, Mr. Boyle served at Andover Airfield in England, in France, in Belgium, and in Germany. He was discharged from the Army in 1945.

Mr. Speaker, Wallace L. Boyle Jr., who is only months away from his 90th birthday, is a fine example of the faithful and dedicated men and women that make up our Armed Forces. His selfless actions, and those of his generation, should forever be remembered and cherished by a grateful Nation.

BILL LIVINGOOD, HOUSE SERGEANT AT ARMS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. POE of Texas. ''Mr. Speaker, the President of the United States.''

The announcement of the President at the State of the Union is how Americans have come to know the House Sergeant at Arms, Bill Livingood.

This duty is just one of many responsibilities of the House Sergeant at Arms.

He most importantly ensures the safety of Members, staff, and visitors as the chief law enforcement officer in the House.

And sadly Mr. Livingood, the third longest serving Sergeant at Arms, is retiring.

Bill is a wonderful person and accomplished public servant.

He has served the House since 1998 through some of the most trying times in our history and previously served our country as a member of the Secret Service.

I've known Bill for over 25 years beginning when I was a Judge in Texas, and he was the head of the Secret Service field office in Houston. His agents would file cases that were sometimes heard in my court.

I am sad to see him go but he has made a mark on this institution with improvements in security and steadfast leadership that is a model for all who serve in the people's house.

Congratulations on your retirement, Bill, and thank you for your service to the House of Representatives and the United States of America.

And that's just the way it is.

HONORING BRENT BAIR

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to honor a man that needs no introduction in Michigan, nor the transportation and intelligent transportation network in the country.

After 34 years of public service to the Road Commission for Oakland County, Brent Bair will be retiring at the end of the year. A pillar of the community, Mr. Bair has a long and distinguished resume.

Serving as the Managing Director of the Road Commission for Oakland County, his department is responsible for the largest county road system in Michigan, second in size to the state highway system, and currently operates the second largest system of adaptive traffic signals in the nation. He is widely respected as a leading expert on road funding in Michigan and has been an advocate on behalf of Intelligent Transportation Systems (ITS) and ITS funding. He is a founding member and past president of the Intelligent Transportation Society of Michigan as well as an active member in and former chairman of the national ITS association, ITS America.

As the Chairman of the Intelligent Transportation Systems' Caucus in the House of Representatives, I have long looked to Brent for advice and guidance on good governance and ITS policy. Early on I recognized the benefits to including technological advances in our cars, highways and infrastructure. Through educational programs and ongoing efforts by Brent and ITS Michigan, Congress has recognized that in this economic climate of doing more with less, ITS solutions are an important step towards fiscal responsibility and more importantly, smart solutions.

A tireless advocate for his community, Brent Bair will be missed. I wish him and his family all the best in the years to come.

HONORING SUPREME COURT JUSTICE FRANK A. SEDITA, JR.

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. HIGGINS. Mr. Speaker, I want to take a moment to have the House pause in its deliberations this morning to honor New York State Supreme Court Justice Frank A. Sedita, Jr., whose three decade judicial career will end this year. The Judge, best known to friends and family as ''Chickie,'' is among the most

lovable and well-respected legal figures in the Western New York community.

A lifelong Buffalonian, Judge Sedita is the scion of one of the most famous and well-respected 20th century Buffalo political families. While the Judge's father was one of Buffalo's most well-liked 20th century political figures and someone looked back upon nostalgically as one of Buffalo's most favorite mayors; Judge Sedita's career as an attorney and a jurist has been tremendously substantial, as have been the Judge's contributions as a public servant to the hometown region he loves so much.

Born and raised in Buffalo, Judge Sedita was graduated summa cum laude from the Canisius College of Buffalo, and in 1960 earned his J.D. at the University at Buffalo Law School. During extensive legal practice in the office of the City of Buffalo's Corporation Counsel, Judge Sedita developed substantial expertise in the area of education law, serving for many years as the counsel to the city's Board of Education.

Judge Sedita's career on the bench began in the mid-1970s, upon his election as an Associate Judge of the Buffalo City Court. Following successful service as a Judge of the Erie County Family Court, he was elected as Chief Judge of the Buffalo City Court, administering the city's court system within the very building named for his late father. During this period, Judge Sedita assumed responsibility for the city's Housing Court, raising that court's profile and restoring its work to its rightful level of prominence. His work in that court was probably among the most impactful judicial work performed in Western New York during that period, and resulted in Judge Sedita's selection as a Buffalo News "Citizen of the Year."

For the better part of the past two decades, Judge Sedita has served with tremendous distinction as a Justice of the New York State Supreme Court, continuing to bring honor to not only his own career but also to his storied family name. Notwithstanding his retirement, all residents in Erie County are fortunate that the Sedita family's tradition of effective public service will continue—hopefully for many years to come. In 2012, the judge's son—Frank A. Sedita III, will complete his first term as Erie County's District Attorney. Frank Sedita III has proven a tenacious and effective prosecutor throughout his legal career, and he too, like his father the judge, continues to be a credit to his family, and to the community that he serves with such effectiveness.

In closing, Mr. Speaker, I ask that the whole House join with those of us in Western New York who wish good luck and Godspeed to New York State Supreme Court Justice Frank A. Sedita, Jr., upon the occasion of his retirement from the bench.

HONORING THE SEVENTH CYCLE BIRTHDAY ANNIVERSARY OF KING BHUMIBOL ADULYADEJ

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. ROHRABACHER. Mr. Speaker, I rise today to join the people of Thailand in celebrating the seventh cycle birthday anniversary of His Majesty King Bhumibol Adulyadej on December 5th. During his reign of over 65 years, Thailand continues to be the United States' long-term military ally, trade and economic partner, and friend in southeast Asia.

King Bhumibol holds a special relationship with our country beginning with his birth in Cambridge, Massachusetts while his father was attending Harvard University. As part of his continuing efforts to strengthen the ties between the United States and Thailand, the King visited America in 1960 and 1967. Under King Bhumibol's stewardship, Thailand has become a model of democracy and economic development in the region. Thailand's role as a regional democratic leader is a critical factor in the development of a stable Bangkok-Washington relationship.

I had the distinct honor and privilege of visiting King Bhumibol on my past visits. His continued efforts to provide guidance to improve the lives of his people were evident. Fittingly, he was awarded the United Nations Development Programme's first Human Development Lifetime Achievement Award in 2006.

Mr. Speaker, I extend my best and warmest wishes on his 84th birthday and for a long life of good health. I am pleased to join our Thai friends in recognizing this special day.

IN SUPPORT OF THE 16 DAYS OF ACTIVISM AGAINST GENDER VIOLENCE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. FARR. Mr. Speaker, I rise today to speak about the 16 Days of Activism Against Gender Violence. This campaign draws attention to the impact of violence against women around the world.

The 16 Days of Activism Against Gender Violence is an international campaign of activism. It lasts for 16 days and starts on November 25, which is the International Day Against Violence Against Women, and ends on December 10, International Human Rights Day. The campaign highlights the links between violence against women and human rights, and stresses that this type of violence is a violation of human rights.

Since 1991, over 3,700 organizations in approximately 164 countries have participated in the 16 Days of Activism campaign.

Violence against women remains a serious problem both domestically and throughout the world. It has been estimated that nearly a billion women globally will be beaten, raped, mutilated or otherwise abused during their lifetimes. That is 1 in 3 women. Those statistics are extremely frightening for both men and women and are simply unacceptable.

Mr. Speaker, I urge my colleagues to join the call to end violence against women and girls around the world.

A TRIBUTE TO KEITH HICKS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Mr. Keith Hicks for his leadership throughout his community and focus on education and professionalism.

Mr. Hicks was born the youngest of five children, to his parents John Henry and Marie Antoinette in South Jamaica, Queens. As a child Mr. Hicks learned to cultivate a strong sense of leadership that would transcend into his future career.

In his early career, Mr. Hicks joined the Private Industry Council, an organization committed to youth development. As a program monitor, he completed his BA degree at John Jay College. He would also serve as instructor before moving to the Fortune Society, focusing his efforts on developing both the educational and professional lives of former prisoners. His career focus of providing resources to assisting the economically disadvantaged and at risk youth would continue with stops at the Hope Program where he served as Learning Center Director and the WAY Program where he served as Assistant Director, and Director.

Mr. Hicks' continued leadership role would extend to the YMCA, when he served as Director of the Cross Island branch in Queens. At the YMCA, Mr. Hicks ascended to serve as the Assistant Executive of the Northern Brooklyn branch and now as the executive Director of the Greenpoint Brooklyn branch, where he continues to serve. In this capacity, Mr. Hicks manages a budget in the millions, over 100 professional staff members, and offers services to thousands.

While serving at the YMCA, Mr. Hicks had the opportunity to pursue his Masters Degree from Queens College, further providing a great example to those he has influenced over the years. Mr. Hicks' accomplishments at the YMCA and throughout his career are extensive, but professionally he remains most proud of the role he has been able to play in the lives of our youth.

Mr. Hicks is the proud father of a daughter Tyler Marie Hicks who is presently a senior at Townsend Harris School and will enter college next year. Mr. Hicks' favorite scripture serves as a guiding force in his life, Hebrews 12:1: "wherefore seeing we also are compassed about with so great a cloud of witnesses, let us lay aside every weight and the sin which doth so easily beset us, and let us run with patience the race that is set before us".

Mr. Speaker, I urge my colleagues to join me in recognizing the life and accomplishments of Mr. Keith Hicks.

IN RECOGNITION OF THE 100TH BIRTHDAY OF RUBY HARTLEY BARTON

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. ROGERS of Alabama. Mr. Speaker, I would like to request the House's attention today to pay recognition to the special life of Ruby Hartley Barton of Talladega, Alabama.

Mrs. Barton was born on December 15, 1911 in Georgia to James and Victoria Hartley. Mrs. Barton's father died while she was a baby, and her mother raised her and her six brothers and sisters. Mrs. Barton grew up in a fanning and textile family.

She was married to the late B.W. Barton for over 50 years and was blessed with two sons,

Charles D. Barton and Larry H. Barton and one daughter, Edith Barton Bishop. Mrs. Barton now has three grandchildren, three great-grandchildren and one great-great grandchild.

Mrs. Barton worked at Bemis Mills for close to 40 years and has spent her life serving God and volunteering in her church as a Sunday School teacher, choir director and pianist.

On December 15th, her friends and family will celebrate her birthday in her room at Talladega Health Care in Talladega. Today I would like to wish Mrs. Ruby Hartley Barton a very Happy 100th Birthday.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Ms. ESHOO. Mr. Speaker, I was not present during the rollcall vote No. 875, on December 1, 2011.

On rollcall vote No. 875 I would have voted ''yes.''

MERGER OF TRANSPORTATION COMMUNICATIONS UNION AND INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Ms. BROWN of Florida. Mr. Speaker, I rise today to commemorate the January 1, 2012 merger of the Transportation Communications Union (TCU) and the International Association of Machinists and Aerospace Workers (IAMAW).

These two great unions, with railroad roots, are on pace to become one strong voice for hundreds of thousands of middle-class working men and women across our great nation.

It was in 1888 that 19 Machinists meeting in a locomotive pit in Atlanta, Georgia formed what is now the International Association of Machinists and Aerospace Workers, commonly known as the ''Fighting Machinists''.

Today's TCU is one union made of many. At its core is the Union founded in 1899, which became the Brotherhood of Railway Clerks. Then in 1919 the name expanded, becoming the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees. To further reflect the diversity of the union's membership, the delegates at the 1987 Convention voted to become the Transportation Communications International Union (TCU).

TCU, joining the ranks of the Machinists, makes its membership and the labor movement that much stronger. Both of these unions are constantly fighting for the dignity, welfare and prosperity of their members. Workers are the foundation of our nation; they drive our economy and our country forward. TCU and the IAM understand the values of hard work, faith, family and community—they are the keys of success. These four pillars are what make TCU and IAM stronger.

This merger not only unites two unions but two dedicated union presidents as well. The determination of these two men to fight for the rights for fair wages and working conditions for everyone has its roots in Tom Buffenbarger, who started out as a journeyman tool and die maker at GE's jet engine plant in Evendale, Ohio. In 1997 he was the youngest IAM President in its history. And Bob Scardelletti, a lifelong railroader, started out as a yard clerk in Cleveland with the New York Central Railroad in 1967; in 1971 took on his first union position and by 1991 was elected president and has been re-elected by acclamation four times.

TCU and IAM were fundamental in building the American middle-class, and have a vital role today in preserving the American dream for working families. Their unions were unified by a common purpose: to do the very best they can—every single day—for the members they serve. The TCU/IAM merger now creates a powerful force representing close to a million active and retired Americans. Their combined strength will provide leadership throughout the labor movement; particularly, the transportation industry. TCU/IAM is now one of the largest rail unions in the United States.

I ask my colleagues to join me in honoring this historic merger for the betterment of the hard-working middle-class men and women of our country.

HONORING THE SCOTLAND HIGH SCHOOL FOOTBALL TEAM ON ITS 2011 NORTH CAROLINA 4–A STATE CHAMPIONSHIP TITLE

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. KISSELL. Mr. Speaker, I rise today to recognize the Scotland High School football team in honor of the school's first-ever North Carolina 4-A State Football Championship. The Fighting Scots rallied for 35 points in the second half on their way to a 42-16 victory over a talented and determined Porter Ridge High School team, Saturday, Dec. 3.

Scotland finished the 2011 season with a perfect 15-0 record, the first undefeated season in school history. I congratulate Scotland head coach Chip Williams, who in his fourth year leading the program, posted an undefeated record, won the Southeastern 4-A Conference title and brought home a State Championship to Scotland County, the county's first football state championship since 1944, when Laurinburg High School captured the Class-A state title.

Game Most Valuable Player honors were awarded to Scotland quarterback Kwashaun Quick, who threw for 172 yards and two touchdowns in the second half. Running back Tony McRae, who received offensive MVP honors, rushed for 75 yards and two scores. Defensive MVP honors were awarded to nose tackle Kris Tyndall. Scotland's superb defense forced four Porter Ridge turnovers and allowed just 161 yards of offense.

I recognize the Scotland County community and congratulate them on the success of their team and the support they have given these young men throughout the year. In the days following his team's victory, Coach Williams has cited the community's support as a driving force behind this year's team. It is always great to see a community get behind a program that supports and encourages young people and teaches them the value of perseverance and teamwork. Before Congress and our great nation, I am proud to recognize Coach Williams, his dedicated coaching staff and players, and the Scotland County community as a whole for their championship season. Thank you.

FIGHTING MALARIA: PROGRESS AND CHALLENGES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. SMITH of New Jersey. Mr. Speaker, yesterday, the Subcommittee on Africa, Global Health, and Human Rights, which I chair, held a hearing on malaria, one of the most serious health issues facing the developing world, and particularly Africa, today.

For the last century, America has been a leader in the fight against malaria. While the United States and several other countries have been able to eliminate malaria, this deadly disease still presents a serious challenge to other parts of our world.

The World Health Organization estimates that 781,000 people died from malaria in 2009 and that 225 million people suffered from infection. Malaria is the fifth leading cause of death from infectious diseases worldwide. It inflicts a particularly severe toll on the people of sub-Saharan Africa, where ninety percent of deaths are caused by malaria. Moreover, approximately 85 percent of malaria deaths occur in children under 5 years of age. Every 45 seconds, a mother and father in Africa lose their child to malaria.

There is also a far-reaching impact on the wealth and development of countries with endemic malaria. Africa may lose up to $12 billion in productivity due to malaria each year due to the disease, while the disease in turn consumes about 40 percent of Africa's public health expenditures. These numbers and statistics are staggering, but they have a greater impact when one has been to Africa and met the individuals who must live with the disease.

Anyone who spends any meaningful amount of time in Africa and mingles with the African people will soon notice the prevalence of malaria. When you ask someone whether he or she has ever had malaria, they likely will respond not with a yes but with the time that has passed since they last suffered from it.

More astounding than the sad reality that malaria is killing or harming so many millions of people is the reality that malaria is preventable and treatable. The world has the tools to prevent and treat malaria. No one in the twenty-first century should have to suffer from it, let alone die from it.

When I last visited Uganda, I visited several homes, including a home in the remote region of Bushenyi. The three-room dwelling of white-washed walls and dirt floors was practically empty, and this made the insecticide-treated mosquito net over the floor mats all the more striking. These nets may seem like insignificant items when listed on paper, but they are noticeably visible in the modest homes of those families who rely on them for protection from this ravaging disease.

What began for the United States as an effort to protect our troops abroad and citizens here at home has become for us a larger global health objective.

In the last decade we have seen a renewed commitment by the United States, international organizations, and private foundations to eliminate all malaria deaths. The effort received a notable boost in 2007 when Bill and Melinda Gates renewed the challenge of worldwide malaria eradication.

While much progress has been made in combating malaria, as we have seen from past eradication efforts, malaria can resurge when treatment becomes ineffective through drug resistance. While the global commitment remains to beat this disease, and to beat it as soon as possible, the stakes are too high to bet it all on doing so before the tools we have lose their impact.

At yesterday's hearing the subcommittee received an update on the progress toward malaria elimination in the most endemic countries with a focus on the vitality and effectiveness of the treatment component. The hearing examined the future of anti-malarial drug and vaccine development, and challenges in ensuring an adequate supply of effective medicines. We also heard about the continued availability, affordability, and safe distribution of quality anti-malarial medicines.

Our distinguished witnesses explored means for achieving the immediate goal of saving lives, and the ultimate goal of eradicating malaria from our world.

A TRIBUTE TO IRIS ROBERTSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Iris Robertson for her contributions to her community in the role of mentor, educator and community coordinator.

Mrs. Robertson was taught at an early age to treat people with respect and integrity, and to approach any task with rigor and importance. Her mother and grandmother instilled this discipline upon her. These pillars allow her to impact the community in a positive way through growth and development.

Mrs. Robertson devotes herself to several charitable and educational organizations and sits on the board of directors for Brownville Heritage House Inc. (BHH) as secretary. Since joining BHH in 1995, Mrs. Robertson and her fellow board members worked tirelessly to bring forth the vision of founder Mother Rosetta Gaston to form an intergenerational exchange in order to teach African American children of their heritage.

Mrs. Robertson is a member of and has been recognized by the National Association of Professional Women (NAPW) as Woman of the Year for 2009, 2010, and 2011 for excellence and proficiency in her work as an advertising executive. She has also received high achievement award from the National Association of Hispanic Publishers in 1994 for her work with AT&T.

Working in the advertising industry for more than 30 years, she currently holds the position of media supervisor at UniWorld Group Inc, a multicultural agency owned by Mr. Byron Lewis Sr. In this capacity, Mrs. Robertson has had the privilege of working with fortune 500 companies, recommending media strategies that best showcase their products.

In 1965, Mrs. Robertson met and married her husband Larry Robertson. She is the proud mother of six children. She attended New York City School of Technology and is currently enrolled at Kaplan University.

Mr. Speaker, I urge my colleagues to join me in recognizing the achievements of Mrs. Iris Robertson.

A TRIBUTE TO KITTY O'NEAL ON THE OCCASION OF BEING NAMED PERSON OF THE YEAR BY THE CARMICHAEL CHAMBER OF COMMERCE

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise today to congratulate Kitty O'Neal on being named Person of the Year by the Carmichael Chamber of Commerce.

Over the last 20 years, Sacramentans have known Kitty as the voice of our afternoon radio. With exceptional class and professionalism, Kitty has given us the news on our drive home from work, anchoring the award winning KFBK Afternoon News. As an ambassador of Sacramento, she has represented us at the Grammy Awards, Academy Awards and on national programs such as A&E Channel's Biography.

Those of us who live in the region know Kitty as more than simply the voice coming through our speakers; she is a pillar within the Sacramento community. Her roots run deep there as she donates much of her time and talent to community events and charitable organizations. Growing up, Kitty's father was the Base Commander at Mather AFB in the 1970's, and before embarking on her path in radio, Kitty attended Sacramento State graduating with a degree in Communications. Along with being one of the Sacramento region's most notable figures, Kitty is married to restaurateur Kurt Spataro, and together they are partners in several well known Sacramento area restaurants.

If you have ever dined, listened to Sacramento radio or have been involved in our surrounding community, more than likely you have benefited from Kitty's legacy. The Carmichael Chamber couldn't have chosen a better person to recognize and again it is with great pleasure that I congratulate Kitty O'Neal on her achievements and recognition as Person of the Year by the Carmichael Chamber of Commerce.

A TRIBUTE TO THE LIFE OF GEORGIA FAYE BAKER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the life of Georgia Faye Baker who passed away on November 24, 2011 at the age of 95. Georgia was a loyal friend, loving mother, and respected community leader who touched the lives of many in the great San Joaquin Valley. Georgia was born on March 30, 1916 to James and Susan Herd in Ozark County, Missouri.

Georgia made her way to Madera, California in 1938, where she quickly became an icon and a source of inspiration due to her involvement in the community. On April 14, 1946, Georgia married Aubrey Baker, the love of her life. Together they worked on several projects to improve the quality of life in Madera, the place they called home. They were married for 55 years until his passing in 2001.

Through her leadership and willingness to serve, Georgia became a role model for her friends and neighbors. For 33 years, she was a committed and reliable member of the Madera Community Hospital Board. Her membership demonstrated her dedication to fostering and preserving the health and safety of residents throughout Central California, and her compassion and concern for our community served as a testament to her extraordinary character.

A principled and engaged citizen, Georgia was very active in local, state, and national elections. She served on a number of state committees and boards, including the Madera County Fair Board. In addition, Georgia was also an energetic member of the Democratic Party. In 1960, her wisdom and capability allowed her the opportunity to campaign with President John F. Kennedy during his bid for the presidency.

In 1991, the State of California honored her strength of character and zest for life when she was recognized as "Woman of the Year."

A generous and graceful woman, Georgia was a faithful parishioner at the Madera Trinity Episcopal Church and would often be seen attending weekly services at the historic site. Her long-lasting participation in our community and commitment to the well-being of future generations will ensure that her legacy lives on for years to come.

Georgia lived an exemplary life and will undoubtedly be missed by many. She is survived by her daughter, Claudia Steinauer; her sister, Mable Russell; three grandchildren; seven great-grandchildren and five great great-grandchildren.

Mr. Speaker, I ask my colleagues to join me in honoring the life of Georgia Faye Baker, a beloved leader and true champion for the people of Central California.

TRIBUTE TO THE HAZARD HIGH SCHOOL FOOTBALL TEAM 2011

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to the 2011 Hazard High School Football Team, who captured the Kentucky High School Athletic Association Class 1–A State Championship Title for the first time in history. This group of student-athletes should be proud of this remarkable achievement and I am honored to recognize them as champions.

The State Championship title has been a highly coveted achievement for the Hazard

Bulldogs. After their third appearance in a Class 1–A title game in four years, the Bulldogs tenaciously took the field with experience, heart and determination, earning every yard to lead them to a well-deserved victory and their first-ever State Championship.

The Hazard Bulldogs defeated a tough team from Mayfield, winning 24–6. More than five thousand fans filled the Houchens Smith Stadium in Bowling Green, Kentucky to witness these focused young men put their athletic ability and knowledge of the game to the highest test. Redeeming themselves from last year's 47–6 loss to Mayfield, the Bulldogs dominated the majority of the game and put an end to Mayfield's state-best 29-game winning streak. Holding the Cardinals to just 237 yards offensively, the Hazard Bulldogs forced five Mayfield turnovers and sealed their victory with an interception returned for a touchdown in the last two minutes of the game.

This season, Coach Mark Dixon led the Bulldogs to a near perfect 12–2 season. Despite defeat in last year's title game, the Bulldogs persevered and came back this season with unwavering determination to bring the state title home to the mountains of eastern Kentucky. These experiences and life lessons learned on the field will be carried on after the game and continue to shape these football players into men of promise and outstanding character.

Mr. Speaker, I ask my colleagues to join me in honoring Coach Dixon and the Hazard High School 2011 Football Team as the KHSAA Class 1–A State Champions. This team has successfully carried on a sports tradition of pride in the mountains and I wish them all the best in the years to come.

A TRIBUTE TO ELIZABETH CROSLAND

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Elizabeth Crosland for her commitment to her community and for her service to the children of Brooklyn as a Family Assistant with PS 13.

Ms. Crosland was born in Philadelphia, Pennsylvania to the late William T. and Annie Lee Pinchback. She was the eldest of five siblings, and later moved to Brooklyn, New York.

Ms. Crosland has been employed with the Department of Education at PS 13 as a Family Assistant for 24 years. During her years of service, she has enjoyed working with the administrators, her colleagues, and the students. Ms. Crosland prays everyday that she will empower the lives of the students and their families to become productive citizens in the community.

Ms. Crosland attends the Mount Lebanon Baptist Church on the Hill in Bedford Stuyvesant, where she has been a member for 74 years. She is active on the usher board, serving the needs of the congregation. She also sings in the Robert A. Laws Millennium Choir and was a member of the Allstate Club.

Ms. Crosland is an Honorary past Matron in the order of the Maria Chapter #18 Order of Eastern Stars. She has also been a great contributor to the community by working with the district leaders and working the primary and general election polls for many years.

Mr. Speaker, I would like to recognize Ms. Elizabeth Crosland for her exceptional service to her district as a dedicated member of her local religious and government institutions, and as a long serving employee of the Department of Education.

RECOGNIZING THE NOVEMBER 25, 2011 DEMOCRATIC ELECTIONS OF MOROCCO

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. COHEN. Mr. Speaker, I congratulate the people of Morocco for the free and fair Parliamentary election that took place on November 25, 2011. Participation rates were 20 percent higher than the previous election held in 2007. The Justice and Development Party (PJD), a moderate Islamist party, secured the largest number of seats in the new Parliament. Morocco's King Mohammed VI, in line with the new constitution, has already tasked the leader of the PJD, as Head of Government, to form a new coalition government. This election marks the first time the Moroccan people have gone to the polls within the framework of the new constitution. With this election, Morocco has crossed yet another major milestone in its democratic progress. I extend my warm wishes to the King of Morocco for his leadership and the Moroccan people for their achievements so far and hope they continue on the path of reform and progress.

A TRIBUTE TO DEACON AUDREY WRIGHT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Deacon Audrey Wright who has dedicated her life to the teachings of Jesus Christ, and to her family, colleagues, and community.

Deacon Wright was born to Anna Mae King-Gordon and Mitchell Gordon in Princeton, West Virginia where her parents regularly attended Golden Gate Church. With her strong convictions, Deacon Wright completed high school in a very segregated district of West Virginia, and soon relocated to Brooklyn, New York to complete her undergraduate studies at Medgar Evers College.

Later in life Deacon Wright spent 25 years as an assistant teacher in the Ocean Hill Section of Brooklyn before retiring. Prior to teaching, Deacon Wright was employed by Abraham Strauss for several years in the sales department. After retiring as an assistant teacher, she turned to the Lord and became a member at Berean Baptist Church.

Joining Berean Baptist Church in 1994, she worked as a volunteer with children in the "Time Release Program" for seven years. At Berean, Deacon Wright was ordained on December 13, 1998 and continued her deep involvement with the church. She became a member of the First Lady's Ministry and served as the Deacon Advisor as well as the Spiritual Advisor to the Hospitality Ministry. Presently, she is a member of the Deacon Ministry, Pastoral Care Ministry, the Sunday School Ministry and the Sisterhood Ministry.

Several of her hobbies include writing, reading and exercising. During her tenure at Berean, Deacon Wright wrote and directed seven plays; two of which were performed to raise funds for Women's Day and five others that were written to raise funds for the church. In addition to being an avid reader and writer, Deacon Wright has been dedicated to her health and exercise—walking two miles every day.

Deacon Wright is married to Samuel Wright, and has been blessed with three sons—Bobby, David, and Dominic. She is thankful for God in her life, and gives thanks to the Lord every day for loving and caring for her.

Mr. Speaker, I urge my colleagues to join me in recognizing the life and accomplishments of Deacon Audrey Wright.

HONORING DR. EDWARD WAITE MILLER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Ms. WOOLSEY. Mr. Speaker, I rise in sadness today to honor my friend, Dr. Edward Waite Miller, who passed away October 27, 2011, 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. Willem Kolff 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 Mann 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 Mann County publication 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 Vriethoff, 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.

TRIBUTE TO RONNY L. BEESLEY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. PAUL. Mr. Speaker, on December 31, 2011, US Army Corps of Engineers, Galveston District employee, Ronny L. Beesley will retire after 40 years of service to his country. It is my pleasure to pay tribute to Mr. Beesley for all he has done for the people of Texas and the United States.

Mr. Beesley's long and distinguished career with the Federal Government begin in October 1968 when he joined the US Army. Mr. Beesley served in Vietnam as part of the in the 1st Infantry Division, 101st Airborne Division until June 1971. After leaving the Army, Mr. Beesley earned a Bachelor of Science degree in Civil Engineering at Texas A&M University, in Kingsville, Texas.

Mr. Beesley started working with the Galveston District, Army Corps of Engineers in July 1975. He has held numerous positions with the Corps over the past forty years including; Civil Engineer in the Fort Point Area Office, Civil Engineer and Project Engineer in the Houston Area Office, he worked in the Construction Branch of the Construction Operations Division, General Engineer in the Plant Branch of the Construction Operations Division, and he was promoted to Chief of the Plant Branch in 1990 until he became the Chief of Management Support Branch in 1995. In July 1998, Mr. Beesley was again promoted to Senior Operations Project Manager, Project Operations Branch, and Operations Division. Mr. Beesley's outstanding work was recognized by the Galveston District in 2004 when he was selected as Employee of the Year.

In July 2010, Mr. Beesley was promoted to Chief of Project Operations Branch in the Operations Division of the Galveston District. His duties include managing and supervising Operations and Maintenance of the District's projects including Addicks/Barker Dams and Reservoirs, Brazos River Floodgates, Wallisville Lake Project and the Colorado River Locks. He is also responsible for overseeing expenses for Operations and Maintenance at the Neches Saltwater Barrier, as well as for inspection of projects built by the Government and operated by local sponsors. Mr. Beesley provides support/assistance to the Chief, Operations Division in areas of land and water resource management and is responsible for maintenance of the district's floating plant. Under Mr. Beasley's leadership, the Operations Division acquired a new floating plant for the Galveston district.

Mr. Speaker, Mr. Ronny Beesley provided outstanding services to his country and his town as both a soldier and an employee with the U.S. Army Corps of Engineers, Galveston District. It is therefore my pleasure to once again extend my congratulations and thanks to him as he prepares for retirement.

HONORING RETIRED MASTER SERGEANT NATHAN WEISER

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. MCCOTTER. Mr. Speaker, today I rise to honor and acknowledge Retired Master Sergeant Nathan Weiser, on this the 70th anniversary of the attack on Pearl Harbor, a horror which by the grace of our Almighty God, Mr. Weiser survived.

After graduating from Albion College with a teaching degree in 1939, Nate Weiser enlisted in the newly formed United States Army Air Corps along with two of his friends in October 1940. All three men were sent to Hawaii as part of the 15th Fighter Group, 45th Fighter Squadron and were stationed at Pearl Harbor on the horrific day of December 7, 1941.

Retired Master Sergeant Weiser and his two friends were in the mess hall waiting in line for breakfast when the attack began. He recalls the planes flying low enough to be able to see the red scarves and goggles of the pilots hell-bent on destruction. After surviving the initial wave and the smaller second wave of enemy planes, it began to rain. Having lost the friends he enlisted with to the Japanese fury, Weiser and his unit headed toward a mountain foxhole and spent some very uncomfortable nights in the flooded dugout.

In 1943, Staff Sergeant Nate Weiser was sent back to the mainland to attend special schooling. He was asked to serve as an Army officer and declined. Weiser requested to be sent back to the Army Air Corps and was assigned to Jefferson Barracks in St. Louis. From there he was detailed to the 365th Fighter Bomber Group, 386th Squadron based out of Richmond, Virginia. Nate Weiser arrived in Normandy, France on June 13, 1944, a mere seven days after the initial invasion. As 1944 gave way to 1945, Weiser served in the grueling 40 day Battle of the Bulge. Master Sergeant Nate Weiser undoubtedly saw some of the fiercest combat in the history of these great United States and was released from service in August, 1945.

Mr. Speaker, Nathan Weiser has faithfully served and dutifully protected the citizens of the United States. Our nation owes him a deep debt of gratitude. He has been retired since 1996 after 55 years as a small business owner. He is blessed to enjoy life with his beloved wife of 65 years, Norma, their daughters Karen and Kendra and two granddaughters. Today, I ask my colleagues to join me in honoring and acknowledging Master Sergeant Nathan Weiser for his years of loyal service to our community and country.

A TRIBUTE TO DR. R. SANDLIN LOWE, III

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Dr. R. Sandlin Lowe, III, MD for his outstanding contribution to Neuroscience and the treatment of brain disorders and injuries.

Originally from Coosa County, Alabama, Dr. Lowe obtained his MD from Tulane University in 1987. Currently on the Faculty of New York University School of Medicine with appointments in both the Department of Psychiatry and the Department of Physiology and Neuroscience, he is the Consulting Neuropsychiatrist to the NYU School of Medicine Brain Research Laboratories and Collaborating Psychiatrist at the NYU Langone Center for Neuromagnetism. After 18 years of service and research (for which he was honored with a Congressional Award), Dr. Lowe has become a member of various research councils and health centers.

Dr. Lowe is an expert in Translational Clinical Neuroscience and Therapeutics and has created new paradigms for the conceptualization, evaluation, and treatment of consciousness spectrum disorders associated with brain injuries. In the past few years, for personal reasons, his efforts have focused on autism spectrum disorders.

Currently, Dr. Lowe and his colleagues are exploring small molecules, biological, cellular and regenerative medicine therapeutics, and applied field energy techniques to find new treatments for autism and brain injuries.

Dr. Lowe is a co-founder of the Global Alliance for Innovation in Neuroscience, to which he brings his experience and ability to creatively approach the study and management of coma and other brain injuries. Dr. Lowe possesses a remarkable energy with an unparalleled faith and optimism that are apparent in his approach to research and his dedication to patient care.

Dr. Lowe has recently been awarded a grant of over $3.2 million from the Marcus foundation to study the safety and efficacy of cellular and regenerative medicine therapeutics in the treatment of autism. This work will be done by the GAIN labs at New York City Health and Hospitals Corporation in collaboration with the Stem Cell Institute in Panama, along with Inverion Technologies, Ltd. and Xplora Interactive India. Preliminary data from the individuals with autism who have received these treatments shows that these new methods are both safe and promising.

Mr. Speaker, I would like to recognize Dr. R. Sandlin Lowe, III, MD for the advancements he has made in the study and treatment of autism spectrum disorders, brain injuries, and other disorders.

RECOGNIZING THE CONTRIBUTIONS OF NANCY COWLES

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to recognize Nancy Cowles, who was

honored last week with the Consumer Product Safety Commission Chairman's Circle of Commendation Award for her tireless advocacy for children's product safety. This is the first time that this award has been presented, and I cannot think of anyone more deserving.

Nancy is the Executive Director of Kids in Danger (KID), an advocacy organization dedicated to protecting children by improving the safety of the products they play with or otherwise use. In the more than a decade that Nancy has headed KID, she has served on the front lines, educating parents and caregivers about the dangers of certain products, promoting the development of safer children's products, and advocating for important legislative and regulatory improvements. She has worked on numerous issues both as a member of panels and as an outside advocate for safety improvements in CPSC standards and recall efforts.

Nancy has played a significant role in the improvement of consumer product safety, ensuring that children and families have a voice and that product-makers are held accountable. In Washington, Nancy's work has served as an invaluable contribution to the creation of CPSC standards and the implementation of recalls, no doubt saving many lives in the process. She has served as an invaluable resource for me and many of my colleagues who are committed to protecting the health and well-being of children.

The Consumer Product Safety Improvement Act (CPSIA) became law in 2008, and it is the most significant reform of the CPSC and its responsibilities in decades. With Nancy's input, I authored several provisions to the bill, including mandatory standards and testing for infant and toddler products such as cribs and high chairs and a provision requiring that postage-paid recall registration cards must be attached to products. I am proud of those provisions, and the overall bill, which would not have been as strong or protective without Nancy's guidance.

I would like to thank the CPSC, and Chairman Inez Tenenbaum, for recognizing the contributions of Nancy Cowles toward making products safer for children and families. As the Chairman said, Nancy's ''contributions to product safety are invaluable.''

As a mother and grandmother deeply concerned about preventing injuries to children, I could not be more grateful for Nancy's efforts and I am proud to call her a friend.

CONGRATULATING WILLIAM (BILL) H. OSBORNE ON 50 YEARS OF OUTSTANDING FEDERAL SERVICE WITH THE U.S. ARMY CORPS OF ENGINEERS

HON. THOMAS J. ROONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. ROONEY. Mr. Speaker, today I wish to congratulate Mr. William (Bill) Osborne of Atlanta, Georgia for 50 years of dedicated Federal service to the U.S. Army Corps of Engineers. He has also served as the Commandant of the 3388th USARF School in Tampa, Florida with prior assignments in the Office of the Deputy Chief of Staff for Logistics at the 81st U.S. Army Reserve Command in Atlanta, Georgia. He retired from the Army Reserve in April 1993 at the rank of Colonel. I hope Members will join with me today to thank Mr. Osborne for his contributions to the Corps of Engineers, his local community and the United States of America.

Mr. Osborne began his career with the Corps of Engineers in 1957 as a summer hire in the Operation Division in the Nashville District. After graduating from the University of Tennessee with a Bachelor's Degree in Engineering he joined the Jacksonville District as a Civil Engineer. In 1970, he transferred to the South Atlantic Division and took a position as the Assistant Chief of the Program Management Office. Since 1988 he has been the Chief of the Civil Works Integration Division. In this position he puts together the South Atlantic Division's portion of the President's Civil Works Budget for Congressional consideration.

Some of the major projects for which he has provided Congress justification documentation include the Tennessee Tombigbee Waterway, Herbert Hoover Dike, Portugues and Bucana Rivers, and two of the largest environmental projects in the country; South Florida Ecosystem Restoration and the Comprehensive Restoration of the Mississippi Barrier Islands projects. Over his stellar career he has justified billions of Federal dollars in support of these and countless other much needed projects. For over two decades he has provided exceptional support to Division Commanders, Chiefs of Engineers and the Assistant Secretaries of the Army in their annual testimony before Congress. Through his expert knowledge of the Civil Works process Mr. Osborne consistently provided outstanding service in the relationship with the public, Congressional Members and their staffs, involving controversial and complex issues.

Mr. Osborne has received numerous awards in recognition of his outstanding efforts to include Superior Civilian Service Awards, the Meritorious Civilian Service Award and he has been nominated for the prestigious Decoration for Exceptional Civilian Service from the Secretary of the Army.

Bill Osborne is a tremendous assist not only to the U.S. Army Corps of Engineers, but also to Members of Congressional Delegations throughout the Southeast and his country. I want to sincerely wish Bill and his wife, Fran, every success in the future.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 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 $15,071,624,794,970.66. We've added $10,270,219,619,676.38 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.

A TRIBUTE TO DEBRA DAVIS-SMITH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Debra Davis-Smith for her service to the health and well being of those living in the 10th Congressional District of New York.

Ms. Davis-Smith was born to the late Joyce and Robert Davis, and raised in an extended family that included her maternal grandparents and aunts in Brooklyn, New York. Being the eldest of three, Ms. Davis-Smith always had the instinct to care for and look after others.

Ms. Davis-Smith was educated in both the public and parochial school systems. It was during this time that she recognized her interest in helping others outside of her family by volunteering her services after school as the Candy Striper at Kings County Hospital. On weekends and during the summer months, she volunteered with the Department of Aging which allowed her to work with elders in various senior citizen centers and also work with her local precinct in mentoring teenagers.

After high school, Ms. Davis-Smith attended The City College of New York where she majored in Sociology. During her studies, she continued to volunteer and intern with several non-profit groups. Her focus was always on educating and empowering others whether they be youth or senior citizens.

Following her undergraduate studies, she attended Fordham University and received her Master's in Social Work. While at Fordham her studies focused on individuals and families which eventually led her towards the field of mental health. The National Institute of Mental Health provided support to Ms. Davis-Smith which would also determine her future employment.

Upon graduating Fordham, Ms. Davis-Smith was employed by The Catholic Guardian Society where she worked with children in foster care and adoption service. She remained there for a year until she began working as a social worker at Woodhull Medical and Mental Health Center in their Inpatient Psychiatric Unit. Ms. Davis-Smith would spend the next 25 years with the health center, working alongside dedicated professionals who shared her passion in working with the mentally ill. Within this time she held several positions within the discipline of social work, and is currently in the position of acting Director of Social Work Services.

Ms. Davis-Smith is married to Clifford Smith and has two daughters, Brittany and Morgan. With her family's continued love and support she is able to continue her community service.

Mr. Speaker, I urge my colleagues to join me in recognizing the community achievements of Ms. Debra Davis-Smith.

A TRIBUTE IN HONOR OF THE LIFE OF THE HONORABLE JAMES E. BURCH

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to the extraordinary life and work of the Honorable James E. Burch, known to all as 'Jim', who died on Monday, November 28, 2011, at the age of 85.

Jim Burch was born on February 27, 1926, in Evanston, Illinois to a World War I veteran and a religious pacifist. He, his parents and two brothers moved to San Mateo, California in 1940. Jim graduated from San Mateo High School in 1943 and served in the U.S. Army until 1946.

He returned to civilian life and launched a very successful career in advertising, retiring in 1974 to serve his community as a volunteer. He co-founded San Francisco's Urban Coalition and was President of Palo Alto's Creative Initiative Foundation, which evolved into Beyond War and then into the Foundation for Global Community, organizations he volunteered with for 36 years. He gave so generously of his time and considerable talents to many other organizations, including the Boy Scouts, United Way, NAACP, and most recently he served on the Palo Alto Police Chiefs Advisory Committee, where his wise counsel earned the respect of the entire committee.

In 1999, Jim was elected to the Palo Alto City Council, and he was elected Mayor in 2005. At the age of 78, he was the City's oldest Mayor, but he served in the role with energy, enthusiasm and distinction. He was honored for his Lifetime of Achievement by Avenidas in 2011.

I was privileged to know and work with Jim Burch for many years. He was a friend, a mentor, and an inspiration to me. The memory of this strong and gentle, wise and funny, proud and humble man will live long after him, as will his countless contributions which have made our community better and our country stronger.

Jim's son, Bill, is quoted as saying ''My father led a life of giving to his family, of giving to his community, of giving to his city and giving to the world.'' His daughter, Barbara Lindsay, said ''He was the most giving person in terms of what he sought to do out in the world and his hometown.'' There can be no greater tributes than these from his beloved children.

I ask the entire House of Representatives to join me in honoring the life and the accomplishments of Jim Burch, and extend our deepest sympathy to his wife Wileta, and his children, Barbara, and Bill.

RECENT EVENTS IN BAHRAIN

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. VAN HOLLEN. Mr. Speaker, the U.S. and Bahrain share a decades-old economic and strategic partnership that spawned a free trade agreement in 2006 and influenced the decision to locate the U.S. Fifth Fleet in the port-city of Jaffair. That partnership has endured for years in part because the U.S. viewed Bahrain as a nation committed to evolving toward a political system that allowed greater public participation and respect for religious tolerance. Events over the last year have dealt a serious blow to that long held belief.

The Arab Spring inspired Bahrain's Shi'a majority to seek the full human and political rights that they say they have been denied since the Al Khalifa family became the rulers of the tiny island nation over 200 years ago.

The Bahraini government's response to the largely peaceful demonstrations of the opposition groups who seek only a better life for themselves and their families has been violent and systematic. Dozens of demonstrators lost their lives; independent media outlets were silenced; Shi'a mosques were burned; thousands of Bahrainis were incarcerated and thousands more lost their jobs.

Our worst suspicions were confirmed by the report recently released by the Bahrain Commission of Inquiry. The report described the disproportionate and indiscriminate use of force by security forces. Opposition members were abused, beaten and even tortured.

I associate myself with the public statements of President Obama and Secretary of State Clinton as they strongly urge the Bahraini government to follow through on its promises and to systematically and expeditiously implement the forthcoming recommendations of the newly established follow-on committee.

To achieve a meaningful and lasting reconciliation, all parties must engage in comprehensive political dialogue geared toward a mutually satisfactory power-sharing solution. The long-standing commitment of the United States to a strong partnership with the government and people of Bahrain will be influenced by how the government of Bahrain chooses to negotiate this challenging moment in its nation's history.

We all will be watching closely.

INTRODUCTION OF THE INDONESIAN FAMILY REFUGEE PROTECTION ACT OF 2011

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mrs. MALONEY. Mr. Speaker, today I am introducing legislation with my colleagues, Rep. FRANK PALLONE, Rep. LUIS GUTIERREZ, Rep. MADELEINE BORDALLO, Rep. MIKE HONDA, and Rep. ENI FALEOMAVAEGA, which would simply allow Christian Indonesian citizens fleeing persecution, many of whom arrived during a five-year timeframe (January 1, 1997–November 30, 2002) and were denied asylum solely for missing the one-year filing deadline, the opportunity to reopen their claims during the two-year period following enactment.

Beginning in 1997, many Indonesian Christians fled religious persecution in Indonesia, where extreme violence and destruction of churches drove them from their homes. These individuals came to this country, seeking relief from extreme violence and persecution for their religious beliefs, but were unable to make the one-year filing deadline. They deserve the opportunity to have their claims heard.

The United States has long sought to protect refugees fleeing persecution and provide a process to fairly consider their claims. This bill does not, in itself, grant asylum, but merely removes a procedural barrier to their claims being considered. These individuals seeking asylum deserve a second chance to avoid the persecution they have fled and remain united with their families.

A TRIBUTE TO CRUZ FUKSMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Ms. Cruz Fuksman for her continued efforts to rebuild and improve her community through health and educational services.

Ms. Fuksman was born and raised in the Dominican Republic by her single mother and six siblings. Ms. Fuksman came to the United States to seek a better education to provide for herself and her family. She attained her bachelor's in Human Services from Boricua College and later received a Master's degree in Social Work from Hunter College School of Social Work. Currently Ms. Fuksman works as the Community Liaison at the New York Psychotherapy and Counseling Center where she uses her expertise in social work to serve as the director for a variety of mental health and family service programs. She likewise served in this capacity at the American Red Cross of Greater New York for more than a dozen years, where she was routinely honored as Caseworker of the Month.

The work that Ms. Fuksman has done reflects her ambition to reform her community at the highest levels. The social work discipline she learned throughout her schooling has been a guiding tool that Ms. Fuksman frequently relies on to help families. Recently Ms. Fuksman was honored by Bushwick Impact for her enthusiasm, wisdom, collaboration, and support in helping them serve over 2000 families in the Bushwick area.

Ms. Fuksman also displays her strong community ties by serving as one of the co-chairs of the Community Partnership Project of East New York, Chair of the Seed Committee of the Cypress Hills Local Development Corporation and by participating in many community projects and events in East New York. Aside from her community involvement, Ms. Fuksman understands the importance of educating our youth, and has had the opportunity to work as an adjunct professor at La Guardia Community College.

Ms. Fuksman has a very genuine and unique passion for helping children and families to improve the quality of their lives and for getting the community involved in efforts to improve the quality of life for the residents. Ms. Fuksman is an excellent cook and uses her cooking skills to fundraise for many causes. Among them are victims of the earthquake in Haiti, Habitat for Humanity, Breast Cancer Foundation and various catholic charities.

Mr. Speaker, I urge my colleagues to join me in recognizing the accomplishments of Ms. Cruz Fuksman.

HONORING REVEREND LEON H. MATTHIAS

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to pay tribute to a devoted servant of God, the Reverend Leon H. Matthias who will retire from active ministry on December 31, 2011.

Sunday, December 8, 1946 seemed to be a perfect day for the arrival of Leon Henson Matthias to George and Ethel Matthias. His humble home provided his first real setting where Christian nurture would take place. The family were members of Gracefield Moravian Church in Cedar Grove and Adrian Joseph, the grandfather, was the sexton of this small-congregation.

After primary and High School he gained four subjects at Ordinary Level from the University of London. In September 1967, he entered the teaching profession and was appointed as an uncertified teacher at the St. James Government School in Cedar Grove where he had received his early primary education.

At 19, he was elected as chairman of the Board of Stewards at Gracefield. The members of the congregation recognized that God was calling him to a special task in His church.

Leon Henson Matthias began his theological training on the island of Trinidad in 1970 and in 1974 he completed the Licentiate in Theology at the United Theological College of the West Indies in Kingston, Jamaica. He served as student pastor in the Antigua and Tobago Conferences and on August 24, 1975 Brother Matthias was ordained a Deacon. On September 1, 1975, he began his first appointment as a Moravian Pastor in St. Kitts. Six years after his ordination as a Deacon in the Moravian Church, Rev. Matthias was consecrated a Presbyter.

On August 28, 1976, Rev. Leon Matthias made another decision in his life. He joined in matrimony to Mable Hall in that beautiful western Jamaica Town of Montego Bay. God blessed this marriage with three wonderful sons, Lennox, Leon Jr. and L Richard.

From all accounts, Brother Leon was as popular as he was active. He has always had an abundance of energy that seems contagious, and this has manifested itself throughout his life and the life of anyone with whom he has had contact. As an executive of the Rivals Sports Club in Cedar Grove, where he was a serious cricketer and concert performer, to Youth Soccer Coach in Richmond, Virginia, he displayed versatility and his love of sports.

Rev. Matthias has always enjoyed leadership roles in the church and the community. He however developed a new interest in 1992. In 1990, he was invited by the Lutheran Church in the United States Virgin Islands to participate in an oral history workshop led by Judy Saxton of Baylor University. This opened for him a vast new field of inquiry and an unquenchable thirst for the unwritten folk history of his people. This he has pursued in his visits to Tanzania, London, Johannesburg and Cape Town.

The versatility of the good Reverend has also been manifested in his editing of many publications including Rapport' magazine and the writing of four books—Boy from Popeshead (1995), Against the Odds (1996), A history of the Friedensberg Moravian Church, Tales from the Hill (1997) and Winds of Change (1999) Gracefield—A Northern Star(2005)Down Punty Hill(2008)A Cloud of Great Witnesses (2011).

Brother Matthias holds a Licentiate in Theology from the University of the West Indies and a Master of Arts Degree from the Presbyterian School of Christian Education. .In 2002 he obtained an, MLS Degree from Catholic University of America in Washington, DC, specializing in Archival Studies.

His ministry has spanned forty years and the Western Hemisphere—beginning in Jamaica as a Student Pastor in 1971, serving the Virgin Islands Conference in St. Croix from 1988 to 1996 and St. Thomas and Tortola from 1996 to 2000, then New York from 2002 to 2009 and lastly in Washington DC.

In that time he has served in many positions of church leadership, has mentored many young pastors and served every congregation and community with excellence, dedication and compassion. We are thankful to God for his service, which overcame many obstacles over the years, and for his family who served by his side these many years.

I ask my colleagues to join me in asking God's blessings on Reverend Leon H. Matthias, his wife, Mable and the entire family with gratitude for a life of exemplary service.

PERSONAL EXPLANATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. CROWLEY. Mr. Speaker, on December 6, 2011 I voted "no" on H.R. 2471; I intended to vote "yes."

THE PASSING OF MY DEAREST FRIEND AND CBC FOUNDATION FOUNDING MEMBER, OFIELD DUKES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. RANGEL. Mr. Speaker, as a Member of Congress, I have been blessed to call many wonderful people my friend, but none more than Ofield Dukes. I am extremely saddened by the passing of such great man who had significant impact in not only my life, but that of my Colleagues in the Congressional Black Caucus, dating back to its founding. Aside from his many accomplishments in business, politics and his personal life, Ofield was simply a true and kind person who sought to make our country a better place for all. I will forever miss his virtue, justness and sincerity.

Ofield was the best communications strategist in Washington. He helped organized the first Congressional Black Caucus (CBS) dinner in 1971 and served as an advisor to numerous CBC chairpersons. He was a founding member of the CBC Foundation and served on the Foundation Board (CBCF) for 14 years. As the first chairman of the Foundation's Finance and Fundraising Committee, Ofield was instrumental in developing strategies for fundraising including recruiting business support and active involvement.

Ofield's devotion to his craft was esteemed by everyone. In 1988, Ofield was selected by CBC Chairman Julian Dixon to serve as chairman of a historic black-tie dinner in salute of U.S. Supreme Court Justice Thurgood Marshall. When the CBC Chairman Clyburn needed a person to organize and edit the first news letter of the CBC-CBCF, he called Ofield and for seven years he did a superb job in editing the CBC-CBCF newsletter.

In addition to his work with the CBC & CBCF, Ofield was dedicated to fighting for racial equality. He served for 10 years on the board of the MLK, Jr. Committee for Non-Violent Social Change and as an advisor to Mrs. Coretta Scott King. He also served as an advisor to Dr. Leon Sullivan, organized the first Stevie Wonder March to make Dr. King's birthday a national holiday and was an advisor to Alex Haley, author of the epic book "Roots" which provided the impetus for the historic TV series.

Aside from all his public service achievements, Ofield always find time to nurture the next generation of communicators and political minds. As an adjunct professor for 25 years at the Howard University John H. Johnson School of Communication, Ofield is credited with influencing hundreds of students to enter the field of public relations. He also taught public relations at the American University for eight years.

In politics, Ofield served as a communications consultant to the Democratic National Committee in six presidential campaigns. In 1998, Ofield worked very closely with me in developing the national African American media strategy that helped generate a large black voter turnout that helped Democrats to gain control of the House of Representatives.

Ofield is credited with having tremendous impact on the professional lives of many. Radio One Founder Cathy Hughes says there would not be a Radio One without the early support and continuing advice of Ofield. Upon receiving his graduate degree from Princeton University, Robert Johnson called Ofield who arranged the first two jobs for Johnson in Washington, D.C. prior to his founding BET.

In 2001, Ofield became the first African American to win the Public Relations Society of America's Gold Anvil, the highest individual awards given in the public relations industry. In 2004, PRWeek named him one of this nation's top five national communicators. In 2009, Dukes succeeded Dr. C. Delores Tucker as President of the Bethune-DuBois Institute.

Ofield's other professional recognition includes: being named by the Washington Post as one of the top five PR persuaders in Washington; among the first to be inducted into the Washington, D.C. Public Relations Hall of Fame; inducted into the Commonwealth of Virginia Communications Hall of Fame; and receiving the Wayne State University 2010 Alumni Achievement Award.

Ofield's list of accomplishments goes on and on, but what his friendship meant to me and so many people is immeasurable. I want to express my deepest condolences to his beautiful family. Ofield Dukes was one of a kind and he will be deeply missed. His legacy will last throughout Washington and our country.

A TRIBUTE TO ALBERT WILTSHIRE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Albert Wiltshire for his unwavering service.

Mr. Wiltshire's career would not be as successful as it is if it weren't for his stellar academic track record. He graduated from Brooklyn's Boys High School when it was regarded as one of the city's top schools for learning. Mr. Wiltshire then received his Bachelor's degree from St. Francis College, a Masters in Public Administration from New York University, and a Senior Managers in Government Program Certificate from the prestigious Harvard University, John F. Kennedy School of Government.

Mr. Wiltshire's illustrious career began with the New York City Police Department, where he served for 20 years during the civil rights era. Following his retirement, Mr. Wiltshire worked for 13 years at the Brooklyn Navy Yard Development Corporation serving as President and CEO. It was here that he made an indelible mark by strengthening the company's financials while also providing countless opportunities for minorities and women to enter the business community.

Mr. Wiltshire went on to work as Vice President Keyspan Corporation, one of the nation's largest energy conglomerates. He would work as a liaison between the company and the government to ensure the needs of the community were met, and to spearhead environmental awareness.

Since 2007, Mr. Wiltshire has worked as my Chief of Staff, helping me represent the people of New York's 10th congressional District in Brooklyn. Managing personnel in two Brooklyn offices and the nation's capitol, Mr. Wiltshire is one of my most trusted advisors on key legislative issues and public policies. Mr. Wiltshire's vast experience with the community in Brooklyn has been invaluable, providing sound leadership and direction in the 10th district.

While his service in the public and private sector has consumed most of his time, Mr. Wiltshire continues his involvement with the Madison Boys and Girls Club, Brooklyn School of Music, and the vestry of the Church of St. Luke and St. Matthew.

Mr. Wiltshire is a proud father, grandfather, and mentor to many. The life he chose to lead is one that is admired by many and should be emulated by all. Mr. Speaker, I urge my colleagues to join me in recognizing the many achievements of Mr. Albert Wiltshire.

PERSONAL EXPLANATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mrs. EMERSON. Mr. Speaker, on rollcall No. 882, 883, 884, 885, 886, 887, and 888 I am not recorded because I was absent due to a family event. Had I been present the week of December 2nd, I would have voted "aye" on rollcall No. 888. I would have voted "nay" on rollcall No. 882, 883, 884, 885, 886, and 887.

IN SUPPORT OF MOTION TO INSTRUCT CONFEREES ON H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Ms. RICHARDSON. Mr. Speaker, today I rise in support of the Motion to Instruct Conferees, which instructs House conferees to insist on the inclusion of certain amendments intended to improved the sexual assault prevention and response in the Armed Services that were contained in the version of National Defense Authorization Act passed by the House on May 26, 2011.

While 1 in 6 women in the United States will experience some type of sexual assault in her lifetime, as many as 1 in 3 veteran women report that they have experienced some form of Military Sexual Trauma during their service. Due to shame, guilt or fear of not being believed, countless victims do not report their assault and it has been reported that as few as 13 percent of these sexual assaults are reported to the proper authorities.

Mr. Speaker, not only do cases of sexual assault largely go unreported, but response protocols necessary to protect victims of assault need to be improved.

In addition, more must be done to protect these victims after they report their abuse. Victims of sexual assault face a lack of confidentiality, protection, support, and access to legal counsel once an incident is reported.

Currently, victims of rape or sexual assault do not have the right to a unit or duty location transfer following an assault. The result is that victims of these unspeakable crimes often have to continue serving alongside their assailant. As of this date, the Department of Defense has not yet adopted policies that will enable sexual assault victims to escape constant contact with their attackers.

Mr. Speaker, this is a huge problem. Something must be done.

Fortunately, the problem of rape and sexual assault in the military has been addressed by provisions in both the House- and Senate-passed versions of the National Defense Authorization Act for FY 2012 (NDAA). In both the House and Senate versions, the NDAA makes improvements in the military's response to sexual assault and to provide greater protections for our service men and women in the armed forces. Our hope is to ensure zero tolerance for sexual assault in the military.

However, the House and Senate versions of this act differ significantly. The House version of the NDAA has stronger provisions regarding sexual assault in the military by strengthening legal protections for the victims, providing support and guidance to victims, and by strengthening the systems in place to prevent future assaults. That is why the Motion to Instruct directs House conferees to insist on the inclusion of these provisions in the compromise legislation negotiated in the Conference.

Among the House-passed improvements are provisions:

ensuring that sexual assault victims be afforded legal counsel if desired;

protecting the confidentiality and victim advocates;

requiring that commanders transfer duty stations; and

requiring adequate training and education programs to prevent sexual assault.

Mr. Speaker, we have a duty to protect our men and women in the military, who put their lives on the line for our country. We have a duty to make our armed forces safe for all men and women who wish to serve. It is dangerous enough risking one's safety in defense of our country on foreign shores. It is simply intolerable for American servicewomen and men to have to assume the risk of sexual assault from their comrades.

The provisions in the version of H.R. 1540 passed by the House reflects a zero tolerance policy when it comes to the sexual assault of members of the Armed Forces by members of the Armed Forces. That is why I strongly support this Motion to Instruct Conferees on H.R. 1540. I urge all of my colleagues to do likewise.

MR. CHARLES L. NEUBERT

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. BARLETTA. Mr. Speaker, today I rise to honor Charles L. Neubert of Hazleton, Pennsylvania, for his faithful and dedicated service to the United States of America through turbulent times.

Charles Neubert was serving in the National Guard in the State of Washington when he decided to transfer to active duty in 1941. He was assigned to the 16th Truck Company, Quartermaster Corps. At the time, Charles Neubert was only 20 years old. He was stationed in Pearl Harbor, Hawaii.

Mr. Neubert was working in the motor pool during the surprise military attack conducted by the Imperial Japanese Navy on the morning of December 7, 1941. Mr. Neubert watched helplessly as 353 Japanese fighters and bombers launched their assault on the naval base. When he recalls this day, Charles Neubert can remember thinking that the planes just kept coming and coming. More than 2,400 American lives were lost on that day, and almost 1,300 were injured.

Charles Neubert continued to serve his country in the 357th and the 356th Truck Companies on both Pearl Island and on Tinian in the Marianas Islands.

Charles Neubert would be discharged from active duty in the Army in June 1945, just a few months before the end of the war. He would join the Naval Reserves in 1950, and he served aboard the USS *Douglas H Fox* (DD779) for 15 months during the Korean War. He was discharged in 1953.

Mr. Speaker, Charles L. Neubert, who only a few months ago celebrated his 90th birthday, is a fine example of the faithful and dedicated men and women that make up our armed forces. His selfless actions, and those of his generation, should forever be remembered and cherished by a grateful nation.

A TRIBUTE TO ABU BEKR COURT NO. 74

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2011

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Abu Bekr Court No. 74 for its long history of community involvement through activities and sponsorships.

Abu Bekr Court No. 74 has participated in all of the programs and projects of the Imperial court, Daughters of Iris. Individual Court members have been actively involved in numerous community volunteer activities on behalf of the organization.

The projects supported by Abu Bekr Court No. 74 and its members include: homeless women's shelters, a hospital for children with special needs, gifts of love baskets to elderly and needy community residents, donations to local community churches and the NAACP. Under the leadership of their Illustrious Commandress, Dt. Shirley Holliday, Abu Bekr Court has been in partnership with Tilden Hall by sponsoring multiple clothing drives.

The Court has served in many capacities throughout the community. They attended a World Day of Worship at Berean Baptist Church and gave a sizable monetary donation to their Drum Line Youth group, while also raising hundreds of dollars to participate in the Breast Cancer Walk. The Court has also donated school supplies to several schools in Brooklyn and Long Island, as well as donating over 200 knit hats to cancer patients through the American Cancer Society.

Abu Bekr Court No. 74 is pleased to have had 57 Daughters lead this Court and serve as Illustrious Commandress since 1949. As part of Abu Bekr Court's great history, two of their Daughters served the Imperial Court Daughters of Isis as Imperial Commandress, which is the highest honor that can be bestowed upon a Daughter. Dt. Phyllis McKoy who was elected and served as Imperial Commandress in 1984 and now Dt. Ruth Mayfield Ellerbe who was elected and installed as Imperial Commandress of the Imperial Court Daughters of Iris on August 18, 2011.

The Court looks forward to continuing their long tradition of service to the community and to remain supportive to the Imperial Court, Daughters of Isis.

Mr. Speaker, I urge my colleagues to join me in recognizing the community achievements that Abu Bekr Court No. 74 has made in Brooklyn and throughout New York City.

PANDEMIC AND ALL-HAZARDS PREPAREDNESS REAUTHORIZATION ACT OF 2011

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2011

Mr. WAXMAN. Mr. Speaker, I rise today in strong support of H.R. 2405, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2011. I am pleased to report that this legislation represents a bipartisan effort to make certain that our nation is prepared to successfully manage the effects of natural disasters, infectious disease outbreaks, and acts of bioterrorism.

The Pandemic and All-Hazards Preparedness Reauthorization Act reauthorizes and makes minor—but important—improvements to programs and activities first established in the 2004 Project Bioshield Act and the 2006 Pandemic and All-Hazards Preparedness Act, also known as PAHPA. Let me highlight three provisions that deserve particular attention.

First, with respect to the Food and Drug Administration, we took great care to ensure that the agency is focusing on the medical countermeasures—or products that combat chemical, biological, radioactive, and nuclear agents—of highest importance. As we all know, if everything is given priority, then nothing is truly a priority. H.R. 2405 requires FDA to work with industry on industry-submitted regulatory management plans for prioritized countermeasures to facilitate scientific exchanges between the FDA and product sponsors to streamline our ability to make these products available.

Second, the legislation makes improvements to the nation's blueprint for public health preparedness and response activities that will enhance the ability of the health care system to respond to mass casualty emergencies.

Finally, H.R. 2405 continues investment in state and local public health departments to ensure we have the requisite infrastructure to respond to public health threats.

I'd like to thank Congressman ROGERS and Congressman GREEN—the sponsors of the legislation—for their hard work on H.R. 2405. I'd also like to recognize Congresswoman MYRICK, Congresswoman ESHOO, and Congressman MARKEY who contributed a great deal to the Committee's work on this bill.

I understand that Senator BURR and Senator CASEY have recently introduced comparable legislation in the Senate. I look forward to working with our Senate colleagues on this issue and sending final PAHPRA legislation to the President for his signature.

I urge my colleagues to join me in supporting this bill.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 8, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 13

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine MF Global bankruptcy.
SH–216

Judiciary
To hold hearings to examine the nomination of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit.
SD–226

Environment and Public Works
Water and Wildlife Subcommittee
To hold hearings to examine our nation's water infrastructure, focusing on challenges and opportunities.
SD–406

10:15 a.m.
Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine child abuse, focusing on protection, prevention, intervention, and deterrence.
SD–106

2:30 p.m.
Banking, Housing, and Urban Affairs
Housing, Transportation and Community Development Subcommittee
To hold hearings to examine helping homeowners harmed by foreclosures, focusing on ensuring accountability and transparency in appeals.
SD–538

DECEMBER 14

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities, Insurance and Investment Subcommittee
To hold hearings to examine investor risks in capital raising.
SD–538

10 a.m.
Foreign Relations
European Affairs Subcommittee
To hold hearings to examine the state of human rights and rule of law in Russia, focusing on United States policy options.
SD–419

Health, Education, Labor, and Pensions
Business meeting to consider S. 1855, to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act, and the nominations of Wendy M. Spencer, of Florida, to be Chief Executive Officer of the Corporation for National and Community Service, Deepa Gupta, of Illinois, to be a Member of the National Council on the Arts, Christopher Merrill, of Iowa, to be a Member of the National Council on the Humanities, Stephanie Orlando, of New York, and Gary Blumenthal, of Massachusetts, both to be a Member of the National Council on Disability, and a nomination list in the Public Health Service.
SD–430

Homeland Security and Governmental Affairs
Business meeting to consider pending calendar business.
SD–342

Judiciary
To hold an oversight hearing to examine the Federal Bureau of Investigation.
SD–226

Veterans' Affairs
To hold hearings to examine the nominations of Margaret Bartley, of Maryland, Coral Wong Pietsch, of Hawaii, and Gloria Wilson Shelton, of Maryland, all to be a Judge of the United States Court of Appeals for Veterans Claims.
SR–418

DECEMBER 15

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine prescription drug shortages, focusing on examining a public health concern and potential solutions.
SD–430

11 a.m.
Foreign Relations
Western Hemisphere, Peace Corps and Global Narcotics Affairs Subcommittee
To hold hearings to examine the United States-Caribbean shared security partnership, focusing on responding to the growth of trafficking narcotics in the Caribbean.
SD–419

2:15 p.m.
Foreign Relations
African Affairs Subcommittee
To hold hearings to examine improving governance in the Democratic Republic of Congo.
SD–419

2:30 p.m.
Aging
To hold hearings to examine implementing the ''Physician Payment Sunshine Act''.
SD–562

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8381–S8419

Measures Introduced: Fourteen bills and one resolution were introduced, as follows: S. 1949–1962, and S. Res. 345. **Pages S8413–14**

Measures Reported:

S. 1430, to authorize certain maritime programs of the Department of Transportation, with an amendment in the nature of a substitute. (S. Rept. No. 112–99) **Page S8413**

Measures Passed:

National Flood Insurance Program: Senate passed S. 1958, to extend the National Flood Insurance Program until May 31, 2012. **Page S8408**

Umatilla Army Chemical Depot: Senate agreed to S. Res. 345, expressing the sense of the Senate on the closure of Umatilla Army Chemical Depot, Oregon. **Page S8419**

Measures Considered:

Payroll Tax Relief—Cloture: Senate began consideration of the motion to proceed to consideration of S. 1944, to create jobs by providing payroll tax relief for middle class families and businesses. **Pages S8383–84**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, December 9, 2011. **Pages S8383–84**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill on Thursday, December 8, 2011, if cloture is not invoked on the nomination of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection. **Page S8419**

Cordray Nomination—Agreement: A unanimous-consent agreement was reached providing that at approximately 9:30 a.m., on Thursday, December 8, 2011, Senate resume consideration of the nomination of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection, with the time until 10:30 a.m. equally divided and controlled between the two Leaders, or their designees; and that the vote on the motion to invoke cloture on the nomination occur at 10:30 a.m. **Page S8419**

Messages from the House: **Pages S8412–13**

Measures Referred: **Page S8413**

Executive Communications: **Page S8413**

Additional Cosponsors: **Pages S8414–15**

Statements on Introduced Bills/Resolutions: **Pages S8415–18**

Additional Statements: **Page S8412**

Notices of Hearings/Meetings: **Page S8418**

Authorities for Committees to Meet: **Pages S8418–19**

Privileges of the Floor: **Page S8419**

Adjournment: Senate convened at 11:30 a.m. and adjourned at 6:03 p.m., until 9:30 a.m. on Thursday, December 8, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8419.)

Committee Meetings

(Committees not listed did not meet)

LARGE FINANCIAL INSTITUTION REGULATIONS

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions and Consumer Protection concluded a hearing to examine enhanced supervision, focusing on a new regime for regulating large, complex financial institutions, after receiving testimony from Sheila C. Bair, former Chairman, Federal Deposit Insurance Corporation, and Pew Charitable Trusts, and Arthur E. Wilmarth, Jr., George Washington University Law School, both of Washington, D.C.; Simon Johnson, Massachusetts Institute of Technology Sloan School of Management, Boston; and Phillip L. Swagel, former Assistant Secretary of the Treasury for Economic Policy,

and University of Maryland School of Public Policy, College Park.

FORENSIC SCIENCE

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine turning the investigation on the science of forensics, after receiving testimony from John Grisham, Innocence Project, Charlottesville, Virginia; Constantine Gatsonis, Brown University, Providence, Rhode Island; Geoffrey S. Means, Cleveland State University, Cleveland, Ohio; and Terry W. Fenger, Marshall University Forensic Science Center, Huntington, West Virginia.

DRUG SHORTAGES

Committee on Finance: Committee concluded a hearing to examine drug shortages, focusing on why they happen and what they mean, after receiving testimony from Kasey Thompson, American Society of Health-System Pharmacists, Bethesda, Maryland; Patrick Cobb, Frontier Cancer Center and Blood Institute, Billings, Montana; Scott Gottlieb, American Enterprise Institute, Washington, D.C.; and Rena M. Conti, University of Chicago, Chicago, Illinois.

HOMEGROWN TERRORISM

Committee on Homeland Security and Governmental Affairs: Committee concluded open and closed joint hearings with the House Committee on Homeland Security to examine homegrown terrorism, focusing on the threat to military communities inside the United States, after receiving testimony from Paul Stockton, Assistant Secretary for Homeland Defense and Americas' Security Affairs, and Lieutenant Colonel Reid Sawyer, Director, Combating Terrorism Center at West Point, United States Army, both of the Department of Defense; Jim Stuteville, Senior Advisor, Counterintelligence Operations, Federal Bureau of Investigation, Department of Justice; and Daris Long, Conway, Arkansas.

NATIONAL CAPITAL REGION PREPAREDNESS

Committee on Homeland Security and Governmental Affairs: 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 concluded a joint hearing to examine earthquakes to terrorist attacks, focusing on if the national capital region is prepared for the next disaster, and if the 2010 strategic plan is generally consistent with characteristics of effective strategies, after receiving testimony from Steward D. Beckham, Director, Office of National Capital Region Coordination, Federal Emergency Management Agency, Department of Homeland Security; Dean Hunter, Deputy Director, Facilities, Security and Contracting, Office of Personnel Management; William O. Jenkins, Jr., Director, Homeland Security and Justice, Government Accountability Office; Richard Muth, Maryland Emergency Management Agency Executive Director, Annapolis; Terrie L. Suit, Commonwealth of Virginia Secretary of Veterans Affairs and Homeland Security, Richmond; and Paul A. Quander, Jr., District of Columbia Deputy Mayor for Public Safety and Justice.

EB–5 REGIONAL CENTER PROGRAM

Committee on the Judiciary: Committee concluded a hearing to examine reauthorizing the EB–5 Regional Center Program, focusing on promoting job creation and economic development in American communities, including S. 642, to permanently reauthorize the EB–5 Regional Center Program, after receiving testimony from William J. Stenger, Jay Peak Resort, Jay, Vermont; David North, Center for Immigration Studies, Washington, D.C.; and Robert C. Divine, Baker, Donelson, Bearman, Caldwell, and Berkowitz, P.C., Chattanooga, Tennessee, on behalf of Invest in the USA.

EFFORTS TO CURTAIL MARIJUANA CULTIVATION

United States Senate Caucus on International Narcotics Control: Caucus concluded a hearing to examine government efforts to curtail marijuana cultivation on United States public lands, focusing on exploitation of public lands as grow sites for marijuana and discuss barriers to the criminal prosecution of drug traffickers, after receiving testimony from Representative Mike Thompson; R. Gil Kerlikowske, Director, National Drug Control Policy, Executive Office of the President; David Ferrell, Director, Law Enforcement and Investigations, Forest Service, Department of Agriculture; and Margaret Mims, Fresno County Sheriff, Fresno, California.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 30 public bills, H.R. 3575–3604; and 4 resolutions, H. Res. 485–486, 488–489, were introduced.

Pages H8259–61

Additional Cosponsors: **Page H8262**

Report Filed: A report was filed today as follows:

H. Res. 487, providing for consideration of the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes (H. Rept. 112–317). **Page H8259**

Speaker: Read a letter from the Speaker wherein he appointed Representative Latta to act as Speaker pro tempore for today. **Page H8189**

Recess: The House recessed at 11:17 a.m. and reconvened at 12 noon. **Page H8199**

Chaplain: The prayer was offered by the guest chaplain, Reverend Roger Schoolcraft, Fayetteville, Arkansas. **Page H8199**

Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2012—Motion to go to Conference: The House agreed by unanimous consent to disagree to the Senate amendment and agree to a conference on H.R. 2055, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012.

Pages H8203–04

Agreed to the Dicks motion to instruct conferees by a yea-and-nay vote of 409 yeas to 13 nays, Roll No. 894. **Pages H8203–04, H8208**

The Chair appointed the following conferees: Representatives Rogers (KY), Young (FL), Lewis (CA), Frelinghuysen, Aderholt, Emerson, Granger, Simpson, Culberson, Crenshaw, Rehberg, Carter, Dicks, Visclosky, Lowey, Serrano, DeLauro, Moran, Price (NC), and Bishop (GA). **Page H8208**

National Defense Authorization Act for Fiscal Year 2012—Motion to go to Conference: The House agreed by unanimous consent to disagree to the Senate amendment and agree to a conference on H.R. 1540, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and to prescribe military personnel strengths for such fiscal year. **Pages H8204–07**

Agreed to the Smith (WA) motion to instruct conferees by a recorded vote of 421 ayes to 2 noes, Roll No. 892. **Pages H8204–07**

Agreed to the McKeon motion to close portions of the conference by a yea-and-nay vote of 406 yeas to 17 nays with 1 answering ''present'', Roll No. 893. **Pages H8207–08**

The Chair appointed the following conferees: From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Representatives McKeon, Bartlett, Thornberry, Akin, Forbes, Miller (FL), LoBiondo, Turner (OH), Kline, Rogers (AL), Shuster, Conaway, Wittman, Hunter, Rooney, Schilling, Griffin (AR), West, Smith (WA), Reyes, Loretta Sanchez (CA), McIntyre, Andrews, Davis (CA), Langevin, Larsen (WA), Cooper, Bordallo, Courtney, Loebsack, Tsongas and Pingree (ME). **Pages H8208–09**

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Representatives Rogers (MI), Myrick and Ruppersberger. **Pages H8208–09**

From the Committee on Education and the Workforce, for consideration of secs. 548 and 572 of the House bill, and secs. 572 and 573 of the Senate amendment, and modifications committed to conference: Representatives Petri, Heck and George Miller (CA). **Pages H8208–09**

From the Committee on Energy and Commerce, for consideration of secs. 911, 1099A, 2852 and 3114 of the House bill, and sec. 1089 of the Senate amendment, and modifications committed to conference: Representatives Upton, Walden and Waxman. **Pages H8208–09**

From the Committee on Financial Services, for consideration of sec. 645 of the House bill, and sec. 1245 of the Senate amendment, and modifications committed to conference: Representatives Bachus, Capito and Ackerman. **Pages H8208–09**

From the Committee on Foreign Affairs, for consideration of secs. 1013, 1014, 1055, 1056, 1086, 1092, 1202, 1204, 1205, 1211, 1214, 1216, 1218, 1219, 1226, 1228–1230, 1237, 1301, 1303, 1532, 1533 and 3112 of the House bill, and secs. 159, 1012, 1031, 1033, 1046, 1201, 1203, 1204, 1206–1209, 1221–1225, 1228, 1230, 1245, title XIII and sec. 1609 of the Senate amendment, and

modifications committed to conference: Representatives Ros-Lehtinen, Chabot and Berman.

Pages H8208–09

From the Committee on Homeland Security, for consideration of sec. 1099H of the House bill, and sec. 1092 of the Senate amendment, and modifications committed to conference: Representatives Daniel Lungren (CA), Miller (MI) and Thompson (MI).

Pages H8208–09

From the Committee on the Judiciary, for consideration of secs. 531 of subtitle D of title V, 573, 843 and 2804 of the House bill, and secs. 553 and 848 of the Senate amendment, and modifications committed to conference: Representatives Smith (TX), Coble and Conyers. **Pages H8208–09**

From the Committee on Natural Resources, for consideration of secs. 313, 601 and 1097 of the House bill, and modifications committed to conference: Representatives Hastings (WA), Bishop (UT) and Markey. **Pages H8208–09**

From the Committee on Oversight and Government Reform, for consideration of secs. 598, 662, 803, 813, 844, 847, 849, 937–939, 1081, 1091, 1101–1111, 1116 and 2813 of the House bill, and secs. 827, 845, 1044, 1102–1107 and 2812 of the Senate amendment, and modifications committed to conference: Representatives Ross (FL), Lankford and Cummings. **Pages H8208–09**

From the Committee on Science, Space, and Technology, for consideration of secs. 911 and 1098 of the House bill, and secs. 885, 911, 912 and Division E of the Senate amendment, and modifications committed to conference: Representatives Hall, Quayle and Eddie Bernice Johnson (TX). **Pages H8208–09**

From the Committee on Small Business, for consideration of sec. 804 of the House bill, and secs. 885–887 and Division E of the Senate amendment, and modifications committed to conference: Representatives Graves (MO), Ellmers and Velázquez.

Pages H8208–09

From the Committee on Transportation and Infrastructure, for consideration of secs. 314, 366, 601, 1098 and 2814 of the House bill, and secs. 262, 313, 315, 1045, 1088 and 3301 of the Senate amendment, and modifications committed to conference: Representatives Mica, Cravaack and Bishop (NY). **Pages H8208–09**

From the Committee on Veterans' Affairs, for consideration of secs. 551, 573, 705, 731 and 1099C of the House bill, and secs. 631 and 1093 of the Senate amendment, and modifications committed to conference: Representatives Bilirakis, Buerkle and Brown (FL). **Pages H8208–09**

From the Committee on Ways and Means, for consideration of secs. 704, 1099A and 1225 of the House bill, and sec. 848 of the Senate amendment, and modifications committed to conference: Representatives Camp, Herger and Levin. **Pages H8208–09**

Regulations From the Executive in Need of Scrutiny Act of 2011: The House passed H.R. 10, to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, by a recorded vote of 241 ayes to 184 noes, Roll No. 901.

Pages H8209–37

Rejected the DeLauro 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 183 ayes to 235 noes, Roll No. 900. **Pages H8235–37**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Rules now printed in the bill, modified by the amendment printed in part A of H. Rept. 112–311, shall be considered as adopted in the House and in the Committee of the Whole, in lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. **Page H8222**

Agreed to:

Sessions amendment (No. 1 printed in part B of H. Rept. 112–311) that requires the agency submitting the report on a proposed Federal rule to include an assessment, as part of the cost-benefit analysis submitted to the Comptroller General and each House of Congress, of anticipated jobs gained or lost as a result of implementation, and to specify whether those jobs will come from the public or private sector. **Pages H8224–25**

Rejected:

Johnson (GA) amendment (No. 2 printed in part B of H. Rept. 112–311) that sought to exempt any rule that the Office of Management and Budget determines would result in net job creation (by a recorded vote of 187 ayes to 236 noes, Roll No. 895);

Pages H8225–27, H8232

Schrader amendment (No. 3 printed in part B of H. Rept. 112–311) that sought to require a cost benefit analysis to be included with reports to Congress and require agencies to submit criteria for cost benefit analyses to Congress within 12 months of enactment (by a recorded vote of 183 ayes to 238 noes, Roll No. 896); **Pages H8227–28, H8232–33**

McCarthy (NY) amendment (No. 5 printed in part B of H. Rept. 112–311) that sought to exempt any rule relating to food safety, workplace safety, air quality, consumer product safety, or water quality (by a recorded vote of 177 ayes to 246 noes, Roll No. 897); **Pages H8228–29, H8233–34**

Jackson Lee (TX) amendment (No. 6 printed in part B of H. Rept. 112–311) that sought to exempt

all rules promulgated by the Department of Homeland Security (by a recorded vote of 177 ayes to 242 noes, Roll No. 898); and **Pages H8229–30, H8234**

Moore amendment (No. 7 printed in part B of H. Rept. 112–311) that sought to exempt any rule relating to veterans or veterans affairs (by a recorded vote of 183 ayes to 240 noes, Roll No. 899). **Pages H8230–32, H8234–35**

Withdrawn:

McKinley amendment (No. 4 printed in part B of H. Rept. 112–311) that was offered and subsequently withdrawn that would have reduced the annual effect on the economy of the term ''major rule'' from $100,000,000 or more to $50,000,000 or more. **Page H8228**

H. Res. 479, the rule providing for consideration of the bill, was agreed to yesterday, December 6th.

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow. **Page H8238**

Committee Election: The House agreed to H. Res. 486, electing a Member to a certain standing committee of the House of Representatives. **Page H8238**

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed:

Synthetic Drug Control Act of 2011: H.R. 1254, amended, to amend the Controlled Substances Act to place synthetic drugs in Schedule I. **Pages H8238–44**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Monday, December 5th:

Eliminating an unused lighthouse reservation: H.R. 944, to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands; **Page H8244**

Fort Pulaski National Monument Lease Authorization Act: S. 535, to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument; **Page H8244**

Providing for Our Workforce and Energy Resources Act: H.R. 2360, to amend the Outer Continental Shelf Lands Act to extend the Constitution, laws, and jurisdiction of the United States to installations and devices attached to the seabed of the Outer Continental Shelf for the production and support of production of energy from sources other than oil and gas; **Pages H8244–45**

North Cascades National Park Service Complex Fish Stocking Act: H.R. 2351, to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area; **Page H8245**

Amending the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act: H.R. 1560, to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe; **Page H8245**

Box Elder Utah Land Conveyance Act: S. 683, to provide for the conveyance of certain parcels of land to the town of Mantua, Utah; and **Page H8245**

Authorizing the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 470: S. Con. Res. 32, to authorize the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 470, an Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam. **Page H8245**

Quorum Calls—Votes: Two yea-and-nay votes and eight recorded votes developed during the proceedings of today and appear on pages H8206–07, H8207–08, H8208, H8232, H8232–33, H8233–34, H8234, H8234–35, H8236–37, and H8237. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:08 p.m.

Committee Meetings

BUSINESS MEETING

Committee on Financial Services: Subcommittee on Oversight and Investigations held a 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. The subpoena was authorized.

LEGISLATIVE MEASURES

Committee on Financial Services: Subcommittee on Capital Markets and Government Sponsored Enterprises held a, hearing entitled ''H.R. , the Private Mortgage Market Investment Act, Part 2.'' Testimony was heard from public witnesses.

CAMP ASHRAF

Committee on Foreign Affairs: Subcommittee on Oversight and Investigations; and Subcommittee on Middle East and South Asia held a joint hearing entitled ''Camp Ashraf: Iraqi Obligations and State Department Accountability.'' Testimony was heard from Daniel Fried, Special Advisor on Ashraf, Department of State; Barbara Leaf, Deputy Assistant Secretary for Iraq, Bureau of Near Eastern Affairs, Department of State; Colonel Wes Martin, USA, (retired), former Base Commander of Camp Ashraf; and public witnesses.

ANTITRUST ENFORCEMENT AGENCIES

Committee on the Judiciary: Subcommittee on Intellectual Property, Competition and the Internet held a hearing entitled ''Oversight of the Antitrust Enforcement Agencies.'' Testimony was heard from Jon Leibowitz, Chairman, Federal Trade Commission; and Sharis Pozen, Acting Assistant Attorney General, Department of Justice Antitrust Division.

VISA WAIVER PROGRAM OVERSIGHT

Committee on the Judiciary: Subcommittee on Immigration Policy and Enforcement, hearing entitled ''Visa Waiver Program Oversight: Risks and Benefits of the Program.'' Testimony was heard from Rep. Quigley; David Heyman, Assistant Secretary for Policy, Department of Homeland Security; Richard M. Stana, Director of Homeland Security and Justice Issues, Government Accountability Office; and public witnesses.

MEDICAID FRAUD VICTIM SPEAKS OUT

Committee on Oversight and Government Reform: Subcommittee on Government Organization, Efficiency and Financial Management; and Subcommittee on Health Care, District of Columbia, Census and the National Archives held a joint hearing entitled ''A Medicaid Fraud Victim Speaks Out: What's Going Wrong and Why?'' Testimony was heard from Angela Brice-Smith, Director, Medicaid Integrity Group, Centers for Medicare and Medicaid Services; Gary Cantrell, Assistant Inspector General for Investigations, Office of the Inspector General, Health and Human Services; Carolyn Yocom, Director, Health Care, Government Accountability Office; Valerie Melvin, Director, Information Management and Human Capital Issues, Government Accountability Office; and public witnesses.

OVERSIGHT IN IRAQ AND AFGHANISTAN

Committee on Oversight and Government Reform: Subcommittee on National Security, Homeland Defense and Foreign Operations held a hearing entitled ''Oversight in Iraq and Afghanistan: Challenges and Solutions.'' Testimony was heard from Gordon S. Heddell, Inspector General, Department of Defense; Harold W. Geisel, Deputy Inspector General, Department of State, Michael G. Carroll, Acting Inspector General, Agency for International Development, Stuart W. Bowen, Inspector General, Special Inspector General for Iraq Reconstruction; and Steven J. Trent, Acting Inspector General, Special Inspector General for Afghanistan Reconstruction.

FARM DUST REGULATION PREVENTION ACT OF 2011

Committee on Rules: Full Committee held a hearing on H.R. 1633, the ''Farm Dust Regulation Prevention Act of 2011.'' The Committee granted, by record vote of 7 to 4, a structured rule providing one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill shall be considered as original text for the purpose of amendment and shall be considered as read. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule makes in order only those amendments printed in the Rules Committee report. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Rep. Whitfield and Rep. Rush.

ENERGY CRITICAL ELEMENTS

Committee on Science, Space, and Technology: Subcommittee on Energy and Environment held a hearing entitled ''Energy Critical Elements: Identifying Research Needs and Strategic Priorities.'' Testimony was heard from David Sandalow, Assistant Secretary for Policy and International Affairs, Department of Energy; and public witnesses.

LEGISLATIVE MEASURES

Committee on Transportation and Infrastructure: Full Committee held a hearing entitled ''Restoring Jobs, Coastal Viability and Economic Resilience in the Gulf of Mexico: H.R. 3096, the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of

2011." Testimony was heard from Rep. Olson; Rep. Miller of Florida; Rep. Palazzo; Rep. Bonner; Rep. Scalise; Craig Bennett, Director, National Pollution Funds Center, United States Coast Guard; Tony Penn, Deputy Chief, Assessment and Restoration Division, Office of Response and Restoration, National Oceanic and Atmospheric Administration; Garret Graves, Chair, Coastal Protection and Restoration Authority of Louisiana; Robert Craft, Mayor, City of Gulf Shores, Alabama; Bill Williams, Commissioner, Gulf County, Florida; and public witnesses.

Joint Meetings

CAUCASUS

Commission on Security and Cooperation in Europe: Commission received a briefing on conflicts in the Caucasus, focusing on prospects for resolution, where these conflicts stand today, what factors impede a settlement, whether the resumption of armed hostilities is a serious threat, whether changes in the negotiating format might yield a better outcome, and what, if anything, could the United States do to facilitate a resolution, from Tom de Waal, Carnegie Endowment for International Peace, Nottingham, United Kingdom; and Fiona Hill, Brookings Institution, and Wayne Merry, American Foreign Policy Council, both of Washington, D.C.

COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 8, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: Business meeting to consider the nominations of Jon D. Leibowitz, of Maryland, to be a Federal Trade Commissioner, Maureen K. Ohlhausen, of Virginia, to be a Federal Trade Commissioner, Rebecca M. Blank, of Maryland, to be Deputy Secretary of Commerce, Ajit Varadaraj Pai, of Kansas, to be a Member of the Federal Communications Commission, and Jessica Rosenworcel, of Connecticut, to be a Member of the Federal Communications Commission, Time to be announced, Room to be announced.

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: To hold hearings to examine the nomination of Arunava Majumdar, of California, to be Under Secretary of Energy, 9:30 a.m., SD–366.

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 Environment and Public Works: Business meeting to consider S. 432, to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, S. 1296, to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI–04P, Easton Beach Unit RI–05P, Almy Pond Unit RI–06, and Hazards Beach Unit RI–07 in the State of Rhode Island, S. 1266, to direct the Secretary of the Interior to establish a program to build on and help coordinate funding for the restoration and protection efforts of the 4-State Delaware River Basin region, S. 1740, to amend the Chesapeake Bay Initiative Act of 1998 to provide for the reauthorization of the Chesapeake Bay Gateways and Watertrails Network, the nomination of Rebecca R. Wodder, of Virginia, to be Assistant Secretary of the Interior for Fish and Wildlife, and proposed resolutions relating to the General Services Administration, 9:30 a.m., SD–406.

Committee on Foreign Relations: To hold hearings to examine the nominations of Tara D. Sonenshine, of Maryland, to be Under Secretary for Public Diplomacy, Anne Claire Richard, of New York, to be Assistant Secretary for Population, Refugees, and Migration, and Robert E. Whitehead, of Florida, to be Ambassador to the Togolese Republic, all of the Department of State, 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: To hold hearings to examine barriers facing the long-term unemployed, 9:45 a.m., SD–106.

Committee on Indian Affairs: Business meeting to consider S. 1763, to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and S. 1065, to settle land claims within the Fort Hall Reservation; to be immediately followed by 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: 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, S. 1236, to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels, and the nominations of Kathryn Keneally, of New York, to be an Assistant Attorney General, Department of Justice, and Brian C. Wimes, to be United States District Judge for the Eastern and Western Districts of Missouri, 10 a.m., SD–226.

Select Committee on Intelligence: To hold closed hearings to examine certain intelligence matters, 2 p.m., SVC–217.

House

Committee on Agriculture, Full Committee, hearing on the examination of MF Global bankruptcy, 9:30 a.m., 1300 Longworth.

Committee on Financial Services, Subcommittee on Insurance, Housing and Community Opportunities, markup of the following: H.R. 3559, the ''Insurance Data Protection Act''; H.R. 2446, the ''RESPA Home Warranty Clarification Act of 2011''; and H.R. 3298, the ''Homes for Heroes Act of 2011''. 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Africa, Global Health, and Human Rights, hearing entitled ''Promoting Global Internet Freedom.'' 2 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Emergency Preparedness, Response, and Communications, markup of the following: legislation to authorize the Integrated Public Alert and Warning System (IPAWS) to ensure the timely and effective distribution of alerts and warnings; H.R. 1411, to amend the Homeland Security Act of 2002 to ensure continuation of the Metropolitan Medical Response System Program, and for other purposes; and H.R. 1129, to amend the Homeland Security Act of 2002 to prohibit requiring the use of a specified percentage of a grant under the Urban Area Security Initiative and State Homeland Security Grant Program for specific purposes, and for other purposes. 10 a.m., 311 Cannon.

Subcommittee on Transportation Security, hearing entitled ''A Review of Passenger Screening Technology at U.S. Airports.'' Noon, 311 Cannon.

Committee on the Judiciary, Full Committee, hearing on the United States Department of Justice, 9:30 a.m., 2141 Rayburn.

House Permanent Select Committee on Intelligence, Full Committee, hearing on ongoing intelligence activities, 10 a.m., HVC–304. This is a closed hearing.

Joint Meetings

Conference: Meeting of conferees on H.R. 2055, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, 10:30 a.m., HC–5, Capitol.

Next Meeting of the SENATE

9:30 a.m., Thursday, December 8

Senate Chamber

Program for Thursday: Senate will resume consideration of the nomination of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection, with a vote on the motion to invoke cloture on the nomination at 10:30 a.m. If cloture is not invoked on the nomination, Senate will continue consideration of the motion to proceed to consideration of S. 1944, Payroll Tax Relief.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Thursday, December 8

House Chamber

Program for Thursday: Consideration of H.R. 1633—Farm Dust Regulation Prevention Act of 2011 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Barletta, Lou, Pa., E2195, E2204
Brown, Corrine, Fla., E2197
Christensen, Donna M., The Virgin Islands, E2203
Coffman, Mike, Colo., E2201
Cohen, Steve, Tenn., E2199
Costa, Jim, Calif., E2198
Crowley, Joseph, N.Y., E2203
Emerson, Jo Ann, Mo., E2204
Eshoo, Anna G., Calif., E2197, E2202
Farr, Sam, Calif., E2196
Higgins, Brian, N.Y., E2195
Kissell, Larry, N.C., E2197
Lungren, Daniel E., Calif., E2198
McCotter, Thaddeus G., Mich., E2200
Maloney, Carolyn B., N.Y., E2202
Paul, Ron, Tex., E2200
Poe, Ted, Tex., E2195
Rangel, Charles B., N.Y., E2203
Richardson, Laura, Calif., E2204
Rogers, Harold, Ky., E2198
Rogers, Mike, Ala., E2195, E2196
Rohrabacher, Dana, Calif., E2196
Rooney, Thomas J., Fla., E2201
Schakowsky, Janice D., Ill., E2200
Smith, Christopher H., N.J., E2197
Towns, Edolphus, N.Y., E2195, E2196, E2198, E2199, E2199, E2200, E2201, E2202, E2204, E2205
Van Hollen, Chris, Md., E2202
Waxman, Henry A., Calif., E2205
Woolsey, Lynn C., Calif., E2199

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