United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, TUESDAY, APRIL 5, 2011 No. 48

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 5, 2011.

I hereby appoint the Honorable KEVIN YODER 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.

UPPER BIG BRANCH MINE TRAGEDY

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

Mr. GEORGE MILLER of California. Mr. Speaker, 1 year ago today, a massive explosion ripped through the 2-mile area of the Upper Big Branch Mine in Montcoal, West Virginia. The explosion bent railroad tracks like pretzels and killed 29 miners.

This disaster laid bare the loopholes that riddle our mine safety laws. These loopholes allowed dubious mine operators, like Massey Energy, to violate mine safety rules repeatedly and with impunity. In fact, the Upper Big Branch Mine was allowed to remain open even though it had been ordered to stop operations 51 times in the previous year because of severe safety hazards.

After the disaster, there were proclamations made from both sides of the aisle about taking meaningful action to honor the victims so that something like this would never happen again. However, standing here a year later, miners still face many of the same dangers as they did the morning before the tragedy in West Virginia.

Unscrupulous mine operators are still gaming the system by clogging it with thousands of appeals as a way to avoid paying strong penalties. Miners are still paralyzed with the fear of being fired for speaking out because of weak whistleblower protections. Decisions made in the boardrooms to maximize coal production at the expense of miners' safety remain unchallenged. Management practices of illegally giving advance warning of pending inspections are still a mere misdemeanor.

Shortly after the Upper Big Branch tragedy, the Education and Labor Committee held the only hearings where Congress heard from families and miners affected by this tragedy. Many were reluctant to testify because they feared retaliation. For others, there was a strong desire to tell their stories to prevent another tragedy in the coal mines of America.

Eddie Cook told us about the dangerous practices he heard from the miners at the Upper Big Branch Mine after the explosion. He lost his 21-year-old nephew, Adam Morgan.

Adam's father, Steve Morgan, said that when he spoke to his son about the unsafe conditions, management told him that he might just have to find another job. They did nothing about the unsafe conditions.

Gary Quarles lost his only son at Upper Big Branch. Gary asked us to make a commitment to make sure that it doesn't happen again.

Alice Peters testified about how her son-in-law, Dean Jones, was afraid to work in the mine because of the ventilation problems, but Dean needed the job in order to keep health insurance coverage for his special-needs son.

Clay Mullins lost his brother Rex at Upper Big Branch. Clay testified how the management would give advance warning of an impending mine safety inspection so that they could quickly cover up any violations before the Federal inspectors got to that part of the mine.

And Stanley ''Goose'' Stewart was working at the Upper Big Branch Mine the day it exploded. He testified twice before the committee about the persistent fear and intimidation faced by workers from Massey management.

Every mine law has been written with the blood of miners; and savvy political interests know that, as attention to the tragedy fades, so does the willingness of the Congress to act decisively. Families and miners also expressed their concern about this skepticism. Looking back now, a year later, their skepticism was entirely justified.

Congress has utterly failed to respond to the real problems that miners, themselves, have identified as safety hazards in their workplace. A toxic political environment has failed these families. The pay-to-play nature of our politics has failed these families.

While congressional action was stymied, the Mine Safety and Health Administration has been working hard to make adjustments in the limited ways it can to help prevent rogue mine operators from recklessly putting lives at risk; but even with these measures, we are hearing the familiar cries from Big Coal to maintain the status quo while they continue to game a legal system designed to protect the miners who go to work in those mines every day.

Printed on recycled paper.

They cry about their so-called ''due process''; but what about the due process for the 29 miners who died in the Upper Big Branch Mine explosion—and their families? What about the miners who went to work today in the coal mines of America—and their families?

Is Congress just going to sit here and simply wait for the next explosion? the next tragedy? the next loss of life? Are we going to let the special interests continue to paralyze this institution?

These should not be hard questions for the Congress of the United States. Our ability to respond goes to the heart of who we are as a Nation. There are things that Congress can and must do right now—and that only Congress can do—to better ensure that every coal miner who goes to work is able to return safely to their families at the end of their shifts. Congress has an obligation to make sure that that is the case.

It is long overdue to honor our promises to the families of the 29 miners who perished a year ago for doing the job that our Nation relies on to provide its energy, and it is also long overdue to give the rest of our Nation's miners modern health and safety protections.

CONGRATULATIONS TO THE LASALLE LANCERS AND THE TAFT SENATORS

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

Mr. CHABOT. Mr. Speaker, boxing legend Muhammad Ali once said, ''Champions aren't made in gyms. Champions are made from something they have deep inside them—a desire, a dream, a vision.''

I would like to recognize two high school basketball teams from my district which proved that they are, indeed, champions. They had the desire to make every practice count and to play every game as if it were their last. They shared a dream that was strong enough to overcome the many distractions all high school kids face, and their coaches gave them the vision that all their hard work and sacrifice would pay off in the end.

The schools? The LaSalle Lancers and the Taft Senators.

First, congratulations to the LaSalle Lancers on winning the 2011 Ohio Division I Basketball State Championship. LaSalle is a boys' Catholic high school in my district that is particularly special to me since it's my alma mater. Regardless of my personal attachments to the school, I'd like to recognize them on a job well-done and a season well-played. They represented themselves and our community with an outstanding display of athleticism, sportsmanship and class throughout the season—but especially in the playoffs.

The players and coaches stuck together in the face of adversity, especially when their head coach, Dan Fleming, suffered a heart attack, which placed sports and the tournament in perspective. The LaSalle family rallied around their coach, and the Lancers, led by their seniors and the assistant coaches, went on to win their first basketball State championship in 15 years and the second in school history.

□ 1010

I would also like to congratulate Coach Tom Grippa and the LaSalle Lancer football team for their tremendous season. You made us proud. Congratulations Lancers.

I also rise today to congratulate the Taft High School Senators, who won the Division 3 Basketball State Championship. Now I acknowledge that it's rare that a Member of this esteemed body, the House of Representatives, ever says anything positive about Senators, but I'd like to make an exception today.

Led by their head coach, Mark Mitchell, the Senators defeated Cleveland Central Catholic High School to win the first State championship in school history. The Senators went into the tournament ranked number 1 by the Associated Press. They not only made school history by winning their first State championship, but they also set a Division 3 boys basketball record for the most points scored in a championship game. Finishing the season at 26 and 1 is quite a feat. It is an honor to have them represent our district, and I congratulate them on their success.

I would be remiss if I didn't also commend former Cincinnati Bengal star Mike Martin for the tremendous effort that he has made in turning around the Taft High School football program, mentoring his players to be successful in life as well as on the football field.

Let me conclude by once again congratulating the players, the coaches, the students, the faculty, and the fans of Cincinnati's LaSalle Lancers and Taft Senators for the inspirational seasons you've just completed. You've made all of us very proud. Your accomplishments will be long remembered. Go Lancers! And go Senators!

1-YEAR ANNIVERSARY OF UPPER BIG BRANCH MINE TRAGEDY

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

Mr. RAHALL. Mr. Speaker, it has been 1 year since the fatal explosion at Upper Big Branch Mine, 365 days since we lost 29 courageous coal miners—fathers and sons, brothers and friends. We vowed then that some good would come from this terrible tragedy. We can say that criminal investigations are almost complete, enforcement has toughened, the Congress has increased funding to target pattern violators, and yet coal miners are still dying in our coal fields.

It's easy to doubt. It's easy to question whether things can be made better. I find inspiration in the Biblical verse from Romans: ''Glory in tribulations also, knowing that tribulations worketh patience; and patience, experience; and experience, hope.'' Never lose hope that we can improve the health and safety of miners in the coal fields. Never lose hope that we can pass tougher mine safety laws and that we can enforce those laws and save lives.

There are plenty of good coal companies in America, companies that put time and effort and money into making their workplaces safe in which they operate. They are forward-thinking coal companies, with strong safety records that have designed programs aimed at protecting the lives and preserving the health of their miners. They want to see those bad actors, those companies that have tarnished the reputation of an important industry, reined in. They do not accept a world in which they must compete against companies that would sacrifice the health and lives of their own employees for competitive advantage and blatant profit.

There are plenty of Members of Congress on both sides of the aisle who recognize that legislation is necessary. Congressman MILLER, Congresswoman LYNN WOOLSEY and I, along with many others, will continue fighting for reforms to give the agencies the tools they need to target the bad actors. We want to ensure that sound companies that have good records can continue to perform and produce, but we just as surely want to ensure that the worst operators can be reined in and that lives can be saved. We can strike a balance, and we will.

Changes and improvements may come slowly, but they will come. As long as coal miners and these brave, courageous families continue to demand that the loss of their loved ones not be in vain, they will come.

The April 5 disaster of 1 year ago was a tragedy that never, ever should have occurred. We must provide accountability, and we have a duty to institute changes that will help prevent a repeat of that awful day. Those 29 coal miners should not have perished, and for them and all those miners on the job today, we must keep speaking out.

Tonight, I will be at the 1-year anniversary with the families of all of these perished coal miners. I will look in the eyes of their loved ones once again as I did that painful week following their tragedy 24 hours, 7 days a week. We will join and we will commemorate these good men and the people who came together to try to rescue them—to them we say thank you—and to provide comfort and a final closure to these families, which we have yet to do.

These families want accountability, they want the truth, and they want to ensure that no other families ever have to suffer the way they have. Chairman MILLER, LYNN WOOLSEY and I remain committed to their cause. I urge my colleagues to join us in this life-saving, important endeavor.

IT'S TIME TO BRING OUR TROOPS HOME

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

Mr. JONES. Mr. Speaker, last Tuesday, Congresswoman SUE MYRICK and I went to visit the wounded at Walter Reed. These trips are always a vivid reminder of the true cost of war. Seeing the men and women who have lost limbs for this country make we wonder how many more are going to be in that hospital, both at Walter Reed and Bethesda, with severe wounds.

After hearing Secretary Gates, and I have great respect for Secretary Gates, but he has made it clear that we will be in Afghanistan until 2014. He said it will be 2014 or 2015 before we can start substantially bringing down the number of troops in that country. Here we are in Washington battling right now about the 2011 budget, what should we do or not do and cut this and cut that, yet we seem to find $8 billion a month for a corrupt leader in Afghanistan named Karzai. He's corrupt and his government is corrupt. Yet we're saying to the American people, if you're a senior, we can't be sure that you can get a sandwich at the senior citizen center in your county. We're saying to the children that cannot afford milk at home, there will be no programs for you. But yet we can find $8 billion a month for a corrupt leader in a country in a war that we cannot win.

Our troops have already won, but history says you will not change Afghanistan—and I won't go through the history because of time. One day Karzai likes American troops being over there and the next day he doesn't like American troops being there. In fact, in December 2010 in the Washington Post, and I will paraphrase this, Karzai said to General Petraeus:

I have three main enemies—the Taliban, the Americans, and the international community. If I had to choose a friend today—and again, this is the President of Afghanistan—I would choose the Taliban.

They're the ones killing Americans and blowing their legs off and their arms off. How much longer does this have to go on?

I say to my colleagues in both parties, join Representative KUCINICH, RON PAUL and myself—and many others—let's bring our troops home.

I have a photograph here, Mr. Speaker, that was in the Raleigh, North Carolina, paper about a year ago. This is a young Army sergeant. His legs are gone. They've been blown off. His right arm has been blown off and he has a left arm. He is what they call a triple amputee. His lovely wife is there pushing the wheelchair.

Mr. Speaker, it's time for the American people to say to those of us in Congress, do not keep our troops there until 2014, 2015, 2016 for a corrupt leader. It's time to bring our troops home.

I have the fortune of representing Camp Lejeune Marine Base in my district. I talk to the Marines, who are as brave as brave can be, that have been there three, four and five times. I've talked to the families as they're breaking up, the families when their loved one has committed suicide upon returning from Afghanistan. It's time to bring them home. How many more will be like this sergeant, without legs, without arms?

Mr. Speaker, last week on Tuesday, SUE MYRICK and I saw two young men, one from Florida and one from Nevada, that have no body parts below their waist. The body parts are gone. Everything is gone. Wake up, Congress, and let's bring our troops home from Afghanistan.

My close is this, Mr. Speaker: I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God, in His loving arms, to hold the families who have given a child dying for freedom in Afghanistan and Iraq. Mr. Speaker, I ask God to bless the House and Senate, that we will do what is right in God's eyes. I will ask God to give wisdom, strength, and courage to President Obama that he will do what is right in the eyes of God. And I will ask three times: God please, God please, God please continue to bless America.

IN MEMORY OF FORMER MEMBER GERALDINE FERRARO

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

Mr. RANGEL. My colleagues, I rise to pay tribute to one of the great Americans that we have ever had in this body, Congresswoman Geraldine Ferraro. Most of the people remember her as an exciting Vice Presidential candidate, but those of us in the New York delegation remember her as just a great personality, a great legislator, and a great American.

We in the New York delegation have been fighting for time in which we could express ourselves, but the legislative calendar has not been very kind to us. So this morning we have two of her dear friends in Congresswoman MCCARTHY and Congresswoman MALONEY, and I suspect that every time a New York Member gets an opportunity, we will grab that time so that no one will ever say that she did not leave footprints here that all of us were just so proud.

□ 1020

She succeeded Jim Delaney, who was known to be a very conservative Democrat from Long Island. And we all awaited to see just who was going to succeed Jim. And to see this beautiful, intellectual former teacher, former assistant district attorney to come here, we all waited with breath held back to see just what type of woman she would be.

And even though she held closely those conservative views, it has never been presented to this body in a more eloquent, a more charming way as we found ourselves with this new exciting candidate who later became a Member and became a part of the leadership of the New York delegation. And once Tip O'Neill saw her, she became a part of the congressional Democratic delegation and just went on. Wherever she went, she excelled with her smile, with her brains and contributed so much in raising the standards of Members of Congress and those who would run for national office.

I worked pretty closely with Senator Fritz Mondale when he ran for President of the United States. And while he was looking for a Vice Presidential candidate, I was so pleased, much surprised that Tip O'Neill said that he thought that within our delegation the answer to Fritz Mondale's problem would be the nomination of Geraldine Ferraro. I was surprised but so excited that I could serve on the Mondale team and to be able to say not only do we have a New Yorker, but we have an exciting candidate that could provide that shot in the arm that the Mondale campaign so badly needed.

And I felt so much like an American when we found out that her background was one of near poverty. Her dad had come here from Italy. She just made the Italian American community just so proud. She made women from all over the country proud. She made New Yorkers proud. And certainly while she did not succeed in becoming a Vice President, as Mondale did not get the numbers that he needed, she became a national figure, a compassionate figure serving in the United Nations, serving on television in terms of the expression of views of the Democratic Party, raising funds for candidates.

Then when she was stricken with this terrible disease that she died from, you would only hear her talking about her husband, John, her beautiful children, and how she can help to make it a better, more effective Democratic Party as well as what contributions can she make to this great country.

So we in the New York delegation feel extremely proud that she was a part of us. She had her own personal family that she loved, her own church, her own community. She had the respect and support of all Americans and the deep-seeded feelings Italian Americans have. She was so well respected in Democratic circles and congressional circles.

But most of all, we remember what a gentle lady she was. We have an expression in this House of Representatives, ''the gentleman from Wisconsin,'' ''the gentlewoman from New York.'' But anyone who had known Gerry, as we so affectionately called her, would know that she was indeed a strong leader but a gentle leader from Long Island and from New York.

PILL MILLS MUST GO

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

Mr. BUCHANAN. Mr. Speaker, in my home State of Florida, seven people die a day, each day, of prescription drug abuse. We had three teenagers a couple of weeks ago die in 1 week. A gentleman, a friend of mine, buried his daughter on a Saturday. I talked to him on Monday, and he pleaded with me to do something about killing these pill mills all across our State.

Florida prescribes 10 times more oxycodone pills than all other States combined. To put it simply, we have more pain clinics than McDonald's restaurants.

It's time to put these pill mills out of business. We have 1,300 pill mills in Florida. We need to shut them down now. Four thousand deaths in Florida in 2008.

I've introduced legislation to crack down on pill mills. My bill will stiffen penalties and fines and use the seized assets to fund prescription drug databases. Forty-two States have databases. Florida does not. We need a database today.

The time to act is now. I urge my colleagues from both sides of the aisle to join me in this fight, to put these pill mills out of business and stop these needless deaths.

HONORING GERALDINE FERRARO

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Mrs. MALONEY) for 5 minutes.

Mrs. MALONEY. Mr. Speaker, I rise with the New York delegation to honor the memory and many contributions of one of our favorite daughters, Geraldine Ferraro. Last Thursday, New Yorkers poured out in great numbers to honor her at her funeral. Her three children—Donna, Laura, and John, Jr.—spoke eloquently and movingly in support and love of their late mother. And at the funeral and speaking in a eulogy beautifully for her, Vice President Mondale, Secretary of State Madeleine Albright, Secretary of State Hillary Rodham Clinton, Congresswoman JANE HARMAN, Senator MIKULSKI, and former President Clinton.

It would have thrilled her to see four women precede a President in eulogizing and speaking about her, two of whom were Secretaries of State, because it was her life that helped inspire and move women forward in our national life, not only in politics but in every area—business, finance. All areas of American life, Geraldine Ferraro inspired with her life and her historic run for Vice President of the United States.

With her passing, America lost a leader who was as wise as she was warm; a trailblazer who broke down barriers for women. For women everywhere, not just in the United States but across the world, Geraldine Ferraro was a champion and a heroine. For me, personally, she was a dear, dear friend and a mentor.

What seemed to non-New Yorkers as a feisty and fast-talking woman seemed to us as just another mom from Queens. She inspired us with her personal story.

The daughter of Italian immigrants, raised by her seamstress mother after her father died at 8, she became a public school teacher, a lawyer—one of just two women in her law class—and a Member and leader of Congress, elected in 1978. She also, after her historic run, became a commentator on television, a delegate to the United Nations. She headed the World Conference in Beijing in 1995, and I was proud to be part of her delegation at the World Conference on Women.

Last August, on her 75th birthday, we renamed the Post Office in Long Island City in her honor. It used to be in her district; it is now in mine. And I was honored to be able to author the legislation and work with my New York colleagues and others to pass it. And she was so thrilled at that naming to see so many of her friends, not only from New York and her district but across the country, come in one place to honor her.

Later that day, which happened to also be Women's Equality Day, she rang the bell at the New York Stock Exchange in honor of the progress for women.

I know that a post office is only the start of the memorials to this wonderful, charming, talented trailblazer who continued blazing trails her entire life. I met with her shortly before she died, and she had a list of constituents she wanted helped and causes she wanted completed.

We do stand on her shoulders and women like her who came before us.

I will never forget, as an eager, young delegate to the 1984 Democratic National Convention, and I can tell you firsthand that Geraldine Ferraro thrilled us when she took the stage as the first woman ever nominated by a major political party to be its candidate for Vice President of the United States.

□ 1030

It was absolutely electrifying. She changed my life, and she changed the lives of women everywhere. She changed the aspirations of women and how they view themselves.

I will never forget being on the floor. Many of the men gave their delegate card to the women delegates who were part-time delegates. So the floor was filled with women. People were handing out cigars saying, ''It's a woman.'' And when she went to the floor, there was literally applause for over 10 minutes.

I shall miss her dearly and shall honor her passing by redoubling my efforts to complete her unfinished work to pass the ERA. It is time to enshrine in our Constitution the high principle of gender equality that Geraldine Ferraro so courageously stood for in her life.

Geraldine, we will miss you, we honor you, and we thank you for your many, many contributions to American life.

MEMORIAL FOR GERALDINE FERRARO

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Mrs. MCCARTHY) for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, I also am part of the New York delegation, and I want to talk about Geraldine Ferraro. My good colleague, CAROLYN MALONEY, basically laid out her life and all the good things that she did. I guess I want to talk about what she meant to so many of us that weren't even in politics back then.

I think the first time that I ever saw Geraldine or heard of Geraldine was when she was announcing that she was going to be running for Vice President. So all these things from last week, when we were notified that Geraldine had passed away, many of us wanted to go back to New York for the funeral. Unfortunately, our business here kept us here so we couldn't go back. We're kind of used to that.

A lot of times it is said you can spend a lifetime here in Congress, but 2 minutes after you die they will say, ''Who was that?'' But that's not Geraldine. Geraldine was someone that was a force. Again I say in 1984, like most Americans, I took notice of Geraldine Ferraro when she did accept the Democratic nomination for Vice President at the national convention in San Francisco.

She struck me as a unique figure on TV, a woman in a male-dominated profession. She had a smile. She had confidence. When she got onto that stage, you just knew this radiance that came out of her. For myself, I was not in politics, didn't follow politics too well, but she certainly gave a strong impression to me.

Her message was also full of hope. I happen to believe that, especially when we say to people, ''If we can do this, we can do anything.'' I am one of those people that believe that. I am here in Congress. Everybody said I couldn't do that. Somehow I got here. Somehow I have stayed here. Somehow I keep fighting for my constituents back at home.

She inspired women to get involved. She inspired them to get involved in politics, whether at the staff level or as a candidate. And while I understood the importance of the event, I had no idea that I would be standing here praising this woman that I first saw on TV. As I said, I had no political ambitions. I was a nurse, just several miles away from the city where Geraldine was. Like most Americans, I did vote and I followed the news, but I never thought I would get involved in politics.

Fast forward 12 years, it's mid 1996, and I'm still a nurse in Nassau County and still not thinking about politics whatsoever. Something happened to my life, as it does to so many other lives. An event happens, and all of a sudden you change and become an activist. Gun violence was unfortunately the issue that hit my family and many families on the Long Island Railroad. My husband was killed. My son was seriously wounded. I decided that I was going to do something about it. Geraldine Ferraro, the person that I saw on TV, called me. She said, ''Carolyn, you should really think about running for Congress.'' There were other people calling me, too. And I'm thinking, ''I'm a nurse. What do I know about politics?''

But you know what? If I was going to try and do something, then I had to run. Everybody told me I was going to lose. Maybe I would have. But I didn't. I won. But Geraldine was always there to give advice. Just because you're a woman doesn't mean you can't be tough. Just because you're a woman, you can be tough and you can be gentle, and you have to use that to get legislation done.

Well, here I am in Congress, and I am proud to be following in the footsteps of Geraldine Ferraro. I wouldn't use the words, the kind words that people use for her on myself like ''pioneer'' or ''trailblazer.'' I actually followed Geraldine and her advice to come to Washington and try to make a difference.

Like so many women in New York politics today, Geraldine helped me as I went through from private citizen to candidate to public official. She opened so many doors for me, introducing me to people that I needed to meet. She was well known for this, for spending as much energy helping lift up others and having another woman follow.

We will all remember you, Geraldine. I will always remember you. God bless you. We do remember you. Thank you.

Again I thank my colleagues, CHARLIE and CAROLYN and PETER, for arranging this moment we could pay tribute to Geraldine.

With only 17 percent of members of Congress being women, we still have a long way to go when it comes to equality in representation.

But certainly we couldn't be where we are today if it weren't for Geraldine.

I for one am looking forward to making a living tribute to Geraldine, to take her philosophy of helping others, of lifting people up the ladder behind you, as I continue my career here.

Thank you very much.

1-YEAR ANNIVERSARY OF UPPER BIG BRANCH MINE DISASTER

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

Ms. WOOLSEY. Mr. Speaker, it was exactly 1 year ago today that an explosion ripped through Upper Big Branch Mine in Montcoal, West Virginia, killing 29 workers. It was the deadliest mine accident in 40 years. But perhaps ''accident'' is the wrong word to characterize what happened in Montcoal, West Virginia, last year April 5. This wasn't a hurricane, it wasn't a tsunami or some other act of nature.

Although the Mine Safety and Health Agency, MSHA, has yet to complete their investigation, it is absolutely clear from the preliminary reports that this tragedy was avoidable but for negligence and carelessness on the part of Massey Energy.

When Chairman MILLER and I traveled to West Virginia with Congressman RAHALL, miners told us that Massey routinely cut corners on safety. And yet the miners were afraid—they told us this too—to come forward for fear of losing their jobs. That's why we need stronger Federal whistleblower protections, Mr. Speaker. MSHA inspectors can't be everywhere all the time. So we need to rely on the people who know best. We need to rely on the workers, those that can report safety violations, because they are living with them. We must ensure that these workers have job protection when they come forward.

The questions we need to be asking ourselves are what can we be doing to make sure this does not happen again to them? What can we do to ensure that our Nation's coal miners, some of the hardest working and courageous people you will ever meet, aren't descending into a potential death trap every time they clock in?

But the silence from the United States Congress has been positively deafening. It is incomprehensible to me that we still haven't passed the Robert C. Byrd Miner Safety and Health Act. How many miners have to die before we take action?

□ 1040

Worker safety, not just in mines, but in workplaces above ground and across the Nation, is under siege thanks to irresponsible cuts in the Republican continuing resolution. Fully half of OSHA's staff would be furloughed if H.R. 1 becomes law.

A weak economy like this one that we are living in right now also further undermines worker safety, because as workers who want to report violations know, there are dozens who would take their jobs in spite of unsafe conditions just to have work.

Mr. Speaker, last Congress I was chair and now this Congress I am the ranking minority member of the Workforce Protection Subcommittee, and in that role I am absolutely committed, along with Congressman GEORGE MILLER and NICKY RAHALL, to bringing OSHA and MSHA into the 21st century, strengthening regulations to protect people from injury, sickness, and possible death on the job.

Needless to say, the Upper Big Branch explosion has devastated a tight-knit community with so many families still coping with grief. Gary Quarles, who testified before the Education and Labor Committee last year, said ''The life's been sucked right out of me'' because he lost his only child in the explosion. Another man says of the death of his twin brother, ''It's like part of me is gone.'' One woman lost her fiance, whom she met when they worked side-by-side in the mine. And I cannot imagine the ordeal of Timothy Blake, who survived the blast and tried in vain to save eight coworkers.

But on this one 1-year anniversary, Mr. Speaker, let's do more than look back. Let's do more than remember and be sad. Let's use this tragedy as a call to action. In honor of the 29 fallen miners, let's give their coworkers the safety and protection they deserve.

CUTS TO THE BUDGET

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

Mr. DEFAZIO. A lot of talk around here about millions, billions, and trillions, but let's just try to put a face on some of the cuts the Republicans put in H.R. 1.

I think one of the meanest of their cuts and the stupidest of their cuts is to eliminate a program called YouthBuild. Now, I'm sure most of them don't know what it is. They have never met with the kids who come back here every year.

This is a program that started in 1992 under George H.W. Bush. It's a program that takes kids who have generally dropped out of high school, had problems with drugs, alcohol, other things, but at some point decide they want to get straight and they want to do something better with their lives.

So this program takes kids between 16 and 24, helps them get their GED, gets them some counseling, gets them involved in peer groups. They learn leadership skills, teaches them how to build houses and the houses they build are for low-income Americans.

In the long term we have found incredible results with this program. Last year—and these are almost 100 percent high school dropouts with problems—78 percent of the kids completed the program. That's pretty extraordinary. Now, after, when they leave the program, the longevity of the effect of this program, 7 years after completing the program, 75 percent of the YouthBuild kids, kids who had problems with drugs, alcohol, homelessness, dropped out of high school, everything else, are either in college or employed in jobs earning more than $10 an hour.

That's a pretty darn good investment. And what does this cost, and why would the Republicans zero it out? Well, it cost $102 million last year for 20,000 students.

Now, we could, I guess, instead leave them in the street without their high school degree, hopeless, maybe they would get back on drugs, maybe they will get in trouble, maybe we will them in jail, and then we will spend $30,000 a

year to support them in prison. Twenty thousand bucks for 1 year to get these kids straight and have them become productive members of our society zeroed out by Republicans.

Now, it is a lot of money. That's almost 1 hour of spending for the Pentagon across the river, almost 1 hour. And there's no waste at the Pentagon, though. We are not allowed to look at the Pentagon for waste. It's almost 2 days—that's a lot—of agriculture subsidies, paying people not to grow things.

So 2 days of paying people not to grow things or a year's funding for a program that takes kids who have been in trouble but want to do better, want to learn some skills, want to be productive members of society and helps them get a leg up. But, no, in the Republican world, that's wasteful spending. They have zeroed out this program.

I met with eight of these kids last week. I meet with them every year when they come back—I urge my Republican colleagues, for once. I asked if they had seen their Republican member of my delegation. They said no. They met with a staff person, maybe an intern. Republicans can't seem to be bothered.

But they should listen to these kids, there's a lot of wisdom there and, I think, future leaders there. They have gotten their lives straight and they have gone through some hard times, and we gave them a little help, yes, 1 year. They get $500 a month while they are in the program, while they are building houses for low-income people, learning skills. And as taxpayers in the future, they will pay that back pretty darn quickly.

Now I wonder why they eliminated this program. First of all, I am sure they don't know what it is. They have never met with the kids, they don't care. These aren't people who go to the country club after all. But, secondly, probably because it's housed in the Department of Labor, and we hate anything on the Republican side of the aisle that has the word ''labor'' in it.

God forbid that America should do things for working people in this country or working people should be allowed the right to organize and have a better life. Well, this is a program that should be continued. It should, in fact, be enhanced. They had 19,000 kids who couldn't get in the program last year, on the waiting list, 19,000.

We should double the size of this program, maybe triple it. That would be a huge amount of money. That would be 3 hours of spending at the Pentagon, or almost a week of subsidies, paying corporations not to grow things on surplus lands.

Boy, I guess we can't afford that, can we? But we can't cut the subsidies, and we can't look for waste at the Pentagon, but we can stick it to these kids.

Good work, Republicans.

HONORING GERALDINE FERRARO

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Ms. VELÁZQUEZ) for 5 minutes.

Ms. VELÁZQUEZ. Mr. Speaker, I rise to recognize a great American and one of the great political trailblazers in American history, Geraldine Ferraro. Many of us speaking today, myself included, would likely not have achieved our successes without her paving the way ahead of us.

Of course, her contributions did not benefit just those of us in the political sphere. Her life was an important symbol to girls and women who aspire to succeed in any field, particularly those who have struggled to break into professions traditionally dominated by men.

The 1984 Presidential campaign is remembered by many as a landslide for President Ronald Reagan. He was, in fact, a very popular President. But many of us who aspired to enter politics were electrified to see the first female on a Presidential ticket.

Of course, Gerry was more than just the first woman on a Presidential ticket. Those of us from the New York delegation remember her service to Queens and, really, to all five boroughs. Before coming to the House, her life had already been dedicated to the service of others in the district attorney's office and as an educator for our city's youth.

Perhaps most of all, she will be fondly remembered for her wit, kindness, and grace. Yet, despite her gentleness, she was not one to shirk from speaking her mind.

Mr. Speaker, women everywhere have lost an inspiration. New York has lost a public servant, and all of us have lost a great American.

Her legacy will be remembered, and I am proud to be on the House floor remembering her many contributions.

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 10 o'clock and 50 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 pro tempore (Mr. CHAFFETZ) at noon.

PRAYER

Rabbi Efrem Goldberg, Boca Raton Synagogue, Boca Raton, Florida, offered the following prayer:

Our Father in Heaven, guard the Members of our esteemed House of Representatives. Instill within them the wisdom, the courage and determination to provide for the physical, as well as the spiritual, well-being of the citizens of this great country.

May this body which hosts rigorous and robust debate continue to embrace diversity without resulting in divisiveness. May it seek and celebrate unity without imposing uniformity. May this House of Representatives, together with Houses of Worship across the land, promote justice, moral clarity, ethical living, righteousness, and acts of kindness.

As a grandchild of immigrants who fled the Nazis and came to this country 72 years ago this month to find refuge, freedom, and opportunity, I join this House in a prayer of profound gratitude and deep appreciation for the blessings we, the people of the United States of America, are privileged to enjoy.

Master of the Universe, protect our courageous Armed Forces, watch over our elected leaders, grant peace and prosperity to these United States and the entire world, and let us respond, Amen.

THE JOURNAL

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

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

Mr. RUNYAN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

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

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

Mr. RUNYAN. 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.

PLEDGE OF ALLEGIANCE

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

Mr. DEUTCH 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 RABBI EFREM GOLDBERG

The SPEAKER pro tempore. Without objection, the gentleman from Florida

(Mr. DEUTCH) is recognized for 1 minute.

There was no objection.

Mr. DEUTCH. Mr. Speaker, I am honored to welcome Rabbi Efrem Goldberg to our Nation's Capitol and thank him for delivering such an insightful opening invocation.

Rabbi Goldberg's presence here today is especially significant to me, for I regularly study under his guidance. Since entering public life, I have become all the more grateful to have him as a spiritual mentor. His insights help me serve my constituents and work to better our world in a way that honors our Jewish tradition.

As Senior Rabbi of Boca Raton Synagogue, Rabbi Goldberg leads a wonderful congregation of over 700 families and 1,200 children. This February, after an extraordinary first 5 years as Senior Rabbi, it was announced that he will continue to lead the congregation for the next decade.

His energy, vision, and wisdom touch everyone he meets, just as it did for us here this morning when he provided us with his compelling and thoughtful invocation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

HONORING SHERIFF'S OFFICER DANIEL CHARLES MURPHY

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

Mr. RUNYAN. Mr. Speaker, I rise today in honor of Sheriff's Officer Daniel Charles Murphy, a fine public servant, who passed away on Saturday, April 24, 2010.

A lifelong resident of Toms River, New Jersey, Charles graduated from Toms River East High School in 2002, and went on to attend Montclair State University. After graduating in 2006, Charles began his career in public service at the Juvenile Justice Commission for the State of New Jersey. He was then named a dedicated sheriff's officer for the Ocean County Sheriff's Department and held this position for 3 years.

Charles' commitment to justice was honored by the Veterans of Foreign Wars Post 9503 on Sunday, March 20, 2011, where he was named the Sheriff's Officer of the Year at the VFW Citizenship Awards Ceremony.

Mr. Speaker, please join me in honoring Sheriff's Officer Daniel Charles Murphy, who dedicated his life to protecting the residents of Ocean County, New Jersey.

DEMOCRATS' ATTEMPT TO SHUT DOWN THE GOVERNMENT

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

Mr. BROUN of Georgia. Mr. Speaker, I rise today to again condemn my Democratic colleagues' attempts to shut down the Federal Government. Even with total control of spending, Democrats failed to pass a budget last year. In the meantime, we have been operating on short-term spending bills only so that they can use their ace in the hole now, the government shutdown card. This has been their game plan all along, to attempt to divide the Republican Party, back us into a corner, and to shut down the government for their own political purposes.

Mr. Speaker, our Democratic counterparts are gambling with the future of this Nation, and it's a bet I'm not willing to take. I implore my colleagues to pass a long-term bill that protects seniors, protects veterans, and funds our troops so we can move on to next year's budget and work to get it right this time.

DEFENDING OUR SENIORS

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

Mr. SIRES. Mr. Speaker, the majority's proposed budget for fiscal year 2012 undermines our Nation's values and priorities, attacking our middle class and in particular our Nation's seniors. Today's seniors have a median income of only $19,000 a year. Both the Medicare and Medicaid program enables seniors to have health care coverage they would not otherwise be able to afford. The proposed budget will end the Medicare program as we know it under the disguise of reform, threatening to turn it into a voucher program that will shift more and more costs to seniors and their families.

The majority's budget also attacks seniors from another angle, by proposing deep cuts in Medicaid, which serves as our Nation's primary payer for long-term care services. Medicaid will be starved by shifting the costs of the programs from the Federal Government to the States, which in turn could force seniors out of their own homes and communities into nursing homes.

Before Medicaid and Medicare, nearly one-half of America's seniors were uninsured. Mr. Speaker, we cannot go back to the days of the past. We must be committed to strengthening Medicare and Medicaid for the well-being of our seniors and future generations.

GOVERNMENT SPENDING

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, it's been 45 days since the House passed our bill to keep the government open and cut spending for the rest of this fiscal year. Forty-five days, and Senate Democrats still have not passed a bill or come up with a plan to reduce spending.

The American people have a right to know how we got here. For the first time since 1974, last year when the Democrats ran the House, the Senate, and the White House, the Democrat majorities failed to do their jobs, failed to pass a budget, failed to pass important spending bills.

To create a better and stronger America, we need to cut spending, balance the budget, pay down the debt, and slash the deficit. The American people want, need, and deserve better than trying to run a government deep into debt. A sign in my office sums it up well. It says, ''It's the spending, stupid.''

□ 1210

ON THE REPUBLICAN BUDGET

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

Mr. LUJÁN. Mr. Speaker, our Nation faces serious economic challenges that require solutions that will create jobs and strengthen our economy. At a time when our top priorities should be creating jobs for the American people, our Republican colleagues have lost focus on working families.

The House budget that Republicans introduced this morning fails to put our country on a path to prosperity. Budgets are about priorities and values, and the Republican budget makes wrong choices for hardworking families.

Let's talk the Republican dictionary:

Premium support system. When they talk about a premium support system, they mean vouchers and privatization.

Pro-growth changes to the Tax Code. When they talk about pro-growth changes, in fact, when they talk about anything that's going to change the Tax Code, they mean more cuts for millionaires and billionaires.

The Republican plan ends Medicare and Medicaid as we know it. By privatizing Medicare, millions of seniors who rely on this program will be left out in the cold.

While it's critical that we tighten our belts, we have choices to make. Let's choose not to do it on the backs of our seniors.

HONORING CHATTANOOGA POLICE OFFICERS TIM CHAPIN AND LORIN JOHNSTON

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

Mr. FLEISCHMANN. Mr. Speaker, today I rise to honor two members of the Chattanooga Police Department who were shot over the weekend, one of them fatally, while responding to a robbery in progress.

Sergeant Tim Chapin was a 26-year veteran of the Department. He lost his life in the line of duty on Saturday during a gun battle with an escaped

convict who had robbed a local store. Throughout my law career, I had the chance to interact with Sergeant Chapin on many occasions. I found him to be an outstanding officer and an even better human being.

Officer Lorin Johnston, who a few years ago donated a kidney to a fellow officer, was wounded during the gun battle as well.

I ask everyone to join me in saying many prayers for Sergeant Chapin's family and his wife, Kelle, as she now has to raise two boys as a single mother.

Today we remember officers Chapin and Johnston and those who serve alongside of them keeping our community safe. They are our heroes.

PROTECT AMERICANS FROM BIG POLLUTERS

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

Ms. SPEIER. Mr. Speaker, this week the House will consider a misguided and dangerous bill to repeal the Clean Air Act standards that protect Americans from big polluters.

Republicans are calling this bill the Energy Tax Prevention Act, except there is nothing to do with preventing taxes in the bill. Instead, this Dirty Air Act is a giveaway to any company who wants to dump pollution into the air free of charge and is a big gimme to all the Members of Congress hoping to collect their share of dirty campaign contributions.

If my Republican colleagues want to write a bill to overturn a decision by the Supreme Court, turn science on its head, increase our dependence on foreign oil, and put the interests of big polluters above taxpayers, they should at least come up with a catchier title, like the ''Make Smog in America Act'' or the ''National Hot Air Distribution Act.''

If my Republican colleagues want to write a bill to guarantee that more American children get sick with asthma, maybe they could call it the ''Take Your Child to the Emergency Room Act.''

Really, anything else would do.

DEATH BY REGULATION

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

Mr. FARENTHOLD. To balance our budget, we have got to do more than just cut spending. We've got to cut excessive government regulation that keeps businesses from growing, expanding and hiring more people. We have got to get rid of the culture of ''no'' that infects our regulatory agencies like a cancer.

A small business from south Texas that knows firsthand the detrimental impact of shortsighted and excessive regulation is Zarsky Lumber Company with its 135 employees. They survived the Great Depression and this economic downturn, and they now face another big threat—the EPA and its job-killing rules.

Another large business is considering locating a new plant in China instead of south Texas to avoid oppressive regulations. Our government has become too big and Federal regulations too onerous.

In a recent meeting with a Federal agency, I asked how long their permitting process took. They told me between 3 and 7 years. How do regulators sleep at night knowing that every day they delay is a day someone doesn't get a job they need to support their families?

Our job is to help create jobs. And we create jobs by getting the government out of the way. Cutting redtape is just as important as cutting spending to get our financial house in order.

IN OPPOSITION TO THE RYAN BUDGET

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

Ms. HIRONO. Mr. Speaker, today we are beginning to get some of Budget Chairman RYAN's proposals for so-called ''fixing'' our economy.

He doesn't propose eliminating tax breaks for the hugely profitable oil and gas industries. He doesn't consider asking multimillionaires to pay a fairer share. In fact, he wants to reduce the top corporate and individual tax rates so that middle class Americans can pay even more.

Instead, he is focused on cutting the safety net programs for our seniors and those less fortunate. He plans to turn Medicare into a voucher plan and to dramatically restrict eligibility for Medicaid.

Last week, Majority Leader CANTOR clearly explained Republicans' plans for Medicare, Medicaid and Social Security when he said, ''Listen, we're going to have to come to grips with the fact that these programs cannot exist if we want America to be what we want America to be.''

It is clear whose side Chairman RYAN and Majority Leader CANTOR are on. I stand with the Nation's seniors and the working people who are counting on Medicare and Social Security when they retire. When will these heartless attacks on the most vulnerable members of our communities stop? How about a little aloha?

GET TO WORK AND PASS A BILL

(Mr. AUSTIN SCOTT of Georgia asked and was given permission to address the House for 1 minute.)

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, it's been 45 days since House Republicans passed a bill to cut $100 billion in Federal spending, spending that quite honestly the prior Congress didn't have to spend and should have never appropriated.

I want to remind you that we are here today because Senator REID, the Democrats in the House, and the President when they were in charge last year chose not to pass a budget. It was irresponsible of them then and it is irresponsible of them now to continue to do nothing.

House Republicans spent 72 hours debating spending bills. We held 107 votes on spending amendments. Senate Democrats, 4 hours, four votes—4 hours and four votes in 45 days, Mr. Speaker.

I want you to think about that. It's unacceptable.

Senator REID needs to get to work and pass a bill. The American people need it. American livelihoods are depending on it. Senator REID just needs to wake up in the morning, put on his big-boy britches, come to the Capitol, pass the bill, and help us reduce this big hairy deficit.

MEDICARE

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

Ms. CASTOR of Florida. Mr. Speaker, I rise to express my concern over my Republican colleagues' cheering the impending prospect of a government shutdown, as was reported in the press.

Then, this morning, we wake up to find out that the Republican proposal to address the deficit and debt is not to address major tax loopholes or tax earmarks, but it's to undermine Medicare and to end Medicare as we know it. Now, for decades and decades, we have had this wonderful Medicare program that ensured that our older neighbors live their retirement in dignity. They can see the doctor. If they have to go to the hospital, it is there for them. And a hospice benefit in their last days. This is all at risk now because the new Republican plan announced this morning will end Medicare as we know it by eliminating benefits.

We're not going to stand for it. We're going to stand on the side of our older neighbors to ensure that, yes, they can live their retirement years in dignity and financial security.

□ 1220

CONGRATULATING WHEELING HIGH SCHOOL

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

Mr. DOLD. Mr. Speaker, today I rise to congratulate Wheeling High School students Preston Riley and Rajarshi Roy, who were selected as finalists in Samsung's national Solve for Tomorrow contest. I'm particularly proud of these students for their energy and creativity in using STEM education to tackle real-world challenges. Strong

STEM education is critical to ensuring that all of our young people have the skills and knowledge that they need for success in college and careers.

I would also like to recognize Wheeling High School science teacher Lisa del Muro and principal Lazaro Lopez for their commitment to STEM education, which focuses on the fields of science, technology, engineering and mathematics.

I recently visited Wheeling High School to get a firsthand look at their STEM for All program, where students of all backgrounds and academic achievement are challenged in the STEM subjects. This initiative incorporates all disciplines, including the arts, languages and humanities alongside a focus on career certifications, college partnerships and technology to prepare students for post-secondary opportunities.

Congratulations again to the students at Wheeling High School. They demonstrate what can be accomplished when we make STEM education a priority.

THE REPUBLICAN BUDGET

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

Ms. RICHARDSON. In 1935 when President Franklin Delano Roosevelt signed the Social Security Act into law and then again in 1965 when President Lyndon Johnson made Medicare a reality, these were programs that our seniors depended upon. In fact, that promise was backed by a lifetime of hard work that they have backed on their own sweat and tears, and yet now we need to back it up with our commitment.

Mr. Speaker, my Democratic colleagues and I favor a budget that recognizes our dual responsibility to, yes, reduce our deficit, but not on the backs of our seniors who have already paid into Social Security and have now received Medicare benefits, who oftentimes have limited means to really have the opportunities to increase their salary. In my district, 52,000 people are over the age of 65. Only 11.9 percent of them are working. These are impossible odds.

Mr. Speaker, we need a budget, but we are not willing to do it on the backs of seniors. You make your choice. Democrats have a better way, and it's not called hurting seniors.

FANNIE MAE AND FREDDIE MAC CEOS GET HUGE SALARIES

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

Mr. STEARNS. Mr. Speaker, I rise today with some serious concerns with the continued egregious spending by Fannie Mae and Freddie Mac approving large executive salary compensations at the expense of our taxpayers. For example, the chief executive officer of Fannie Mae received $9.3 million in compensation and salary for 2009 and 2010, while the chief executive of Freddie Mac received $7.8 million for 2009 and 2010 together.

But it was a failure of these same types of company executives in the past that forced government intervention in the first place by then overstating past earnings and generating millions in improper bonuses. Now taxpayers, who have already spent $153 billion to bail them out, which doesn't include legal fees that taxpayers have to pay to keep them afloat, may require more bailout money to counter the companies' mounting mortgage losses.

Mr. Speaker, allowing this gross mismanagement of public funds to pay for extravagant salaries is unconscionable.

REPUBLICAN BUDGET PROPOSAL

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

Ms. SCHAKOWSKY. Today, the Republicans released their budget. Budgets are really moral documents, and Republicans have made clear that their moral compass puts hedge fund managers and big corporations ahead of America's middle class and senior citizens. Republicans gut education programs and investments in job creation, privatize Medicare, slash Medicaid, but leaving plenty of money to help subsidize big oil companies and to give tax breaks to those companies that put our jobs overseas.

There is another way. I have a bill that would create new tax brackets for millionaires and billionaires, still lower than those under Ronald Reagan, and would raise $74 billion in 2011.

We can bring down the deficit, and we can do it while protecting programs that create jobs and that don't further burden old people, the poor, and middle class Americans.

THE FAIR TAX

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

Mr. WOODALL. Mr. Speaker, I rise today as tax day is fast approaching. We've heard a lot about the budget that's being introduced today. I'm a proud supporter of this budget because in this country we don't have a revenue problem; we have a spending problem. But what we do have is a problem with the way that we contribute revenue to this country.

There is a better way, and it is called the Fair Tax. The Fair Tax will take the burden off American taxpayers paying on what they earn and change it to a burden on what they spend. The power to tax is the power to destroy, and when we tax income and productivity, we destroy that income and productivity.

Do you want to talk about jobs in this country? Do you want to talk about a magnet for jobs in this country? The Fair Tax is the only bill in Congress that abolishes every single corporate tax break, tax loophole and tax preference. It abolishes the corporate income tax rate and tells international businesses they can locate here with the most powerful, hardest working workers on this planet.

Folks, H.R. 25, the Fair Tax, is a better way. As you fill out your tax forms this year, think about how we could do it differently next time around.

PROVIDING FOR CONSIDERATION OF H.J. RES. 37, DISAPPROVING FCC INTERNET AND BROADBAND REGULATIONS

Mr. WOODALL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 200 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 200

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 37) disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit.

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

Mr. WOODALL. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. WOODALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. WOODALL. Mr. Speaker, what we have today is a resolution that comes under the Congressional Review Act, an act passed by a Republican Congress and President Clinton that gives the Congress the opportunity to look at the regulatory burdens imposed by the executive branch and, in a simple up-or-down vote, say do we want this regulation on the books or do we not.

Today that regulation is the net neutrality regulation the FCC has promulgated. H.J. Res. 37, the underlying bill that this rule allows us to consider, disapproves of the December 21 FCC rule concerning net neutrality on the basis that Congress did not authorize the FCC to regulate in this area. According to a D.C. Circuit Court decision in April of last year, the FCC failed to demonstrate that it had the authority to regulate Internet network management. Until such time as the FCC is given that authority by this Congress, we must reject any rules that it promulgates in this area.

Now, we will hear a lot today in the underlying resolution about the effective compromise that was crafted by the FCC. We will hear a lot about the light touch that was used by the FCC to wade into this area.

□ 1230

But, Mr. Speaker, if you don't have the authority to do it, you don't have the authority to do it. It is Congress' responsibility to delegate that authority. If folks like the underlying rule proposed by the FCC, they are welcome to bring that back as a congressional resolution.

This bill today is about congressional prerogative: Will we or will we not stand up to an executive branch that does not have the authority to regulate? We have done a sad job in this Congress in years past, Mr. Speaker, of providing that oversight responsibility. Republicans had the responsibility of providing oversight to the Bush administration, and we didn't always live up to that measure. Democrats had the responsibility to provide oversight to the Obama administration, and they haven't always lived up to that example.

We have the opportunity today to begin that step forward. Until Congress acts to delegate that responsibility, the Internet should continue as the Internet has grown and always continued as an area free of government interference, as an opportunity for entrepreneurs and investors and students and the elderly to be out there using the Internet as they see fit, free from the hand of government regulation.

I would also like to comment briefly on the nature of this rule. It is a closed rule. I came to this Congress to advocate in favor of an open process, Mr. Speaker, but it needs to be understood that the Congressional Review Act is a closed process by nature. What my constituents said to me is, ROB, if you are doing something complicated, I want you to open up the House floor and have as many amendments and as much discussion as you can because that is the right way to do things. But, what I would really prefer is you bring one bill with one idea and have an up-or-down vote for all the world to see.

Well, Mr. Speaker, that is exactly the call that we have responded to today: a simple bill, one page long that says the FCC does not have the delegated congressional authority to act in this area; and as such, their regulations shall be null and void.

With that, I reserve the balance of my time.

Mr. POLIS. I yield myself such time as I may consume.

Mr. Speaker, this is indeed a simple bill, one page long. Nevertheless, it is a terrible bill, one page long, and I would like to tell you why.

Today with our economy only beginning to recover, I believe that this rule and the underlying bill will imperil one of the greatest sources of job creation and innovation in America: the Internet. Now over the past 15 years, the Internet has created more than 3 million jobs, according to a study by Hamilton Consultants. More than 600,000 Americans have part- or full-time businesses on eBay alone. And on average, new Internet firms have 3 million jobs.

Yet, the majority brings to the floor legislation that will harm the open Internet. I can speak to this with some degree of authority. Before I came to Congress, I created over 300 jobs myself through founding several Internet-related companies, including ProFlowers.com and BlueMountain.com. My first Internet company was an Internet service provider on the other end of this equation, so I have good experience from both the e-commerce side, as well as the access side which I bring to this debate. I have long supported open access to the Internet and continue to support net neutrality.

Let me bring this close to home. When I was starting a flower company, ProFlowers.com, back in the late 1990s, we offered a supply-chain solution. We brought fresher flowers to people at a better price by disintermediating the supply chain and allowing consumers to buy flowers directly from growers. Now, we were up against several legacy companies, companies like FTD and 1–800–FLOWERS, that had a different distribution model that we believed and argued in the marketplace was a less efficient distribution model.

Now, had there not been a de facto net neutrality at that point, it would be very difficult for a new company to break in, because you would have had the incumbent leaders in the marketplace buying the access through the broadband connections, much as companies will pay slotting fees to get into grocery stores, some book publishers pay fees to be out on the open table. The big difference is that we have robust competition between grocery stores, robust competition between booksellers.

With regard to broadband access, over 70 percent of the residents of this country live in areas with only one or two broadband providers. All of the dynamism—and I have not heard this disputed even by the chairman of the subcommittee who testified before us yesterday—really, the dynamism and the job growth from the Internet comes from the content and applications side. Now, if there aren't legitimate economic considerations on the bandwidth side, clearly those who are providing both wireless and wire bandwidth need to have a return on investment calculus, but it is that very same dynamism around the content-driven Internet that drives the usage that then leads people to pay more for higher speed access to the Internet.

Now, the FCC has done an exemplary job with these rules, and they have actually received buy-in from all of the major players with regard to this matter: content providers, content aggregators, search engines. And, yes, even on the broadband access side, most of the major broadband providers have supported these regulations as well. So they have done an excellent job.

I realize that what they first put out there, many people were concerned with. And they then did their job, as they were told to by congressional statute, specifically, which authorized them to do this. They listened to all parties, and they revised their net neutrality regulations so they are something that I think we can all be proud of as Americans, and we can all be proud of as users of the Internet.

Now, just to be clear how they hit their mark, because I know yesterday the chairman of the subcommittee mentioned that he thought that some of the broadband providers were coerced into supporting the protocol standards before the FCC. I don't know enough to dispute that or not. But what I will tell you is that I have impartial third-party testimony that I think is very compelling from investment bankers who follow this sector. And the way the investment banking sector works is they have analysts who really cover different stocks, cover different sectors, and they inform people about the impact of market regulations on that sector.

What I have from the Bank of America and Merrill Lynch analysts, it says: ''The agreement''—the FCC's net neutrality provisions—''is consistent with our view that the net neutrality regulatory overhang has been eliminated from telecom and cable stocks.''

Now, let me elaborate. What that means, ''net neutrality regulatory overhang,'' is there was fear among the analysts covering the telecom and cable sectors that the Obama administration would do something overarching with regard to net neutrality. There was fear based on some of the initial rules proposed. However, the FCC did their job and that fear has been eliminated. There is now no market overhang on companies in this sector, and they are no longer concerned that the regulations are overarching.

Let me go to the Goldman Sachs analyst from December of last year: The rules stuck largely to what was expected and will be viewed as a light touch.

Let me go to Raymond James: We are glad that the staff is making this

innocuous by simply placing official rules around what is already being done by the industry under a no-regulation scenario.

So again, all these rules do is essentially preserve the status quo. Why is that important? Absent this, there would be a major shift in power on the Internet to the broadband providers from the content providers. The Internet historically—again, a wonderful innovation for mankind—allows anybody with a great idea to link up a server in their garage, and their product, their service, their content is available to everybody across the world, the very same as a major corporation that spends $100 million launching a Web site, and they compete in the marketplace of ideas.

Now, some people ask: Has there ever been an instance where a provider has used tiered access or censored anything? And there are a number of instances. An example, in 2005, Madison River Communications blocked voiceover IP on its DSL network. That was eventually settled with the FCC.

In 2006, Cingular blocked PayPal after contracting with another online payment service. This is a perfect example of why we need competition on the provider side. The consumers would have access to presumably a less-efficient payment service that they would not select given their own prerogative because it is locked in through some sort of slotting fee or other arrangement, sometimes vertical integration itself under the same capital structure, as an access provider.

So this rule is actually critical to continue to operate a free and open Internet. That is why the FCC moved forward, with explicit permission from Congress in the form of their statutory authority, with rules to address this issue. Their open process included input and got vast buy-in from all major parties, including Internet service providers.

Now, there are many on the left that wish that the rule went further. And, yes, there might be some in business that prefer that there were no rules at all. The vast majority of the business community strongly supports the consensus rules that the FCC came out with.

Of those commenting on the proposed rule before the FCC, well over 90 percent supported the Commission's effort, and over 130 organizations support the proposed rule and oppose this legislation, including groups like the American Library Association, the Free Press, League of Latin American Citizens, Communications Workers of America, and the vast majority of Internet-related companies.

I also want to emphasize that there has been a number of faith-based groups that have weighed in. One of the largest is the Conference of Catholic Bishops, representing millions of American Catholics, who weighed in in a letter opposing this legislation before us today: ''The Internet is open to any speaker, commercial or noncommercial, whether or not the speech is connected financially to the company providing Internet access or whether it is popular or prophetic.'' The letter goes on to state how the Catholics have used the Internet as an outreach tool.

Now, there is legitimate fear here from two perspectives:

One, among the nonprofit and religious community in general, is that their content would receive a lower tier because they are not necessarily able to pay the same type of slotting fees or access that a for-profit commercial provider would do. So your Web page from Nike might load faster than your Web page from the Catholic Church because, if there was tiered access, who would be more likely to pay for the speed of the access.

The other fear, also legitimate, is of political or religious censorship of the Internet.

□ 1240

You could have a provider who would say, You know what? I like Obama, so I'm going to block access to tea party sites or slow them down through our broadband access.

Now, again, in a market with complete dynamism and where there was a lot of competition and where every American could choose broadband providers, that would be less problematic. But what we have is a situation where over 70 percent of Americans only have one or two choices for broadband access. There has historically been broad support from both sides of the aisle for the ''no blocking'' rule, which simply states that broadband providers cannot block lawful content. It is the equivalent of telling the Postal Service they can deliver or not deliver your mail based on whether they agree or disagree with the content. The carriers—the Internet, itself—is one cohesive entity, and what a wonderful entity for mankind, the fact that you can plug in and have access to a wide breadth of information on the Internet.

I also want to refute the argument that there is no nor should there be any government regulation of the Internet. I, actually, have several pages listed here of government regulation of the Internet, including things like regulating child pornography, including, of course, the complex set of protocols around intellectual property and intellectual property enforcement to ensure that the Internet is not used as a medium to steal or to illegally profit from the creative works of others. We go on and on with regard to e-commerce, advertising, privacy laws—a number of laws designed to protect our privacy, to protect us from abuse, and to protect us from security breaches with regard to viruses.

This is another dimension. This is to protect us from the Internet being broken apart by a series of tiered pipelines rather than one cohesive Internet. The absence of any net neutrality regime would empower selective parts of corporate America to censor the Internet in the same way that Communist China censors the Internet. If you search for Tiananmen and you're in Mainland China, you will get pictures of happy people. You will not get pictures of their crackdown on the pro-democracy demonstrators.

We risk the same potential here. The broadband actors play a critical role, and I want to make sure their concerns are balanced and that they will get their return on investment. We actually have a quote from the AT&T executive, who did appear before the committee, who said that they can use the 10- to 15-year time frame to justify a return on investments with regard to broadband infrastructure. Even Comcast has called the new rules a workable balance between the needs of the marketplace and the certainty that carefully crafted and limited rules can provide to ensure that Internet freedom and openness are preserved.

I would further argue that a free and open Internet is in the interest of the broadband providers, themselves. So not only is it not necessarily the case that they only agreed to these under duress, I think many of the forward-looking broadband providers realize that what drives Internet access and what drives consumers to want a faster, better connection is that very vibrancy in the information marketplace that net neutrality helps preserve.

So the real question is: Why are we here? Why are we here debating something that was thoughtful, that has buy-in from all sides of the debate?

I really had a tough time figuring it out even through our committee examination of this yesterday. But I think that we're here because of a knee-jerk reaction of the opposition that might have been initially opposed to some of the more overarching rules that were initially proposed before the FCC, but we've come a long way since then. This feared takeover of the Internet didn't occur. Overarching rules didn't occur. Most of the broadband providers now support the direction of the FCC. Yet, under the legislation that we will consider today, the open Internet rule and the repeal of it will provide more uncertainty to investors. They will again not know what's going to occur. The investment bankers will, once again, say there was uncertainty and overhang, hurting the valuation of the very broadband stocks that the majority is claiming to do this for the benefit of. Market analyses have found that the new open Internet rule removed the regulatory overhang—it's a light touch—which throws a monkey wrench into the market mechanisms at a critical time for our recovery and job creation.

UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, DEPARTMENT OF COMMUNICATIONS,

Washington, DC, February 14, 2011.

DEAR SENATORS AND MEMBERS OF THE HOUSE OF REPRESENTATIVES: The United States Conference of Catholic Bishops (''USCCB'') is committed to the concept that

the Internet continue as it has developed, that is, as an open Internet. The Internet is an indispensable medium for Catholics— and others with principled values—to convey views on matters of public concern and religious teachings. USCCB is concerned that Congress is contemplating eliminating the Federal Communications Commission's authority to regulate how the companies controlling the infrastructure connecting people to the Internet will offer those connections. Without the FCC, the public has no effective recourse against those companies' interference with accessibility to content, and there will be uncertainty about how and whether those companies can block, speed up or slow down Internet content. Since public interest, noncommercial (including religious) programming is a low priority for broadcasters and cable companies, the Internet is one of the few mediums available to churches and religious groups to communicate their messages and the values fundamental to the fabric of our communities.

Without protections to prohibit Internet providers from tampering with content delivery on the Internet, the fundamental attributes of the Internet, in which users have unfettered access to content and capacity to provide content to others, are jeopardized. Those protections have particular importance for individuals and organizations committed to religious principles who must rely on the Internet to convey information on matters of faith and on the services they provide to the public. The Internet was constructed as a unique medium without the editorial control functions of broadcast television, radio or cable television. The Internet is open to any speaker, commercial or noncommercial, whether or not the speech is connected financially to the company providing Internet access or whether it is popular or prophetic. These characteristics make the Internet critical to noncommercial religious speakers. Just as importantly, the Internet is increasingly the preferred method for the disenfranchised and vulnerable—the poor that the Church professes a fundamental preference toward—to access services, including educational and vocational opportunities to improve their lives and their children's lives. It is immoral for for-profit organizations to banish these individuals and the institutions who serve them to a second-class status on the Internet.

His Holiness, Pope Benedict XVI, has warned against the ''distortion that occur[s] when the media industry becomes self-serving or solely profit-driven, losing the sense of accountability to the common good. . . . As a public service, social communication requires a spirit of cooperation and co-responsibility with vigorous accountability of the use of public resources and the performance of roles of public trust . . ., including recourse to regulatory standards and other measures or structures designed to affect this goal.''

(Message of the Holy Father Benedict XVI for the 40th World Communications Day, The Media: A Network for Communication, Communion and Cooperation, Jan. 24, 2006).

Lastly, Pope Benedict XVI recently stated, ''Believers who bear witness to their most profound convictions greatly help prevent the web from becoming an instrument which . . . allows those who are powerful to monopolize the opinions of others.'' (Message of His Holiness Pope Benedict XVI for the 45th World Communications Day, January 24, 2011).

USCCB urges Congress not to use the Congressional Review Act to overturn the FCC's open Internet rules.

Sincerely,

HELEN OSMAN,
Secretary of Communications.

I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, I am proud to yield 2 minutes to a gentlelady from the committee of jurisdiction, the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, if my colleague across the aisle is having a tough time figuring this out, I think we can probably help with that explanation.

First of all, if you like the Internet that you have, we are saying we want you to keep it. Mr. Speaker, there has been no market failure. Over 80 percent of all Americans are pleased with the Internet service that they have. What they do not want to see is the Obama administration step in in front of these Internet service providers and say, We the government are here to change your Internet. We are here to take control of your Internet.

That is exactly what net neutrality would do.

Net neutrality is the Federal Government stepping in and saying, We're going to come first. We're going to assign priority and value to content. It basically is the Fairness Doctrine for the Internet.

As I said, there has been no market failure, and there is no need for this government overreach. So many are saying, Why do this? It's one of those issues of power and control, of government wanting to dictate what speed you will have, how often you will be on, the type of Internet service that you will have, being able to control them.

What the FCC did after Congress left town, mind you, during Christmas week, was to step in and bring uncertainty to the marketplace. What they did was to say, We are going to put ourselves, the government, in control of the Internet. It is the first time ever this has happened.

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

Mr. WOODALL. I yield the gentlewoman an additional minute.

Mrs. BLACKBURN. Also, in their net neutrality order, if you read paragraph 84, what it does is to bring an incredible amount of uncertainty to the innovative community and to the creative economy that our jobs growth is going to be based on, because what it says to these innovators is, Look, if you want to innovate a new application, a new attachment, a new usage for a Web-based service or for the Internet, you'd better come apply to the FCC first because, if you don't, we can step in and require you to come make application to us.

Now, if you want to talk about a chilling effect—a chilling effect—on all of our high-tech innovation, on health care innovation with our telemedicine concepts, with our health IT concepts, I would encourage individuals to look at paragraph 84, which is found in the net neutrality order that was brought forward on a 3–2 vote by the Obama administration. It will do more to squelch jobs growth and to pull back innovation than any other action in this administration.

Mr. POLIS. I yield myself such time as I may consume.

It's hard to know where to begin in refuting the arguments of my good friend from Tennessee.

There were several comparisons that I view as simply out of hand. One of them that was given was that this is somehow some sort of Fairness Doctrine for the Internet, that this is somehow some sort of government involvement with the Internet. Quite the contrary is true.

I want to be clear. I was an original cosponsor last session of the bill that proactively would have prevented the administration from moving forward with the Fairness Doctrine. I oppose the Fairness Doctrine. I believe in a dynamic marketplace of ideas. The FCC's rulemaking around net neutrality moved forward and fostered that very dynamic marketplace of ideas that the Fairness Doctrine is contrary to.

If we do not have some sort of net neutrality regime in place, there will be a selective censorship of the Internet, and we risk the Internet deteriorating into a series of tiered structures, whether they are tiered economically or ideologically. The great human accomplishment that is the one common Internet will simply cease to exist as such. It is, in fact, the proponents of net neutrality and the regulatory regime proposed by the FCC after receiving input from all stakeholders that will preserve the Internet as it is.

I would agree with my friend from Tennessee's argument. She said 80 percent of people are happy with their access. I hope it's even higher.

Mrs. BLACKBURN. Will the gentleman yield?

Mr. POLIS. I yield to the gentlewoman from Tennessee.

Mrs. BLACKBURN. I thank the gentleman for yielding.

Any time you allow the Federal Government to step in to a process where they have not been involved in a process—and we did this not once but twice. We did it not once but twice.

Mr. POLIS. Reclaiming my time, I would like to engage in a colloquy with the gentlelady.

With regards to the Postal Service, would the gentlelady oppose an effort to say that the Postal Service can, perhaps, decide which mail to deliver, maybe based on which political candidates their unions support? Would the gentlelady say that that would be okay for the Postal Service to do that?

Mrs. BLACKBURN. The gentleman knows that that is not relevant to the discussion that we are having here.

Mr. POLIS. Is the gentlelady going to answer?

Mrs. BLACKBURN. What we are talking about is that the application of this is the Fairness Doctrine of the Internet.

□ 1250

Mr. POLIS. Reclaiming my time, the Fairness Doctrine is something that I oppose, I will always oppose, and it is completely consistent. The Fairness Doctrine is consistent with the approach that the gentlelady is approaching with regard to the Internet. By having net neutrality in place, we prevent any type of fairness doctrine or selective allowance of certain content to consumers of the Internet. The whole net neutrality regulatory structure is to ensure that everybody has access to putting content on the Internet in the same way, and that that content will not be discriminated against based on its ideology, based on economic considerations.

Mrs. BLACKBURN. Will the gentleman yield?

Mr. POLIS. I yield to the gentlelady from Tennessee.

Mrs. BLACKBURN. We all know that anytime you give the government the ability to assign priority and value to content, you have inserted them into the decision-making process. They would precede the responsibility of the Internet service providers. And the gentleman knows there has been no market failure.

Mr. POLIS. Reclaiming my time, the absence of a net neutrality regime would be the government deliberately conveying value as gatekeepers to the broadband providers and allowing them to decide, based on religious or ideological or economic—or whatever criteria that they want—what kind of Internet they intend to serve up to their users.

I would like to add that, under the legislation we consider today, that this open Internet rule will add the very certainty to investors and companies that we need and predictability in our marketplace that allows companies to continue to grow and invest in job growth.

It strikes a balance, and it solves a real issue. Some on the other side will say, oh, this could be an issue in the future, but it hasn't arisen. Well, the rules that we are talking about do enshrine in place the very Internet, the dynamism, the fruitful discussion between different ideologies that the gentlelady from Tennessee said that she aspires to preserve. And we have already reached a point where ISPs have blocked, as a matter of fact, voice-over-IP services. And they have blocked peer-to-peer traffic, they have blocked PayPal in favor of other financial transaction companies that might have economic relationships with them.

I believe strongly in Internet, in Internet as an achievement for mankind, in Internet that net neutrality will help preserve for our generation and the next.

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

Mr. WOODALL. Mr. Speaker, I am pleased to yield 2 minutes to another gentleman from the committee, the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I rise in favor of this rule to block the FCC from regulating the Internet.

I thought the exchange between the gentleman from Colorado and the good lady from Tennessee was very telling because right now the marketplace controls the Internet. It is free—I call it wild, wild—in its applications.

Now, what the government is trying to do now, in the words of ED MARKEY during our hearing on this, was, ''We need to regulate the Internet to keep it unregulated.'' I don't get that, but it is kind of the thought from the left side of the aisle that you have to regulate it in order to prevent anything that they may disagree with.

So what we have here is an instance where now the freedoms of the Internet and the marketplace that are driving it now have to be under a regulatory scheme decided by a group of appointees of the President; not to be free, it has to be built in relation to their image. Listen to his words, it's going to be built on their image.

The analogy of Communist China regulating the content can't happen today. They talk about blocking, that these ISPs will stop us from going to our Web sites. There have been a handful of those situations; and every time, the public marketplace chastises them openly. There were a few times the FCC even called up and said, hey, you can't do that under the principles that were adopted.

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

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

Mr. TERRY. And so those were resolved by, yes, a little bit of involvement, but the marketplace.

Now the comparison to Communist China here from the gentleman is appropriate when you look at how this measure was implemented. The President campaigned on net neutrality. Congress would not authorize it because Congress as a whole bipartisanly disagreed with net neutrality, giving a regulatory bureaucratic agency control over the Internet versus free market.

So since Congress wouldn't pass it, sua sponte they just rose up and said we don't have the authority—well, they didn't say they don't have the authority, but Congress never gave them the authority to regulate the Internet, so they're just assuming that they're going to take that power away from the people and the marketplace and do it themselves. That is where the analogy to Communist China is appropriate.

Mr. POLIS. I would argue that, in Communist China, the residents there do not have access to the Internet. What they have access to is an Internet minus, and Internet minus are sites that their government deems inappropriate. We risk going down that same route if we don't enshrine, in rule or in law, net neutrality provisions that ensure that there is an open and free Internet and that American citizens have access to the Internet in its entirety, not with being sensitive because of economic or religious reasons.

One of the simple components of this rule is the no-blocking rule. This states very specifically, a broadband provider cannot block lawful content. A provider cannot say, I don't like Catholics; I'm not going to allow Catholic content through our broadband. A provider cannot say on my Internet we are blocking access to Tiananmen because I have business deals in China. We need to ensure that the Internet, as one entity, is available to all Americans who buy access.

And again, the broadband providers themselves, out of their own economic self-interests, endorse this concept because they truly understand, with the fiduciary responsibility of their own shareholders, that the very dynamism that leads to the increase in popularity of the Internet relies on it being an open and free Internet. And without these protections that are afforded by the FCC's open Internet rules, the abuses that have already occurred are just a small sign of far worse things that will come.

In expressing support for killing the open Internet rule with this bill, a witness for the majority brought to Capitol Hill said that ISPs should be allowed to block lawful content and said, ''It is appropriate because you block the source of the problem. If the person that is violating your acceptable use policy is Netflix, you block Netflix.'' In effect, you would empower broadband providers to bully around content providers—be it Netflix, be it Yahoo—and say, you know what? I don't like the fact that you are renting this movie; I don't like the fact that you are linking to this news. That's the direction that Communist China has gone, and that is the direction that America and the global Internet will go if we fail to preserve the net neutrality regime that is before us.

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

Mr. WOODALL. Mr. Speaker, I yield such time as he may consume to the subcommittee chairman, the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. I thank the gentleman from the Rules Committee for his good work on this issue.

Mr. Speaker, there are a number of issues I would like to address as chairman of the Communications and Technology Subcommittee.

First of all, when it comes to the notion that the FCC—or let me back up—these carriers that give us the Internet might somehow regulate religious speech, it's interesting to note that the FCC, in its own order, threatens and pulls out specifically a threat to religious content. Paragraph 47, footnote 148, which I'm sure the gentleman from Colorado must know about, says that a religious organization would be prohibited from creating a specialized Internet-accessed service.

Now, there is an Internet provider out there called Koshernet that wanted

to have a special service for those religious subscribers who happen to agree, if they don't want to be exposed to things on the Internet that they are bound to regarding their religion. So the issue that the FCC points out is that, oh, we're not going to allow that to happen under these rules. So you can't have a separate Internet provider that is just set up for its own subscribers that just wants to have a filter on the Internet, if you will, for those who want to subscribe to that because of their religious beliefs. So already you see a government getting involved at the head end.

Now, we've seen in Egypt where the government is involved and had a kill switch and just turned it off when opponents of the government got engaged. We've heard a lot about China, and we all know the various back doors to the Internet there that they tried to put in to regulate speech, to control access to content and all of that.

□ 1300

That's the government doing that.

We know this country for many years operated under the Fairness Doctrine. That was the government trying to regulate political speech on the broadcast airwaves. It wasn't until President Reagan's FCC after a couple of court decisions basically said that trips right up against the First Amendment that President Reagan's FCC repealed the Fairness Doctrine. Congress tried a couple of times to put it back in place. What we should be about is a free and open Internet.

And that's what we've had, and that's what allowed this incredible explosion of technology and innovation to take place. And it has not taken place because the government picked winners and losers on the Internet because the engineers and scientists and technicians and innovators and entrepreneurs did that on the existing Internet.

Now, along comes the government, the Federal Communications Commission, on a 3-to-2 partisan middle-of-the-night sort of decision, if you will, right over the holidays to say, We're going to seize control and regulate the Internet. Now, that's not been done before, although they tried in the Comcast BitTorrent case where they tried to regulate the Internet once before. But the court here in Washington, D.C. said they lacked the authority. They had not proven—they had failed to demonstrate that they had the authority.

And so the court struck them down pretty clearly in part because they relied on a statement of policy, and the court said a statement of policy does not constitute statutorily mandated responsibilities.

Previously, the FCC rule, by the way, that section 706 did not constitute an independent grant of authority and has not overruled that prior decision. Now, that's important, because section 706 is part of the foundation upon which they think they have this authority, even though in a prior case they've said that didn't grant them an independent grant of authority.

Regulating otherwise unregulated information services is not reasonably ancillary to the section 257 obligation to issue reports on barriers to the provision of information services.

There are a number of issues here that bring us to the rule that we have today on the Congressional Review Act that would repeal the rule that the FCC put in place at the end of the year and notified us on.

Now, why are we using the Congressional Review Act? It is a very specific, very narrow, very targeted bipartisan-created process.

The current leader of the Senate, HARRY REID, was an advocate and supporter of the congressional review process because it allows Congress to step in when an agency has overstepped its bounds on a major rule and say, No, you don't have the authority, or, We disagree with the rule, and so we chose this CRA process to overturn this rule that a partisan group of unelected officials chose to enact exceeding their authority.

Now Congress, whether you're for net neutrality regulation under title I or title XX or no title at all, you should not stand idly by when an agency exceeds its statutory authority.

I think, ultimately, this will be thrown out in court, once it's ripe for a court to review, as the court has slapped down the FCC in the past.

The long and the short of it, though, is that, in relying on section 706, they may have inadvertently opened the door for State regulation of the Internet, because section 706 says that the FCC and State commissions shall have certain authorities and goes on to explain that in the first title of that act.

I don't think any of us here wants that door to be opened, but the FCC, in its naked grab for power it does not have, chose to base part of their decision on section 706.

Now, I heard, as I was coming over here, a recitation of my comments last night in the Rules Committee by my friend and colleague from Colorado that all of the major companies support this, or virtually all, and, gee whiz, they did this voluntarily at the FCC. Well, come on. None of them will publicly admit to the fact that the FCC had, holding over their head, a title II proceeding that would have treated the Internet as a common carrier, as simple telephone service with a highly regulated environment.

And it's one of those Hobson's choices: either go with us with title I, which is ''light regulation'' but opens the door to government regulation for the first time of the Internet, or we may come after you on title II. Now, to back up that argument, I would point out that there's an open proceeding at the moment on title II. They have never closed their title II proceeding.

So these companies have a lot of other issues before the FCC, like mergers—has anybody ever heard of those?—and other things. They are their regulator.

I was regulated by the FCC for 22 years as a license holder in broadcast stations. The last thing you're going to do is poke your regulator. And when your regulator has you by your license or by your next merger, you're probably going to acquiesce to the lesser of two evils, which is what happened here.

So, Mr. Speaker, and to the ladies and gentlemen of the House, I would encourage you to support this rule. It's narrow. It's defined. It's closed for a reason, because the parliamentarians and others have told us basically there's no real way to amend this and carry out its lawful action. And so in a rare instance, this makes sense to have a closed rule.

Mr. POLIS. The gentleman from Oregon mentioned KosherNet and other sites that might want to provide proprietary content. I want to be clear that this rulemaking and rulemaking process has nothing to do with proprietary networks. It refers to the Internet.

I hold several patents with regard to Internet technologies. In those, as is common among Internet patents, we describe the Internet as an open-ended gateway network. To the extent that there are thriving proprietary networks, be they religiously affiliated or commercial, the FCC is not talking about those with regard to this matter.

Mr. WALDEN. Will the gentleman yield on that point? Because I don't believe that was the case.

Mr. POLIS. I will be happy to enter into a colloquy with you on your time.

An article from yesterday's StarTribune says, ''Court rejects suit over Net-neutrality rules.'' This happened yesterday. A Federal appeals court rejected a lawsuit by Verizon and MetroPCS to challenge the Federal Government's communications rules, the FCC's communications rules.

Now, what I want to point out is, like many newspaper sites, this was a decision between me and the newspaper site, an economic decision about how I would get access. Now, some newspapers want to charge for access, others don't. I was happy the Minneapolis StarTribune allowed me access because I wasn't about to pay.

How do they pay for it? They have a couple ads in here. Apparently, Bill Maher is going to be at Mystic Lake Hotel and Casino, coming up. I won't be there, but maybe most of the folks who read the Minneapolis StarTribune would consider that.

And then there's something called License to Thrill, also at Mystic Lake Casino and Hotel. Now, I assume they found that many of the viewers of the Minneapolis StarTribune might be interested in Mystic Lake. And again, it was their decision, the Minneapolis StarTribune's decision, Do we sell for access?

By the way, The New York Times, I think, is starting to charge for access. I'm going to have to decide whether

I'm going to have to try to just make do with their free portion or somehow loop in an online subscription. I do pay for The Wall Street Journal online. It's worth every penny. It's a good publication. But it's hard to strike that balance.

What you are doing—what this body is considering by not having a net-neutrality regime in place is to add another party to this contract between me and the StarTribune. And you know what? It is not good enough, JARED POLIS and the StarTribune, that they're letting you access and you have to pay. There's also the provider. And you know what? You could have the provider say, You know what? We're not going to serve up these ads. We're going to serve up our own ads. You know what? We're not going give you access to the StarTribune unless you buy our newspaper plus service for an extra $14.95 a month.

You're changing the value chain in a way that is unprecedented and conveying enormous value because you're putting them in charge of the whole Internet of the providers and the bandwidth and the pipelines. Yes, they are important to have and, yes, they need to have a return on investment and, yes, they support the FCC rules as a fair way to do that. Yes, given their druthers, would they rather have a reach and control of the Internet? Sure. They'd rather control all the ad space on every newspaper and every other Web site. But they know that's a reach. There's no serious market valuation that's given by investors or investment analysts to that reach scenario that would threaten and kill the very Internet itself by interspersing a third party on my private agreement with the Minneapolis StarTribune. That's why we need to have a free and open Internet for all to ensure that there's not another party that comes in and steals the intellectual property and the usage of others and conveys it to their own advantage. And that's exactly what the very reasonable FCC rules put into rule.

[From StarTribune.com, Apr. 4, 2011]

COURT REJECTS SUIT OVER NET-NEUTRALITY RULES

A federal appeals court on Monday rejected as ''premature'' a lawsuit by Verizon and MetroPCS challenging the Federal Communications Commission's pending rules aimed at keeping Internet service providers from blocking access to certain websites or applications. The decision, by the U.S. Court of Appeals for the District of Columbia circuit, is a first-round victory for the FCC and its chairman, Julius Genachowski. But the real battle over the agency's attempt to regulate broadband providers has barely begun. Several broadband companies, and some consumer advocacy and public interest groups, are likely to return to court this year to challenge aspects of the rules. Edward McFadden, a Verizon spokesman, said Monday that the company intended to refile its lawsuit this year. The House will take up a joint resolution condemning the new Internet access rules this week.

TEXAS INSTRUMENTS TO BUY RIVAL FOR $6.5B

Texas Instruments Inc. said Monday that it has agreed to buy competitor National Semiconductor Corp. for $6.5 billion. The all-cash deal, if it goes through, will give Dallas-based Texas Instruments a larger stake in the field of analog semiconductors—devices that are used to convert real- world signals, such as temperature readings or voice recordings, into digital signals.

GOOGLE BIDS $900M FOR NORTEL'S PATENTS

Google Inc. said it was willing to pay $900 million for patents held by Nortel Networks Corp., the bankrupt communications technology company. The Internet search giant couched its bid as a pre-emptive strike to defend against patent litigation. Analysts say Mountain View, Calif.-based Google is wrestling with a major increase in patent litigation from so-called patent trolls and competitors. A major patent portfolio such as the one from Nortel would give Google ammunition in these lawsuits. In the last 12 months, Google has been hit with 39 patent lawsuits involving its Android mobile phone operating software.

PFIZER TO SELL CAPSUGEL UNIT TO KKR

Pfizer Inc., the world's biggest drugmaker, agreed to sell its Capsugel manufacturing unit to KKR & Co. for $2.38 billion in an effort to focus on its higher-profit business developing new medicines. The New York-based company lowered its yearly revenue forecast after backing out Capsugel, a unit that makes wholesale pill casings and had $750 million in sales last year. Pfizer said it will use proceeds from the deal to expand a planned $5 billion share repurchase.

JAPAN'S CRISIS WILL PUSH UP SOME COMMODITIES

Copper, iron ore and beef are likely to benefit from rising demand in Japan as the country recovers from a record earthquake and tsunami that triggered a nuclear crisis. Rebuilding may drive demand for steelmaking materials and metals used in construction, said Ben Westmore, a commodities economist at National Australia Bank in Melbourne. Demand for imported beef and dairy products may increase because of damage to local protein supply, Rabobank Australia analyst Wayne Gordon said.

GOLDMAN CEO'S COMPENSATION NEARLY DOUBLES

Goldman Sachs Chairman and CEO Lloyd Blankfein's $19 million compensation for 2010, almost double the prior year, ended two years in which the firm's top executives gave up cash bonuses. Blankfein's pay included $5.4 million in cash, $12.6 million in restricted stock, a $600,000 salary and about $464,000 in other benefits, a proxy statement from the New York-based firm showed. Blankfein's $9.8 million pay for 2009 included $9 million in restricted stock plus salary and other compensation.

I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, I would like to yield 2 minutes to the chairman of the subcommittee, the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. I just want to point out that back on KosherNet, the Federal Communications basically singled that out and said, no, you can't, as an Internet service provider, have that kind of separate system. You can't filter out even if you want to. And I think that's different.

As for the court decisions the gentleman referenced, I don't necessarily know where he's going on that. But I understand the court said the time is not right yet for the appeal by Verizon and MetroPCS on the Internet rules, not right because the Federal Communications Commission has not put these rules into the Federal register because they haven't completed some of their due diligence, apparently, on the effects on business.

□ 1310

So that will still be ripe to litigate later on. The other point I want to make is understand that while these rules promulgated, I believe, outside the authority of the FCC apply to the Internet service provider, the pipes if you will, they do not apply to the content providers on the other end. So in other words, once you get on the freeway, as we know the Internet, you want to get out into the neighborhoods eventually. And so a lot of people go to a particular search site let's say, a search engine, and that search engine is making enormous decisions about where you end up on the Internet.

Those search engines and other providers like that, they are not under these rules at all. And I would suggest I am not eager to have them under these rules. But I find it fascinating that they can block, they can tackle, they can hide, they can change their algorithms.

So you know, by the time you search for something, you may get moved from number one in your category to No. 71 because they make some decision in their algorithm. So there is a lot going on out there.

But I would say this: Most Americans have access to broadband, most of us are on the Internet, and we are a very powerful community when somebody misbehaves. And generally, the Internet has been successful because misbehavers have been punished by the consumers in an open and free marketplace effectively and quickly and much better than through a government regulatory regime.

Mr. WOODALL. Mr. Speaker, I yield myself 60 seconds just to say in this theme of folks with the best of intentions ending up with the tremendous burdens on small business, I have just been informed and would like to inform this body that the Senate has passed H.R. 4, the House's repeal of the burdensome 1099 regulation requirements in ObamaCare, by a vote of 87–12. The bill is now on its way to the President for his signature.

This represents a huge win for American small businesses, a huge win for the abolition of burdensome government regulation, and the first official partial repeal of ObamaCare that will go to the President's desk and become law.

I reserve the balance of my time.

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

First with regard to the 1099 closing, I think again we can applaud this as a step forward for small business. Many of us wish that there could have been a different way of paying for it, and I did support it twice in the last session of Congress. While there are major winners, and small businesses are, and we

needed to close the 1099 loophole, and I am glad we did, the losers under this are American families making about $80,000, $85,000 a year, who will be stuck with a large Republican tax increase.

Mr. Speaker, with regard to net neutrality, it is indeed a brave new world that we face on the Internet. And I have been an Internet user since the early 1990s. As I mentioned, my first company was an Internet service provider. So I have experience on that front. It is the very dynamism of the Internet itself that brings its value to humanity and to Americans. That is why it is important to protect under net neutrality and open Internet provisions.

Another critical provision that has generally had support from across the aisle in prior sessions has been a transparency requirement that would require broadband providers to inform consumers about how or whether they are tiering access. Part of the issue has been we only find out about these things after the fact, after a very technical analysis, and accusations are made and have to be discovered. We would like to know. And one of the reasons I oppose this rule is Ms. MATSUI offered an amendment that would have increased consumer confidence and led to greater investment in broadband infrastructure by supporting a simple transparency requirement with regard to this matter.

Net neutrality keeps the Internet free and open. It is that simple. Just as the postal service can't discriminate in delivering legal content, so too the Internet should not discriminate in delivering legal content. Proprietary networks can work their will. And the gentleman from Oregon mentioned Koshernet or people, users, that might only want certain access on their machines. They are empowered to do that under open Internet regulations.

They can have programs on their local machine that can say, you know what—many parents do this—they want to have parental controls or block certain sites. They can only have certain sites that are accessible and block down all other sites. Many people, they are empowered to do this not by their provider, no. They are empowered to do this by choosing the software and the service that they use to be able to restrict the Internet for themselves or for a minor that lives in their home.

These decisions should not be made by large multinational corporations deciding which Internet you have your own access to. Seventy percent of American families only choose between one or two broadband providers. For them to have access to the Internet, not the Internet minus like they have in China, not the Internet minus that too many Americans could face if we don't encode open Internet regulations into rule or law, if we want to retain that access we need to make sure that the value of the Internet and the dynamism that is created by the content and application providers have unfettered access to consumers in America and across the world.

I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, at this time I am pleased to yield 4 minutes to a thoughtful member of the Energy and Commerce Committee, the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Let me just bring to the attention of this side of the aisle that some of the issues you are talking about, transparency, moves into privacy. We hope in the near future we do have a privacy bill, but I think some of the things you are concerned about impacted with the privacy, and not necessarily in this debate dealing with House Joint Resolution 37.

As a former ranking member of the Telecommunications Technology Subcommittee, both the ranking member, JOE BARTON, and I have sent three letters to FCC Chairman Genachowski expressing simply our strong opposition to his plan to regulate the Internet. In fact, I have introduced legislation the past two Congresses to try to prevent the implementation of the net neutrality rules, and other Members have supported us. So there is a long record here, I would say to my colleague on that side of the aisle, of our side trying to prevent Genachowski, the chairman of the FCC, from regulating the Internet.

In fact, he went so far as to step out and try to do it. There was a Comcast case. In an April of 2010 decision, the court found that the FCC failed to demonstrate it had ancillary authority under title I. So under title I, the courts ruled they did not have the authority to regulate Internet network management.

So I think the courts themselves have corroborated what Mr. WALDEN has indicated. So, you know, what you are arguing is against a court case that actually occurred. And as far as the technicality that Verizon was involved with, they are going to continue their suit. They feel they have a strong argument, and as Mr. WALDEN pointed out, it was just by a technicality. They are going to continue to go forward.

I will also mention a little bit what the chairman, Mr. WALDEN, has indicated dealing with the 706 rule. The FCC claims it has authority to enact this under the 706 rule of the 1996 Telecommunications Act. I was one of the conferees on that act. And they are using this as a way to advance telecommunications capability, saying they have the authority. But they can't rely on 706 because as the agency has previously acknowledged, acknowledged themselves, section 706 is not an independent source of authority, because 706 talks of removing barriers to infrastructure investment, but the rules themselves will erect barriers to investment.

So the FCC's claim simply stretches the authority under these provisions. So I think between the Comcast case and the interpretation of 706, they don't have any authority do this. In a larger sense, what we are talking about is when the FCC moves out and starts to regulate the Internet, that creates uncertainty in the economy, uncertainty into people who are investing vast sums of money for fiber optics so that they can spread broadband. And heaven knows we don't need in this economy this uncertainty.

So I think the FCC was unwise just from a standpoint of the economy to strike this uncertainty. The Internet, as has been pointed out, exists. It has been open and thriving for all these years because of a deregulatory approach. If we step in and let the FCC start to regulate the Internet under title I, then it's going to create this uncertainty, and that's in fact why Verizon is moving forward.

As others have pointed out, a lot of people are fearful of the FCC. That's why they won't say anything. As many of us know, lots of times when you are in a situation where you have an empowering authority up there that can regulate you, you don't want to get those people upset with you. So you are very delicate in how you move. So the people are saying basically that, oh, we are not going to say anything; but silently they are telling us, certainly they are telling us on this side that they cannot see any reason for the FCC to start to regulate.

□ 1320

There is no crisis warranting them to do this. The example used with his newspaper in Minneapolis is not a crisis. So the FCC hangs its adoption of network neutrality rules based upon speculation and future harm.

I urge the passage of this rule.

Mr. POLIS. The net-neutrality rules are consistent with the D.C. circuit ruling in Comcast v. FCC and, in fact, that advances the congressional mandates. The rule fulfills the FCC's mandate from Congress and their mandate to encourage broadband deployment by supporting innovation and investment among their other duties.

And, in fact, last year Congress had a chance to advance legislation in the area around protecting Internet freedom, and that legislation was supported by many public interest organizations, high-tech companies and, yes, many broadband carriers. That would have put in statute a set of net neutrality rules and that would have definitively, through statute, removed the threat of title II classification. Unfortunately, that legislation was blocked by Republicans in the House.

So, again, I think when Mr. WALDEN mentioned that there were some folks on the broadband side that might have been coerced into supporting something, fearing that there would be a threat of title II reclassification, it was the activities of Republicans that specifically prevented the removal of that title II reclassification threat. And,

again, I would like to point to remarks by many investment bankers that it has not been seen as any serious regulatory overhang with regard to the valuation of stocks in that area because there is no effort to move forward with title II regulation.

Obviously, with regard to this matter, if it's creating, somehow, this much controversy around what should be noncontroversial rules enshrined into place the current free and open Internet policies that have seldom been violated, but we fear might be violated more in the future, if that's provoking this kind of discussion, even though all the major stakeholders discuss it, you can imagine what type of discussion would ensue if there was a serious effort to reclassify under title II.

Mr. STEARNS also mentioned that maybe the committee will begin work on what type of statutes we might have. Certainly, specifically, I am curious. I asked Mr. WALDEN as well yesterday if the committee would consider no-blocking rules, would the committee consider transparency requirements, do they think that they, in fact, could do a better job than the FCC and that this body, with its vast knowledge of the Internet and DNS architecture, would do a better job than the FCC.

I think, you know, one of the clear things that I would like to see and I think this body would like to see, and why I oppose this rule, is if we are talking about repealing the FCC's rules, what is the work product of this body? What is the replace? It's repeal and replace.

I think there has been some acknowledgment. In fact, the gentleman from Florida (Mr. STEARNS) mentioned that the committee might work on some of these areas. What is that proposed body of work? Why are we not looking at repeal and replace and what we are replacing it with. Is it going to be similar to former Chairman WAXMAN's net neutrality bill of last year? Are there substantial changes that have—buy-in across the aisle?

Can we do better? Frankly, I'm skeptical. But if the gentleman would like to advance the work product of his committee and come forward with a clear decision between what we would be replacing it with, I would be certainly open to seeing if, in fact, the work product of the committee is better than the work product of the FCC with regard to this matter.

Mr. Speaker, the Internet has been of immense value to mankind, to America, to me personally and to all of us personally. It's contributed to our culture, our economic advancement, to the flow of free ideas.

We should not trade the freedom of the Internet, the freedom of the Internet has been an open, superhighway for a toll road controlled by and for Internet service providers alone. There is a balance to be struck, and the process of finding that balance is under way by thoughtful people in an open and inclusive process.

Today's action by the Republicans short circuits that process and imposes simplistic, highly ideological solutions on what is actually a complex issue that has shared ideals for preserving a free Internet, free of government involvement. We can find bipartisan consensus.

The FCC order came close to striking that correct balance, far closer than the status quo. That's why it's supported by Internet service providers themselves, consumers groups, the high-tech community, content providers, and faith-based organizations.

We must keep the Internet free by allowing the FCC to move forward with the open Internet role, and we should be debating this on an H.R. bill under an open rule. I encourage my colleagues to support the open Internet by opposing the previous question and this rule.

I have no further requests for time, and I yield back the balance of my time.

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

There is a promo out these days for a new television show that's coming on. It's about the CIA and chronicles the fellow's first day at the job at the CIA. He walks in and he looks around and he can't believe the disarray that he sees there. And his senior adviser there steps up and he says, son, have you ever walked into a post office and said, my gosh, I have stepped into the future?

And the answer is, no, the government is not the location where innovation thrives.

To hear this conversation today about how we need government regulation to protect the Internet, Mr. Speaker, we need to protect the Internet from government regulation, and that's why we are here today with this underlying resolution.

This FCC proposal is a solution to a problem that doesn't exist. To quote my friend from Colorado, as he was quoting the investment banks, these official rules are around what is already being done in the private sector. It's a solution to a problem that doesn't exist.

Mr. Speaker, it's a solution to a problem that doesn't exist using authority that the FCC does not have. It's interesting being down here today, as my colleague from Colorado talks about all the big businesses that have bought in and all the investment banks that bought in.

I have to say I don't give two hoots that big business and investment banks have bought in. If the authority does not exist to do it, then it should not be done. Over and over again, Mr. Speaker, we hear from this administration about how they can help, how they can help to solve problems, problems that exist and apparently now problems that don't exist.

If the authority does not exist, they cannot be allowed to regulate in this area, and that's why the subcommittee has brought this forward.

So we have a solution to a problem that doesn't exist using authority that doesn't exist, and where does this lead us?

I want to read to you, Mr. Speaker, from the FCC order dated December 21 of last year: Finally, we decline to apply our rules directly to coffee shops, bookstores, airlines, and other entities that acquire their Internet service from a broadband provider.

Although broadband providers that offer such services are subject to these rules, we note that addressing traffic is a legitimate network management purpose for these premise operators.

Authority that does not exist and the FCC says, in its benevolence, in its benevolence, that at this time it chooses, it chooses, Mr. Speaker, not to regulate the way that coffee shops, bookstores, and airlines provide Internet service to their customers.

Folks, this is the camel's nose under the tent. That is why we have to be vigilant. It doesn't matter if we like the underlying rule. It doesn't matter if the authority does not exist, Mr. Speaker.

We are obligated as one of three branches of government, we are obligated to step in where regulatory authority exceeds its bounds. Now, as we have said, the courts have already looked at this decision and decided, as we have, that the FCC does not have authority to act in this area, solution to a problem that doesn't exist, using authority that it doesn't have that starts to pave the way to regulate coffee shops, airlines and bookstores.

Mr. Speaker, this is a simple rule for a simple bill. We have talked so much about 2,000-page bills with lots of hidden consequences. We have talked broadband section 1099 of the health care act now being repealed and passed now by the Senate and going on to the President's desk. I want to read to you this bill in its entirety if you will permit me the time:

''Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rules submitted by the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices, and such rule shall have no force or effect.''

□ 1330

That's it. That's it, eight lines, ''no force or effect.''

Mr. Speaker, I urge strong support from my colleagues for this rule that will then bring to the floor H.J. Res. 37 and allow, in its brevity, its complete and total consideration.

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of the resolution, if ordered; and approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 241, nays 175, not voting 16, as follows:

[Roll No. 226]

YEAS—241

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
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
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
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
Heller
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
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
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
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NAYS—175

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
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)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
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.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—16

Cleaver
Cooper
Courtney
Engel
Frelinghuysen
Garamendi
Giffords
Hinchey
Holden
Kind
Lipinski
Meeks
Sanchez, Loretta
Schwartz
Van Hollen
Young (FL)

1355

Ms. TSONGAS, Ms. WOOLSEY, Messrs. CONYERS and GUTIERREZ changed their vote from ''yea'' to ''nay.''

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 226, had I been present, I would have voted "nay."

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER pro tempore. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan, and their families, and all who serve in our Armed Forces and their families.

PROVIDING FOR CONSIDERATION OF H.J. RES. 37, DISAPPROVING FCC INTERNET AND BROADBAND REGULATIONS

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

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 178, not voting 13, as follows:

[Roll No. 227]

YEAS—241

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Barletta
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
Conyers
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
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
Heller
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
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
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
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NAYS—178

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
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
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
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.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—13

Bachus
Cooper
Engel
Frelinghuysen
Garamendi
Giffords
Hinchey
Holden
Kind
Meeks
Sanchez, Loretta
Terry
Young (FL)

□ 1403

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

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

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

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

RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 310, noes 104, answered ''present'' 1, not voting 17, as follows:

[Roll No. 228]

AYES—310

Ackerman
Adams
Aderholt
Akin
Alexander
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Cicilline
Clay
Cleaver
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Courtney
Crawford
Crenshaw
Critz
Crowley
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
DeLauro
Denham
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Eshoo
Farenthold
Fattah
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Frank (MA)
Franks (AZ)
Gallegly
Garrett
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Green, Al
Griffin (AR)
Grimm
Guinta
Guthrie
Hanabusa
Harper
Hartzler
Hastings (WA)
Hayworth
Heinrich
Hensarling
Herger
Higgins
Himes
Hirono
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marino
Markey
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Paul
Paulsen
Payne
Pearce
Pence
Petri
Pingree (ME)
Pitts
Platts
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rangel
Rehberg
Reichert
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ruppersberger
Rush
Scalise
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (IN)

NOES—104

Altmire
Andrews
Baldwin
Bass (CA)
Becerra
Bilbray
Bishop (NY)
Boswell
Brady (PA)
Burgess
Capps
Capuano
Cardoza
Chu
Clarke (MI)
Clarke (NY)
Clyburn
Cohen
Costa
Costello
Cravaack
Cuellar
Cummings
DeFazio
Dent
Dicks
Dold
Donnelly (IN)
Duffy
Farr
Filner
Fitzpatrick
Foxx
Fudge
Gardner
Gerlach
Graves (MO)
Green, Gene
Griffith (VA)
Gutierrez
Hall
Hanna
Harris
Hastings (FL)
Heck
Heller
Herrera Beutler
Hinojosa
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Keating
Kinzinger (IL)
Kucinich
Lee (CA)
Lipinski
LoBiondo
Loebsack
Maloney
Marchant
Matsui
McCotter
McDermott
McGovern
McKinley
Miller (MI)
Miller (NC)
Miller, George
Moore
Napolitano
Olver
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Poe (TX)
Rahall
Reed
Renacci
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schilling
Sires
Slaughter
Stark
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tipton
Velázquez
Visclosky
Weiner
Wu
Young (AK)

ANSWERED ''PRESENT''—1

Amash

NOT VOTING—17

Carter
Cooper
Culberson
Engel
Frelinghuysen
Garamendi
Giffords
Gohmert
Grijalva
Hinchey
Holden

Kind	Neal	Sanchez, Loretta
Meeks	Ryan (WI)	Young (FL)

□ 1411

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, I inadvertently voted "yes" on rollcall votes 226 and 227. It was my intention to vote "no" on both votes.

RESIGNATIONS AS MEMBER OF COMMITTEE ON THE JUDICIARY AND COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Judiciary and the Committee on Transportation and Infrastructure:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 5, 2011.

Speaker JOHN BOEHNER,
The United States Capitol,
Washington, DC.

DEAR SPEAKER BOEHNER: I write to inform you that effective immediately I am resigning from the House Judiciary Committee and will be taking a leave of absence from the House Transportation and Infrastructure Committee to join the House Committee on Rules. If you have any questions please contact me directly or your staff can contact Steve Pfrang, my Legislative Director.

Sincerely,

TOM REED,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignations are accepted.

There was no objection.

ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. ROSKAM. Mr. Speaker, by direction of the Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 202

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON RULES.—Mr. Reed.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HUNGER-FAST COALITION: GLOBAL FOOD SECURITY IS A NATIONAL PRIORITY

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

Mr. MCGOVERN. Mr. Speaker, last week USAID Administrator Raj Shah testified before the House Subcommittee on Foreign Operations. In his testimony he stated, and I quote, "We estimate, and I believe these are very conservative estimates, that H.R. 1 would lead to 70,000 kids dying." This means, conservatively speaking, that the GOP budget cuts could result in the deaths of 70,000 children around the world from disease, from hunger, from lack of basic immunizations, mosquito nets, and food.

These callous and brutal cuts are not only a stain on the moral conscience of this House; they directly undermine our national security and our economic future. Over 23,000 people from faith groups and other organizations are fasting in protest of these draconian cuts. Join them at www.hungerfast.org. I urge my colleagues to restore funding for these humanitarian and development programs. The lives of 70,000 children are at stake.

SHAH: GOP BUDGET WOULD KILL 70,000 CHILDREN

(Posted by Josh Rogin, March 31, 2011)

As Congress struggles to negotiate a budget deal to keep the government running, the head of the U.S. Agency for International Development (USAID) told lawmakers Wednesday that the GOP version of the budget bill would result in the deaths of at least 70,000 children who depend on American food and health assistance around the world.

"We estimate, and I believe these are very conservative estimates, that H.R. 1 would lead to 70,000 kids dying," USAID Administrator Rajiv Shah testified before the House Appropriations State and Foreign Ops subcommittee.

"Of that 70,000, 30,000 would come from malaria control programs that would have to be scaled back specifically. The other 40,000 is broken out as 24,000 would die because of a lack of support for immunizations and other investments and 16,000 would be because of a lack of skilled attendants at birth," he said.

The Republican bill, known as H.R. 1, was passed by the House, and would fund the government for the rest of fiscal 2011. It would effectively cut 16 percent from the Obama administration's original fiscal 2011 request for the international affairs account.

Rep. Jesse Jackson Jr. (D–IL) pointed out that H.R. 1 would provide $430 million for the International Disaster Assistance (IDA) account, which is 50 percent below the president's fiscal 2011 request and 67 percent below fiscal 2010 levels.

Shah said that such a cut "would be, really, the most dramatic stepping back away from our humanitarian responsibilities around the world in decades." The IDA account supports 1.6 million people in Darfur, so halving the account would place 800,000 people at risk, he said.

"[T]his would lead to a significant amount of reduction in feeding programs, medical programs and food and water programs for people who are incredibly vulnerable," he added.

Shah was also testifying in defense of the administration's fiscal 2012 budget request, which also faces the axe on Capitol Hill. Subcommittee Chairwoman Kay Granger (R–TX) opened the hearing by announcing that the administration's fiscal 2012 request was dead on arrival.

"While I understand the value of many of these important programs, the funding request for next year is—is truly unrealistic in today's budget environment," she said. "We simply cannot fund everything that has been funded in the past. And we certainly cannot continue to fund programs that are duplicative and wasteful."

Granger said she would support USAID programs that have national security implications or contribute to the ongoing missions in Iraq, Afghanistan, and Pakistan. Her Democratic counterpart, Rep. Nita Lowey (D–NY), said that national security is threatened by instability in other parts of the world as well.

"Drastic cuts to USAID would risk a great deal in stability and security around the world which could spawn the kinds of threats that cost this country the lives of men and women in uniform and billions in treasure," she said.

Shah argued that foreign assistance is crucial to the long term economic recovery because it helps develop markets for American goods.

"USAID's work also strengthens America's economic security. By establishing links to consumers at the bottom of the pyramid, we effectively position American countries to enter more markets and sell more goods in the economies of the future, promoting exports and creating American jobs," he said.

FAREWELL TO MARK GAGE

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to express my appreciation to Mark Gage of our Foreign Affairs Committee staff for his guidance, his insight, and his counsel throughout the years.

After a distinguished career in the House, which started with Congressman Solomon's office in 1981 as an intern and 5 years as a political appointee at the Department of State, Mark has decided to retire from government service.

Our committee will be losing an immense talent and a dedicated public servant, someone driven by an unwavering commitment to doing what is right for our Nation and by the Members that he has served throughout the last three decades. Mark's expertise and sharp wit will be sorely missed.

I wish Mark a wonderful retirement with his lovely wife, Linda, and their three terrific dogs.

UCONN HUSKIES: 2011 NATIONAL CHAMPIONS

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

Mr. COURTNEY. Mr. Speaker, I rise to congratulate Coach Jim Calhoun and the UConn men's basketball team for their win last night. That is the third national championship under Coach Calhoun, who hails from the Second Congressional District of eastern Connecticut.

This was a remarkable year. When the season started, they weren't even on the top 68 by Sports Illustrated. But under the leadership of Kemba Walker, three freshmen and a sophomore, they defied the odds, won 11 consecutive single-elimination games over the last 20-some-odd days, and prevailed last night

against a great Butler Bulldog team led by a great young coach, Coach Stevens.

Again, congratulations to Coach Calhoun, who is a great leader in the State of Connecticut and a great leader for student athletes.

Go Huskies.

OUR FISCAL PROBLEMS

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

Mr. LANKFORD. Mr. Speaker, I rise to discuss the debt we are dealing with as a Nation. It is time to stop ignoring the debt problem that we have in America.

The budget we released this morning is focused on solving our fiscal problems, not scoring political points. Key elements: fiscal responsibility; understanding this is not our money; it's owned by the American people; finding common ground with the President's debt commission and bipartisan CBO proposals. We have some areas where we've agreed, and those areas are included.

Shocking as it may seem, conservatives have also included some practical solutions to solve our long-term systemic issues with entitlements and welfare. Our focus was to protect programs that are working, encourage work for every person who's able to work, and set a course for future economic stability.

It's also focused on cutting spending. Raising taxes on Americans to fund more government would be like a family running up a huge credit card bill and then going to their boss at work to tell them they need a raise to pay off their credit card. Their boss would most likely respond, You don't need a raise. You'll just spend more. You need to get your family on a budget and you need to cut your spending to what's absolutely necessary. That's what we must do.

Some in Congress have already called this proposal extreme. Well, I'd have to tell you, I agree. I think this budget is extreme—extremely responsible, extremely forward-thinking, and extremely overdue.

WE CAN'T SPEND MONEY WE DON'T HAVE

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, despite the heated rhetoric over the fiscal year 2011 budget and the failure to responsibly address our Nation's $14 trillion debt, there is one simple truth that we should all take away from this current budget standoff: Washington can no longer fail to deal with America's looming debt crisis as Americans continue to tighten their belts and make ends meet.

Constitutionally, all spending bills must originate in the House. In February, the House performed its duty and passed a long-term spending bill that represents tough but necessary choices we must take. Even if we all agree a program is efficient and needed, we can't spend money we don't have. At a time when the Federal Government is borrowing 40 cents of every dollar, we must be responsible stewards of the taxpayers' dollars in a manner that ensures the long-term promises and commitments the government has made to the American people are met and fulfilled.

It's time the Senate leadership do what's right. We still have a government to run and cannot adequately deal with a 2012 budget if last year's business is left hanging in the wind.

DRILLING FOR BRAZIL BUT NOT FOR US

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

Mr. POE of Texas. Mr. Speaker, the President says that he wants to cut the country's oil imports by one-third over the next 10 years. Well, that's fantastic and well-timed for the announcement of his reelection campaign yesterday. But let's face reality. Gasoline is up to $4 a gallon. Americans don't want to hear about what's going to happen 10 years from now.

The President's answer to the energy crisis and $4 gasoline is to give money to Brazil while at the same time stonewalling drilling in our gulf. Why are we doing that?

Instead of propping up energy companies in Brazil and letting them drill off their coast, let's keep jobs and money in America and drill off of our coasts and on our land. Let's develop our own domestic energy instead of developing Brazil's.

Are you in for that, Mr. President?

And that's just the way it is.

REMEMBERING JOHN ADLER

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

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today in honor of our departed colleague, John Adler of New Jersey.

John Adler came into the Congress as part of our freshman class in 2009. He was an honorable public servant who served 17 years in the New Jersey State Senate and, before that, on the town council of Cherry Hill, New Jersey.

John brought a wealth of knowledge, legislative expertise, but good humor, compassion, and a respect for his colleagues on both sides of the aisle. His bipartisanship, his compassion, his commitment to his community and especially to his family will be sorely missed.

Our hearts go out to Shelley, his wife, and his four children at this difficult time.

COME TOGETHER FOR THE NEXT GENERATION

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

Mr. KINGSTON. Mr. Speaker, America is at a huge crossroads right now. We're in a situation that whenever we spend $1, 40 cents of it is borrowed. Our national debt is about 95 percent of our GDP. We are losing our edge as a global leader. It hurts our job creation, it smothers the private sector, and it denies you and me of some of our basic freedoms; because the bigger the government gets, the smaller your personal freedom gets.

That's why the budget that has been introduced today is so worthy of a strong debate by both of us—both parties, that is. This is about the next generation, not about the next election. I urge my Democrat friends and my Republican friends to come together and do the best thing for the United States of America, not just for partisan politics of the day.

We are Americans. We can do better. We can get this job done, and we must get this job done.

□ 1420

REVERSE ROBIN HOOD

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

Ms. BROWN of Florida. Mr. Speaker, today in the VA we had a hearing on how would the shutdown affect the veterans. You know, you can tell something about a country or an organization as to how they spend their money.

In December, when we gave $700 billion tax breaks to the richest people in the world, then we are worrying about in 2 or 3 months whether or not we are going to have money to pay for the veterans' pensions or their health care, it is unacceptable. It is unacceptable that we continue to practice what I call reverse Robin Hood, robbing from the poor and working people to give tax breaks to the rich. Unacceptable, Mr. Speaker.

CATCH 'EM IF YOU CAN

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

Mr. POE of Texas. Mr. Speaker, I want to address the third front that the United States is engaged in, and I am not talking about the war in Libya. I am talking about the border war on our southern front between the United States and Mexico, the war with the narcoterrorist gangs that are coming into the United States daily, bringing their wares into this country.

Secretary of Homeland Security Janet Napolitano recently said that

the border now is better than it ever has been. I take issue with that comment for a lot of reasons. One, I have been to the southern border of the United States, primarily in Texas with the border with Mexico. Been there numerous times. I just recently got back from the border at Arizona and Mexico. What I saw does not look like a secure border. Of course, she said it was better than it ever has been, but that's not the question.

The question is, is the border of the United States secure? And the answer to that question, in my opinion, is, no, it is not secure. Let's talk about this issue. This issue has been around for a long time. There seems to be a lot said about it. But as my grandfather used to say, when all is said and done, more is said than done. And the border between the United States and Mexico is not secure. I don't know that it's better than it ever has been.

There are problems on both sides of the border. In my visits to the border, it is not just the people in Mexico who live in concern and fear for their own safety about the narcoterrorists running up and down the border with automatic weapons, but it is people on the American side as well.

The National Border Patrol Council, that's the group that represents the Border Patrol agents, recently made the comment if the border was better now than it ever has been, Agent Brian Terry would not have been brutally murdered by heavily armed Mexican criminals operating over 13 miles inside the United States. That makes quite the point.

Just recently, in the last 24 hours, two Americans that live in Mexico but work in the United States and have worked in the United States for some years were legally crossing at a regular port of entry, and they were gunned down in Mexico while they were waiting to cross into the United States. Two Americans murdered. Of course, when an American is murdered in Mexico the chances of anybody in Mexico being prosecuted are almost nonexistent.

Last year, 65 Americans were murdered in Mexico. I know of no case where anybody in Mexico was held accountable for those crimes, because the crimes are out of control in Mexico. And to think that it does not affect the United States is living in never-never land.

This map here, I want to show some statistics about the border counties in Texas with Mexico. There are 14 border counties in Texas that border Mexico. Every so often I will call the sheriffs of those 14 border counties and ask them this simple question: How many people in your jail are foreign nationals? I am not asking the question how many are legally or illegally in the United States. You know, we can't ask that question in States. We can only find out if the person is in the United States from a foreign country.

So recently, 2 weeks ago, I called the sheriffs, the 14 border sheriffs in Texas, and asked them that question: How many people in your jail are foreign nationals charged with crimes? That would be a State misdemeanor or a felony crime. This does not include immigration violations. That's a whole different group of people.

So how many people are in your jail, not people charged with immigration violations, but they are just charged with cross-border crime? And the answer is 34 percent are foreign nationals, 34.5 percent to be exact. Now, think about that number. Thirty-four percent of the people in a local jail are from foreign countries. And they are not just from Mexico; they are from all over. Because everybody in the world knows if you can get into Mexico, you can get into the United States.

You see, Mexico doesn't protect its border any better than the United States does. So people all over the world go into Mexico, and they sneak across into the United States. In these border county jails, 34 percent of those people are foreign nationals who have committed a crime and gotten caught and are locked up in local jails.

Now, to say that there is not a crime problem on the border is not reality because, you see, if the border was secure—and that is the Federal Government's job to secure the border—if the border was secure, you wouldn't have these people coming into the United States committing crimes because they couldn't get across, the ones that are illegally crossing into the United States. And these are not rich counties. These are poor counties. These counties don't have a lot of revenue. It's very difficult for these counties to house and feed and take care of the medical issues of cross-border crime. But they are saddled with that responsibility because the Federal Government does not protect the border of the United States in an adequate manner.

So the question is, is the border of the United States secure? The answer to that question is, no, it is not. The proof is in the statistics in this one area.

Let's spread it out a little bit further. Let's talk about the Federal prison system. Now, the Federal prison system is where people have been caught for a felony in the United States and tried in a Federal court and sent to a Federal penitentiary somewhere across the entire United States. The Federal Government keeps up with the number of people who are in Federal penitentiaries serving time that are criminal aliens.

Now, that's a different term. Foreign nationals, that term, I use that term as a person from a foreign country, legally or illegally in the United States. But the Federal Government keeps specific statistics on criminal aliens. A criminal alien is a person that is illegally in the United States, commits a crime, gets caught, gets convicted, and goes to the Federal penitentiary.

So how many people have we got like that in the United States? The latest statistics show that the total number of criminal aliens in U.S. prisons is 27 percent. Now, we are talking about some real numbers. We are talking about all the Federal penitentiaries in the United States where people are charged with crimes and convicted; 27 percent of our population in the Federal penal system are people who are criminal aliens. Now, if the border was secure, people wouldn't come into the United States illegally, commit crimes, get caught, tried in Federal courts, and go to Federal penitentiaries.

□ 1430

Yet, over one-fourth of the people we house in the Federal prison system are in that category. So the question is, is the border secure? And the answer is no, it is not secure.

One-fourth of the people that are incarcerated in our prison system, in the Federal prison system, are called criminal aliens. It doesn't sound like it's a very secure border to me if those people are able to come into the United States.

While I am talking about the prison system, let me give another scenario that occurs, which is really frustrating. We have people who come into the United States, they commit crimes, they are foreign nationals, some are criminal aliens. They commit crimes, they get convicted in a court somewhere in the United States, either a State court or a Federal court. They are sent to the State penitentiary or the Federal penitentiary. While they are incarcerated, serving their time, the system works very well because ICE comes in, puts a detainer on them for deportation, they have a deportation hearing, so that as soon as they get out of the penitentiary, they are supposed to be deported back to the country that they came from. That's the way the system is supposed to work, and it works like that sometimes but not all the time. Because, you see, there are some countries who won't take back their criminal aliens.

What do you mean they won't take them back? Well, their criminal aliens come into our country, they commit a crime, they are sent to the penitentiary. While incarcerated, they are ordered to go back home as soon as they get out of the penitentiary.

And when we get ready to deport them back from whence they came, their country says, Don't send 'em back to us—we don't want 'em. I mean, you know, they've got enough criminals of their own, I guess. But they refuse to take back their criminal aliens.

Now, how many people are we talking about? The current number is 140,000 of those people, 140,000 people from foreign countries, committed crimes in the United States, ordered to be deported back and their countries refuse to take them back; 140,000.

So what happens to them? Well, under our Constitution we just can't

keep them in jail after they've served their time. So after 6 months, where they are not deported after their time is served, they are released into the United States because their country won't take them back.

Who are those countries? Well, there are a whole lot of them. The top five, you would never guess this, but China is in the top five, you know, our good buddies, the Chinese, who own most of our debt, our great trading partners. They don't take back their criminal aliens.

Other countries, Cuba, Vietnam, Jamaica and India, those are the top five nations that refuse to take back their criminal aliens after being convicted. So those 140,000 people continue to be our problem because their countries don't take them back.

If the border were secure, those people would never have gotten in the United States to begin with to commit crimes, and now we are stuck with those individuals. We need to have a consequence for those countries that refuse to take their lawfully deported criminal aliens back.

Those countries should have some type of consequence for failure to take their lawfully deported individuals back. I am not sure what that would be, but we must consider all of our options, including if those countries receive any type of foreign aid, we shouldn't give them foreign aid. You don't get foreign aid if you don't take back your criminal aliens.

Those countries that don't get foreign aid, maybe we should reconsider their lawful visas for people that are coming into the United States. See, all these countries do get visas, except maybe Cuba, into the United States, and maybe we should reconsider that.

But it's a massive problem in the criminal justice system alone for the fact that the border remains unsecure. The border is a long way, just the Texas border, from El Paso down to Brownsville. I mean, if you are not from Texas you don't know how far that is, it's just a long way. But it's the same distance as from New Orleans to New York City. That's how long a border it is.

And the entire southern border of the United States is 1,957 miles long. Now we are talking about a lot of territory. So how much of that land is secure?

Well, recently, Richard Santana, who works for the Homeland Security Department, said that the United States only has 129 miles of that 1,957 mile border that is secure. Now, that doesn't seem like a very long amount; 129 miles is not very much of a border when you have 1,957 miles of that border that is not secure.

Taking another organization, the GAO, that is the Government Accountability Office, that is the group of people that keep up with all the statistics that we, Members of Congress, ask them to keep up with.

They have released a report talking about that one question. How secure is the southern border of the United States? And their answer is this: 44 percent of the border is considered secure but, really, only 15 percent of the border is airtight. That means we will catch you if you come across 15 percent of this massive border.

So if 44 percent is somewhat secure, that means 56 percent of the border is controlled by somebody else. Who controls that portion of the border? It's not the United States. It's not Mexico. Who controls 56 percent of our southern border?

It seems like anybody who wants to cross controls it and, to my opinion, primarily it's those narcoterrorists, those people who bring drugs into the United States, those violent drug cartels who operate not only in Mexico but other parts of the continent, including South America.

So we need to make sure that we talk about what is correct, and the people who live on the border, you ask them. You go down there and you just pick somebody out and you ask them, whether it's in Texas or whether it's in Arizona, whether they feel secure on the border, and the ones I have talked to don't feel secure.

Now, recently, last weekend, weekend before last, I had the opportunity to go to Arizona. I was a guest of Congresswoman GABBY GIFFORDS' staff. GABBY GIFFORDS, as Members of Congress know, has been working on border security issues for a long time. Last year she sponsored a letter to the President, myself and others cosigned it, to put more National Guard troops on the border. The President responded with some National Guard troops on the border, and she has worked on that issue.

And before her tragic incident where she was shot, she and I had been talking about the fact that I had invited her to Texas to come down and look at the Texas border, and she had invited me to Arizona to go meet with the people on the southern border of Arizona.

And so last week, I had the opportunity, thanks to Ms. GIFFORDS' staff, to go down to the Arizona border. I will say this about her staff: They are a tremendous group of individuals. I am highly impressed with how informed Ms. GIFFORDS' staff was and appreciate the fact that they took me and part of my staff down there to see the way it is in Arizona.

But here is a map of Arizona, and the portions of Arizona where I was were in the southeastern portion of Arizona, over here. Everybody has heard of Tombstone, but I was a little further south than Tombstone, all the way to the border and Douglas, Arizona, which is in the corner, the southwestern corner of Arizona and next to New Mexico, and along that portion of the southern border of the United States, visiting primarily with the people that were in charge of border security, the Border Patrol and the ranchers who live along the border.

Let me talk about the ranchers first. One of those ranchers, Mr. Krentz, a year ago was murdered on his ranch, apparently by illegals coming into the United States. He was gunned down and killed. The culprits that committed that crime, by the way, have not been brought to justice.

I met with other ranchers in the entire region and just asked them the question: Tell me what it's like to live on the border of the United States and Mexico as a ranch owner. And they went on forever and forever and told me things that I was just really somewhat surprised about, how they feel like the border is wide open, that people cross across their ranches.

People come in, they destroy their property, they destroy their water lines. All of this costs money to the ranchers and, of course, they have to be the ones that pick up the bill for the destruction on their property.

□ 1440

And they don't feel safe about the people that cross into the United States across their land. They feel like the Federal Government has really not protected them and their rights and seems to neglect them, even though the Border Patrol, who I also met with, I believe, is doing as good a job as they possibly can do. I want to make that clear. The Border Patrol is doing as good a job as they can do, as we will let them do as a nation. And they are trying to protect the border the best that they possibly can.

And so I talked to both groups. But in reality, the people who live there are very concerned about their own safety and the consequences they have to pay for people illegally coming into the United States.

I heard something that was kind of surprising to me. When illegals, not all, but when some come into the United States and they are captured by Border Patrol, some of them ask the question, are they in the 9th court or the 10th court? And I said, what are they talking about, the 9th court or the 10th court? Well, what they're talking about is the 9th Circuit Court of Appeals or the 10th Circuit Court of Appeals. You see, the Ninth Circuit Court of Appeals, that is a Federal appellate court, has jurisdiction that includes Arizona but goes up to the New Mexico border.

And so when illegals cross into the United States near New Mexico or Arizona, some of them ask the question, am I in the 9th court, which would be in Arizona, or the 10th Circuit Court, of which the jurisdiction is New Mexico? And the reason for that, in my opinion, those two courts have different reputations about enforcing the rule of law on the border. And, of course, those that cross into the United States hope if they are caught the 9th Circuit Court of Appeals would eventually have jurisdiction over their case when in their perception it's a much more friendly court to folks who cross in illegally than the 10th Circuit. So I thought that was somewhat interesting.

They are also given, when they come into the United States, if captured, their property. Some of them, you will find a whole list of things and places they can go, the churches that give them sanctuary, places that they can go for medical help. And they are given, in a very organized way, what they can do when they come into the United States. That is provided in some cases by the coyotes that make money off those immigrants who come into the United States, because immigrants have to pay the coyote money. And sometimes the coyotes and the drug cartels all work together because, you see, drugs and people are going north, and money and guns are going south because, you see, Mexico doesn't protect its border any better than the United States does.

But in any event, while I was down there in the corner of Arizona, I learned firsthand about the seriousness to the ranchers, the people who live on the land, their concerns about the fact that they believe that the border is not secure. In reality, they have to worry about their own safety on a daily basis.

After visiting a corner of the southeastern corner of Arizona, we moved and traveled across Interstate 10 to Interstate 8 over here to San Luis, Arizona. So that travels, goes up to San Luis across Interstate 10, Interstate 10 turns into Interstate 8, comes all the way across Arizona into California, goes into Yuma, Arizona, and I went down here into the southwestern corner of the State of New Mexico to also see what that border was like.

Now, coming across Interstate 8, right here, Interstate 8, we pulled off the side of the road to the Sonora National Reserve, and that is a national reserve that the Federal Government controls, because I wanted to see the Sonora National Reserve.

Interestingly enough, you get about a quarter of a mile, almost a half-mile off of Interstate 8 right up here by the Sonora Desert, and you come across this sign. This sign is facing toward Mexico. So Interstate 8 would be to this direction, and Mexico would be behind the sign. How far behind the sign? It's 80 miles to the Mexican border. And here is a big sign that says, ''Traveling Caution: Smuggling and Illegal Immigration May Be Encountered in This Area.''

So, it seems to me that the Federal Government's answer to border security is to warn people that it is a smuggling and illegal immigration area. Once again, this sign is not on the border. This sign is 80 miles this side of the border. So, what is the government saying? Are they just ceding that entire portion of Arizona to the drug cartels, saying it's a smuggling area and that you need to take care of yourself because we can't protect you? I don't know. But I was somewhat surprised to see that our Federal Government's answer to border security was to erect this sign and other signs that are similar to it. I don't believe, of course, that's the answer to border security. You wouldn't need these signs if the border were secure in reality, not in just political statements that seem to be made by different individuals.

The Texas Department of Public Safety has issued some statistics regarding cross-border crime. I have already mentioned about how the 34.5 percent of the people in local county jails on the border are foreign nationals. But just since 2010, January 2010, the Texas Department of Public Safety has identified 22 murders, 24 assaults, 15 shootings and 5 kidnappings, among other crimes, directly related to spillover violence from Mexico.

Now sometimes we hear this comment: Well, the violence in Mexico isn't coming to the United States. The question is, is the crime from Mexico coming into the United States? We have already shown that that is occurring because 34 percent of the people in those local jails are committing crimes, and they're foreign nationals. But also the violence is coming into the United States because of the statistics that I just gave you.

And now we learn of another phenomenon that is taking place. You don't hear much about it because the victims of these crimes don't say much about it. People who live in border towns, the populous border towns in the United States, periodically would get somebody who would come to their front door, or they would get an email or a text from someone who says, we know your cousin who lives in Mexico, and unless you pay us so much protection money, your cousin in Mexico is going to disappear, something to that effect. So we hear reports of that, extortion on the American side of the border. This is primarily among Hispanic Americans.

And what do they do? Well, they may or may not report it. What they, I think, generally do is pay the extortion because they want their relative in Mexico on the other side of the border to be safe. So we have that extortion racket taking place. If the border were secure, that certainly would not have occurred. So it concerns me that we have that crime on the American side.

Going back to the southern border of Arizona, I was asking the Border Patrol, which was very gracious and explained a lot of their operations to me, how do they bring drugs into the United States? And they said every way they can bring them into the United States. One of the ways that they are using now is the concept of ultralights. An ultralight, for lack of a better description, is a kite that has a motor on it. One person can fly that at very low altitude, and they bring in 200 or 300 pounds of drugs into the United States. They never land the ultralight into the U.S.; they just fly across from Mexico into Arizona and they drop their load, 200, 300 pounds of drugs, and then they fly back to Mexico. Then there is someone at a rendezvous point who picks up those drugs.

□ 1450

I say that because the drug cartels are using every means necessary to exploit the open borders and do everything they can to make sure that they bring in those drugs. And they will continue to do so.

The Border Patrol is the agency that we have to protect the border of the United States. Like I said, I think they are doing as good a job as we will let them do. But primarily the Border Patrol patrols the border up to 25–35 miles inside the United States. That is their duty. That is their jurisdiction, the place that they are supposed to protect the U.S. Past that 35 miles or so, they don't patrol that. That is somebody else's responsibility.

Now, of course the bad guys know that is the duty of the Border Patrol, to patrol that section of the border. So when people are smuggled into the United States, when drugs are smuggled into the United States, the goal is to get past the Border Patrol demarcation line because once you do that, you are pretty much, in my opinion, home free to get into the United States with people or drugs. So that is the area of their primary concern, and it is certainly the area of the jurisdiction that they are trying to patrol the best they can.

I have asked the Border Patrol: Tell me how you do this. And I think they use as many different means as they can to patrol the border. They will have vehicles go up and down the border. They will have Border Patrol agents behind the border. They will have some use of the National Guard behind the border with the use of electronic equipment to view what takes place on the border. So they use the equipment that they can. But they obviously don't have enough Border Patrol agents to be directly on the border. So they have some on the border and some behind the border monitoring the activity of the people coming into the United States. And then they try to catch those that they can.

When I was visiting with one of the Border Patrol agents, this is a photograph of one of their vehicles. It is a typical Border Patrol vehicle that patrols near the border of the United States and Mexico. Now, Mr. Speaker, you notice that this vehicle has steel mesh on the windshield and on the side windows. It has steel mesh even above the lights, the red lights on top. So I asked the Border Patrol agent that drives this vehicle: Explain to me the steel enclosure you have on your vehicle.

He said here is what happens: we will drive close to the border. As we drive close to the border, there are people on the other side of the border who, when they see us, start throwing rocks at us. They throw them over the fence. If we don't have this protection—and they are not little bitty pebbles, these are rocks—they throw them over the fence and break the windshield. The Border Patrol agents are injured.

They do that for various reasons. One of those reasons is a diversion. They will try to divert the attention of a Border Patrol agent at one location so that other folks illegally can sneak into the United States.

Now, we don't hear much about assaults on Border Patrol agents unless somebody is murdered, which has occurred. But in the last couple of years, assaults on Border Patrol agents by people illegally coming into the United States is about 1,000 a year. A thousand assaults on Border Patrol agents a year in the last couple of years; and they are by every means necessary, including the rock throwers who try to injure Border Patrol agents.

So you can see the relentlessness of some people who want to come into the United States. They violate the law, of course, by coming here illegally. And they will continue to violate the law and take on our Border Patrol agents, even by assaulting them, so they can sneak into the United States.

So it seems to me, Mr. Speaker, maybe we need to refocus on the primary mission of the Federal Government and its responsibility. The Federal Government does have the responsibility under the Constitution to protect the American people, and the United States Government should do that.

Now, the United States protects the borders of other nations. We protect the border of Afghanistan with Pakistan. We are protecting the Korean border between the two Koreas. We protect the borders of other nations, and we use our military to do it. Why don't we have the same resolve to protect the American border, both borders, the southern border and the northern border? Because, in my opinion, we don't have the moral will to do so. We should make sure that we understand that people, and other people should understand, you don't come to the United States without permission. It is the rule of law: you don't come to the United States without permission.

Now, we have to solve that immigration issue. That is a different issue, but you can't solve that issue until you solve the issue of people illegally coming into the United States. You know, we are getting everybody. We are getting the good, the bad, and the ugly. And right now, we're getting a lot of bad and ugly crossing into the United States. So the rule of law must be enforced by the Federal Government. That is their duty.

Now, many of us do not believe the Federal Government has secured the border. Obviously, people in Arizona feel that way because they have passed legislation to try to protect their own State using State law enforcement. Of course, the Federal Government's answer to that was rather than help Arizona, sue Arizona. Take them to court. You know, it's kind of like this sign. Their answer to border security is erect a few signs and sue States that try to protect themselves. Why don't we deal in reality and make sure that the border is secure and make sure that it is an area that is safe on both sides. By securing our side, we can protect the Mexican side as well. Of course, we need to work with the Mexican Government to do so. They are our neighbors to the south.

While the United States now has decided to go into Libya and spend $100 million or $200 million a week, I don't know, by bombing that country, maybe we should come back home and focus on national security in the United States and spend that money on border security and securing the United States at the border because it is not secure in spite of what the Secretary of Homeland Security has said.

Border Patrol, it seems to me, should have the mission to secure the border. I will say again, they are doing as good a job as we will let them do, but they cannot stop people from coming into the United States, although they are trying to. When they had those vehicles going up and down in front of the border, that keeps people from coming across. We have fences in some appropriate areas. We don't have fences everywhere, but we have some fencing.

Also, the Border Patrol knows they cannot stop people from crossing so they try to catch them if you can. That is the phrase that I think is our policy: catch them if you can. In other words, they cross into the United States. We see them, we try to catch them, but once we catch them, they become our problem. And then we have to send them through the entire legal process, as we should, but they are our problem. They become our medical problem. They become our prison problem if they go to prison if they have committed a felony. Then we have to deal with them, and we have to try to get them back to the country they belong to, in spite of those countries that refuse to take back criminal aliens. So it is catch them if you can.

Why don't we rethink that and prevent people from crossing into the United States? If our policy was border security not behind the border security, but have security on the border, then people coming up to the border can't get across. Why, because there are more boots on the ground. And I think we should use whatever we have available.

We certainly should use the Border Patrol, but also maybe we should use the National Guard. We have a few National Guard troops that are down on the border, although they are being relieved; and their primary purpose is not to be on the border, but behind the border looking at cameras watching folks cross.

Now, that is great to watch people cross; but when they cross and they come into the United States, once again they become our problem once they have crossed. And we catch them if you can, and send them back home if we can.

So it would seem to me to be a better use of the National Guard to put them on the border. I have introduced legislation to put 10,000 National Guard troops on the 1,957-mile border between the United States and Mexico, and put them on the border to not allow people to cross into the United States.

It is the Federal Government's responsibility of national security to protect the people, so the Federal Government should pay for that and get the money out of the Department of Defense or somewhere, re-appropriate money to have the National Guard paid for, but put them under the supervision of the four State Governors so that the Governors can control their own border and protect them from entering the United States unlawfully no matter who it is.

I do not believe that we can say our border is secure when the Government Accountability Office, by their own statistics, say that only 15 percent of the border is airtight. That doesn't seem like a winning percentage to me. And when they say under the best circumstances, 44 percent partially secure. What does that mean? Well, it is sort of secure, but sort of not. But when you have 56 percent of the border is wide open spaces for anybody that wants to come back and forth, that is not protecting the dignity and the sovereignty of the United States.

So it is long past time we quit talking about border security and actually secure the border from people coming into the United States without permission. Everyone. And to say that the crime doesn't occur in the United States, well, it does. Not just to mention the border county jails that I mentioned, the 27 percent that are in Federal penitentiaries that are foreign nationals that are illegally in the United States, but all of the drugs that are sold throughout the United States, those are all criminal gangs, primarily, that are working with the drug cartels in Mexico and Colombia selling those drugs.

□ 1500

So the crime affects the United States. The insecurity of the border is something that all of us pay for. We pay for it in every way possible. Whether it's with health care, whether it's with education, we pay for it in the criminal justice system. Americans pay and legal immigrants pay.

The United States has the greatest, the most liberal immigration policy in the world. We let more people into our country legally every year than does any other country on its own. So we have to fix that immigration issue, but we have to secure the border first because, when all is said and done, so far more has been said and less has been done.

I urge my fellow Members of the House of Representatives that we come back home, that we come back to the United States, that we think about the security or insecurity of our borders,

and that we make sure that the Federal Government under the Constitution fulfills its first obligation—to protect Americans.

And that's just the way it is.

A VOICE NO LONGER—SURRENDERING THE ROLES AND RIGHTS OF CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New Mexico (Mr. PEARCE) is recognized for 30 minutes.

Mr. PEARCE. Thank you, Mr. Speaker.

I rise today to address the House on issues that all of us may not be paying attention to but that all of us should feel are extraordinarily important. We have at this time in our Nation's history eased into constitutional concerns for our future. Those constitutional concerns arise in many different areas.

For instance, you might not be aware of it, but there is a policy to establish different things which Congress is supposed to establish. Yet, right now, agencies are taking over those responsibilities, agencies that are taking away the roles and the rights of this Congress. What that means to our citizens who vote is that they will not have a voice any longer in the policies of the United States. If they don't have access to unelected bureaucrats, they are not able to effect policy that comes from agencies because they can't elect or unelect those people. In the House of Representatives and the Senate, we are surrendering that capability to pass legislation.

A good example is that the Forest Service is closing roads in forests across the country. They are declaring these roadless rules that put off limits much of our Nation's forests. If you were to Google the words ''forest'' and ''roadless,'' you would find that all of the articles deal with killing and doing away with timber jobs. The people who are in the agencies have adopted an extreme point of view regarding jobs in this country. They do not want any timber to be harvested, so they declare what sounds to be a friendly policy of roadless rules, but the offshoot is that we have no timber industry. In New Mexico alone, which I represent, we used to have 20,000 jobs in the timber industry, and today we have zero.

As we look at the problems of this Nation, we have to understand that the great pressure economically that we face is that our revenues to the government have diminished. That's because people are out of work. They're no longer receiving income and wages, and they're not paying taxes on those. So we're now at a deficit in our government where we're spending more than we bring in. Simultaneously, we're killing jobs in the forests.

You could say, Well, we like the wilderness. We like roadless rules. Our government has a process by which this body and the Senate are supposed to declare the wilderness areas. Now, instead, the head of the Forest Service can actually just declare that those areas are going to be roadless. They are then made into de facto wildernesses, which shut down jobs. Even more, they shut down near access.

Recently, the Forest Service decided they would simply declare 95 percent of the Gila National Forest off limits because they're closing the roads. If you aren't able to backpack in 35 miles, then you probably will never see parts of this forest. When the law was passed, the forests were created for ''our enjoyment''—those are the words—and then it was also to use the resources in the forests. So with an agency that is allowed now to establish these rules without congressional oversight, you would say, Aha, that's a constitutional thing that we should be a little bit concerned about.

Simultaneous with that particular endeavor, there has then come along the wildlands. That's a policy just recently announced by Secretary Salazar. Secretary Salazar has created the wildlands policy that allows him to create a de facto wilderness in BLM lands. BLM lands are a source of great production of oil and gas. So for our voters, for the constituents, for the citizens of this country, they are seeing their gas prices now climb to $4, and we are limiting access to lands where that price could be diminished and lowered. We have an agency that is killing the jobs and putting off limits the drilling for oil and gas on American soil.

I saw the President of the United States just recently travel to Brazil and encourage the oil and gas company there that is creating offshore jobs. While he is encouraging the leaders of Brazil to develop their offshore production, he is killing offshore production here. There is a disconnect that is causing great problems in our country. Those great problems in the country are basically this:

Our Nation is faced with a $3.5 trillion budget, and we are bringing in $2.2 trillion. Now, you cannot live that way in your home. You cannot live with this kind of disparity in your home budget, and neither can the Federal Government. It doesn't work. It's not going to work. We are having to borrow the money. When we run a deficit—and you can do the math here—of 3.5 trillion spending and 2.2 revenue, and those are taxes paid by citizens and by corporations—that gives us a deficit of $1.3 trillion. As that deficit then is accumulated and as it goes into our debt barrel, we owe $15 trillion worth of debt. That's the black barrel you can see there.

Since our Nation's inception, since George Washington, we've accumulated $15 trillion in debt. You can see the green sludge running over the barrel because we have actually more debt than we're willing to count in Washington, so we absolutely just quit counting at $15 trillion. Social Security, Medicare and Medicaid are the green sludge that has poured over the sludge of the barrel. We don't declare it as debt anymore. We are going to pay it; we owe it; we've made promises about it, so we just don't talk about it. It's so uncomfortable and it's so large. That's $202 trillion we owe. We call that now the ''fiscal gap.'' That's the difference between what we're bringing in and what we owe, $202 trillion. That's 100 years' worth of revenue. That's 100 years to pay off what we have made promises for.

The U.S. Government is making promises for things that it cannot do. It is paying out money that it does not have, and it's doing it all on credit. The credit, itself, would be alarming enough except now there is a small wrinkle that's developing here. If you were running this sort of deficit and debt in your home, your banker would come to you and knock on the door and say, We need to visit. This is not sustainable. It's not workable.

Our banker is called China and Japan. They buy Treasury bills. Those Treasury bills are the way that our government borrows money to fund this deficit. As you have seen with the recent problems in Japan, Japan will not be buying Treasury bills from us anytime in the near future.

Also, China twice in the last year has knocked on the door and said, We really are alarmed at what you're doing here. We're alarmed at this situation. We're alarmed that you're taking on more debt than you can pay out ever—ever—and we're afraid that your currency is not going to sustain itself. So when the Premier of China recently visited the White House about 3 weeks ago, you might have heard him say—maybe you missed it—that they're concerned about the currency. Since they're concerned about the currency, they do what your banker would do to you. They simply say, We're not going to lend you any more money. We're not going to do this anymore.

□ 1510

Now, then, we're in real trouble. But our government again, working outside the Constitution, is printing money to make up the difference for what we can't borrow overseas. So the Federal Reserve is in the process of buying the debt for the U.S. We here in Washington give the Federal Reserve money, and then they turn around and they lend the money back on this hand. Now, that would be cool if you could do it for long, and we all dream of the situation where we have an unlimited supply of money coming to us where we can lend it here and borrow it here, and that is what we are doing to ourselves.

This entire sequence, then, is made complete if you look at the chart in the upper right-hand corner, and we see that the whole game fails. Just as the Soviet Union collapsed economically, President Reagan viewed that if he could cause them to spend more than they brought in, he could collapse their

economy. President Reagan assisted and helped, with the rest of the world, in the collapsing of the Soviet economy and the ultimate collapse of that entire country, the breakup of the Soviet Union.

And so now, then, we are doing it to ourselves. We are making those promises that we cannot keep. We're killing jobs that should not be killed on behalf of roadless rules and on wilderness, and we are accomplishing the funding of a government by the Federal Reserve which has basically no oversight by Congress. So you, as citizens and taxpayers, contemplate what that means for you.

When the government prints money, it begins to devalue the currency that you have in your pocket. If you have $100 in your pocket and the government prints $2.6 trillion, let's say, then the money in your pocket becomes worthless. That is: We have not created any more wealth in the country; all we created is more paper money. It's like in the Monopoly games when you suddenly start getting more and more properties, you know that is Monopoly. Well, this has become Monopoly money that our government is doing here.

You will notice, if you're watching, that the price of food is going up both in this Nation and worldwide. In fact, many of the disruptions in other countries—Egypt, Libya, other countries in Africa—those disruptions were caused by the shortages of food, and people were suddenly finding that the cost of food was outside their reach. All of us are going to demonstrate in the streets when we are not able to feed our kids, and that's what is happening there. The price of food is escalating because they're doing the same thing. They're living on borrowed money. They're living on money that no longer is available, and so they begin to print it. You're seeing the price of gasoline rise to $4 a gallon. It's not because gasoline is worth more to you today than yesterday. It's that the dollars in your pocket are worth less.

Vegetables to you have no greater value today than yesterday. It's that the dollars in your pocket have less value, so it takes more of them to buy the food. The price of gold and silver are going up, skyrocketing. That's not because silver is used for any more manufacturing today than last week or the week before. It's because the dollars in your pocket have become worth less because we're doing this, because we're spending almost twice what we make, because we have a deficit each year of over $1 trillion. It's going into an accumulated debt that we owe long term, and to solve the problem our government is printing money.

Now, you could object to it, but you can't object to anyone that listens, which takes us right back to the Constitution. The Constitution is very clear on who should create the money and the value of money. The Congress ceded that authority away, and when it ceded that authority away, they gave away the responsibility, then we have no control over it. There is no process by which I can ask Mr. Bernanke, Please, don't keep buying this debt.

This is taking away savings accounts for our seniors. This is taking away the ability for families to make ends meet. This printing of money is sustaining a problem that is not sustainable, and it's making believe that we can make it work and just passing the buck down the road one more week, one more month, one more year.

The real sadness is that if we begin to do the things that are within our reach, if we simply begin to allow the cutting of timber—and I do not diminish the need to protect our environment one bit. I don't think we should clear-cut. I don't think that the spotted owl should be allowed to go extinct, but I do believe that we should create jobs and simultaneously protect our environment and simultaneously protect the species.

It's a false choice that we've been given the last 30 or 40 years that says you've got to give up the jobs in order to protect the species. That's management of our entire country for a single species. I think that's a mistake. That mistake is playing out here as we export jobs overseas that traditionally would have been here in this country. Oil and gas production is one. Timber production is another. If you read the quote above me, Daniel Webster, on the wall above us said, ''Let us develop the resources of our land.'' That's a quote that is here on the wall of this House. They are visualizing, in an earlier period in our history, that our great resources are there to be developed, and that's what will make us jobs. That's what will make us be able to have homes, be able to move into new forms of transportation.

Whatever this country has done has been available because we had jobs and we had economic status in the country. And yet some believe that that economy should be diminished and given away around the world. I don't believe that we should average our standard of living down to the rest of the world. I believe that we should average the rest of the world's standard of living up toward ours.

But if we were simply to create jobs, then a magic thing happens—it's not magic at all. But every person that comes off of unemployment does not receive these government checks; instead, they're down here making a wage and paying taxes. So every time we hire one more person incrementally, we decrease the amount that our government is spending, and we increase the amount that our government is taking in. So employment, the creation of jobs, is not sort of a random possibility for us. It is an absolute necessity if we're to avoid this breakup of our economy that's projected down the road because of the way that we're living now.

The Constitution is the agreement between the people and the government. Our Founding Fathers came from Europe where they were living under monarchies. Our Founding Fathers came from Europe where they had seen the excesses. They had seen the monarchies rule every single aspect of their lives. When they got to this country, they were fearful of a government that was too strong, so they visualized this contract called our Constitution between the people and the government. The purpose of that contract was to keep the government in check, to keep the government's powers limited and small and to increase the powers of the individual that gave us the liberties that we have so well trumpeted and used as a guiding light for the rest of the world.

Liberty and freedom are the great assets of this country. It's not our wealth. It's not the houses that we live in. It's the ability to choose for ourselves. That is what our Founding Fathers wanted to protect in this contract called the Constitution, and that is what right now in Washington agencies are walking past that Constitution as if it has no meaning. When it has no meaning, the individual, the voter, the person who just goes to work every day begins to have less and less rights and the government begins to take more and more rights away from them.

We see an alarming case in the issue of Libya. Now, I don't support Colonel Qadhafi at all in his reign, in his service, but I do wonder about a nation that will step aside from the rule of law and take the fight to Libya.

We have, in this country, an act called the War Powers Act, which describes circumstances that say there are issues when a President might be able to want to commit troops. But our Constitution doesn't quite give him the right without congressional approval, but we're going to allow it in certain instances and then he can come back to Congress for approval.

Just last week, we heard the administration, Secretary Clinton came and addressed Members of this body, and Secretary Clinton said that they had fully complied with the War Powers Act. Now, that's untrue because there are three very definite requirements for the War Powers Act, and we're not facing any of those. There were no U.S. soldiers that were attacked.

The President said, with all respect, that this country is different. Well, this country is different because we have a rule of law and we have a Constitution, and we abide by it and we transport freedom. And when we begin to walk away from that freedom, then we walk away from the essence of the country.

So he committed troops from the U.S. into actions in Libya with no clear and apparent reason, with no constitutional basis for doing it, and even the rule of law was simply ignored.

□ 1520

If they were using the War Powers agreement, which Secretary Clinton

said that they were, in order to justify this action, then the War Powers Act actually says that they should come to Congress within 60 to 90 days, 60 days under one circumstance, but we could extend it for another 30. She said they have no intention of coming for a 60-day authority, that they are well within their rights to accomplish the actions.

So by itself, it would be alarming, but when you put it into context of agencies who are willing to create de facto wilderness and the roadless rules of our forests, the agencies that are willing to say we are going to create wildlands, that is de facto wilderness, without congressional approval in the BLM, and now we're going to go to war without complying with the Constitution or with the laws that are on the books of the land, now then that should be an alarming trend no matter which party you're in. Now, then, this is about America and that essential agreement between the people and the government called the Constitution.

The rule of law is what differentiates this country from other countries. The rule of law is what protects the rights of citizens. The rule of law is the essence of what made this Nation great because the government can not come in and take private property from individual citizens. They can't just go out on their own and begin to make rules. And yet that's what we're finding is happening at an alarming trend right now.

The downside to all of that is economic. You can say, Well, I'm not much interested in all of that constitutional stuff and the Founding Fathers. That might be possible. But you cannot ignore what is going on in the personal lives of individuals right now struggling with the economic situation that is cast on them by decades of spending in Washington that is beyond our ability to sustain.

If we're to look at this debt, this $15 trillion in the barrel, it's instructive for us to consider how that debt originated. You could take the time from George Washington up to President Bush and we accumulated, you can say that we basically accrued about a $5 trillion debt in that whole period of time from George Washington up until President Bush, II was sworn in.

President Bush, II, with the war in Afghanistan and Iraq and Katrina and those problems, ran up about $5 trillion in his time in office. So almost the equivalent in 8 years to what we had done from the founding of the country. But then in the 2½ years since President Obama came in, we've now bumped it up almost another $5 trillion.

So we see that this filling of the debt barrel is now accumulating at a much more rapid pace, which simply means that our economy is going to fail at a period closer to us, not one further away from us.

And all the while, Americans are saying, How does the Constitution affect this? The Constitution affects that because we're seeing different industries simply sent to other countries because it's too hard to do business in this country anymore. We make it against the law. We make the regulations too high. We make the circumstances too difficult. People would say, Now, in what ways do we make the circumstances too difficult?

One way that we should be creating jobs right now would be the medical field. Baby boomers are moving to retirement. Retirement is a very expensive age in anyone's life. And retirees are very expensive for governments to attend to. So baby boomers are moving to that area very quickly. They should be demanding tremendous amounts of medical service. And yet we find that those jobs that should be created in the medical field are frozen in place, unable to move forward because of uncertainty. And so rational people would say, What uncertainty?

That then leads us to another chart that shows the ability of government to make life more complex.

This is the medical system now since the passage of ObamaCare, since the passage of that 2,200-page bill. It created new agencies, new institutions. You can consider yourself at one end of the chart and your physician at the other end. And you have to make your way through and touch the appropriate agencies before you get to see your doctor.

Now, this is the reason this chart would cause anyone to sink back in horror and say, That's not what I wanted. I just wanted a checkup to see if I'm okay with my local doctor. It is this chart that has been creating uncertainty in the minds of the health care field, and they're saying, We're not sure how this chart affects us so we're simply not going to get into that new line of work. We're not going to expand and put money into research to create those jobs in the medical field because we have to go through so many pieces of this equation, and we are just going to let itself sort itself out. This is always the problem with government. Government will build in processes that just simply can't be overcome.

And so this country, which has been the source of so many good medical inventions and medical jobs, this country that has been outsourced now is being burdened down with regulatory agencies that simply say we're going to impose this in your life, and companies are saying okay, we're just going to wait it out.

Other companies are saying we're going to have to lay off other people. We've got 9½ percent unemployment—8 percent, whatever it is today. We've got unemployment, we need people to work, we're running at a deficit because we're spending more than we're bringing in. The last thing we need to do is put more people on welfare and unemployment and put them out of a job. And yet people in New Mexico, I'm hearing employers say, ''Well, we've got to cut employees to get down below the caps required in this bill.'' So people are voluntarily terminating employees in order to comply with some aspect of this bill that says if you have more than this, then you have to jump through different hoops.

So we, in many ways, our government, again, is creating the distress. It is man-created distress. It's government-created distress that is causing this 3.5 and 2.2.

This is the root of the problems that we face economically.

As our government is then spending more than it brings in, as it kills jobs so that we are bringing in even less and driving more people to unemployment and to welfare, the disparity grows greater, the government has to print more money, the money in your pocket becomes worth less, the uncertainty in the Nation increases, and uncertainty again causes business owners to say, ''I don't believe I'll create jobs right now. I'm afraid they're going to go up on my taxes to try to make this balance.

When the government creates that mood on the part of employers, then they simply stop the creation of jobs, and that's what we're finding going on.

You would say, ''Well, uncertainty is not really that big of a deal for a company.'' And I would simply ask you, do you put money in the stock market when you aren't pretty certain you're going to get a return? If you think it is just a roll of the dice to put your savings into the stock market, you would do that very hesitatingly. Well, companies are doing the same thing. They don't want to pour money into a venture and then have something regulated to end on them, to have the taxes go up, to have it made to where they can't get their money back. So companies are making the same decision that you would make personally.

Now, recently the President complained about 6 weeks ago about companies hoarding cash. He said it as an accusation. It is a true thing that companies have tremendous amounts of cash right now, but they're afraid because of the regulatory environment, they're afraid because of the prospect of taxes, they're afraid because of the prospect of new regulations to put money into industries. And so therefore jobs are being frozen again by the actions of our government.

Two things would cause this situation to begin to balance.

□ 1530

Number one is not raising the taxes, but lowering the taxes. There is a truism that says when you increase taxes you kill jobs, and when you decrease taxes you create jobs. So it is counterintuitive that if we want to increase the 2.2 and lower the 3.5, then we need to lower taxes to where there is more certainty that the people can say, ah, I will invest in that. I am pretty sure I have got enough money for next year's tax bill. I'm sure that I have got

enough money in the bank to pay for this new equipment to hire a new person. On the other side, then, the regulations have to match also.

A friend of mine in Artesia, New Mexico, Bill Sweatt, recently said to a group that was asking what does it take to create a job; there is all this speculation in Washington what does it take to create a job if we want to increase the 2.2. Mr. Sweatt says, I will tell you what it takes to create a job. He has a company that runs bulldozers. He said it takes $340,000 for me to create a job. That's what new bulldozers cost. He said, by the way, I have to have a pickup truck because they just frown on me driving the bulldozer down through the main streets of Artesia to get to the location, so I actually have to leave it out there on a truck and drive a pickup through town. So he said, basically $400,000, I can put a new employee on.

As we tax away money from businesses, it takes longer to accumulate the $340,000. It takes longer for jobs to be created when we tax that money away. So our tax policy will cause Mr. Sweatt not to hire a new worker as soon as he would otherwise. That causes our economy to be stagnant. That's happening to businesses across the country.

But then the bigger thing is if the government passes, say, a new regulatory framework that is similar to this, the regulatory framework again alarms him, and he says, I can't make my way through that government regulation. I believe I am just not going to do it. Those two aspects are creating the great imbalance here between jobs and between our economy. Those can be balanced and should be for the sake of our future.

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

MESSAGE FROM THE SENATE

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

H.R. 4. An act to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes.

STOP INTRUDING IN D.C. LOCAL AFFAIRS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 30 minutes.

Ms. NORTON. Mr. Speaker, I have come to the floor because in a very real sense I feel surrounded. Mr. Speaker, I was sent to Congress, like every other Member, to attend to the business of the Nation. But in fact, I have been surrounded. I have been surrounded by the new House majority that has decided to spend huge amounts of time, in the most autocratic fashion, trying to deprive the District of Columbia of its self-governing rights.

Mr. Speaker, Congress delegated home rule to the District of Columbia in 1973. Before that time, the District of Columbia had no mayor, city council, was ruled by the federal government without any democracy. That was mostly the work of Southern Democrats, whose reasons were, among others, but most definitely, racial. What is happening today is not the work of Southern Democrats. It is the work of the new Republican majority.

I am pulled off the Nation's business day after day after day because of yet another zinger from Republicans to intrude into the local affairs and local spending of the District of Columbia. I had to call the administration and Majority Leader REID today, cautioning them that the District must not be used as a bargaining chip in the present battle over Federal spending underway here.

The latest intrusion is hard to bear. The District has decided to spend its local funds, among other things, on abortions for poor women. Dozens upon dozens of jurisdictions do that. No Federal funds. Funds raised by the taxpayers of the District of Columbia. What does that have to do with the Federal budget? What does that have to do with overspending or a deficit here? That has to do with somebody's, some majority's, ideological obsession with placing their autocratic desires on a jurisdiction that did not elect them, cannot put them out. It's the very definition of an autocracy.

So they pick on the jurisdiction that has no Senators and throw us into the pot because the far right social conservatives here want something in this CR. So give them the District of Columbia. You can't have us. Who do you think you are? The residents of the District of Columbia are free and equal citizens. We will not be traded off like we were slaves or a colony that can be thrown in by those who don't care. We care.

So whether it is the other body, or this body, or for that matter the President of the United States, get your hands off the local funds of the District of Columbia. You didn't raise a penny of it. We will spend it the way we please. And especially in this battle, which has to do with your deficit spending.

D.C. has a budget that is balanced. Why should that budget be over here in the first place? Our budget was approved last year. It came here and was approved by the House and the Senate before the lame duck. Yet last year's D.C. budget is still here, and we are now sitting on the possibility that when the Federal Government, which now looks like it's stupid enough to close down because the Republicans won't take the best deal anybody has had in the history of this body for what they wanted, that may shut down. And the American people will be shocked to know that would mean that the local government of the District of Columbia, which is not in this fight, will be shut down too.

This has gone much too far. It's one thing to start the session with your first act being to strip the District of Columbia of its vote in the Committee of the Whole, although two courts have said that that vote is constitutional.

□ 1540

Then to move on to intrusion after intrusion, reinsert riders that we just got out, riders that have nothing to do with any Member of this body except me, who represents the citizens of the District of Columbia, a rider that would increase HIV/AIDS in D.C., the District of Columbia, by keeping the city from using its own funds to fund needle exchange.

Again, dozens upon dozens of jurisdictions have driven down their AIDS rate this way. We have the highest AIDS rate in the United States only because the Congress of the United States has killed—I use these words advisedly—killed men, women and children in the District of Columbia by keeping the District for 10 years from using needle exchange, so that AIDS spread throughout the city.

So we have a higher AIDS rate than Baltimore—poorer city—than New York, than Detroit, than Los Angeles because of the wishes of the Congress of the United States which is responsive to nobody in the District of Columbia.

They move to abortion. And if it wasn't enough to keep us from using our own local funds in this budget, as they still hope to do, they have put us in H.R. 3. H.R. 3 is a bill, and instead of a rider which lasts 1 year, they would permanently keep the District from spending its own funds on abortions for women. This is the majority that does not even want the Federal Government in Federal matters. What in the world are they doing in the matters of the local jurisdiction?

What kind of tea party Republicans are these who have just added to the deficit by voting $300 million for private schools in the District of Columbia, adding to the deficit and not paying for it? How do you explain that back home? We didn't ask for these vouchers. Nobody even consulted with public officials in the District of Columbia before they put that voucher bill on the floor last week. That's the kind of contempt this majority has for the residents of the District of Columbia.

We are going to fight back each and every time, and we are going to say to this administration and to the Senate: Don't give in. Don't give us away because they want a chit and they have decided that chit is the District of Columbia.

I went to the Rules Committee from the very beginning when a shutdown looked like it was going to occur. I said, look, this is our money. We are

not in this fight. We all agree on that. This is about Federal spending, the Federal deficit, not a deficit from the District of Columbia. Let us have a provision here that says the District can spend its own local money for the rest of the year. I don't think that there is a single American citizen that would have said that we shouldn't be able to spend our own local money for the rest of this year. The Rules Committee turned a deaf ear.

And so we have had a threat of shutdown after shutdown. And the only reason the District of Columbia is open is because the Federal Government hasn't shut down. Now it looks like these people are going to shut it down anyway because the tea party Republicans have tied the hands of the Speaker behind his very back and taken him prisoner.

Well, look, don't take us prisoner with him. We don't have anything to do with that fight. Imagine what it would mean to shut down a big city in America, and especially since that big city is the Nation's capital. Imagine what we look like to the world that we even shut down the Nation's capital when the Federal Government was shut down. Don't do it. Don't shut the Federal Government down. Speaker BOEHNER, himself, said that it would cost the government more to shut it down than to keep it open.

But if you do shut it down, for goodness sake, keep the District of Columbia open. That's what Speaker Gingrich did when the Federal Government shut down. He kept the District of Columbia open after the first time—because it shut down several times—because he recognized you can't do that to a big city, a very complex mechanism. You simply can't shut it down and expect that it can keep on moving.

It's a terrible thing to have H.R. 3 on the floor in the first place. That would strip women of a vital portion of their reproductive rights, but it would also go after the insurers to make it almost impossible for a woman to get comprehensive insurance, because the insurer would almost surely have to exclude abortion.

What kind of a place is this? I thought that the new majority came to town on a bandwagon that said let's create jobs. Where is the jobs bill? Why the obsession with a local jurisdiction that has nothing to do with jobs or even with the cutting of spending that you have been so successful in getting?

It's your battle, not ours. To pull us into your battle is tantamount to what bullies do in the schoolyard. Somebody is watching the fight or is passing by, they just get pulled into the fight. We are not even onlookers. We simply are not in it.

It's as if Republicans had a meeting: How many things that we haven't done can we do to the District of Columbia, and how many things that we have done can we do? Well, they have introduced a gun bill. The courts have already found the new gun law the District passed constitutional.

They have introduced a new one that, among other things, would say that you could carry guns in the streets of the Nation's capital and conceal them as well. How would you like 20 million visitors to see people walking around with guns that you can see, and what do you think that means for the many official delegations who frequent the streets of the District of Columbia?

You know, there have been so many things that the Republicans have thought of to do, I need to sit down and consider: Is there anything they haven't thought of to do?

One thing that occurs to me to show you how deep is their contempt for democracy in the District of Columbia, when they put the District of Columbia in their bill that goes after women and insurers nationwide, they tucked us in there, too, to make sure we could never spend local money for abortions for poor women. I mentioned that earlier.

So, of course, as you might imagine, since mine was the only district named in the bill that I would ask to testify—denied. Excuse given? Well, the Democrats already had their witness. I wasn't a witness for the Democrats against the bill.

I asked for common courtesy, the right to be heard on a section of the bill that involved my District. Somebody else needed to speak for the Democrats as the minority witness on the bill itself.

If they look for every attempt, every occasion to deny us democracy, they also look for every occasion to deny the Member who represents this city the rights that I am due simply as a courtesy as a colleague.

□ 1550

Nothing is more precious to Americans than the right to be able to spend their local funds the way they want to. I thought that the new tea party House Republicans would be the first to understand that. Remember what we are talking about. We are talking about local funds of a local jurisdiction.

Time and again, the Republicans use the fact that our budget comes here in order to attach, in the most undemocratic fashion, matters that are their pet projects. Vouchers is an example of a pet project of the Speaker, so that gets priority in coming to the floor. The District is the only jurisdiction that has ever had federally funded private vouchers. There was wholesale resentment and demonstrations against that when it was first put on our city.

Ultimately, we made some compromises. We let the law go 2 years past its expiration date. The Obama administration said anybody who is still in private school can remain until they graduate. You can never compromise enough with the House Republicans.

Now they want it all over again. They want to restart it. I particularly resent the voucher bill because the District of Columbia is one of the only jurisdictions that has allowed public charter schools, separate from our public schools, to flourish. Almost half of our children are educated in these independent, publicly accountable charter schools. You go to the jurisdiction of virtually every Member of this House, you will find that their local school board or their State school authorities have kept charters out and kept them growing. We let them in as a home rule matter, and they flourished.

I have appointed students from the charter schools for service academies. We've got terrific charter schools. We've got a Latin charter school. We've got eight KIPP charter schools. Those are the top of the mark of public schools. I don't know what we can do. We're the last to claim that our public schools are what they should be. In fact, our public schools have improved because of competition from the charter schools. That's the kind of competition you want because the charter schools and the public schools are competing for the same dollar. The private schools are funded out of a separate pot.

Now, a budget resolution comes out today, and it would trade off perhaps the most valuable education program the city has ever had for this voucher program which is unpaid for and should never pass the House. So they want it in next year's bill, and this is how they do it.

They take D.C. TAG, which Congress in the most bipartisan fashion passed because the District of Columbia does not have a State university system where you can go to any one of usually dozens of colleges. So it funds youngsters to go to other States. It has doubled college attendance in the District of Columbia. In order to get a decent job in the District of Columbia, because we are the upscale Nation's Capital, you need some college.

And yet what the budget resolution does is trade off the few for the many. He would make the program means tested. That defeats the whole point. By sending our students to the public colleges of other States, we are trying to replicate what is available as a right in the States regardless of income. So if you are rich or poor, if you live in Maryland, Virginia, Ohio or California, you go to the State university. If it were means tested, of course, it would mean that many, many of the students could not go. After all, they've got to go out of the District of Columbia simply to take advantage of the program in the first place, and it pays only for tuition. They have to pay for their room and board and for their food. If they had to, if it is means tested, then, of course, what you are doing is killing the program.

Somebody had to sit down and think that one up. And they thought it up as a way to pay for vouchers we never asked for, neither I nor any other public official in the District of Columbia was consulted about. We are tired of it.

We are depending on the Senate to be a bulwark against madness because that's what we have here. We see it in

the move to shut down the government. No, they don't want to shut down the government, but they don't have control of their own people. There's no discipline on the other side of the aisle. There's no democracy there. They let a few Members who are the most extreme slice of America decide what their whole caucus will do.

We simply will not be hostages to the new House majority. If you can't get what you want on the floor when you control it, don't put it on the District of Columbia. You should be able, because of your majority, to do what you want to do. We are not the repository for every pet idea that you otherwise dare not put on the House floor. And that is what we have become.

We had hoped that the new majority would focus on the Nation's business, what it said it wanted to do. It has focused on the deficit as the Nation's business, although it's taking food out of the mouths of children in the process. But at least that's a focus on national business.

The average American would ask those who voted to increase the deficit by $300 million last week for private schools in the District of Columbia, why in the world did you do that? Why did you want to give them this? I will tell you why. It was the pet idea of the Speaker, and they don't dare put a national voucher bill on the floor.

The way to do it, you wouldn't have to coerce anybody. You would say, we have vouchers available nationally. Let's have competitive grants. Anyone who wants vouchers can have them. You compete for them. That's how we do things in the Federal Government.

Why didn't they do that? They didn't do that because there's been referendum after referendum in the states, and not one private school voucher referendum has been won by private school voucher proponents. You go home and you tell any American that you are spending Federal money for private schools now, you will get your head handed to you. That's how it was when these referenda ran their course.

Imagine now when the Republicans are cutting billions of dollars from every public school district in the United States, imagine how it looks when they are spending money for private school vouchers on a district that never asked for it and doesn't want it because it's somebody's pet project. Take your pet projects and you know what you can do with them. Do that with them; don't do it here in the District of Columbia.

We ask the majority to stop your obsession with one jurisdiction, the District of Columbia. We ask you if you shut down the Federal Government, for goodness' sake, don't shut down one of America's big cities and a city on which you depend greatly. Many of you live here. Many of the services for the Federal Government are taken care of by the District of Columbia.

□ 1600

This is not something you want to do to the Nation's Capital. It makes us look idiotic to the world at large. For myself, I want to go back to doing the Nation's business. I don't want to be taken off of that business every other day because some Republican or the Republican majority has decided to do something undemocratic to the district I represent.

I put forward an amendment that would get rid of the issue of who gets shut down when the Federal Government gets shut down once and for all. It simply says, look, when the Federal Government shuts down, if the District of Columbia budget is over here and it has gone through the process, the District of Columbia can spend its own local funds. Remember, the budget that comes over here was raised in the District of Columbia and should not be over here in the first place.

I had a budget autonomy bill last session that until the very last moment was going to get through this House and the Senate. It is the very essence of no democracy that somebody's own taxes that they raise in their own local jurisdiction would be subject to somebody else who didn't have anything to do with raising a cent of those taxes. That is what happens to the District of Columbia.

When the District of Columbia's budget comes here, they don't dare change anything in the complicated local budget of the District of Columbia. That is very complicated. You could throw everything out of kilter. So essentially they don't bother with the budget. They spend all of their time seeing what they can attach to the budget, substantive legislation that has no place in an appropriation in the first place and has no place in somebody else's budget above all.

Mr. Speaker, part of the problem may be that some Members either do not know because they are new or have forgotten, either because for 4 years of Democratic control these issues didn't come up, or because they want to forget. I come to the floor this afternoon to assure you I shall not let you forget, we will make sure that in your home districts, they know that you are attending not to the business of that district but to the business of the District of Columbia and that you are doing so in the most undemocratic and autocratic fashion. You who quote the Constitution ought to sit down and think for a moment what the Framers would have done had they seen the Federal Government, which they were afraid of, intervene into the local affairs of any district.

I ask you: hands off, lay off the District of Columbia.

RECESS

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

Accordingly (at 4 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1731

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. REED) at 5 o'clock and 31 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 910, ENERGY TAX PREVENTION ACT OF 2011

Mr. NUGENT, from the Committee on Rules, submitted a privileged report (Rept. No. 112–54) on the resolution (H. Res. 203) providing for consideration of the bill (H.R. 910) to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ADJOURNMENT

Mr. NUGENT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, April 6, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1034. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act-Interagency Uniformity [No. 2007-03] (RIN: 1550-AC08) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1035. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Certification, Compliance, and Enforcement for Consumer Products and Commercial and Industrial Equipment [Docket No.: EERE-2010-BT-CE-0014] (RIN: 1904-AC23) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1036. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Human Reliability Program: Identification of Reviewing Official (RIN: 1992-AZ00) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1037. A letter from the Executive Director, Federal Energy Regulatory Commission, transmitting the Commission's final rule —

Annual Update of Filing Fees [Docket No.: RM 11-5-000] received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1038. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (Appliance Labeling Rule) (RIN: 3084-AB15) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1039. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-136, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1040. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-002, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1041. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-012, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1042. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-006, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1043. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-023, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1044. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-007, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1045. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-118, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1046. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-021, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1047. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-010, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1048. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — Presidential Library Facilities; Correction [NARA-07-0005] (RIN: 3095-AA82) received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1049. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the Board's report entitled ''Making the Right Connections: Targeting the Best Competencies for Training''; to the Committee on Oversight and Government Reform.

1050. A letter from the Chief Administrative Officer, transmitting the semiannual report of receipts and expenditures of appropriations and other funds for the period January 1, 2011 through March 31, 2011, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 112—15); to the Committee on House Administration and ordered to be printed.

1051. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Louisiana Regulatory Program/Abandoned Mine Land Reclamation Plan [SATS No. LA-023-FOR; Docket No. OSM-2010-0005] received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1052. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Kentucky Regulatory Program [KY-252-FOR; OSM-2009-0011] received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1053. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Montana Regulatory Program [SATS No.: MT-031-FOR; Administrative Record No. OSM-2010-0010] received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1054. A letter from the Ombudsman for the Energy Employees, Department of Labor, transmitting the Department's 2010 Annual Report of the Ombudsman for the Energy Employees Occupational Illness Compensation Program, pursuant to 42 U.S.C. 7385s-15(e); to the Committee on the Judiciary.

1055. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Surety Bond Guarantee Program; Disaster and Miscellaneous Amendments (RIN: 3245-AF77) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

1056. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Definition of Readily Tradable On An Established Securities Market [Notice 2011-19] received March 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1057. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2011-22] received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1058. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Field Guidance on the Planning and Examination of Sales-Based Royalty Payments and Sales-Based Vendor Allowances [LB&I-4-0211-002] received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1059. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Certain Amounts Paid in Connection with Insurance Contracts (Rev. Rul. 2011-9) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1060. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — State and Local Location Tax Incentives (I.R.C. Sec. 118 SALT) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1061. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance under Section 1502; Amendment of Matching Rule for Certain Gains on Member Stock [TD: 9515] (RIN: 1545-BH20) received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1062. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Exclusion of Income: Non-Corporate Entities and Contributions to Capital [UIL: 118.01-02] received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1063. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2011-21) received March 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1064. A letter from the Deputy Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Protecting the Public and our Employees in our Hearing Process [Docket No.: SSA-2011-0008] (RIN: 0960-AH29) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. SESSIONS: Committee on Rules. House Resolution 203. Resolution providing for consideration of the bill (H.R. 910) to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes (Rept. 112–54). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHAFFETZ (for himself and Mr. POLIS):

H.R. 1364. A bill to amend the Federal Food, Drug, and Cosmetic Act concerning the distribution of information on legitimate scientific research in connection with foods and dietary supplements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RAHALL:

H.R. 1365. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to provide for use of excess funds available under that Act to provide for certain benefits, and for other purposes; to the Committee on Natural Resources.

By Mr. LIPINSKI (for himself, Mr. MANZULLO, Mr. DINGELL, Mr. SHIMKUS, Mr. MICHAUD, Mr. SCHOCK, Mr. RYAN of Ohio, Mr. DUNCAN of Tennessee, Mr. MURPHY of Connecticut, Mr. JOHNSON of Illinois, Mr.

LARSON of Connecticut, Mr. JONES, Ms. SUTTON, Mr. WOLF, Mr. VISCLOSKY, Mr. KINZINGER of Illinois, Mr. BRALEY of Iowa, Mr. LATOURETTE, Mr. LYNCH, Mr. MCKINLEY, Mr. GENE GREEN of Texas, and Mr. CICILLINE):

H.R. 1366. A bill to require the President to prepare a quadrennial national manufacturing strategy, and for other purposes; to the Committee on Energy and Commerce, 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. PETERS (for himself, Mr. DINGELL, Ms. SUTTON, Mr. CONYERS, Mr. KILDEE, Mr. CLARKE of Michigan, Mr. LARSON of Connecticut, Mr. CONNOLLY of Virginia, Mr. KUCINICH, and Mr. LEVIN):

H.R. 1367. A bill to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Energy; to the Committee on Science, Space, and Technology.

By Mrs. DAVIS of California (for herself and Mr. POLIS):

H.R. 1368. A bill to amend the Elementary and Secondary Education Act of 1965 to require the establishment of teacher evaluation programs; to the Committee on Education and the Workforce.

By Mr. BOREN (for himself, Mr. COLE, Mr. SULLIVAN, Mr. LANKFORD, and Mr. LUCAS):

H.R. 1369. A bill to designate the facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the ''Warren Lindley Post Office''; to the Committee on Oversight and Government Reform.

By Mr. BOUSTANY:

H.R. 1370. A bill to repeal the annual fee on health insurance providers enacted by the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN:

H.R. 1371. A bill to amend SAFETEA-LU to ensure that projects that assist the establishment of aerotropolis transportation systems are eligible for certain grants, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GOODLATTE (for himself, Mr. RIGELL, Mr. WITTMAN, Mr. WOLF, Mr. FORBES, Mr. HURT, and Mr. GRIFFITH of Virginia):

H.R. 1372. A bill to authorize the Secretary of the Interior to conduct oil and natural gas exploration, leasing, and drilling activities on the outer Continental Shelf offshore the State of Virginia, and for other purposes; to the Committee on Natural Resources.

By Mr. ISRAEL:

H.R. 1373. A bill to direct the Administrator of the Federal Aviation Administration to issue an order regarding secondary cockpit barriers; to the Committee on Transportation and Infrastructure.

By Mr. DANIEL E. LUNGREN of California (for himself and Ms. ZOE LOFGREN of California):

H.R. 1374. A bill to establish the Daniel Webster Congressional Clerkship Program; to the Committee on House Administration.

By Mr. PALLONE (for himself, Mr. REICHERT, Mr. YARMUTH, Mr. KISSELL, Mr. BERMAN, Mr. BLUMENAUER, Ms. CASTOR of Florida, Mr. OLVER, Mr. MURPHY of Connecticut, Mr. STARK, Mr. GRIJALVA, Mr. CONNOLLY of Virginia, Mr. FRANK of Massachusetts, Ms. DELAURO, Mr. LEVIN, Ms. LEE of California, Ms. SPEIER, Mr. TONKO, Mr. SHULER, Mr. LYNCH, Ms. SLAUGHTER, Mr. POLIS, Mr. GEORGE MILLER of California, Mr. KUCINICH, Mr. SCHIFF, Mr. ROTHMAN of New Jersey, Mr. LANGEVIN, Mr. SMITH of Washington, Mr. COOPER, Mrs. NAPOLITANO, Ms. VELÁZQUEZ, Mr. JOHNSON of Georgia, Mr. HONDA, Mr. MCGOVERN, Mr. MORAN, Mr. SARBANES, Ms. WOOLSEY, Mr. MCNERNEY, Mr. ACKERMAN, Ms. TSONGAS, Ms. SCHWARTZ, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. FILNER, Mr. HOLT, Mrs. LOWEY, Ms. RICHARDSON, Mr. QUIGLEY, Mr. HASTINGS of Florida, Mr. MICHAUD, Mr. KILDEE, Ms. PINGREE of Maine, Mr. ELLISON, Mr. CROWLEY, and Mr. CHANDLER):

H.R. 1375. A bill to amend the Federal Water Pollution Control Act to clarify that fill material cannot be comprised of waste; to the Committee on Transportation and Infrastructure.

By Mr. POSEY:

H.R. 1376. A bill to require State governments to submit fiscal accounting reports as a condition to the receipt of Federal financial assistance, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. SUTTON (for herself, Mr. TURNER, Mr. MEEKS, Ms. LEE of California, Mr. HINCHEY, Mr. ISRAEL, Mr. PAYNE, Mr. JACKSON of Illinois, Mr. YARMUTH, Mr. COURTNEY, Ms. RICHARDSON, Mr. RYAN of Ohio, Mrs. MALONEY, Ms. DELAURO, Mr. LOEBSACK, Ms. FUDGE, Mr. CUMMINGS, Ms. NORTON, Mr. JOHNSON of Georgia, Mr. MCGOVERN, Mr. VAN HOLLEN, Mr. SABLAN, Mr. GRIJALVA, Ms. WILSON of Florida, Ms. SCHAKOWSKY, Mr. TONKO, Mr. WALZ of Minnesota, Ms. KAPTUR, Mr. CHANDLER, Mrs. LOWEY, Mr. MICHAUD, Mr. KILDEE, Ms. DEGETTE, and Mr. COHEN):

H.R. 1377. A bill to establish a grant program for automated external defibrillators in elementary and secondary schools; to the Committee on Education and the Workforce, 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. VISCLOSKY:

H.R. 1378. A bill to prohibit business enterprises that lay off a greater percentage of their United States workers than workers in other countries from receiving any Federal assistance, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. WU (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, Ms. FUDGE, Mr. TONKO, and Ms. WILSON of Florida):

H.R. 1379. A bill to reauthorize Federal natural hazards reduction programs, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committees on Natural Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HENSARLING:

H. Res. 202. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to. considered and agreed to.

By Ms. LEE of California:

H. Res. 204. A resolution supporting the goals and ideals of ''National STD Awareness Month''; to the Committee on Energy and Commerce.

By Mr. WEST (for himself, Mr. ROSS of Florida, Mr. RIVERA, Mr. YOUNG of Florida, Mr. BUCHANAN, Mr. ROONEY, Mr. HASTINGS of Florida, and Mr. DIAZ-BALART):

H. Res. 205. A resolution congratulating the Town of Palm Beach and its citizens on its 100 year anniversary; 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 Mr. CHAFFETZ:

H.R. 1364.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article 1, Section 8, Clause 3 and the 1st Amendment to the US Constitution.

By Mr. RAHALL:

H.R. 1365.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution.

By Mr. LIPINSKI:

H.R.1366.

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 regulate foreign and interstate commerce, as enumerated in Article 1, Section 8, Clause 3 of the United States Constitution.

By Mr. PETERS:

H.R. 1367.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 3246.

By Mrs. DAVIS of California:

H.R. 1368.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. BOREN:

H.R. 1369.

Congress has the power to enact this legislation pursuant to the following:

Clause 7, Section 8, Article I of the Constitution

By Mr. BOUSTANY:

H.R. 1370.

Congress has the power to enact this legislation pursuant to the following:

Article I

By Mr. COHEN:

H.R. 1371.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution

By Mr. GOODLATTE:

H.R. 1372.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3 of the United States Constitution.

By Mr. ISRAEL:

H.R. 1373.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution

By Mr. DANIEL E. LUNGREN of California:

H.R. 1374.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is Article 1 Section 8 of the Constitution.

By Mr. PALLONE:

H.R. 1375.

Congress has the power to enact this legislation pursuant to the following:

Article I, 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 the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. POSEY:

H.R. 1376.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Ms. SUTTON:

H.R. 1377.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States

By Mr. VISCLOSKY:

H.R. 1378.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution.

By Mr. WU:

H.R. 1379.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. HALL and Mr. FLEISCHMANN.

H.R. 27: Mr. DAVIS of Kentucky.

H.R. 104: Mr. WU, Mr. HARPER, and Mr. COSTELLO.

H.R. 114: Mr. BUCHANAN, Mr. PLATTS, and Mr. WITTMAN.

H.R. 140: Mr. DAVIS of Kentucky.

H.R. 217: Mr. BERG.

H.R. 237: Ms. CASTOR of Florida.

H.R. 290: Mr. GARY G. MILLER of California.

H.R. 412: Mr. WALSH of Illinois.

H.R. 420: Mr. THORNBERRY, Mr. YOUNG of Alaska, Mr. MURPHY of Pennsylvania, Mr. MARCHANT, Mr. OWENS, Mr. FLORES, Mr. KLINE, Mr. LUETKEMEYER, Mr. WESTMORELAND, Mr. BROOKS, and Mr. BRADY of Texas.

H.R. 440: Mr. MCGOVERN and Mr. MORAN.

H.R. 459: Mr. TIPTON, Mr. SCHILLING, Mr. KLINE, and Mr. GRAVES of Missouri.

H.R. 470: Mr. BECERRA and Mr. BILBRAY.

H.R. 502: Ms. SUTTON.

H.R. 515: Mr. POMPEO.

H.R. 516: Mr. KISSELL.

H.R. 575: Mr. HELLER.

H.R. 595: Mr. WEST and Mr. SMITH of New Jersey.

H.R. 615: Mr. CHAFFETZ, Mr. SIMPSON, Mr. BURTON of Indiana, Mr. GRIMM, Mrs. MILLER of Michigan, Mr. BROOKS, Mr. SAM JOHNSON of Texas, Mr. KLINE, Mr. LUETKEMEYER, Mr. WESTMORELAND, Mr. FLORES, Mr. WITTMAN, Mr. MARCHANT, Mr. THORNBERRY, Mr. YOUNG of Alaska, and Mr. OWENS.

H.R. 616: Mr. MORAN.

H.R. 645: Mr. ROGERS of Alabama, Mr. SCALISE, Mr. KISSELL, Mr. HELLER, Mr. CRITZ, Mr. GINGREY of Georgia, Mr. RAHALL, Mr. COFFMAN of Colorado, Mr. TIBERI, Mr. ROSS of Florida, Mr. CARTER, Mr. TERRY, Mr. SHULER, Mr. COLE, Mr. DENHAM, Mr. RYAN of Ohio, Mr. GARY G. MILLER of California, Mr. LUCAS, Mr. SIMPSON, Mr. BURTON of Indiana, Mr. BUCHANAN, Mrs. MILLER of Michigan, Mr. SAM JOHNSON of Texas, Mr. BROOKS, and Mr. OWENS.

H.R. 651: Mr. CLARKE of Michigan, Ms. BALDWIN, Ms. DEGETTE, and Mr. WAXMAN.

H.R. 678: Mr. ROSS of Arkansas.

H.R. 679: Mr. SABLAN.

H.R. 735: Mrs. MCMORRIS RODGERS, Mr. GARDNER, Mr. MCHENRY, Mr. ROGERS of Alabama, and Mr. BACHUS.

H.R. 763: Mr. HALL and Mr. BENISHEK.

H.R. 764: Mr. NUNNELEE.

H.R. 765: Mrs. MCMORRIS RODGERS.

H.R. 795: Mr. CARDOZA.

H.R. 800: Mrs. HARTZLER and Mr. MCCAUL.

H.R. 822: Mr. THOMPSON of Pennsylvania, Mr. GUINTA, Mr. BROOKS, Mrs. ELLMERS, Mr. CONAWAY, Mr. FLORES, Mr. MARCHANT, Mr. MURPHY of Pennsylvania, and Mr. BRADY of Texas.

H.R. 827: Mr. HOLDEN.

H.R. 883: Mr. LANGEVIN.

H.R. 895: Mr. GIBSON.

H.R. 904: Mr. DENHAM, Mr. SHIMKUS, Mr. KLINE, Mr. FORBES, and Mr. WALSH of Illinois.

H.R. 930: Mr. MCDERMOTT.

H.R. 959: Mr. PASCRELL.

H.R. 965: Ms. NORTON and Mr. MCDERMOTT.

H.R. 969: Mr. MCCLINTOCK.

H.R. 977: Mr. LEVIN.

H.R. 1040: Mr. WEST.

H.R. 1085: Mr. QUIGLEY and Mr. DOGGETT.

H.R. 1089: Mr. LARSEN of Washington and Ms. SCHAKOWSKY.

H.R. 1110: Mr. CONYERS.

H.R. 1113: Mr. HEINRICH, Ms. SUTTON, and Mr. LEWIS of Georgia.

H.R. 1131: Ms. HIRONO.

H.R. 1132: Ms. LEE of California, Mr. COSTA, and Mrs. CAPPS.

H.R. 1140: Mr. FLEMING and Mrs. ADAMS.

H.R. 1142: Mrs. MYRICK and Mr. YOUNG of Indiana.

H.R. 1161: Mr. HOLT, Mr. STEARNS, Mr. KISSELL, Mr. CRAWFORD, and Mr. SMITH of Nebraska.

H.R. 1182: Mr. JONES.

H.R. 1186: Mr. HINOJOSA.

H.R. 1195: Mr. WEST, Mr. LATHAM, Mr. RUSH, Mr. THOMPSON of Mississippi, Ms. KAPTUR, Mr. ANDREWS, Mr. MORAN, Ms. ZOE LOFGREN of California, Ms. HIRONO, and Mr. ALEXANDER.

H.R. 1211: Mr. LONG and Mr. WALBERG.

H.R. 1219: Mr. RUSH, Mr. THOMPSON of Mississippi, Mr. BROOKS, and Mr. LATHAM.

H.R. 1221: Mr. MCCOTTER.

H.R. 1222: Mrs. CAPITO.

H.R. 1224: Mrs. CAPITO.

H.R. 1225: Mrs. CAPITO.

H.R. 1226: Mrs. CAPITO.

H.R. 1227: Mrs. CAPITO.

H.R. 1234: Mr. REHBERG.

H.R. 1269: Ms. WOOLSEY.

H.R. 1287: Mrs. MYRICK, Mr. LABRADOR, Ms. GRANGER, and Mr. WOODALL.

H.R. 1288: Ms. BORDALLO.

H.R. 1291: Mr. RAHALL.

H.R. 1294: Mr. SCOTT of Virginia.

H.R. 1319: Mr. OLVER and Ms. LEE of California.

H.R. 1326: Mr. BERMAN.

H.R. 1343: Mr. WALDEN, Mr. TERRY, Mr. GUTHRIE, Mr. ROGERS of Michigan, Mr. MURPHY of Pennsylvania, Mr. WHITFIELD, Mr. SULLIVAN, Mr. BURGESS, Mrs. BLACKBURN, Mr. BILBRAY, Mr. GINGREY of Georgia, Mr. SCALISE, Mrs. MCMORRIS RODGERS, Mr. LATTA, Mr. LANCE, Mr. POMPEO, Mr. OLSON, Mr. STEARNS, Mr. HARPER, Mr. KINZINGER of Illinois, Mr. CASSIDY, Mr. SHIMKUS, Mr. BARTON of Texas, Mr. UPTON, and Mr. PITTS.

H.R. 1351: Mr. CONNOLLY of Virginia, Mr. KUCINICH, Mr. TIERNEY, Mr. TOWNS, Mr. DAVIS of Illinois, Ms. NORTON, and Mr. CLAY.

H.R. 1361: Mr. COHEN.

H.J. Res. 47: Ms. LEE of California.

H. Res. 20: Mr. HIGGINS.

H. Res. 95: Mr. WALDEN.

H. Res. 134: Mr. FORTENBERRY.

H. Res. 185: Ms. WOOLSEY.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, TUESDAY, APRIL 5, 2011 No. 48

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God Almighty, how great and wonderful are Your deeds.

Bless today the many people who help our Senators do their work. Lord, we thank You for the many members of their staffs who help them succeed. We thank You for our pages and the significant work they do. We are grateful for those who work without fanfare to keep the legislative process going. Keep these faithful servants of freedom from growing weary in their labors. Remind them that their harvest season will come. May they never forget that faithfulness is more important to You than success. Guide them with the light of Your truth until one day they will experience the joy of hearing You say, ''Well done.''

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 5, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. DURBIN. Madam President, following any leader remarks, there will be a period of morning business until 11 a.m., with the Republicans controlling the first half and the majority controlling the final half. Following morning business, the Senate will proceed to consideration of H.R. 4, 1099 repeal, with 1 hour of debate. Senators should expect two rollcall votes around noon on the Menendez amendment and passage of H.R. 4, as amended, if amended. We will recess following the votes until 2:15 p.m. for the weekly caucus meetings. We are working to reach an agreement on the small business bill and will notify Senators when additional votes are scheduled.

I am standing in for Majority Leader REID, who has been called to the White House for the meeting with the President and the leadership, the Speaker and the leadership of the House of Representatives. The object of this is obviously to avert a government shutdown.

I listened carefully to the prayer from the Chaplain this morning. I don't know if we will need divine inspiration or divine interjection into this matter, but whatever it will take, I hope people of good will can come to an agreement. We are close. I don't think it is good for us as a government or as a Nation to see a shutdown of basic services that may cause inconvenience and hardship across America.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PAUL RYAN BUDGET PLAN

Mr. MCCONNELL. Madam President, today the chairman of the House Budget Committee, Congressman PAUL RYAN, is releasing a serious and detailed plan for getting our Nation's fiscal house in order. Congressman RYAN's plan would put us on a path to reducing the national debt, it would strengthen the social safety net so we can keep the promises made to the Nation's seniors, it proposes a way for Washington to start living within its means, and it will repeal last year's health care law which will raise health care costs, lead to fewer jobs, and which Americans have rejected. Congressman RYAN is presenting a plan, in other words, to address our most pressing problems head-on at a moment when the President and other Democratic leaders simply refuse to do so themselves. He is doing what his constituents have sent him here to do.

Anybody can say our Nation's problems need to be addressed, but history will show that Chairman RYAN is one of those who actually stepped up to do

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

it. He should be applauded for that by people of good will on both sides. Unfortunately, we already know how many Democrats intend to respond to this plan. We have heard their spin already. In the absence of any solutions of their own to a looming entitlement fiasco and the testimony of countless experts on the fiscal perils we face, Democrats intend to use Congressman RYAN's plan against anyone who supports it—despite the facts. They will try to scare the public by claiming it says things that it does not. They will squander the golden opportunity we have right now to tackle the biggest problems we face in a bipartisan way, the way our predecessors did when the two parties shared power in Washington, all in the name of having an edge in the next election. Frankly, it is shameful.

Americans elect their President and Senators and Congressmen to lead. They don't expect us to agree on everything, but they expect us to work together when a problem becomes so pressing that cooperation across party lines is required. Now is such a moment. The debt is at crisis levels, posing a threat not just to businesses and families planning for the future but to our national security.

Since the President has taken office, nearly 3 million Americans have lost their jobs. As a result of the ongoing housing crisis, millions of homeowners are currently underwater on their mortgages. The only industry that seems to be growing is government, and the only city that seems to be isolated from problems most Americans face right now is Washington—all at taxpayers' expense.

The budget debate in which we have been engaged in the past several weeks is the direct result of the fact that Democrats in Congress failed to pass one of their own for the current fiscal year. Republicans had to step in and do it for them. Now, 6 months into the current fiscal year, the President and current Members of Congress still have yet to produce a plan of their own. House Republicans have produced multiple plans, including one they will offer today which funds our troops through the end of the year, keeps the government running, and gets us one step closer to the level of spending cuts that even the senior Senator from New York has described as reasonable. Unfortunately, Democrats would rather take potshots at these proposals from the side lines, hoping they become unpopular with the public so they can benefit politically. They have completely and totally abdicated their responsibility.

I would like to applaud Congressman RYAN not only for the energy and creativity and seriousness which he has brought to these issues but also for his courage in doing so at a time when Democrats in Washington would rather sit on their hands. By stepping forward, he has forced a much needed debate about the many crises of the moment. It is my hope that our friends on the other side recognize this effort for what it is—a serious, good-will effort to do something good and necessary for the future of our Nation—and that for the good of the Nation, they will join this effort at some point before it is too late.

1099 PROVISION

Mr. MCCONNELL. Madam President, as I have traveled across Kentucky over the past year, I have heard from countless small business owners who told me how burdensome the so-called 1099 provision in the Democrats' health care bill would be to implement and how it could hamper their ability to create good private sector jobs. I hope they are tuning in to the Senate floor today so they can watch the vote on its repeal.

This has been a hard-fought effort, and all of the credit should go to the junior Senator from Nebraska, my good friend Senator MIKE JOHANNS. He has led this fight on behalf of the countless entrepreneurs and small business owners across the country who raised the alarm on this issue.

This is a big win for small business. Importantly, it is also the first of what I hope are many successful repeal votes related to the disastrous health spending bill the Democrats passed last year. The more Americans learn about this bill, the less they like it. We hope we can respond to their concerns with many repeal votes like the one we are going to have this morning right here in Congress. Then we will replace it with the kind of commonsense reforms that will actually lower costs and encourage job creation.

Once again, I thank Senator JOHANNS for his leadership and hard work on repealing this onerous provision. This is a classic example of a Senator who listened to his constituents, developed a solution, won the support of his colleagues, and doggedly pursued a course of action that led to today's vote. America's small businesses can thank Senator JOHANNS for pushing this initiative across the finish line. I call on the President to sign it into law.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Louisiana.

(The remarks of Mr. VITTER pertaining to the introduction of S. 723 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

COTE D'IVOIRE

Mr. INHOFE. Madam President, we hear a lot about the disaster and things that are taking place and the loss of lives in Libya as well as many other places, particularly in the last few months. But going seemingly unnoticed is probably just as great a disaster that is happening in Cote D'Ivoire right now as we speak.

I came to the floor yesterday, and I talked about the fact that elections took place in Cote D'Ivoire last November. The President, the incumbent President, Laurent Gbagbo, was challenged by Alassane Ouattara. They claim Ouattara won the election. Ouattara comes from the north, the Muslim area up there.

We found so much voter fraud that we identified, and we specifically talked about on the Senate floor, that I have asked Secretary Clinton, by letter twice, to intervene and demand a new election.

When I say ''voter fraud,'' I entered this in the RECORD yesterday, so I will not do it again today. But this shows how they miscalculated all those votes in the north. In just one precinct, 100,000 votes—well, actually 94,873. Obviously, if we have 100,000 or so votes in that one precinct, it can happen that way.

But use logic. If all else fails, stop and think about this. How could it be possible that in the northern part of Cote D'Ivoire, when they had the election, what we would call the primary election, President Gbagbo got thousands, thousands of votes in each one of the precincts. Yet when the runoff came, he got zero. That is a statistical impossibility. I think for those of us—certainly, the United States thought the U.N. and perhaps France was accurate in their initial response to this thing that we were going to have to get something done.

Let me go ahead and finish what happened. I mentioned yesterday in the town of Duekoue, Ouattara's forces, along with the French, went in there, murdered about—we think something over 1,000 people. We get the reports from the Red Cross and from other sources.

But Ouattara has tried to deny his involvement in this slaughter. His forces took the town earlier, and this was the week after the Gbagbo forces had gone. I think we can just look at Guillaume Ngefa, who is the deputy head of the U.N. mission in Cote D'Ivoire.

He said Ouattara's forces had carried out the killings in Duekoue. ''We have evidence. We have pictures. This was retaliation.''

So we have all this evidence I mentioned yesterday which was part of it. I read yesterday from the Guardian, the British Guardian. The U.N. mission said traditional hunters, known as Dozos, fought alongside Ouattara's forces and took part in killing 330 people in the western town of Duekoue, which we now know is over 1,000 people. The International Committee of the Red Cross said at least 800 people. It goes on and on, which I made a part of the RECORD yesterday.

In addition to that, we have a statement that was made on the BBC yesterday. Keep in mind, they have, in Duekoue—they murdered all those people. They have mass graves. People are charred and burned. I am going to quote right now, so hold your stomach.

> I spot four pigs eating something dark in a charred courtyard. Standing by a newly dug mass grave, a U.N. soldier from Morocco is choking with rage and grief. I ask him if the dead are children. He nods and begins to sob quietly into his face mask.

So we know of this disaster that has taken place there, and we do nothing. We know about it. I just will say: America, wake up. The massacre could have been avoided if Ouattara had accepted the mediation effort from the African Union. President Gbagbo did accept, Ouattara did not. He rejected it, and I think we know why he rejected it—because he wants that power. He wants that job.

Anyway, where we are now—and I am going to try to get this all in—the United States should call for a ceasefire and for a new election. I have also been told, within the last day, that the U.N. helicopters, U.S. peacekeeping helicopters are firing upon Gbagbo's military camp.

Lastly, I have sent a letter to the Foreign Relations Committee Chairman JOHN KERRY. Let me applaud JOHN KERRY. He has agreed to hold a hearing to look at this. I cannot tell you how much I appreciate it because it takes courage to stand up against the United Nations and France and our State Department and admit that we have to look into this. So that is exactly what we are going to do.

But that was yesterday on the floor. What has happened? What happened last night? Last night, the job was finished. They went in, and they massacred I do not know how many people.

President Gbagbo had young children who were surrounding his palace and his residence. They are willing to sacrifice their lives to save their country from the French influence they are getting with Ouattara.

They were armed with baseball bats and 2 by 4s. I do not know, there are hundreds of them out there. Last night, Sarkozy had gone to Secretary General Moon and said: Use my forces to end this, and they did. We know what happened last night.

Maybe you do not know what happened last night. They went in with helicopters and with rockets, and they destroyed most of a major city, Abidjan, the capital of Cote D'Ivoire. We have evidence. I hope people will take advantage of this, particularly those people—I know there are a lot of people out there who are opposed to any intervention we have. They do not truly care about Sub-Saharan Africa. No one cares about Sub-Saharan Africa.

I have stood on this floor time and time again, back when we were sending troops into Bosnia, and the excuse was ethnic cleansing. I said: For every 1 day in any town in any country in Sub-Saharan Africa, there are more people ethnically cleansed than in any day in Bosnia.

But nobody seemed to care. So we have hundreds of kids around there, and last night they were mowed down. If anyone questions this, you can access on my Internet, inhofe.senate.gov, and get the YouTube that shows graphically what they are doing. I do not know how many hundreds, how many thousands of people were brutally murdered last night by the French, supporting Ouattara. It is something we need to get involved in.

When I look at President Obiang, who is from Equatorial Guinea, he is the chairman of the African Union. He says he condemned the foreign intervention in the Ivory Coast. We stand by idly, and we don't do anything about it.

I renew my request to Secretary Clinton and to the State Department and to others who care about the loss of innocent life in sub-Saharan Africa, specifically in Abidjan and Cote d'Ivoire, to come forward and help us find justice. I hope President Gbabgo and his wife Simone are not dead today. They might be dying as we speak. They are raiding their residence, raiding the palace. It is a brutal mess. I don't think I have ever seen in the years I have been here, particularly coming from France, supported by Sarkozy, the raid on innocent lives in sub-Saharan Africa.

If no one else comes in, I will talk longer. I ask unanimous consent to speak until someone comes in to speak.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I guess you might wonder why I am concerned. I have had an interest in sub-Saharan Africa for quite some time. After 9/11, finally the United States decided they would do something of concern in sub-Saharan Africa. So what we have had since that time is an interest in helping them to build African brigades, as the terrorists come down through the Horn of Africa and Djibouti and into the continent. We need to help the Africans build brigades so they can resist, not doing it for them, not doing it in place of the Africans, but to help them so they can defend themselves. That is exactly what we have been doing.

I have been honored to be the point man on the Armed Services Committee to go over and work with these guys. These countries in Africa are our friends. They participate in programs such as the IMET program that allows us to train their officers in the United States, such as the Train and Equip Program that allows us to work with them and train these individuals. When we see an atrocity such as this take place, when we visualize the young kids out there being brutally murdered, we should do something about it.

I praise someone who philosophically I have not agreed with most of the time, Senator JOHN KERRY, Chairman of the Foreign Relations Committee. I am on his committee as well as Armed Services. He is sympathetic to what is going on and has agreed to having a hearing. There is a man named Meltheodore. He was the mayor, when I first met him, mayor of Abidjan in Cote d'Ivoire. He is currently a member of Parliament in Cote d'Ivoire. He is the head of an opposing political party to President Gbagbo. He was a candidate against President Gbagbo when he ran successfully for President. Here is a guy who would have every reason to be opposed to President Gbagbo. Yet he is willing to testify before Senator KERRY's committee that not only did they rig the election, but he showed the documentation on rigging the election, and we should be in a position where we could strongly recommend another election.

I have nothing against Alassane Ouattara except I do know that he has been an enemy of the Gbagbos since long before 2002, when he was opposed to him. This is, I guess, the final kill. But at what expense is this coming? It is coming at a high expense in terms of a number we can't quantify today. If colleagues don't believe it, look it up. They can get the YouTube site. They can watch what happened last night. They can get that off of my Web site, inhofe.senate.gov.

I see my friend Senator MANCHIN from West Virginia. Before yielding the floor, I wish to applaud him for his being courageous and standing up for doing something about the EPA taking over the regulation of greenhouse gases that would put coal and oil and gas out of our reach. I applaud Senator MANCHIN.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. MANCHIN. I thank my good friend for his hard work. We are working in a bipartisan manner.

WEST VIRGINIA COAL MINERS

Mr. MANCHIN. Madam President, I rise to mark the tragic occasion of the worst U.S. mining disaster in 40 years. A year ago today, 29 brave and patriotic men went underground to mine the coal that powers our great Nation. They didn't come back. Our entire Nation grieved with their families for their tremendous loss. I rise to honor

their courage, sacrifice, and the extraordinary strength of their families.

I want to say a few words about the proud men and women today who go underground and go unrecognized and make sure that our great Nation can keep the lights on. When some people see a coal miner walk out from underground, they see some someone who is tired, wearing dust-covered overalls, steel boots, carrying a hard hat and a dinner bucket, and they make a few flawed assumptions about the amount of education they may or may not have or that they had nowhere else to turn, that was the only job available. I wish everyone to know that those assumptions are dead wrong.

West Virginia coal miners are the backbone of this country, providing the power for the lights in this Chamber, the steel and the machinery that built our country, the greatest industrial power in the world, the military that keeps us safe and free, and the energy for homes and businesses all over the country. West Virginia miners understand geology, mathematics and physics, the way a seam runs through the Earth and how to safely extract its bounty to make our country stronger. Above all, West Virginia miners are the salt of the Earth—patriotic, God-fearing, family loving and family oriented, and proud of their hard work. In our State we have always done the heavy lifting. We are very proud of what we have contributed to this country time and again—in times of war, times of peace, in times of prosperity, and in times of need. At a time when our Nation's attention and misplaced pity will again focus on coal miners because of the first anniversary of the worst mining disaster in the last 40 years, we West Virginians want the world to know we are proud of our coal mining heritage and our future.

As West Virginia's former Governor, now U.S. Senator, I want to tell Americans not only about our sacrifice but also our dedication to our shared future. The miners of West Virginia and their families are the heart and soul of West Virginia and an inspiration for me and my family. We should all draw strength from the courage they have shown us.

Allow me to turn to the terrible day a year ago. In remembering the Upper Big Branch disaster, my thoughts turn first to the families of the 29 miners who went to work that day on April 5, 2010, and didn't come home. In the days following the violent explosion, which remains under investigation today, I spent all day and every day for 5 days waiting to find out with the families if their loved ones were alive or dead. Those families and I stayed together at midnight and dawn, through moments of hope and despair, on pins and needles in the early days and in shared grief when the full scope of the devastation hit us as the rescuers didn't find any more survivors. We prayed together before and after each briefing. We recited the Pledge of Allegiance. We held each other and cried together. Restaurant owners donated food. Our own WVU coach Bob Huggins visited. And one young man, Nick Helms, whom I remember so well, whose father was killed in the Sago mining disaster in 2006, came down personally and offered his moral support from his first-hand experiences.

In those days the unbreakable bonds of family became clear. One family alone lost three good men. I first told Charles and Linda Davis, the parents of Timmy and the grandparents of Cory and Josh. I told Tommy—and Tommy was another brother who had worked in the mine and just came off the shift. Tommy was the father of Cory. I also told Patty—large families—and Patty is the daughter of Linda and Charles, and she was Josh's mother. So in the mine we had Timmy, the uncle, and we had Josh and Cory. All three men had been found, but they perished. The first question I got from Tommy after I told his parents was: Were they all together?

I said: Yes, they were.

Tommy replied: I knew my brother Timmy would be taking care of the boys.

That was not my State's first mining disaster or mine. When I was a young man, my only family went through the tragedy of the Farmington No. 9 explosion in 1968. Seventy-eight miners were killed that day. It left a searing impression on me. Of course, we didn't know right away how bad it would get. Everyone camped out at the company store. We were all waiting for any word before the authorities finally came and told us all that the decision had been made to seal the mine which essentially meant entombing all of them. In that disaster I lost my uncle, my next-door neighbor, some of my high school classmates. One of my strongest lessons that has stayed with me to this day is that waiting families should be systematically updated on the progress of the rescue operation. I know first-hand that a minute seems like an hour, an hour seems like a day, and a day seems like eternity. With consistent updates, waiting becomes a little more bearable.

During my term as Governor, in the three tragedies we went through—Sago and Aracoma in 2006, and last year at Upper Big Branch—we briefed the families every 2 hours. It was a cycle. We received a briefing from our authorities, then we briefed the families, then we told the media. It was a cycle we continued until the fate of all miners was known.

We have learned a lot in West Virginia. After disasters at Sago and Aracoma, we enacted more safety measures in my term as Governor than in the 30 years before. We have become a leader in safety, and what we are implementing is being used across all types of mining, all over the country and around the world. The bottom line is that in our State, we won't tolerate intimidation from any person or company that puts profits ahead of safety. I truly believe that the single most important element in any mining operation is the men and women who work there every day. Under my watch, we empowered those individual miners and their families to take more ownership and control over their own safety without fear of retribution, with a 24-hour anonymous hotline to report unsafe conditions. Since May of last year we have had 86 calls. We responded.

At the end of the day, though, the families, the people of West Virginia and all Americans need to know how this tragedy happened and what we must do to prevent anything this terrible from ever happening again. We are still waiting for the results of the Federal and State investigations as well as an independent report from my special appointed investigator J. Davitt McAteer, a West Virginia native and assistant secretary for the Mine Safety and Health Administration under President Bill Clinton. We will look at the results of their investigation to determine what happened, make certain it doesn't happen again, and determine whether anyone, through intimidation or otherwise, put profits ahead of safety and that the people responsible are held accountable.

In the meantime I am cosponsoring a piece of legislation with Senator JAY ROCKEFELLER, the Robert C. Byrd Mine and Workplace Safety and Health Act of 2011. It is designed to improve compliance with existing mine and occupational safety and health laws, empowering workers to raise safety concerns, prevent future mine and other workplace tragedies, and establish the rights of the families of victims of workplace accidents. Last week I spoke again to Tommy Davis, the man who lost his brother, his nephew, and his son at the Upper Big Branch mine. When I asked him what he was doing these days, Tommy gave me a simple answer: JOE, I am back in the mines. Tommy is proud to be a miner. And while he and all of us have much to mourn today, we also have the chance to honor the memories of the 29 dedicated men who died a year ago and their colleagues who continue their work with respect and dignity.

Finally, Gayle and I and all West Virginians pray for continued strength and courage for the families who lost loved ones on this sad day a year ago. May God bless each one of them. May God bless the great State of West Virginia, and may God continue to bless the United States of America.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

COMPREHENSIVE 1099 TAXPAYER PROTECTION AND REPAYMENT OF EXCHANGE SUBSIDY OVERPAYMENTS ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 4, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4) to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

AMENDMENT NO. 284

Mr. MENENDEZ. Madam President, I rise to call up amendment No. 284, cosponsored by Senators KERRY and ROCKEFELLER, which is at the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself, Mr. KERRY, and Mr. ROCKEFELLER, proposes an amendment numbered 284.

Mr. MENENDEZ. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect small businesses from health insurance premium increases or losses of health insurance coverage)

On page 4, after line 3, insert the following:

(c) STUDY OF THE EFFECTS ON SMALL BUSINESSES OF INCREASES IN THE AMOUNTS OF HEALTH CARE CREDIT OVERPAYMENTS REQUIRED TO BE RECAPTURED.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study to determine if the amendments made by this section—

(A) will result in an increase in health insurance premiums within the Exchanges created by the Patient Protection and Affordable Care Act for employees or owners of small businesses; or

(B) will result in an increase in the number of individuals who do not have health insurance coverage, a disproportionate share of which are employees and owners of small businesses.

(2) EFFECT OF INCREASES.—If the Secretary determines under paragraph (1) that there will be an increase described in subparagraph (A) or (B), or both, then, notwithstanding subsection (b), the amendments made by this section shall not apply to taxable years ending after the date of such determination and the Internal Revenue Code of 1986 shall be applied and administered to such taxable years as if such amendments had never been enacted.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 60 minutes of debate equally divided and controlled between the two leaders or their designees.

The Senator from New Jersey.

Mr. MENENDEZ. Thank you, Madam President. I understand Senator BAUCUS is on his way from a meeting, and in the interim I will start off and recognize myself.

I offer this amendment on behalf of middle-class families and on behalf of small businesses. I support repealing the 1099 reporting requirement and have, in fact, voted no less than six times on this floor to repeal 1099 in this body. However, I strongly believe we must do so in a manner that does not increase the burden on our small businesses and their employees, and that is exactly what I fear H.R. 4 does.

The broad bipartisan support for 1099 repeal comes from the fact that it provides relief to small businesses, but the only problem with this version of the repeal is that while it provides relief on the one hand, it may very well take it away with the other. It repeals the 1099 reporting requirements but, at the same time, I am concerned it increases the health care burden on the very same people to whom we are seeking to provide relief.

Some have argued we have already used this very same offset before. We have. Therefore, there is no reason to be concerned now.

The difference is, however, H.R. 4 is very different than what we did 4 months ago, and it risks driving up health insurance costs and cutting health insurance coverage for small businesses and middle-class families. It increases tax penalties—tax penalties. As we approach April 15, I know we are all very tax sensitive. It increases tax penalties on middle-class families, leaving some with a potential tax burden of $10,000 or more.

How would most middle-class families deal with a tax bill of $10,000 or more just because their income may have increased $1 above the eligibility limit during the year for which they got a subsidy?

Some have also argued my amendment will block implementation of the 1099 repeal. That is just factually incorrect. It is an outright misstatement of the facts. My amendment simply directs the Secretary of Health and Human Services after—emphasize ''after''—the 1099 repeal passes into law to study the offset in H.R. 4 and determine its effect on small businesses. If the study finds the offset increases health care costs or decreases coverage for small businesses, then current law on the repayment remains in effect. If the study says, no, it didn't do any of those things, then there is no harm.

Let me be clear. We all want 1099 repeal. My amendment does not in any way affect the repeal of 1099. My colleagues can vote for this amendment and for H.R. 4 because this would repeal 1099. The only potential change my amendment makes would be to the risky offset in the underlying amendment, and only if the study finds that it hurts small businesses after the repeal has taken place.

My colleagues on the other side of the aisle are trying to frame this debate as either for or against small business, but they are, in my mind, both helping and harming them at the same time under H.R. 4. With this amendment, we can have not only the ability to help small businesses and repeal the 1099 provision, but we can also ensure that small businesses and their employees will not get hurt at the end of the day.

For those who may consider opposing my amendment, think of this: On the one hand, if you do not believe this offset will hurt small businesses and their employees, there is no harm in voting for it because you are saying the study will not show an impact and the offset will remain in place.

However, if you believe my amendment would have a revenue score, you are assuming that the offset hurts small businesses and their employees. Either option would argue for supporting my amendment. Either it has no impact, in which case there should be no problem supporting it, or it provides protections for small businesses and their workers, in which case you should want to support it.

I realize what I am concerned about is the harmful effect of this offset provision won't hit small businesses until 2015, and I know the voices for 1099 repeal are much louder than those against the payback tax. But I also know this is an issue that we will hear about when our constituents get those tax bills at that time, when this provision goes into effect and taxpayers get that first big $10,000, or more, surprise on their tax bill.

Do you want to be on the record as having given them the tax bill or do you want to be on the record as trying to have saved them from it and saved rising costs for small businesses in their health insurance? I think you want to be on the side of this amendment and having saved them from it.

In closing, I ask, why in the world—especially during these fragile economic times—would we want to do anything that could raise the costs on small businesses? That is why my amendment is supported by entities such as the Main Street Alliance, a probusiness organization; Families USA; the American Cancer Society; Cancer Action Network; Health Care for America Now, to mention a few.

With my amendment, we can protect those who earn a living making our Nation's small businesses run and repeal 1099 without delay. To me, that is the ultimate show of support for small business.

Madam President, I urge support of my amendment. I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I am going to defer my remarks until after

the Senator from Nebraska speaks. I want to defer to this wonderful Senator because he has done more than any other person in trying to repeal this awful tax provision, this 1099 tax increase provision, and he deserves the credit. I want him to lead off in our debate. Then I will probably speak after that. I yield for the Senator from Nebraska.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. JOHANNS. Madam President, I wish to start today by thanking the distinguished Senator from Utah for his courtesy. I appreciate it immensely. It has been a bit of a long and tortured process to get here today. I appreciate the opportunity to speak first.

All of us work across our States. In communities such as Kearney and Scottsbluff, NE—and I walk those streets often, whether it is in a parade or calling on people—I am struck by the number of small businesses that fill the storefronts.

These businesses are the heart and soul of the community. They contribute to the Little League, they give high school students their first jobs, and they ask ''how are the kids doing'' when you stop in to see them. They symbolize what it truly means to be a community. They also symbolize the single most powerful job creating force in our Nation.

Sixty-four percent of the new jobs in our Nation are created by small businesses as they expand and grow. So when their livelihood is threatened by an ill-advised policy, we all in the Senate agree that something must be done.

Shortly after the health care bill was passed, I, like my colleagues, began hearing from small business owners who were very concerned about a provision that was put into the health care bill on page 737. As the number of concerned job creators continued to mount, I knew, and others in the Senate knew, we had to do something about it.

Passing 1099 repeal exemplifies why I came to the Senate—taking an issue that is important to our State and our country and literally building support in this body to do the right thing.

I won't deny there have been some frustrations along the way. I certainly didn't expect to have to present the legislation seven times to get to the finish line. But it has been well worth the effort. I could not be more pleased by the bipartisan support that has built this effort.

Today presents an opportunity for Members of both parties to unite behind doing the right thing for our job creators.

If we pass H.R. 4 and send it on to the President's desk today, it won't be a victory for Republicans or Democrats. I certainly won't report it that way. It is not going to be a victory for a single Senator. It will be a victory for millions of small business owners who have been begging us to do something about this provision for a long time now, and it will be a victory for common sense.

That is why today is such an important day in the Senate. In a few short minutes, we will have an opportunity to put to an end the looming 1099 paperwork mandate once and for all. Small businesses in my State and all across the country are depending upon us today to act.

One real-life example came from a Nebraska company called Hayneedle. It is an online retailer of home furnishings and other home products. With the new 1099 requirement, Hayneedle estimates that the annual cost of compliance is literally going to exceed $100,000 for them—$100,000. That would go a long way to hiring more people.

Adding insult to injury, the 1099 reporting requirement creates a perverse incentive to consolidate suppliers. Fewer suppliers means less 1099 paperwork. This leaves Main Street small suppliers—those businesses I was talking about—out in the cold as big suppliers win more and more business.

Dale Black, a Kentucky Fried Chicken franchise owner from Grand Island, told me:

> . . . want to be a good corporate citizen in the communities I have restaurants, but the 1099 forces me not to hire local venders and tradesmen in my community, instead giving work to a single regional contractor.

With 40 million businesses, nonprofits, churches, and local governments bracing for the 1099 avalanche of paperwork, every Senator could come to the floor today and tell similar stories.

With all these Main Street businesses and their workers hanging in the balance, there is just one clear choice for our businesses: We must advance the House-passed version and, in all due respect to my colleague from New Jersey, reject the Menendez alternative, the Menendez amendment.

You see, only the House-passed version will quickly reach the President's desk and provide immediate relief to our job creators. Adding anything on, passing anything else will cause our job creators to wait on the sidelines yet again, because then, of course, we will have different versions—the House version and the Senate version—and I fear we will go off into never-never land. But you see, time has run out on our job creators.

When this debate began, the mandate seemed a long way away. It was out there on the horizon. We had a long time to work through these issues. But now 8 months has passed. We voted over and over again, and we never could quite get to the finish line.

It is decision time for businesses. They are feeling the pressure to set up the accounting systems they will need to comply with this tangled mess of tax forms that even the IRS doesn't support.

This mandate forces many to set aside money for software that could instead be spent on those new workers, and that is why it is so important that the Senate pass the House bill today.

Put simply, a vote for the House bill is a vote to actually solve the problem. Again, in all due respect to my colleague from New Jersey, the amendment tells our small businesses that they will have to wait longer. Our path actually gives our job creators some certainty they need to grow their businesses. But the other path, as I said, is a guaranteed sidetrack back into never-never land.

While one approach tells small businesses we are with them, the other says we are going to continue to work through this and wrangle back and forth, instead of enacting a bipartisan solution today.

The House of Representatives has already led by example. It is important to recognize that. They passed their 1099 repeal on March 3—more than a month ago—and it got great bipartisan support—314 to 112, and 76 Democrats voted for that repeal.

Not only does this legislation pay for the repeal of the 1099 mandate, it actually reduces the deficit by $166 million over the next 10 years.

It requires repayment of improper health exchange subsidies—a concept the Senate passed unanimously in December to pay for the doc fix legislation.

If we fail to pass the House version today, well, the job creators are being told that they have to divert more of their resources to managing unnecessary paperwork.

Let's not vote for another alternative that is going to stall this out again. Let's cast a vote today that sends a clear message. Let's defeat the pending Menendez amendment, and then let's pass the bill so we can get it to the President and get it signed. I am hoping this gets strong bipartisan support. I want to say again that the victory today is not for either party or for a single Senator; it is for the job creators who are depending upon our action today.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Montana.

Mr. BAUCUS. Mr. President, my colleague from New Jersey proposed what I think is a very reasonable amendment to the revenue provision of the repeal of this 1099 provision. I plan to support that. It is a good amendment.

One of the key provisions in the Affordable Care Act is the tax credit that will be available to millions of low- and middle-income Americans to purchase health insurance if their employer doesn't make coverage available. That is a credit. It goes to middle- and low-income Americans. The provision that will pay for 1099 repeal will increase the amount that many Americans will have to pay at the end of the year if they receive a credit to purchase their health insurance and their income ends up being higher than the income on which their credit was based.

I share Senator MENENDEZ's concern that this will cause an undue burden.

This could increase premiums that people pay under health insurance, or reduce the benefits of their health insurance coverage, especially in the small business community, and he believes his amendment would reverse the provision—and it does in fact do that—if the HHS Secretary determines it will increase premiums or if it will reduce coverage, that is on health insurance coverage for small businesses.

The 1099 repeal is all about small businesses. That is primarily why we are going to repeal 1099. We don't want to turn around and hurt small businesses in the same bill. There is a real possibility that that would happen with a straight repeal, without the Menendez perfecting amendment.

I urge my colleagues to join me in supporting the Menendez amendment. In effect, that amendment would repeal 1099, which virtually every Member of the body wants to do, but also will make sure the consequences do not hurt small businesses, which will otherwise find their premiums increased or their coverage diminished.

Senator MENENDEZ very wisely anticipates that potential problem with his amendment by essentially providing that the increase would not occur as a premium—that is, the 1099 repeal would not occur if the HHS Secretary determines that it will increase premiums or also reduce coverage for small businesses. I urge my colleagues to support the Menendez amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, today we will vote on the Menendez amendment and then on Senator JOHANNS' amendment to repeal the 1099 tax increase provisions of the health spending law and the small business law. As you know, the health spending law was enacted a little over a year ago, and we are already here trying to undo some of the damage that this massive law has imposed on small businesses. We have heard from small business owner after small business owner who was shocked and frustrated to learn the 1099 provision in the health spending law would require small businesses to send out a much larger number of IRS Form 1099s.

This provision was a counterproductive assault on businesses, and it was unleashed for one reason: to provide the dollars to pay for ObamaCare's $2.6 trillion in new spending; in other words, to try and back up that spending.

Just to be clear, this is what this provision requires: Starting on January 1, 2012, if a business pays at least $600 in total in 1 year to a single payee, that business must send an IRS Form 1099 to the IRS as well as to that payee. Since businesses frequently pay at least $600 in 1 year to all kinds of different payees, this means the health spending law has created an enormous paperwork burden on our businesses, including many small businesses. This is exactly the kind of burden small businesses do not need to face at this time, when we are still facing unemployment at 8.8 percent, and small businesses create 70 percent of new jobs in this country.

The National Federation of Independent Business, whose membership is made up of small businesses, hit the nail on the head in its April 4, 2011, letter about this provision. This is what they had to say:

> We are writing to urge you to support H.R. 4, the Comprehensive 1099 Taxpayer Protection repayment of Exchange Subsidy Overpayments Act of 2011, and to oppose the Menendez amendment. Passing H.R. 4 without any amendments is the best way to finally repeal the expanded Form 1099 requirements included in the Patient Protection and Affordable Care Act. Tax paperwork and compliance are already major expenses for small businesses, and the new reporting requirements included in PPACA will substantially increase these costs.

The new paperwork mandate will require businesses to track and report to the IRS most business-to-business transactions above $600 in a calendar year. For many businesses this could amount to hundreds of new reportable transactions, which involves sending a 1099 to both the IRS and the reportable business.

That is a pretty strong statement, and the message is clear. This provision will impose considerable hardship on American businesses. The result of this provision will be much more paperwork and much less job creation. I spoke this morning to the Tax Executives Institute, which is one of the most prestigious institutes in our country, especially on taxes. What I announced to them was that I think we are going to get rid of this provision, and I almost got a standing ovation. They went wild down there this morning.

This provision will impose considerable hardship on American businesses, especially small businesses. The result of this provision will be much more paperwork but a lot less job creation.

In addition, Monday, April 4, 2011, the U.S. Chamber of Commerce weighed in on this provision with a similar diagnosis. This is how the chamber put it:

> The 1099 reporting mandate, if not repealed, will force more than 40 million entities, including governments, nonprofits, and small and large businesses, to comply with onerous data collection and IRS information filing burdens on virtually all non-credit card purchases totaling $600 or more with any vendor in a tax year. At a time when they can least afford it, entities will have to institute new, complex recordkeeping, data collection, and reporting requirements to track every purchase by vendor and payment method. This provision will dramatically increase accounting costs and could expose businesses to costly and unjustified audits by the IRS. The Chamber strongly supports H.R. 4, which would repeal the 1099 mandate, and strongly opposes the Menendez amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD the letters from both the NFIB, the representative of small businesses in this country, and the Chamber of Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, April 4, 2011.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, strongly supports H.R. 4, the ''Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011'' and strongly opposes an amendment by Sen. Menendez, which could leave intact the 1099 requirement.

The 1099 reporting mandate, if not repealed, will force more than 40 million entities, including governments, nonprofits, and small and large businesses, to comply with onerous data collection and IRS information filing burdens on virtually all noncredit card purchases totaling $600 or more with any vendor in a tax year. At a time when they can least afford it, entities will have to institute new complex record-keeping, data collection and reporting requirements to track every purchase by vendor and payment method. This provision will dramatically increase accounting costs and could expose businesses to costly and unjustified audits by the IRS.

The Chamber strongly supports H.R. 4, which would repeal the 1099 mandate, and strongly opposes the Menendez amendment. The Chamber may consider including votes on, or in relation to, these issues in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

APRIL 4, 2011.

DEAR SENATOR: On behalf of the undersigned organizations, we are writing to urge you to support H.R. 4, the ''Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011,'' and to oppose the Menendez Amendment. Passing H.R. 4, without any amendments, is the best way to finally repeal the expanded Form 1099 requirements included in the Patient Protection and Affordable Care Act (PPACA).

Tax paperwork and compliance are already major expenses for small businesses and the new reporting requirements included in PPACA will substantially increase these costs. The new paperwork mandate will require businesses to track and report to the IRS most business-to-business transactions above $600 in a calendar year. For many businesses, this could amount to hundreds of new reportable transactions, which involves sending a 1099 to both the IRS and the reportable business.

According to an SBA study, the cost of complying with the tax code is 66 percent higher for small business as compared to a large business. Small businesses lack the compliance capabilities to track and report each new transaction, and in order to comply with this new requirement they will have to pull capital out of the business that could be better used to reinvest in the business and create jobs.

Passage of H.R. 4, without amendments, is the best way to remove the costly impact the 1099 requirement would have on millions of businesses.

Sincerely,

Aeronautical Repair Station Association; Agricultural Retailers Association; Air Conditioning Contractors of America;

Alabama Nursery & Landscape Association; Alliance for Affordable Services; Alliance of Independent Store Owners and Professionals; American Association for Laboratory Accreditation; American Bakers Association; American Council of Engineering Companies; American Council of Independent Laboratories; American Farm Bureau Federation; American Foundry Society; American Hotel & Lodging Association; American Institute of Architects; American Nursery & Landscape Association; American Petroleum Institute; American Rental Association; American Road & Transportation Builders Association; American Society of Interior Designers; American Subcontractors Association, Inc.; American Supply Association; American Veterinary Distributors Association.

American Veterinary Medical Association; AMT—The Association For Manufacturing Technology; Arizona Nursery Association; Associated Builders and Contractors; Associated Equipment Distributors; Associated General Contractors of America; Associated Landscape Contractors of Colorado; Association of Free Community Papers; Association of Ship Brokers & Agents; Association of Small Business Development Centers; Automotive Aftermarket Industry Association; Automotive Recyclers Association; Bowling Proprietors Association of America; California Association of Nurseries and Garden Centers; California Landscape Contractors Association; Commercial Photographers International; Community Papers of Florida; Community Papers of Michigan; Community Papers of Ohio and West Virginia; Connecticut Nursery & Landscape Association; Direct Selling Association; Door and Hardware Institute.

Electronic Security Association; Electronics Representatives Association (ERA); Florida Nursery, Growers & Landscape Association; Free Community Papers of New York; Georgia Green Industry Association; Healthcare Distribution Management Association; Hearth, Patio & Barbecue Association; Idaho Nursery & Landscape Association; Illinois Green Industry Association; Illinois Landscape Contractors Association (ILCA); Independent Community Bankers of America; Independent Electrical Contractors, Inc.; Independent Office Products & Furniture Dealers Association; Indiana Nursery and Landscape Association; Industrial Supply Association; Industry Council for Tangible Assets; International Association of Refrigerated Warehouses; International Foodservice Distributors Association; International Franchise Association; International Housewares Association; International Sleep Products Association; Kentucky Nursery and Landscape Association.

Louisiana Nursery and Landscape Association; Maine Landscape and Nursery Association; Manufacturers' Agents Association for the Foodservice Industry; Manufacturers' Agents National Association; Manufacturing Jewelers and Suppliers of America; Maryland Nursery and Landscape Association; Massachusetts Nursery & Landscape Association, Inc.; Michigan Nursery and Landscape Association; Mid-Atlantic Community Papers Association; Midwest Free Community Papers; Minnesota Nursery & Landscape Association; Motor & Equipment Manufacturers Association; NAMM, National Association of Music Merchants; National Apartment Association; National Association for Printing Leadership'; National Association for the Self-Employed; National Association of Home Builders; National Association of Manufacturers; National Association of Mortgage Brokers; National Association of Mutual Insurance Companies; National Association of RV Parks & Campgrounds; National Association of Theatre Owners; National Association of Wholesaler-Distributors.

National Christmas Tree Association; National Club Association; National Community Pharmacists Association; National Council of Chain Restaurants; National Council of Farmer Cooperatives; National Electrical Contractors Association; National Electrical Manufacturers Representatives Association; National Federation of Independent Business; National Home Furnishings Association; National Lumber and Building Material Dealers Association; National Multi Housing Council; National Newspaper Association; National Office Products Alliance; National Restaurant Association; National Retail Federation; National Roofing Contractors Association; National Small Business Association; National Tooling and Machining Association; National Utility Contractors Association; Nationwide Insurance Independent Contractors Association; Nebraska Nursery and Landscape Association; New Mexico Family Business Alliance; New Mexico Nursery & Landscape Association.

New York State Nursery and Landscape Association; North American Die Casting Association; North Carolina Green Industry Council; North Carolina Nursery and Landscape Association; Northeastern Retail Lumber Association; NPES The Association for Suppliers of Printing, Publishing & Converting Technologies; OFA—An Association of Floriculture Professionals; Office Furniture Dealers Alliance; Ohio Nursery and Landscape Association; Oregon Association of Nurseries; Outdoor Power Equipment Institute; Pennsylvania Landscape and Nursery Association; Pet Industry Distributors Association; Petroleum Marketers Association of America; Plumbing-Heating-Cooling Contractors Association; Precision Machined Products Association; Precision Metalforming Association; Printing Industries of America; Professional Golfers Association of America; Professional Landscape Network; Professional Photographers of America; Promotional Products Association International.

S Corp Association; Safety Equipment Distributors Association; Saturation Mailers Coalition; SBE Council; Secondary Materials and Recycled Textiles Association; Self-Insurance Institute of America (SIIA); Service Station Dealers of America and Allied Trades; SIGMA, the Society for Independent Gasoline Marketers of America; Small Business Council of America; Small Business Legislative Council; SMC Business Councils; Society of American Florists; Society of Independent Gasoline Marketers of America; Society of Sport & Event Photographers; South Carolina Nursery & Landscape Association; Southeastern Advertising Publishers Association; Specialty Equipment Market Association; Specialty Tools & Fasteners Distributors Association; SPI: The Plastics Industry Trade Association; Stock Artists Alliance; TechServe Alliance; Tennessee Nursery & Landscape Association.

Texas Community Newspaper Association; Texas Nursery & Landscape Association; Textile Care Allied Trades Association; Textile Rental Services Association of America; Tire Industry Association; Toy Industry Association, Inc.; Turfgrass Producers International; U.S. Black Chamber Inc.; U.S. Chamber of Commerce; Utah Nursery & Landscape Association; Virginia Christmas Tree Growers Association; Virginia Green Industry Council; Virginia Nursery & Landscape Association; Washington State Nursery & Landscape Association; Western Growers Association; Window and Door Manufacturers Association; Wisconsin Community Papers; Women Construction Owners & Executives; Women Impacting Public Policy; Wood Machinery Manufacturers of America.

Mr. HATCH. Mr. President, President Obama and congressional Democrats tried to sell the American people on their clunker of a health care law by saying it would bring down Federal health care spending. That would have been a miracle if it were true. But even the Obama administration's own actuary at the Centers for Medicare and Medicaid Services has confirmed that claim was false and that Federal spending on health care would actually increase as the result of the health spending law. Some estimate as much as $2,100 per policy.

The Cash for Clunkers Program was bad enough, but Democrats managed to outdo themselves spending $2.6 trillion in cash for this clunker of a health care law. This reminds me of a scene from the movie ''Vacation.'' At the beginning of that film, Clark Griswold goes into a dealership to buy a new car before setting off with his family for a cross-country trip to Wally World. Yet instead of getting the new car he had ordered as part of a trade-in, the dealer gave him a pea green Family Truckster, as we can see in this beautiful photograph. Chevy Chase was, of course, Griswold. One only had to look at the Family Truckster to know that it was a lemon.

Clark told the dealer he wanted his old car back. Unfortunately for Clark—or the actor, in this case—his old car was crushed before he could get it back. You can imagine the consternation Chevy Chase faced. You can see the Family Truckster in this picture behind me. There it is, with Chevy standing on top as Clark Griswold.

Clark's experience with the Family Truckster is a metaphor for Americans' experience with ObamaCare. Our Nation's health care system might have needed some work—there is no question about that—but the vast majority of Americans were satisfied with their health care. Yet Democrats gave Americans ObamaCare which, like the Family Truckster, is a true jalopy, and they did their best to crush our former health care system before we could stop them.

I also add that Americans, such as Clark Griswold, eventually reached their wits' end. The tea party, the gubernatorial elections in New Jersey and Virginia, the election of my colleague, the junior Senator from Massachusetts—all of these actions were the result of Americans standing up and letting it be known that they were sick and tired of Washington recklessly spending their money and recklessly regulating, and they were not going to take it anymore.

To borrow from Robert Daltrey, Americans made it clear that they are not going to get fooled again, but that did not stop the Democrats from trying.

At the time the health spending bill was being enacted, President Obama and congressional Democrats were raising taxes to make it appear they were partially paying for the $2.6 trillion in new spending contained in the partisan health spending law. When the Democrats say this health law saved money, ask yourself this: If the law was actually going to reduce Federal spending on health care, would these massive tax increases have been necessary?

In the end, ObamaCare was more of the same—a tax-and-spend law that vastly increased the size of an already-bloated Federal Government.

President Obama and congressional Democrats should not have raised taxes and cut Medicare to fund a new entitlement program—an unsustainable entitlement program. After all, the three largest entitlement programs—Social Security, Medicare, and Medicaid—are already headed for a fiscal crisis. To create a fourth massive entitlement program when these three entitlement programs were already going broke was fiscal insanity. That is one reason we need to repeal the health spending bill in its entirety and start over.

Senator JOHANNS' amendment to repeal the 1099 provisions in the health spending law and small business law is a good first step in getting rid of the partisan health spending bill entirely.

I think a lot of people, including Members of Congress who voted for the small business bill last year, were surprised to learn that Congress enacted a second 1099 provision last year. This is separate and apart from the 1099 provision enacted in the partisan health spending law. This new 1099 provision was enacted as part of the small business law last year. I voted against it. By the way, this provision is already in effect since it applies to payments made on or after January 1 of this year.

This 1099 provision causes landlords who are not even actively engaged in the rental real estate business to send in a Form 1099 to the IRS. It is required when they pay more than $600 in 1 year to a vendor for goods or services. For example, suppose a landlord spends more than $600 over the course of a year at a home improvement store. That landlord must send out a Form 1099 and send it to the IRS, as well as the provider of goods or services. In addition, that landlord must track down the vendor's taxpayer identification number, which is not necessarily an easy task to do.

This law creates a large and unexpected paperwork burden on these landlords. With the real estate market struggling, we should not impose new paperwork burdens on landlords which only hurt the real estate industry even more.

I urge my colleagues to vote yes on the Senator JOHANNS' amendment and vote no on the Menendez amendment. As I said, Senator JOHANNS' amendment is a downpayment on a total repeal of the onerous health care law that over time will wreck our Nation's health care system and lead to an explosion of new Federal spending.

I ask my colleagues to vote no on Senator MENENDEZ's amendment.

I personally wish to pay tribute to my colleague from Nebraska for his indefatigable efforts in trying to repeal these terrible paperwork burdens that nobody is going to look at anyway, that really are not going to make any difference and are just going to cost an arm and a leg over time. I thank him for the hard work he has done. He deserves credit for continuing to fight these battles.

I hope all of us on the Senate floor will get rid of this monstrosity today and hopefully work together to try and straighten out what is a very bad bill in ObamaCare.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER. The majority controls 19½ minutes; the minority controls 8 minutes.

Mr. BAUCUS. Mr. President, I first wish to correct the record. I stated earlier that if the Menendez provision is triggered, the 1099 repeal will not go into effect. That is not correct. What I meant to say is if the Menendez provision is triggered, then the new true-up rules in H.R. 4 will not go into effect. That is an important distinction. No matter what the result, 1099 will, in fact, be repealed. That is the main point.

I commend all Senators, including Senator JOHANNS and others, who want to repeal 1099. It is very much the view of this body—I, myself, want to repeal 1099, but I also think the provision offered by Senator MENENDEZ is an improvement on repeal, even though repeal will actually go into effect.

I will also say that there are a lot of statistics bandied about regarding health care reform. The Fidelity company does an analysis of how much it costs people age 65 and older to pay for their health care. That is their premium cost as well as their insurance costs or out-of-pocket costs. Fidelity company has just concluded in the last week or so that as a consequence of health care reform, the number of dollars that seniors will have to pay for health care will actually be lower—not higher, but lower—than what it otherwise would be on account of passage of that bill.

BUDGET PROPOSAL

I want to say a couple words about the budget proposal offered by the House, the Ryan budget proposal. It is important for people to know what is in that budget. What is in it basically? Let me tell you. That budget cuts $2.2 trillion in health care costs over 10 years—$2.2 trillion in cuts in health care costs over 2 years. It repeals health care reform. That is what the Ryan resolution does. His budget resolution repeals health care reform.

What else does it do? It dismantles Medicare. It dismantles Medicare as we know it. Health care reform extends the life of the Medicare trust fund by another 12 years. The Ryan House Republican budget proposal repeals Medicare as we know it. It turns into a voucher program. Basically, it says this: There have been reports that it costs about $15,000 to pay for seniors under Medicare for 1 year. There are reports that the Ryan proposal says we are just going to give people $6,000 and give it to a health insurance company. First, that is a big cut, 15 down to 6 and, second, it is to a health insurance company. So the net effect of the Ryan proposal is very simple. It transfers wealth from seniors, from children—because of Medicaid and people in nursing homes—it transfers wealth from them to whom? Health insurance companies. The Medicare proposal is a transfer of wealth from seniors to health insurance companies.

Health care reform did the opposite. We extended the life of Medicare. How did we do it? In part, by cutting health insurance payments. So we helped seniors in health care reform and we cut health insurance companies. The Ryan House Republican budget proposal does the opposite; it cuts benefits to seniors by a whopping amount and it takes that wealth and transfers it over to health insurance companies that will get higher premiums, higher bonus payments, their stock returns will go up, and their administrative expenses will go up. I don't think that is what we want to do. But make no mistake, that is the effect of the Ryan proposal.

Also, I might say, it reduces income taxes by about $1.2 trillion. So the real net of the effect of the Ryan proposal is, take money away from people and give it to the health insurance companies and the wealthy. That is what the Ryan proposal does. That is exactly what it does. The Ryan proposal takes money, about $5.8 trillion roughly, over 10 years—takes it away from people, especially seniors and kids on Medicaid, elderly who happen to be on Medicaid—there are big reductions further in discretionary spending—and lowers income taxes by about $1.2 trillion. It lowers them. That is how it achieves budget savings of $5.8 trillion. He cuts,

cuts to the bone, and then cuts about $1.2 trillion more than he has to because $1.2 trillion is reductions in income tax.

I want the public to know what is in the Ryan budget. That is what it is. Let me say it one more time, clearly, simply. It is a transfer of money away from seniors and from kids on Medicaid and elderly on Medicaid over to health insurance companies—higher bonuses, higher salaries, stock goes up, and in addition it transfers money away from people to pay for tax cuts for the wealthy—not tax cuts for the unwealthy but tax cuts for the wealthy.

How did he do that? He lowers the top rate to 25 percent so the wealthy pay less taxes. He lowers the corporate down to 25 percent, so the bigger companies pay less taxes. That is how he does it. While we are talking about a short-term CR around here, and we are talking about a longer term CR around here, when we start talking about budgets, let's look closely at what is actually in that Ryan proposal.

Of course, we have to lower our budget deficits. Of course, we have to significantly lower our budget deficits. But, of course, we have to do it fairly, so all Americans are part of the solution, so health insurance companies are also part of the solution, so the most wealthy are also part of the solution. All Americans have to be part of the solution. The Ryan budget does not do that. It says only the seniors—we get the budget deficit reduction on the backs of seniors, on the backs of people who otherwise receive medical care under Medicaid and some other things, but also we shift income to the most wealthy by lowering their taxes.

I hope when we are voting on the Menendez amendment, which is important to do, also in the background we understand what is going on in the other body. They may bring this up and try to pass it this week. They may try to pass it on the floor next week—I don't know. But we should recognize it for what it is and come up with a deficit reduction proposal that is fair, fair to all Americans, not on the backs of the seniors for the benefit of health insurance and not on the backs of average Americans for the benefit of the most wealthy, by lowering their income taxes by $1.2 trillion over 10 years. That is not fair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, we are headed toward $20 trillion in spending. The President's program, the Democrat's program, is maybe one-half of 1 percent, which is almost nothing. This is their program, a blank sheet of paper. That is what it is. At least Congressman RYAN, the Budget Committee chairman over in the House, is trying to do something that is worthwhile. By the way, just so everybody knows, the rich are not going to be treated tremendously respectfully in this matter. They are going to lose, on the top level, on entitlement programs. There is a cutback for those who reach a certain level of income. This is not as simple as it sounds, nor is it a desire to take anything away from senior citizens. It is trying to get our country's budget under control and it is out of control.

Mr. President, I yield up to 5 minutes to the distinguished Senator from Maine, if I can.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise in support of H.R. 4, to repeal the mandate on small businesses throughout this country. The failure to repeal this onerous mandate of the 1099 requirement would have a profound impact on millions of businesses across this country and on the already stressed job market, as employers have to grapple with the enormity of this cost, not to mention the compliance with this regulation.

I certainly commend the author of this legislation, the Senator from Nebraska, Mr. JOHANNS, for his tenacity, his perseverance, his relentlessness in bringing this to the forefront not only of the Senate but to the Congress and to the country. I hope we can join with our counterparts in the House of Representatives in an impressive, bipartisan vote because we do need to bring this to a conclusion.

I also appreciate that the Senator from Nebraska included in this repeal the provision I recommended, which was to repeal the provision that the mandate would be extended to rental property owners. This was a requirement that was included in the Small Business Jobs Tax Relief Act that became law last fall—inexplicably, given the fact that the 1099 quagmire was already well known to everyone. Yet it was included in that legislation that became law—so those who are rental property owners will have to comply with this mandate as well. The big difference is, this requirement takes effect in January of this year so unsuspecting owners will already be subject to the burden of reporting to the Internal Revenue Service any business expenditures for goods and services that exceed $600 per vendor, similar to all the other requirements under the law that will begin for 2012 for all small business owners.

As we all know, this new mandate on small businesses was imposed in the health care reform law. Yet it had nothing to do with reforming the health insurance industry. It had everything to do with raising revenues and placing inordinate burdens on small businesses. The rental real estate was added to this paperwork morass, and what is disconcerting is the fact that it directly affects those States that depend on tourism, such as my State of Maine, with respect to rental property.

I think it is going to be very important to make sure people understand this requirement will be repealed as part of this legislation. Failure to repeal this mandate will raise the compliance costs for small businesses astronomically. Already, as estimated by the NFIB, the major voice for small businesses in this country—they have estimated that small business compliance costs with respect to tax compliance alone is $74 an hour. Tax compliance is the most expensive form of paperwork. So the burden on small businesses will be strenuous and inordinate. It is already disproportionate. Their costs are 67 percent higher than larger firms.

There is no question, given the ubiquitous nature of this requirement, that small businesses all across this country will come under the weight of these very stringent regulations, having to submit 1099 forms. In fact, I was talking to an individual the other day who heads up an organization which has 1,650 members and what did he say? He said every one of these members will have to file anywhere from 200 to 600 forms every day. That is 200 to 600 forms on a daily basis.

They didn't want to talk about taxes. They didn't want to talk about anything else. They wanted to talk about whether we were going to repeal the 1099 requirement. That is why there is so much support for this repeal. It is so important, during these difficult economic times, that we avoid imposing any tough regulations on our small business owners.

The other point to be made is, this 1099 requirement is vastly different from what is familiar to most Americans. For most Americans, 1099 forms generally come from their financial institutions to report the interest they have earned on their savings accounts or to report the interest they pay on their mortgage to their lenders. That requirement is specific, to make sure they report directly their tax liability on the income earned in that specific tax year. Now we are reverting to a very different form by requiring businesses to report in the aggregate all their expenditures for goods and services to any vendor. That is a very different requirement.

My concern is one that has not been widely discussed. The fact is, by doing so, by making this conversion how we use the 1099 form, it is essentially putting in place an infrastructure, a system for a value-added tax, by requiring businesses to report all this information. So we could essentially have a system in place, where we could have a functioning value-added tax by taking the next step based on the information that is already required to be submitted by this requirement.

It is urgent we repeal this mandate. It is important to send that message. It is important to repeal this mandate in its entirety.

I yield the floor.

Mr. LEVIN. Mr. President, today we vote on a bill that would repeal the 1099 reporting expansion that was made

into law under the Affordable Care Act. This reporting requirement was designed to improve tax compliance. However, many businesses fear this expansion could end up burdening not those who seek to evade their taxes, but those who innocently do business with those who do. This is why I support the repeal of this reporting requirement in the Affordable Care Act.

Unfortunately, I do not agree with how this bill would pay for this repeal. This bill would hurt individuals who receive modest pay increases or bonuses during the course of a year. The Affordable Care Act subsidizes insurance coverage for middle-class families making under 400 percent of the Federal poverty level who don't have access to employer provided coverage. Under current law, people close to 400 percent line are protected from substantial tax penalties if they receive a modest raise or bonus that bumps them into a higher income bracket. This bill would eliminate that protection and impose a retroactive penalty on those families that could amount to thousands of dollars. Those families, even if they end up over the line by $1, would have to pay back the entire amount of their subsidies. For a family of four, for instance, this could mean owing more than $5,900 on their taxes because of an unexpected increase in income from $89,000 a year—398 percent of the FPL—to $89,500—$100 above the 400 percent FPL.

I support the amendment offered by Senator MENENDEZ that directs the Secretary of the Department of Health and Human Services to study the impact of this bill on health care premiums and coverage for small businesses and their employees. If the HHS Secretary finds that the changes in repayment amounts under this bill would increase health insurance premiums for small businesses or their employees or increase the number of uninsured, the repayment amounts would revert to current law.

I look forward to continuing to improve the Affordable Care Act and will continue to fight for affordable and available health care for all Americans.

Mr. BINGAMAN. Mr. President, I rise today to raise serious concerns about the offset proposed for H.R. 4.

I am very supportive of the underlying intent of H.R. 4—repeal of the 1099 reporting requirements, which were created in Affordable Care Act. In fact, I have voted to repeal these requirements over the last few months.

However, I have deep concerns about the offset proposed in H.R. 4. The offset represents harmful policy and has been strongly objected to by President Obama in a Statement of Administrative Policy or ''SAP'' issued on March 1.

Specifically, H.R. 4 would increase the tax burden on American families seeking health insurance coverage in the new health insurance exchanges. The legislation does so by increasing the amount of repayment that must be made by families who receive health insurance premium subsidies. Note that these taxpayers could be reporting their income correctly to the exchange throughout the year but still owe substantial payment or ''true-up'' when they file their taxes simply because the look-back period for subsidy eligibility encompasses an entire year. For example, under H.R. 4, families that have no income for part of the year—for example because of the loss of a job—could owe $12,000 in true-up payments because they secure employment midway through the year.

I am strongly supportive of ensuring that taxpayers receive accurate subsidies to help offset the cost of health insurance in the new State exchanges. Many experts throughout the Nation have told us, however, that it is critical to provide reasonable hold harmless levels for taxpayers given that subsidies are paid on a monthly basis and the look back period to determine income eligibility encompasses a year. These experts tell us that without such a hold harmless, taxpayers' willingness to participate in the new exchanges will be chilled resulting in only sicker, more costly populations coming to the exchange. This in turn, will drive up costs for individuals, families, and businesses purchasing coverage in the exchange. In fact, the Joint Committee on Taxation has confirmed to me that they project hundreds of thousands of Americans will forgo the receipt of health insurance as a result of H.R. 4 and that a majority of the offsetting revenue from the amendment is generated by forgone health insurance coverage and subsidies, not the recouping of overpayments.

I ask unanimous consent that President Obama's March 1 SAP be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

H.R. 4—COMPREHENSIVE 1099 TAXPAYER PROTECTION AND REPAYMENT OF EXCHANGE SUBSIDY OVERPAYMENTS ACT OF 2011

The Administration strongly supports efforts to repeal the provision in the Affordable Care Act that established information reporting requirements for tax purposes that place an unnecessary bookkeeping burden on small businesses. The Administration is committed to reducing the gap between taxes legally owed and taxes paid, but believes that the burden created on businesses by the new information reporting requirement on purchases of goods that exceed $600, as included in Section 6041 of the Internal Revenue Code as modified by Section 9006 of the Affordable Care Act, is too great.

However, the Administration has serious concerns about the approach the Congress has taken to paying for the repeal. The Administration strongly opposes the House's offset to pay for this repeal in H.R. 4, which would undo an improvement enacted with nearly unanimous support in the Medicare and Medicaid Extenders Act that eliminated an egregious ''cliff'' in the tax system affecting middle income taxpayers. Specifically, H.R. 4 would result in tax increases on certain middle-class families that incur unexpected tax liabilities, in many cases totaling thousands of dollars, notwithstanding that they followed the rules. The Administration also notes that a provision repealing the same information reporting requirements in the FAA Air Transportation Modernization and Safety Improvement Act would pay for the repeal with an unspecified rescission of $44 billion that, in combination with other proposals currently under consideration in Congress, could cause serious disruption in a wide range of services provided by the Federal government.

The Administration looks forward to continuing to work with the Congress on the repeal of the information reporting requirements in the course of the legislative process, including finding an acceptable offset for the cost of the repeal.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, how much time remains to both sides?

The PRESIDING OFFICER. The Senator from Utah has 1 minute 20 seconds, the majority has 3½ minutes.

Mr. HATCH. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I know we often read that Democrats and Republicans cannot agree. Here is a news flash: We agree on repealing 1099. I have listened to my three distinguished colleagues spend a lot of their time talking about repeal of 1099. We absolutely agree. I have voted six times to do that. That is not an issue.

What is an issue, and my distinguished colleague from Nebraska—with whom I have worked with before in passing some important legislation, and I have a great deal of respect for him—talked about a victory for small business. I agree. But I want a total victory for small business, and a total victory for small business is not repealing 1099 and then giving them a bigger tax bill for their employees or raising the cost of insurance for that small business. A real victory is an opportunity to make sure we repeal 1099—my amendment clearly has 1099 repeal going forward—but then does a study that says if small businesses are going to face higher costs or their employees are going to face a $10,000 tax bill, then that part of it should not proceed.

If I am wrong, nothing will happen. The study will come. They will say: No, small business is not going to have an increase; no, taxpayers are not going get a surprise tax bill. Then the repeal will have already gone through and there is no foul, no harm. But if I am right, then voting against my amendment is voting for a tax bill for middle-class families, voting to increase insurance on small businesses.

The issue about going quickly to the President, first of all, is a priority. So if we pass this, this is not, as has been suggested, an alternative; it is just a single amendment to the existing bill on a provision that allows for the repeal to go through but makes sure small businesses and individuals do not get higher costs. That can go to the

House. The House can pass it and send it to the President—away we go; we do not have a problem. Helping small businesses by reducing their paperwork while at the same time driving up health care costs and forcing coverage cuts for small businesses is simply not good policy.

In all fairness, I did not hear voices rise up when this bill was being delayed over the last week by some of my Republican colleagues trying to get their amendments considered, and those amendments were extraneous to small business. So we either have a double standard here or a desperate attempt to defeat what I think is a good amendment.

The House could have taken up the amendment, H.R. 4, and passed it into law by now. So I think it is somewhat disingenuous to have an argument that says we can't afford one amendment to proceed on this bill when our colleagues, at the beginning of this Congress, made a big production about a full debate and an open amendment process on all things considered on the Senate floor, but when there is one amendment that is meant to protect taxpayers and small businesses, oh, no, that is going to create an inordinate delay, after we had well over a week of delays by Republican colleagues seeking extraneous amendments to a small business bill. Please.

Now, I love Senator HATCH's jalopy. I remember that movie, took my family to see it. But the worst jalopy would be taking away 1099 and then going ahead and giving small businesses higher costs and a higher tax bill for individuals. That is a real jalopy. That is a lemon.

So we have an opportunity to take away and undo and repeal the 1099. My amendment permits that to go forward but at the same time makes sure small businesses do not get hurt.

How will they get hurt? How may they get hurt? Well, a lot of States, for example, are considering whether to combine their small business and individual pools. For States that combine their pools, small businesses could see an increase in premium costs. The healthiest people with little to no health care costs will have the most flexibility to decide whether to purchase coverage, and they may simply pay the mandate penalty versus the potential for a $10,000 to $12,000 tax bill. With more healthy people opting out of buying insurance, the pool of people who ultimately enroll in the exchanges that would consist of, on average, less healthy individuals—that is going to push up the premiums for everybody else buying insurance in the exchanges, including small businesses and employees. That is only one example.

The other problem is, when you are facing your constituents, I hope you are ready to tell them that through no fault of their own—when they had a job, they lost their job, you know, 6 months into the year, and they face the fact that they are still over the amount, and now they are going to get a $10,000 tax bill or, on the contrary, they didn't have a job when they got the subsidy, and then they got a job in the middle of the year and they are a dollar over the amount, and they are going to face a $10,000 tax bill. Is that what we want to do, send that type of bill to families?

Finally, I appreciate hearing Senator HATCH say this is a downpayment on total repeal of the health care law. Well, you know, if we are going to do that, if that is what this is really all about, this is not helping small businesses. Helping small businesses means we repeal 1099 and don't increase their costs and don't send their employees a $10,000 or higher tax bill.

So this is about, in my mind, making sure there is a win-win for small businesses because if we want to repeal the health care law, then that is about making sure we go back to preexisting conditions where a husband who had a heart attack on the job can no longer get insurance; where a child born at birth with a defect cannot get insurance; where a woman was facing 150-percent higher premiums than a man simply because she was a woman; where, in fact, you couldn't keep your child, up to age 26, on your insurance as they are going through school; where, in fact, we could close the prescription drug coverage for seniors. If that is what we are talking about, that is a different subject, and we can have that debate. But this debate is about making sure we repeal 1099 and making sure small businesses do not get higher costs and their employees do not get a tax penalty. I think everybody should want to be for that. We can send it straight to the House. The House can pass this version and send it to the President. That is ultimately the opportunity here.

I urge my colleagues to support my amendment. That is why the Main Street Alliance, which also supports businesses, says: Our small business owners are very supportive of efforts to remove the imposition of the new 1099 reporting requirements. We cannot, however, accept a pay-for that undermines other important provisions of the law that helps small businesses and contains costs.

My amendment ensures that we do both—repeal 1099 and not put the burden on small businesses in terms of higher health insurance costs, and their employees. I urge passage of my amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute 20 seconds, and the majority has 3½ minutes remaining.

Mr. HATCH. I ask unanimous consent that I give a minute to the distinguished Senator from Nebraska and then, if there is not enough time remaining, that I be given sufficient time, up to 2 minutes, with an equivalent amount of time given to the other side, to make my closing remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska.

Mr. JOHANNS. Mr. President, again with all due respect to my colleague from New Jersey, there have been over 200 business groups that have expressed opposition to the Menendez amendment, and that would include the NFIB, the National Association of Manufacturers, the Franchise Association, and the chamber of commerce. You see, requiring people to pay back what they should not have received in the first place is regarded as good government, not bad policy. That is what should be happening.

The second thing I would say about this is that this becomes a roadblock because we end up with a different House bill and a different Senate bill. If this is such a great idea, attach the amendment to some other bill that is coming along, and we can get the study done.

So, again, I appreciate the opportunity to work with Senator MENENDEZ, but I do believe very strongly that we need to defeat this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, if you say you are for fiscal responsibility, you need to oppose the amendment of my friend from New Jersey. Here is why. The nonpartisan scorekeeper for tax legislation, the Joint Committee on Taxation, tells us that the Menendez amendment puts the savings on the House bill in doubt. That means that if the Menendez amendment is adopted, the House bill will add to the deficit by perhaps as much as $25 billion. The Menendez amendment would maintain the risk of payment of billions in fraudulent, improper, or excessive health insurance exchange subsidies. What is more, the Senate unanimously agreed to a similar offset on the doc fix bill.

My friends, if you were against fraudulent, improper, or excessive health insurance payments before, stick to your guns—oppose the Menendez amendment.

I yield the floor, and I am prepared to yield back any time we have.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I am compelled to answer because now I hear about fraud and $25 billion. You cannot have it both ways. You cannot say this amendment costs money—what the Joint Committee on Taxation said is it could not determine a revenue score. And it is important to point out that this amendment does not spend an additional dime. And the only reason—the only reason—this amendment would have a revenue effect would be if the offset increases health insurance costs or cuts coverage for small businesses. Otherwise, there is no issue. So you can't have it both ways. Either

there is an admission that it is going to cost small businesses more, cost taxpayers more, or it is not. That is No. 1.

No. 2, this is not about fraud. This is not about someone seeking something they did not have the right to receive. Fraud is individuals who are deliberately underreporting their income or fraudulently trying to get extra support. That is not what we do. Those enforcement provisions in the law to combat fraud and abuse are untouched by my amendment. This is simply about someone who honestly got a subsidy. And we have a provision in the law that deals with how they pay back, but it doesn't throw them over the cliff and send them a surprise $10,000 tax bill. So that is simply not exactly quite the same thing.

Yes, the doc fix—we did use a provision to deal with the SGR with the doc fix, but we did not put small businesses and families at harm, as H.R. 4 does.

So the reality is that this amendment permits repeal to move forward. After the repeal, a study is done. If there is no harm, if it supposedly does not cost small businesses any more money, does not drive up insurance costs, does not cost the taxpayer maybe $10,000 or $12,000, fine. But if it does, then we would ultimately not have that harm come upon small businesses, come upon individual taxpayers with a surprise bill. And we could, of course, if that is the end result, which we don't know—that is why the Joint Tax Committee could not come up with a determination. We will not know until the study is done. Instead of having a risky venture, let's have the actual facts. Repeal will have gone through. We can protect small businesses and those taxpayers, and, if necessary, we can find a different offset. If they are wrong and I am right, that this concern about taxpayers getting a surprise bill and small businesses having greater insurance costs is true, then we will protect them and we can look for a different offset at the time. Repeal will have taken place no matter what.

Why would you not want to protect small businesses and taxpayers from getting a surprise bill? That is all my amendment does, and that is why I urge its passage.

Mr. HATCH. Mr. President, I would like to briefly respond to my friend from New Jersey's comments about the Joint Committee on Taxation's analysis of his amendment.

The Joint Committee on Taxation corresponded with Senator MCCONNELL's office on Senator MENENDEZ's amendment. I ask unanimous consent to have printed in the RECORD relevant portions of that e-mail discussion.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CORRESPONDENCE TO STAFF OF SENATOR MCCONNELL FROM TOM BARTHOLD, CHIEF OF STAFF, JOINT COMMITTEE ON TAXATION, DATED APRIL 5, 2011

You requested an estimate of the Menendez amendment (FRA11028).

The Johanns amendment (which is essentially H.R. 4) increases maximum repayment caps for overpayment of health insurance exchange subsidies for taxpayers in certain income categories below 400 percent of the federal poverty level (''FPL''), and removes the caps for taxpayers above 400 percent FPL. We estimate that this portion of H.R. 4 raises $24.9 billion relative to present law. The Menendez amendment (FRA11028) would amend this amendment to require that the Secretary of Health and Human Services conduct a study to determine if the new repayment caps in H.R. 4 will (A) increase health insurance premiums within Exchanges for employees or owners of small business, or (B) result in an increase in the number of individuals who do not have health insurance, a disproportionate share of which are employees or owners of small businesses. If the study determines that one or both of (A) or (B) would occur, the changes to the caps in H.R. 4 would not be implemented.

We do not project an increase in health insurance premiums in the Exchanges for employees or owners of small businesses as a result of H.R. 4. We project that there would be an increase in the number of people who are uninsured as a result of the new caps in H.R. 4, because some people would avoid purchasing insurance through the Exchanges in order to avoid possible future increases in tax liability.

We would expect that about 1/3 of the adults who fail to enroll in the exchanges for this reason would be unemployed. Of those who are employed, we would expect that they would be roughly equally divided between being employees or owners of firms less than 50, and employees or owners of firms greater than 50. Thus, a larger share of small business employees would be affected than of large business employees, although small business employees and owners would comprise less than half of the newly uninsured.

Because it is unclear how the Secretary will interpret the terms ''disproportionate share'' and ''small business,'' we cannot predict the findings of this study. If the study conducted by the Secretary reaches a similar conclusion to our estimate, and the Secretary deems that this would meet the criteria of a disproportionate share of employees or owners of small businesses among the newly uninsured, this amendment would result in failure to implement the new caps under H.R. 4, thus losing $24.9 billion relative to the Johanns amendment.

TOM BARTHOLD.

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

The question is on agreeing to the Menendez amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Idaho (Mr. RISCH).

Further, if present and voting, the Senator from Idaho (Mr. RISCH) would have voted: ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—41

Akaka	Durbin	Mikulski
Baucus	Feinstein	Murray
Begich	Franken	Reed
Bennet	Gillibrand	Reid
Bingaman	Harkin	Rockefeller
Blumenthal	Inouye	Sanders
Boxer	Johnson (SD)	Schumer
Brown (OH)	Kerry	Shaheen
Cantwell	Kohl	Stabenow
Cardin	Lautenberg	Udall (CO)
Carper	Leahy	Udall (NM)
Casey	Levin	Whitehouse
Conrad	Menendez	Wyden
Coons	Merkley	

NAYS—58

Alexander	Hagan	Murkowski
Ayotte	Hatch	Nelson (NE)
Barrasso	Hoeven	Nelson (FL)
Blunt	Hutchison	Paul
Boozman	Inhofe	Portman
Brown (MA)	Isakson	Pryor
Burr	Johanns	Roberts
Chambliss	Johnson (WI)	Rubio
Coats	Kirk	Sessions
Coburn	Klobuchar	Shelby
Cochran	Kyl	Snowe
Collins	Landrieu	Tester
Corker	Lee	Thune
Cornyn	Lieberman	Toomey
Crapo	Lugar	Vitter
DeMint	Manchin	Warner
Ensign	McCain	Webb
Enzi	McCaskill	Wicker
Graham	McConnell	
Grassley	Moran	

NOT VOTING—1

Risch

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 58. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. JOHANNS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Idaho (Mr. RISCH).

Further, if present and voting, the Senator from Idaho (Mr. RISCH) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 12, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—87

Alexander	Burr	Cornyn
Ayotte	Cantwell	Crapo
Barrasso	Cardin	DeMint
Baucus	Carper	Ensign
Begich	Casey	Enzi
Bennet	Chambliss	Feinstein
Bingaman	Coats	Franken
Blumenthal	Coburn	Gillibrand
Blunt	Cochran	Graham
Boozman	Collins	Grassley
Boxer	Conrad	Hagan
Brown (MA)	Coons	Hatch
Brown (OH)	Corker	Hoeven

Hutchison	McCain	Sessions
Inhofe	McCaskill	Shaheen
Isakson	McConnell	Shelby
Johanns	Menendez	Snowe
Johnson (SD)	Merkley	Stabenow
Johnson (WI)	Moran	Tester
Kerry	Murkowski	Thune
Kirk	Nelson (NE)	Toomey
Klobuchar	Nelson (FL)	Udall (CO)
Kohl	Paul	Udall (NM)
Kyl	Portman	Vitter
Landrieu	Pryor	Warner
Lee	Reed	Webb
Lieberman	Roberts	Whitehouse
Lugar	Rockefeller	Wicker
Manchin	Rubio	Wyden

NAYS—12

Akaka	Lautenberg	Murray
Durbin	Leahy	Reid
Harkin	Levin	Sanders
Inouye	Mikulski	Schumer

NOT VOTING—1

Risch

The PRESIDING OFFICER. Under the previous order requiring 60 votes for passage, the bill is passed.

The Senator from Colorado is recognized.

ORDER OF PROCEDURE

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that at 2:15 p.m. the Senate proceed to a period of morning business with Senator COBURN being recognized for up to 20 minutes; that following Senator COBURN, Senator MIKULSKI be recognized for up to 15 minutes; and that following Senator MIKULSKI's remarks, the majority leader be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1 p.m., recessed and reassembled at 2:15 p.m. when called to order by the Presiding Officer (Mr. WEBB).

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I understand that I have 20 minutes.

The PRESIDING OFFICER. The Senator is correct.

STATUTORY DEBT LIMIT

Mr. COBURN. Mr. President, I want to speak on two or three topics, the first of which is the statutory debt limit.

We heard the Treasury Secretary today say that essentially early, late July would be the last time at which we could manipulate things to not surpass our debt limit. I wanted to ask the rhetorical question: What does the statutory debt limit mean? What it means is we put into law a limitation on ourselves on the amount of money we can borrow.

President Bush—I believe my facts are correct—asked for the debt limit to be extended seven times. This will be the second under President Obama's leadership. It has been extended multitudes of times prior to that. As a physician I am querying myself to ask the question: Why do we put a limit on our debt when every time it comes up, we raise the limit again? The answer to that question is the limit does not mean anything because we continue to disregard the difficulty we are in. If a debt limit meant something, we would make changes and take actions to limit the amount of money we are spending so we would not break the debt limit or have to raise the debt limit.

As a physician, when I think about the debt limit, the debt limit is a symptom of simply another problem. That other problem is that we in Congress—this Congress, the Congress before this, and the 10, 20 Congresses before that—have not taken seriously the idea that this country has to live within its means. In fact, we are not living within our means. We were not living within our means before the housing crisis of 2008. We were not living within our means except one short period of time when we had a true net surplus of about $36 billion, thanks to the tech bubble and the fact that in 1995, the 104th Congress did a rescission package of a significant amount, under $30 billion, but the accumulated benefit of that allowed us to run those surpluses.

The question before our country today is: Is the Congress going to pass another debt limit? Are we going to raise the debt limit again and not do what every other family, every other business, and every other organization in this country has to do and, in fact, the rest of the world? And that is, they do not have the liberty of spending money they do not have on things they do not absolutely need.

I believe the question the American people ought to be asking of Congress and this President is: How dare you even consider raising the debt limit until you have done a thorough job of finding out whether the programs—the multitudes, hundreds of thousands of programs—we have actually function efficiently, actually do their intended purpose and, in fact, are a legitimate role for the Federal Government to be doing in the first place?

We are always going to have the partisan debate on whether taxes are not high enough or spending is not low enough. But all of those belie the real problem, which is this country cannot continue to live beyond its means.

In point of fact that this Congress does not want to do that, we have a small business bill on the floor about which we are all tied up in knots because we do not want to make votes that actually will cut $20 billion worth of spending this year. We do not want to have those votes. We have had all these shenanigans to try to keep from coming to the floor amendments that actually do something.

The American people ought to look at us and say: What is going on? Do you not get it? Do you not understand that the country as a whole is now experiencing what a large number of our families did over the last 2 years, that the amount coming in is less than the amount going out and adjustments in how we spend and what we spend have to be made?

We have an ethanol amendment that I understand is controversial. The fact is, it will be voted on after cloture is filed on this bill. But it is an amendment that will save a true $4.9 billion this year alone. The money for that tax credit that goes to the international and national oil companies in this country to blend ethanol with fuel—they sent a letter and said they do not want the money. How does one justify voting to send money, $4.9 billion, to ExxonMobil and Chevron and ConocoPhillips and all the rest of the big ones that are going to show tremendous profits with oil prices where they are today? When they say they do not want it, how does one justify continuing to send money to them? How does one vote against not sending that money back to the Treasury, not borrowing the money from the Chinese to pay the large oil companies to blend ethanol?

It is not a justification. The reason we are not having a vote is because they know it will be adopted. That amendment will be adopted. That is why we are not having a vote.

America ought to look at the Senate and say: You are not having a vote on something that will save America almost $5 billion this year, before the end of this year that the people who are getting that money do not want and have written to the Congress and said, We do not want the money, and yet we are not going to be allowed to take that amendment up in regular order and not be able to have a vote on it because a small special interest group does not want that to happen?

Talk about dysfunctional. Talk about having our heads in the sand. Talk about not addressing the real problem with the debt limit when we cannot even do something that simple, of saving the American people $5 billion on one amendment and we will not do it? Some real change has to happen, and not enough change has happened yet.

The Government Accountability Office issued a report a month ago outlining massive duplication throughout our government, the first third of it with massive amounts of duplication. The question on the other side is: Are these legitimate roles for the Federal Government? We are not even going to debate that issue. The fact is, they showed massive amounts of duplication in large areas across the government in which we have multiple programs to do the exact same thing.

We have an amendment that will save $5 billion this year if we will vote on the amendment and say, Let's cut $5 billion out of at least $50 billion to $100

billion we know is there, and let's do it this year, and let's have the administration mandate they have to do it.

That is another $5 billion. In two amendments, we would have covered everything we would have cut with the CRs. They are common sense. They match what the American people want us to do. If we had true world bankers, they would be telling us to do it as well. And yet we have not been able to achieve a vote on that amendment.

Then we have the fact that we have unemployed millionaires to the tune of taking, I believe the number is, $20 million in unemployment checks—people earning $1 million a year taking $20 million from the taxpayers of this country for unemployment. We should not let that go on one second longer. Unemployment is for people who desperately need it. It is not for those who do not.

What we have also found is the tremendous cost, as we researched the data on the unemployment for millionaires, that we are spending almost $5 billion a year to manage the unemployment program in this country at the Federal level, when 85 to 90 percent of the work is done at the State level. We did not even offer that amendment to downsize that activity.

The suggestion I have for my colleagues is let's go back to the debt extension, the statutory debt limit. I am of a mind—and I think the average American, regardless of what the consequences are and all the fear mongering we hear about, oh, you have to do this, you have to do this—I do not think we should do it until we have followed some of the commonsense prescriptions that the average family does in this country before we extend the debt limit. My knowledge of the functioning of this town says it is doubtful we will ever do that.

I call on my colleagues to start thinking about what the real disease is in Washington. The real disease is we do not have the courage to make the very hard choices that are in front of our country today and then live with the results of that in terms of how it is going to impact our political careers.

Everybody has a program they want to protect. The message for America today is every program is going to get hit. The Defense Department is going to get hit. Every program is going to get hit. My taxes are going to go up. Sorry, they are going to go up. This country cannot get out of this mess with the behavior we are exhibiting in this body. And if we fail to do what is necessary for our country at this critical time in our juncture, history will deem us absolutely incompetent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

THE BUDGET

Ms. MIKULSKI. Mr. President, my colleague has talked about the disease in Washington, but I want to talk about another disease that seems to be running rampant in the House Republican caucus, and that is hypocrisy. Hypocrisy. The reason I say that is they say one thing and they mean another. They say one thing and they deceive the American public.

Ordinarily, I would not comment on the behavior or the tribal mores of the House Republican caucus, but they have had a field day on TV ridiculing the Senate, ridiculing the Democratic Senate, essentially doing a lot of name calling. I am not doing name calling. I am going to do fact describing.

The reason I call it hypocrisy is this: What they say they want to do, which is reduce government spending, they do not. They only do it on particular groups of people.

The other is something called the consequences of the shutdown. Let me say this: They want to cut spending, but they are unwilling to cut their own pay. Sure, I am for a government that is more frugal. I am for cuts. But I am not for their cuts. What they propose is reckless and radical, and when they do not get their own way, they say: Cut it or shut it.

However, I take this position: If there is a government shutdown, I do not think Members of Congress should be paid. If there is a government shutdown and we tell dedicated Federal employees that they are not going to get paid, that they are nonessential, the fact that we could not stop a shutdown shows we are not essential. I believe if there is a shutdown, Members of Congress should not get paid. I not only want to express that as a sentiment, I did that backing Senator BARBARA BOXER's bill which passed the Senate that said if there is a shutdown, Members of Congress do not get paid.

What did the House Republicans do? They passed a bill, I will not go through the details, but on this relevant section they said Members of Congress and the President do not get paid. But guess what. They allow for retroactive payment. The Senate bill does not do that. So they would be the only ones in a shutdown who can come back and pick up that little paycheck they have stuck in a corner. Talk about hypocrisy. That is called bait and switch. It ought to be under some kind of consumer protection law.

Even the title of their bill is wrong. Their bill is called the Government Shutdown Prevention Act. Their bill doesn't stop a shutdown. It doesn't even help with the sitdown. What is a sitdown? We would come to the table as grownup Americans, and we would try to arrive at how to pass a continuing resolution to fund the government that recognizes not only debt but that there are certain aspects of the government programs we need to be able to fund.

My constituents were outraged when Wall Street executives got hundreds of millions of dollars in bonuses. They should be outraged when, as Members of Congress, we are going to get paid when they do not.

Here is what I don't get. My home State is the home of the National Institutes of Health. Right now I have thousands of people working as a team to find the cure for Alzheimer's, for AIDS, for autism, for cancer. We race for the cure, and we should, but we are going to tell those researchers they are nonessential.

Right now there are thousands of Federal employees processing the claims of Social Security, making sure someone who is disabled qualifies for their benefit. They are going to be told they are nonessential.

Let me tell you, on any given day, if somebody, in whatever town they live, goes to their Social Security office and finds it shuttered and they cannot apply for a benefit for which they believe they are eligible, I think they would rather shut us down than that Social Security office be shut down.

Ask anybody in the United States of America who they think is more essential, Members of Congress or the researchers working on a cure for cancer or those people working to defend our borders. I could give example after example; you know where they are.

It is very clear people know they depend, for the functioning of the Federal Government, on a civil service that is honest, that has integrity, counseling us to make sure we keep government doors open while we negotiate the numbers. Numbers do matter. I am ready to come to the table. I believe all Democrats are ready to come to the table. But we will not come to the table to engage in meaningless discussions and pursuing a way that is reckless.

I will discuss about the recklessness more, but I want everybody to understand Democrats in the Senate passed a bill that said if there is a shutdown, we don't get paid, no way, no day, and no backpay. So no way, no backpay. The House, in the meantime, did this sham scam that says: Yes, we will pretend we are not getting paid, but we are going to pick up a backpayment.

I don't get these guys. They want to take away Medicare and turn it into a voucher program, but they are sure happy picking up government health care. They love getting federally subsidized health care. They want to take away other people's pensions, but they sure like getting their Federal employee pensions. I am going to put an end to the hypocrisy, and I am going to put an end to the CR dangling.

I think we need to come to the table and pass a responsible budget that recognizes we are in a frugal era and we need to make sure the American people know we are on their side. At the same time, the American people need to know that many of us are willing to say if a shutdown comes and Federal employees get no pay and contractors get no pay, we get no pay and no backpay.

I will have more to say about this as this week unfolds, but before I sit down, please, lets sit down rather than shut down.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I have had a number of conversations over the last few days with my new friend, the junior Senator from Kentucky, Mr. PAUL. He feels very strongly about an issue, and he should have the right to talk about that.

I ask unanimous consent that there be 10 minutes for Senator PAUL to speak prior to my being recognized to have the bill called up; that is, the small business jobs bill, and that Senator PAUL be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. During that morning business time, it will be for debate only by Senator PAUL.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky is recognized.

WAR POWERS ACT

Mr. PAUL. Mr. President, I very much thank the majority leader for allowing this important debate to occur.

During his campaign, Candidate Barrack Obama said no President should unilaterally initiate military conflict without Congressional authority. I agree with that statement. It is a very important constitutional principle and something that I think deserves debate.

I think the most important thing we do as representatives is voting on whether to go to war. If Congress does not vote to go to war or does not vote on the notion of going to war, we would have an unlimited Presidency, and this is a very dangerous notion.

I would take this position no matter what the party affiliation were of the President because I believe very strongly in the constitutional checks and balances. We will vote today on the President's own words verbatim. During the election, the President said: ''The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the Nation.''

Clearly, the circumstances in Libya do not rise to this, and I think this vote is incredibly important. Madison wrote that:

> The Constitution supposes what history demonstrates. That the executive is the branch most interested in war and most prone to it. Therefore, the Constitution has with studied care given that power to the legislature.

''Don't tread on me'' was a motto and a rallying cry for our Founding Fathers. The motto of Congress appears to be: ''Tread on me, please tread on me.'' The Congress has become not just a rubber stamp for an unlimited Presidency, but, worse, Congress has become a doormat to be stepped upon, to be ignored, and basically to be treated as irrelevant.

Some would say: We had no time. We had to go to war. There was no time for debate. When we were attacked in World War II on December 7, Pearl Harbor, within 24 hours this body came together and voted to declare war on Japan. There is no excuse for the Senate not to vote on going to war before we go to war.

The President had time to go to the United Nations, have a discussion, and a vote. The President had time to go to the Arab League, have a discussion, and a vote. The President had the time to go to NATO. But the President had no time to come to the people's house, to the Congress, and ask, as the Constitution dictates, for the approval of the American people and for the approval of Congress.

Why is this important? It is important because when our Nation was founded, we were founded as a constitutional Republic. We placed limitations not only on the President but on the Congress. We are supposed to obey the Constitution. These are important principles and we have gone beyond that. We have gotten to the point where my question is, Are we even obeying the Constitution in this body?

This is a sad day. This is a sad day for America. The thing is, we need to have checks and balances. Do we want an unlimited Presidency, a Presidency that could take us to war anywhere, anytime, without the approval of Congress?

Some have said: We are going to have a vote sometime, sometime in the next couple weeks. When we get around to it, we may have a debate about Libya. Had the President shown true leadership, the President would have, when he called the United Nations, when he called the Arab League, when he called NATO, the President would have called the leadership of the Senate and the leadership of the House, and we would have been here within 24 hours, having what should be the most momentous debate this body ever has on sending our young brave men and women to war.

We are currently engaged in two wars, and we are now going to be engaged in a third war. The interesting point is, when we went into Iraq and Afghanistan, we had votes in this body. President Bush came to Congress and there were votes.

The War Powers Act—some on the other side say: This is no big deal. The President can do whatever he wants as long as he notifies Congress within a certain period of time.

This is not a correct interpretation of the War Powers Act. The War Powers Act does say he needs to notify Congress. But the War Powers Act also says the President must meet three hurdles before taking our troops into harm's way.

No. 1, there should be a declaration of war or there should be an authorization of force from this body or there should be imminent danger to the Nation. None of those were adhered to. The law was not adhered to.

Some will say: The War Powers Act, no President recognizes it. Well, The War Powers Act is the law of the land, and the President needs to respect not only the statutory law of the land but the Constitution. I do not think these are trivial questions. But I am bemused, I am confused, I do not understand why your representatives are not down here debating such a momentous event as going to war.

I can think of no vote and no debate more important than sending our young men and women to war. It should be done reluctantly. We should go to war only when threatened as a nation. When engaged in two wars, we should debate the prudence of being involved in a third war. These are not trivial questions. I am amazed this body does not take the time to debate whether we should be in Libya.

Some have said: We will debate it next week. The problem is, the debate should occur before we go to war. At this point, we will have a vote. We will have a vote on the President's own words.

I will yield for a minute or two for a question, if that is OK. I yield to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. LEE. Mr. President, what we have with the situation with Libya presents us with a fundamental question, one we have wrestled with for a couple centuries as a nation. The founding era was a time that was fraught with wars. It was a time when we learned that executives sometimes abuse their power. Sometimes they will take us into wars in faraway nations without the support of the people, knowing full well it is the sons and the daughters of the people on the ground who are asked to make the ultimate sacrifice in those battles.

We channeled the war power in the Constitution so as to make sure these debates would always come to the forefront, that they would always be brought up by the elected representatives of the people in Congress. For that reason, although we give power to the President to be the Commander in Chief in article II of the Constitution, in article I of the Constitution, we reserve that power, the power to declare war, to Congress.

This is how we guarantee that the people's voice will be heard and that people's sons and their daughters will not be sent off to war without some public debate and discussion by those

who have been duly elected by the people and stand accountable to the people.

We have, over time, clarified the intent. We have made clear there are certain steps that have to be taken. We have also made clear that although there is, to be sure, a certain unknown continuum, a continuum that can be hard to define in every circumstance, between the President's plenary authority as Commander in Chief, on the one hand, and Congress's power to declare war on the other, there does come a point at which we can recognize that we are at war and that some authorization is required by Congress.

This very body, Congress, has, through the war powers resolution, attempted to distill some of these principles. In section 1541 of the War Powers Act—it is found at 50 United States Code section 1541—we are told there are circumstances, three circumstances to be precise—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REID. Mr. President, first of all, I wish to express my appreciation to the Senator from Kentucky. He is a gentleman. I know how sincere he feels about this issue. I admire him for feeling sincerely about issues, as he does on a number of them.

It has been good for me to get to know him better during the last 4 or 5 days.

I ask for the clerk to report the pending business.

SBIR/STTR REAUTHORIZATION ACT OF 2011—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The bill clerk read as follows:

A bill (S. 493) to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Pending:

McConnell amendment No. 183, to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to or taking into consideration the emission of a greenhouse gas to address climate change.

Vitter amendment No. 178, to require the Federal Government to sell off unused Federal real property.

Inhofe (for Johanns) amendment No. 161, to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments.

Cornyn amendment No. 186, to establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful government spending.

Paul amendment No. 199, to cut $200,000,000,000 in spending in fiscal year 2011.

Sanders amendment No. 207, to establish a point of order against any efforts to reduce benefits paid to Social Security recipients, raise the retirement age or create private retirement accounts under title II of the Social Security Act.

Hutchison amendment No. 197, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.

Coburn amendment No. 184, to provide a list of programs administered by every Federal department and agency.

Pryor amendment No. 229, to establish the Patriot Express Loan Program under which the Small Business Administration may make loans to members of the military community wanting to start or expand small business concerns.

Landrieu amendment No. 244 (to amendment No. 183), to change the enactment date.

Paul motion to commit the bill to the Committee on Foreign Relations with instructions to report the same back to the Senate forthwith with Paul amendment No. 276 (to the instructions on Paul motion to commit the bill), of a perfecting nature.

Mr. LEVIN. Mr. President, I rise to oppose the Paul amendment on the President's constitutional authority to order the use of military force. This amendment is flawed because it doesn't allow the President to respond militarily to a completed attack and only allows action to stop an actual or imminent threat to the Nation.

The amendment would in effect make it illegal for the President to unilaterally order the use of military force to protect U.S. interests except only in situations that involve preventing an actual threat to the United States or an imminent threat to the United States.

Numerous Presidential decisions to order the use of military force over the last 30 years would not meet the standard of the Paul amendment.

For example, under the Paul amendment President Ronald Reagan would have acted illegally in 1983 when he unilaterally ordered the invasion of Grenada, which did not involve an ''actual'' or ''imminent'' threat against the United States from Grenada.

Similarly President George H.W. Bush would have acted illegally under the Paul amendment when he ordered the 1989 invasion of Panama. President Bush justified the Panama invasion based on protecting the lives of U.S. citizens, defending democracy and human rights in Panama, and countering drug trafficking, not on an ''actual or imminent threat to the nation.''

Also, President Reagan's ordering airstrikes against Libya in 1986, 11 days after Libyan terrorist agents bombed the LaBelle discotheque and killed or wounded over 100 U.S. soldiers, might have been illegal under the Paul amendment. The President's response to Libya's sponsorship of terrorism arguably would not have met the standard of ''stopping an actual or imminent threat to the nation'' because the tragic act of terrorism had already happened days earlier.

Finally, according to this amendment, President Obama acted beyond his constitutional authority when he authorized the use of deadly force by Navy SEALs to rescue Captain Richard Phillips from Somali pirates on April 10, 2010.

There are numerous other examples over the past decades when Presidents have ordered the use of military force to protect U.S. interests, but where such actions would not have met the standards of the Paul amendment.

I urge my colleagues to vote to table this amendment.

Mr. REID. Mr. President, it is my understanding that the Paul amendment is the pending business; is that right?

The PRESIDING OFFICER (Mr. FRANKEN). The motion to commit by Senator PAUL is pending.

Mr. REID. I move to table that and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 90, nays 10, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—90

Akaka	Feinstein	Menendez
Alexander	Franken	Merkley
Ayotte	Gillibrand	Mikulski
Barrasso	Graham	Murkowski
Baucus	Grassley	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Hatch	Portman
Blumenthal	Hoeven	Pryor
Blunt	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Risch
Brown (MA)	Isakson	Roberts
Brown (OH)	Johanns	Rockefeller
Burr	Johnson (SD)	Rubio
Cantwell	Kerry	Sanders
Cardin	Kirk	Schumer
Carper	Klobuchar	Shaheen
Casey	Kohl	Shelby
Chambliss	Kyl	Stabenow
Coats	Landrieu	Tester
Coburn	Lautenberg	Thune
Cochran	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Coons	Lieberman	Vitter
Corker	Lugar	Warner
Cornyn	Manchin	Webb
Crapo	McCain	Whitehouse
Durbin	McCaskill	Wicker
Enzi	McConnell	Wyden

NAYS—10

Collins	Lee	Snowe
DeMint	Moran	Toomey
Ensign	Paul	
Johnson (WI)	Sessions	

The motion was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

MORNING BUSINESS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIBYA

Mr. MCCONNELL. Mr. President, just a brief observation about the vote we just had. I would say to our colleague from Kentucky, Senator PAUL, the issue of the American effort in Libya is a legitimate discussion for debate, I think a legitimate issue for debate. That is a debate we need to have, and I will be talking to the majority leader about the appropriate time to do that.

A number of Senators are talking among themselves on a bipartisan basis about what kind of resolution would be appropriate, and certainly the Senate speaking on this issue is something we need to do in the very near future.

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. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET DIFFERENCES

Mr. HARKIN. Mr. President, the responsible leaders in Washington are working hard to find a compromise to fund the government through the end of the year. Regrettably, however, many Republicans in the House—spurred on by tea party radicals—are still threatening to throw a temper tantrum and shut down the government if they don't get all of their demands. This morning, the Washington Post reports that Speaker JOHN BOEHNER received an ovation from the Republican caucus when he told them he had directed the House Administration Committee to prepare for a shutdown, as Congressman MIKE PENCE, former head of the Republican Policy Committee, shouted at a tea party rally last week, ''Shut it down!''

So it seems what we are confronting is kind of a monolithic House driven by the tea party vigilantes, as I refer to them, to brook no compromise. They want it all their way or they are going to shut down the government.

Republicans are seizing on the budget crisis as a pretext for ramming through their longstanding ideological wishes. In Iowa, Wisconsin, Ohio, and elsewhere Republicans are using the budget crisis as the pretext for an assault on public sector unions and their hard-working teachers, firefighters, prison guards, and others. On Capitol Hill Republicans are using this crisis to try to defund health care reform, to gut Medicare and Medicaid and Social Security, and, yes, to cut tax rates even more deeply for the wealthiest in our society. This tea party budget is an unprecedented assault on the middle-class and working Americans. It would drive down our American standard of living, shred the economic safety net, reduce access to health care and higher education, and do grave damage to our public schools and our ability to prepare the next generation for the jobs of the future.

Let's be clear. This is not about reducing budget deficits. Republican Governors and Republicans in Congress are demanding budget cuts for the middle class. At the same time, they continue to push for tax cuts for large corporations and the wealthy. So call it what it is. Republicans are waging a class warfare in America. Republican Governors have the gall to attack teachers and firefighters, police officers, and other public employees.

In the words of Indiana Governor Daniels, he called them ''the privileged elite.'' Think about that. Our teachers, our firefighters, prison guards, and others who are public union members are the privileged elite in our society according to Governor Daniels.

Why are they the privileged elite? Well, I guess because they actually have pensions. They actually have access to decent health care, and they are making decent wages with decent working conditions. That is the privileged elite. I guess now the middle class are people who are working for minimum wage at McDonald's, with no health care, no pensions, no retirement, and not enough to support their families. I guess that is the new middle class in America, but the privileged elite are those who have pensions, access to health care, and decent wages.

This is the worst kind of demagoguery against loyal and hard-working public servants, our friends, and our neighbors. We shouldn't be dragging people down because they have a middle-class life. We should be working every day to give every American that opportunity.

Meanwhile, as the Republicans at the State and national level go after the health care, retirement, and security of middle-class Americans, they are going all out to pass more tax cuts for the wealthy. The Republican Governor in Michigan called for a $1.8 billion cut in corporate taxes. Wisconsin Governor Walker has called for $200 million in cuts. In Congress, just a few months ago, in December, Republicans demanded and got hundreds of billions of dollars in new tax cuts largely, again, for the wealthy.

Now, House Republicans—the tea party-driven House Republicans—are demanding we reduce the top tax rate for high earners. Get this, reduce the top tax rate for high earners from 35 percent down to 25 percent, preserving every penny of the tax breaks given to the wealthy back in 2001. All of these tax cut proposals will make deficits far worse. So, again, this whole battle we are talking about is not about deficits. Indeed, the tax cuts congressional Republicans secured in December will add, according to CBO, $354 billion to the deficit just this year and even more next year.

Early this year House Republicans voted to repeal the health reform law which would add $210 billion to the deficit over the next decade and over $1 trillion in the decade to follow. Now, again, that is the savings CBO said would come about because of the health reform bill we passed. Yet these same Republican politicians in the House and around the country are claiming to be worried about the deficit.

Well, I think this demagoguery is not fooling anyone any longer. It is not about deficit reduction; it is about ideology. Republicans are taking a meat ax to programs for the middle class—everything from cancer research to Pell grants to health care. They are gutting the safety net started and built up over generations, starting with President Franklin Roosevelt. It is the same old Republican game plan: give huge, unaffordable tax cuts to the wealthy and give budget cuts to the middle class and the most vulnerable in our society, including seniors and people with disabilities.

This new tea party Republican budget proposal gives new meaning to the word ''extreme.''

Look at what they have proposed. The new budget that has just come out on the House side would basically eliminate Medicare as we know it. It would create a new voucher program with seniors in the future paying out of pocket for many lifesaving health care costs. Estimates are that this would raise premiums and cut benefits of over 25 million seniors.

It is a massive giveaway to private insurers, a system that CBO—the Congressional Budget Office—tells us is much more expensive and, we know, less efficient than Medicare. By design these vouchers would not keep up with rising health care costs, so they would lose value every year with seniors paying the difference or ending up uninsured. Again, the assault on Medicare is a transfer of wealth from the middle class to insurance companies and their shareholders, their stockholders.

The House budget would reopen the prescription drug doughnut hole requiring seniors to pay $3,600 a year more for prescription drugs. They propose to block grant Medicaid and cut $1 trillion in health care services which would end vital services that seniors and disabled Americans depend on such as coverage for nursing homes or home health agencies by shifting the cost to the States. This would worsen State budget deficits and lead to higher property taxes. Seventeen Governors sent a letter to congressional leaders opposing this, saying it would shift costs and risks to States. States would be forced to bear all costs after hitting the annual cap just as the baby boom generation is entering the retirement years with likely steep increases in their

health care and long-term care costs. The ensuing funding shortfall would leave States with an untenable choice between increasing taxes, cutting other State programs or cutting eligibility, benefits or provider payments.

That is a letter 17 Governors sent to the President.

I remind my colleagues that Republicans complained bitterly in the last Congress when we approved support for the States to maintain health programs for the poor in the recent recession—a level of support the Republicans are now trying to slash in the States. The House budget would put future seniors in the same budget fight, and the Republican budget proposal doesn't stop at dismantling the safety net and programs that the seniors rely on for a secure retirement. It makes profound and destructive cuts to the entire range of programs that underpin the American middle-class standard of living—everything from education, student grants, loans, law enforcement, clean air and clean water, food safety, biomedical research, highways, bridges, and other infrastructure—in short, all the programs and services Americans rely on for a decent way of life.

The Republican assault on the middle class is breathtaking, both in the scope and in its depth. It cannot come at a worse time for working Americans, who are already under enormous strain and fear that the American dream is slipping away.

It is no secret people are working longer and harder than ever before, but they still can't meet the cost of basic, everyday needs such as education, transportation, housing, and health care, let alone put away enough money to support themselves in old age.

Even before the great recession, during boom times, working people weren't sharing in our Nation's prosperity. Real wages peaked in the 1970s, and they have not moved since. Think about this. Real wages, accounting for inflation, are about where they were in 1979. Think about that. The middle class in America has not made any headway since 1979. We wonder why people are upset. They see the middle class way of life slipping away from them and their children.

I don't think we can say the wealthiest 400 or 500 people in America are at the same place they were in 1979—not at all. In fact, in the mid-1970s, the top 1 percent of Americans, in terms of wealth, had about $8 trillion in assets. Today, that same 1 percent has over $40 trillion in assets. It is not the same as where they were in 1979.

The top 1 percent has seen their income soar. Last Friday, our colleague from Rhode Island, Senator WHITEHOUSE, was on the floor, and he had some very startling statistics. He pointed out that the 400 highest income earners in America earn an average of $344 million a year. Got that? They earn an average of $344 million a year, and they paid an effective tax of 16.7 percent. The average person working around here—the police we see here, the janitors, the food service workers, and others in the Capitol—do you know what they pay? They are probably paying 29, 30 percent of their income in taxes. But the 400 highest income earners only paid 16.7 percent. We wonder why people think things aren't quite on the up and up or quite fair.

Do you detect people who are just kind of feeling uneasy about where this country is headed? People are profoundly anxious about the future, but look at what the House Republicans are doing. They are going to make it worse on the middle class. People are worried they will not be able to have a decent house or enough food for their families or pay for their kids' college education. People are working harder, and they don't even take vacations any longer because they can't afford it.

If we learned anything from the great recession, it is that most families, even though solidly in the middle class, are one pink slip away from economic catastrophe. Everybody keeps talking about a recovery. Many of our friends and neighbors aren't seeing that. Corporate America is sitting on over $1 trillion in cash, while 14 million Americans are out of work. That is just the official number. That is not counting another 15 million who are underemployed or who have quit looking for jobs because they have been shut out of the job market.

This doesn't look like a real recovery to me. It is a repeat of the last recession, when the recovery went to the wealthiest and the working people were left behind. Republicans have proposed a budget that will destroy the middle class in this country. That is what the Republican budget is about.

Many Republicans apparently believe that as public sector workers and others lose their jobs, it will be somehow good for the economy. Two weeks ago, the Republican staff on the Joint Economic Committee released a report arguing that widespread layoffs would actually increase jobs. How about that for funny reasoning?

As Nobel Prize-winning economist Paul Krugman pointed out, this is a throwback to the thinking of Depression-era Treasury Secretary Andrew Mellon, the idea that by driving down wages and benefits, we will increase employment. This is now ''the official doctrine of the GOP,'' he points out. If we drive down wages and benefits, we will somehow increase employment. I suppose we could. I suppose if we got everybody down to working for $1 an hour, there might be a lot of jobs out there.

The idea is not a job. It is not just having someone work. The idea is to have a good job. I have pointed out in speeches in the past that, when we think about it, in our sordid history of America, every slave had a job. Think about that. Every slave had a job. Were they free? Were they happy? Did they keep their families together? Were they able to build up a middle-class nest egg? Did they have decent retirement and health care? No. But they had a job. Is that all we are after is just a job? It seems to me that we are after jobs that pay decent wages, with decent working conditions, and allow people to have time with their kids and their families.

What is wrong with having a job that has a decent wage and decent working conditions and you get to take a decent vacation and you have health care coverage and you have a pension for your old age? What is wrong with that kind of a job? These are the kinds of jobs we want for Americans—not just a job. But the Republican philosophy seems to be just a job. Forget about the pension and your standard of living, just be thankful that you have a minimum-wage job. That is where this Republican budget is driving us.

I could not help but think about this in terms of what is happening in the world—in Libya and what happened in Egypt and in Syria and in Yemen and what is happening in other places around the globe. When stripped away from all of it, it seems to me that in all these countries, people are saying we have had enough of a system where a few at the top get everything and nobody else gets anything and we are all at the bottom. In so many of these countries, these revolutions are going on so people can have a more decent life, a better share, if you will, of the products of their own society. So they are going in the direction of trying to establish a better middle class, a stronger middle class.

What are we doing in America, the bastion of middle-class virtues. We are going in the other direction. We are destroying the middle class, taking away the kinds of livelihoods that built the middle class. That is what this is about. The future of our Nation depends on our ability to ensure that the benefits from economic growth are widely shared. That means putting policies into place that build a strong and vibrant middle class, with good jobs, fair wages, and good benefits. That is the America I want to see, one where people who work hard and play by the rules can have a decent life.

Tragically, the tea party budget plan would take us in exactly the opposite direction. It would gut the whole range of programs that support the middle class in our country. It would dismantle the safety net that has been built for seniors, those with disabilities and the low income—a safety net created under President Roosevelt and has been strengthened since.

The Republican tea party budget is built on bad priorities, bad policies, and just plain bad values.

As columnist E.J. Dionne points out, Americans can now see ''how radical the new conservatives in Washington are, and the extent to which some politicians would transfer even more resources from the have-nots and the have-a-littles to the have-a-lots.''

I don't believe the American people will stand for this unwise, unbalanced, unfair assault on their economic security and their way of life. We must stand strong and oppose these grossly misguided proposals in every way we possibly can. This is a battle that is joined and we cannot be faint of heart or weak in spirit. We must stand strong for middle-class values and what allowed America to become a strong middle-class nation. I believe the American people are definitely on our side in this battle.

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.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Madam President, what is the order?

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

Mrs. BOXER. Is there any time limit on Senators?

The ACTING PRESIDENT pro tempore. Ten minutes.

Mrs. BOXER. I ask unanimous consent that I be given an additional 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I come to the floor to talk about the possibility of a government shutdown and to say that such an alternative will be very hurtful for the people of this country. I was here when the government was shut down before by another Republican Speaker, and I can tell you that my small businesspeople around Yosemite National Park, for example, who count on tourism still remember the sting of losing over $200 million because people had to cancel their trips. That is one example.

I know Superfund site cleanups were halted in their tracks. We had issues at the borders. We had a whole series of problems. It seems to me it is a reckless way to go, but it also seems to me the House Republicans want us to have a government shutdown.

Why do I say that? I say that because Republicans gave the Speaker of the House an ovation when he informed them ''to begin preparing for a possible shutdown.'' An ovation. I would hope we would reserve our ovations for our leaders when they tell us that because of our work in funding the National Institutes of Health, we now have a cure for cancer. I would like to have an ovation about that.

I would like to have an ovation for our firefighters and our first responders who are brave every single day. I would like to have an ovation for them.

I do not think having an ovation because we might have a government shutdown is appropriate, but it was an honest response. That is what they want. One has to ask why. Why do they want this? Because they want to cut $100 billion from the President's budget, when Democrats have already agreed to meet them with $73 billion in cuts?

There are three parties to these negotiations: the President, who is a Democrat; the Senate, which is Democratic; and the House, which is Republican. Since when does one-third represent a majority? Since when is one-third allowed to say: My way or the highway? Apparently, that is what they are doing.

They put H.R. 1 before the House that has all these cuts—but not just cuts, political vendettas attached, such as zeroing out funds for Planned Parenthood. Nothing to do with abortion funding because we cannot use Federal funds for that, but the other work of Planned Parenthood in preventing unwanted pregnancies, the work they do to ensure people can have contraception, the work they do to make sure there is not a spread of communicable diseases sexually transmitted. The work they do—and, yes, no matter what the rightwing says, to do breast cancer screenings.

There was a big article in the paper: Senator BOXER is spreading a big lie that Planned Parenthood does breast cancer screenings. They do breast cancer screenings. Although, I understand, one of their clinics does mammograms, they definitely say to someone, if they find a suspicious lump in that breast cancer screening, they will help people get the help they need.

They do Pap smears. They make sure they talk about the dangerous spread of HIV/AIDS. Five million people go to those clinics. They want to shut them down.

They want to shut down title X—the whole program—which is family planning. On the one side, they do not want abortions. Nobody does. On the other side, they turn their backs on family planning. This does not make sense. That is what was in H.R. 1.

Also, in my State, $700 million would have been cut in Pell grants, which meant 1 million California students who rely on these grants could no longer rely on them and, therefore, would have to drop out of college. That is what was in H.R. 1. That is what they want us to accept.

Head Start—everybody knows Head Start. It is a success story. The fact is, H.R. 1 would slash it by $1.1 billion and would lay off 55,000 teachers and staff and more than 218,000 low-income children would be cut from the program. In my State, 24,000 low-income kids would lose access to Head Start. They are doing all this while they are giving huge tax breaks to the billionaires. It is wrong.

They would cut community health care centers—457,000 Californians. That is a big number. There are some States that have fewer than that. But 457,000 Californians would lose their health care if they went to community health care centers. Twelve centers would close. Why on Earth would anyone want to do it? They want to do it. We can figure out other ways to get to those cuts. There are other ways to do it.

What amazes me is that Democrats are the ones who balanced the budget with Bill Clinton. We took deficits as far as the eye could see and turned them around, balanced the budget, and created surpluses. Now we are being lectured that if we do not do it the exact way our friends want, which is to hurt children and education and environmental protection and, by the way, safety issues, such as making sure our airplanes do not develop holes in them, an important point, they go after all of this.

There are cuts to afterschool programs. That breaks my heart because I know 11,000 kids in California would be shut out. We all know kids need help after school. If they are alone, they get in trouble. If they get in trouble, it costs us money. These cuts are ridiculous.

We can sit together and work together and do it in a much more fair way, if people pay their fair share. If everybody takes a little bit of a nick, we can get there. We have shown them how to get to $73 billion worth of cuts. That is just for the next 6 months. They are demanding $100 billion, their way or the highway. This is a ridiculous situation to be in.

I am going to say again, if you control one-third of the power in this trio where you have the President is a third, the Senate is a third, and the House is a third, and you are in the House and you are the only one run by the Republicans, by what measure do you have the right to say my way or the highway? I don't think the American people would think that is right. They want us to work together and that is the message of the President.

I have to tell you, this budget by the Republicans, H.R. 1, that we voted down here, would lead to nearly 900 fewer Border Patrol agents nationwide. Everyone wants to make sure our border is safe. Nine hundred would be gone. How about a $1.3 billion cut in the National Institutes of Health, working as they are to develop new treatments and cures for cancer and Alzheimer's? If you ask the average family what they fear, they will mention we fear that somebody in our family is going to suffer from one of these diseases.

It is outrageous. They are going to kill an Energy Department loan program when we know we cannot be dependent on foreign oil. We need to find those alternatives. Energy research and development is slashed by almost $2 billion. Transportation infrastructure is slashed. There are Draconian cuts at the Environmental Protection Agency.

And then all these riders. There are a whole bunch of them, as I know you

are aware, on the Environmental Protection site. Here is the irony. The Republicans want to destroy the EPA, which was created by Richard Nixon, a Republican President. Former Administrators of the EPA Ruckelshaus and Whitman wrote a beautiful op-ed in the Washington Post—I believe it was the Washington Post, or the Times, I am not sure which—in which they clearly say this is a bipartisan matter. Yet the Republicans, in H.R. 1, want to stop the EPA from enforcing the clean air law, which will make our skies dirtier. Our kids will get asthma, premature deaths, and all the rest. Big surprise, we voted it down here. It only got 44 votes. It is radical. We can meet them way more than halfway—we already have—without hurting our people and still getting the budget cuts we need.

I am here to say it has now been 35 days, 35 days since the Senate passed S. 388. What is S. 388? S. 388 says, if there is a shutdown, Members of Congress and the President will not receive their pay. Why do I think this is important? Because most people do not know that, although our staffs will not get paid, although many Federal employees will not get paid, Members of Congress have a special protection built in because we are paid under a statute and so is the President. So 35 days ago we sent over to the House a very simple bill. It said if there is a shutdown, basically that means failure on our part to keep the Government going—what could be more basic than that—we should not get paid and we should not get paid retroactively. Our colleagues over there have taken no action.

If you ask them, they will say: Yes, we did, we put that in another bill and passed it. You know what the other bill is? The other bill is an illegal bill. The other bill would make our Founders roll over in their graves. This is what the bill they embedded ''no budget, no pay'' in says. Follow me—and I especially hope the young people listening to this debate will follow me because you have learned how a bill becomes a law.

It goes through a committee usually. It doesn't have to. It goes to one House, they pass it; the other House passes it; so you get the House and the Senate, and then it goes to the President. He either signs it or vetoes it. If he signs it, it is law. If it is vetoed, two-thirds can override it.

Guess what, they put ''no budget, no pay'' into a bill that says the following: If the Senate has not acted by a date certain on H.R. 1, this horrible bill that I talked to you about, that bill will have been deemed to be the law. It is a new deal: ''we deem.'' In other words: I have 20 bills that I have introduced, today I deem them law. I have some great bills. One is a Violence Against Children Act, very important. Another would help many of my transportation folks. I deem them all law.

How is that legal? It is illegal. They are saying if we do not act on H.R. 1, again, it is deemed the law. It doesn't even pass the smell test, the laugh test, and they have embedded in it ''no budget, no pay.'' So, big surprise, we are not going to pass it over here in that form.

I am saying this is a maneuver, and a little dance by Speaker BOEHNER and ERIC CANTOR, who is the leader over there, to make it look as though they are not for them getting their pay but to do nothing about it.

Let me tell you what I have done. I have written a letter. It has many colleagues on it. I will read the letter. We are sending it by the end of business tonight.

Dear Speaker BOEHNER:

We write to discuss a meeting with you to discuss House passage of S. 388, legislation to prohibit Members of Congress and the President to prevent any Members of Congress from receiving pay. Over 1 month has passed since the Senate unanimously passed our bill. Despite written requests for immediate House consideration, you have failed to schedule a vote on stand-alone legislation that would treat Members of Congress and the President no differently from other Federal employees during a shutdown. Our bill is simple. If we cannot do our work and keep the Government functioning, we should not receive a paycheck. If we can't compromise and meet each other halfway, then we should not get paid.

As we noted in a previous letter, while appearing on the CNN program ''Crossfire'' in 1995, Mr. BOEHNER offered his support for a bill identical to S. 388, so it is unclear why he has not scheduled a vote on stand-alone legislation. Embedding ''no budget, no pay'' in a bill that has no chance of passage isn't fooling anybody. We request a meeting with Speaker BOEHNER as soon as possible, whether in person or via conference call, to discuss how we can work together to immediately send this legislation to the President.

Here is a bill that passed here without a dissenting vote. It is basically 100 to nothing. In a time when we cannot agree on the color of that wall, we agreed to pass this ''no budget, no pay'' legislation. But Speaker BOEHNER, who got a standing ovation—maybe it was a sitting ovation; it didn't say standing ovation—but he got an ovation for talking about preparing for a shutdown, has not done one thing to make sure his Members and he do not get paid in case of a shutdown.

I think it is appalling. It is embarrassing. I am stunned. The reason I am pressing this is I believe that people should be treated equally. I believe that if they are cavalierly applauding and giving an ovation to Speaker BOEHNER when he talks about planning for a shutdown, I believe they want a shutdown and they have no skin in the game. They pay no price. They get paid.

We had one of them over there complaining he didn't get paid enough money. He gets paid over $170,000. It wasn't enough money. Sorry, boo-hoo. There are people in this government who get paid $60,000, $40,000, $30,000, and they are not going to get paid. Sorry.

I am going to keep coming to this floor, 36 days, 37, 38, 39, 40—this is just plain wrong.

I want to say who has signed our letter. You can see it is a good selection of the caucus, from liberal to conservative: JOE MANCHIN, CLAIRE MCCASKILL, MICHAEL BENNET, BEN NELSON, BOB MENENDEZ, DEBBIE STABENOW, JAY ROCKEFELLER, KAY HAGAN, JEFF MERKLEY, RON WYDEN, MARK WARNER, SHERROD BROWN, TOM HARKIN, CHRIS COONS, JON TESTER, SHELDON WHITEHOUSE, and Senator MIKULSKI and Senator BEGICH. Myself and Senator CASEY are the first two names because it happens to be our bill. It is the Boxer-Casey bill.

In closing, I want to spread the word from here over to the House side that we are serious, those of us who signed this letter. We are keeping this issue in front of the American people because I assure you, if you walked out and asked anyone who happened to be walking down the street who was not involved here, who didn't work for the Federal Government, and you said this: In case of a shutdown because the two sides fail to negotiate an agreement, the only people who are assured of their pay would be Members of Congress and the President, what do you think? I think the average person would say that is wrong; they should pay a price. This is a basic function of theirs, to keep this government running, to keep this country going.

I could tell, because I remember the last one, the pain and the hurt from people who wanted to get on Social Security, to veterans who trying to figure out their disability payments, frankly to everyone who calls your office or my office in deep trouble because they are having problems with a Federal agency, they need the help of a Federal agency, they want to make sure to get their Medicare taken care of, their Social Security taken care of, or they are contractors who have private employees and they are fixing the road or fixing a bridge. This is wrong.

We are trying to find out exactly who would be affected, but I can tell you right now is not the time to lose, for example, inspectors who are inspecting the safety of our aircraft. I hope they would stay on, but we do not know.

What about those who are inspecting our nuclear powerplants? You know, we have 23 reactors that are the same exact reactor as the ones that have these problems in Japan. We don't want to stop those inspections; they have to move forward. We don't want to have the USGS; that is, the U.S. Geological Survey, close down in the middle of making new earthquake maps. I care about this a lot. I have two nuclear powerplants that are on or near earthquake faults.

I say to my friends on the other side, I know my message is not pretty to you. It is not pretty to say you don't deserve to get paid in case of a shutdown, but that is my message. Once the American people wake up to this,

that we are getting paid but our staffs are not getting paid, I think there is going to be an outcry. So I ask the Speaker on behalf of all those colleagues whose names I read to take up S. 388 without delay. It is sitting at the desk. What does it say? Members of Congress and the President should not be paid in case of a shutdown.

That is pretty simple.

I know my colleagues are on the Senate floor. Let me guess, Senator BLUMENTHAL and Senator LIEBERMAN, might you be here to discuss what happened last night? And I am going to—since my remarks were not happy, I am happy to give up the floor at this time and listen to their remarks. I congratulate both of them on a great victory.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

CONGRATULATING THE UNIVERSITY OF CONNECTICUT BASKETBALL TEAMS

Mr. LIEBERMAN. Madam President, I thank the Chair, and I thank my friend from California. One might say, in the context of the debates going on in Congress now, that Senator BLUMENTHAL and I have come to the floor of the Senate to talk about a governmental program that really works, that has inspired an entire State, perhaps a nation. I speak, of course, of the University of Connecticut baseball program.

It is with great joy that I come to the floor of the Senate today to congratulate the University of Connecticut men's basketball team and their great coach, Jim Calhoun, on winning the NCAA championship last night. This has been a remarkable season. A team that started unranked, a young team in a year that was supposed to be a rebuilding year came together in a magical way. They had their ups early in the season, they had their downs as time went on, but the run that began with the Big East tournament a few weeks ago has, for our State and I think anybody who follows and loves college basketball, really been inspirational.

I do want to say, in terms of inspiration and I suppose I might say in the spirit of bipartisanship or at least good sportsmanship, that I offer congratulations to the Butler Bulldogs on their great run in the tournament, which also was inspirational. I thank my Indiana colleagues for their good sportsmanship and for what they described as the best popcorn in America, made in Indiana—that is part of a friendly wager they made, Senators LUGAR and COATS, with Senator BLUMENTHAL and me—which we will be pleased to accept and devour.

This has been quite a year. Led by their floor leader, Kemba Walker, and assisted by an extraordinary group of young athletes, this group of student athletes demonstrated to all of us what a combination of hard work, dedication, commitment, and teamwork can achieve. Honestly, I tip my hat to these ''top dogs'' today of college basketball.

Of course, in my opinion, no matter how good and how much potential the players on this UConn men's basketball team had, they simply could not have done it without their great coach and a great man, Jim Calhoun. This is not the first time I have had the honor to come to the Senate floor to commend the performance of Coach Calhoun and the UConn Huskies. In fact, with last night's victory, Jim has etched his name in basketball glory by winning his third national title. He becomes only the fifth coach in history to win three national championships, and he joins the ranks of other greats such as John Wooden and Coach K, Mike Krzyzewski. He is only one of 8 coaches to run up over 800 career wins.

Over the years, I have watched Jim build upon the athletic program at UConn, transforming it from an occasionally regional contender to a regular national powerhouse. His three national championships and seven Big East championships have put our team, the State team of a relatively small State, on the college basketball map and set a high standard of excellence. I think none of this would have happened without Coach Calhoun's vision, his drive, his caring for players, and his extraordinary basketball brains.

There is a larger lesson, as there often is in sports. But this was a team that came into the Big East tournament with most people thinking the season would end quickly for them. They had will, which is a word Coach Calhoun uses a lot. They always had the potential and the ability, but they had the will. I am looking at the Senate pages now, young people.

There are a lot of people who read these UConn Huskies out at different times of the season, but they didn't read themselves out of the competition, and their coach never did. He kept telling them they had what it took to be champions. They pulled together. They worked together. They developed their potential to the fullest. They played and lived like a family. And you might say Coach Calhoun is the loving father who employs a lot of tough love but draws greatness out of these players and gives all of us in Connecticut a tremendous sense of pride.

I do not want to finish my statement without also telling Coach Geno Auriemma and the great players on the UConn women's basketball team how proud we are of them and how much we thank them for another remarkable season that was also filled with historic accomplishments, including an impressive run to the Final Four and a recordbreaking 90-consecutive-wins streak. The Lady Huskies were led by the all-impressive Maya Moore, who achieved AP All American honors in each of her 4 seasons at UConn and scored over 3,000 career points. So I give my congratulations to Coach Geno Auriemma and to the players on the UConn Lady Huskies, who also made us proud.

I am going to yield the floor in a minute to my colleague, Senator BLUMENTHAL. It strikes me that this is the first time I have had the chance to celebrate here when my former colleague, Senator Chris Dodd, is not here. The first time we celebrated together on the floor, I ended my remarks with the UConn cheer. Afterward, Senator Dodd, then the senior Senator, gave me a hard time as to whether I would make a good cheerleader and whether it was a decorous thing to do on the floor of the Senate. I told him at the time that it could have been worse—I could have just done the UConn Huskies' ''woof.''

But now I am the senior Senator, and may I conclude by simply saying U-C-O-N-N, UConn, UConn, UConn. National champs. I know my ending needs a little work, and I will be working on that from now until next year when we hopefully secure another championship.

I yield the floor to Senator BLUMENTHAL.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. BLUMENTHAL. I thank the senior Senator from Connecticut for that very eloquent tribute to our team. I am not going to try to match the cheer this year but perhaps next. And I thank him for providing such a model of support for the University of Connecticut, truly a government program that works but also, obviously, one that is completely nonpolitical, bipartisan—perhaps providing another lesson for us here.

I am very honored to rise in celebrating this remarkable accomplishment. This majestic and momentous victory culminates a kind of magical journey for this team. They defied the odds. They disproved the doubt and the doubters, and they stared down adversity with real grit and grace. Remember that they rallied after losing 4 out of 5 of their last regular season games and then had an extraordinary streak of 11 straight wins to win the Big East and then the NCAA championship. They were relentless and courageous in believing in themselves throughout that very tough battle. At some point, as someone said, this team forgot how to lose—again, a life lesson for many of us.

As in every remarkable triumph, this one had a team effort and it had stars. Kemba Walker was perhaps the most notable among them, and he won awards that recognized his remarkable individual effort, but there were also freshmen who were important—I say that as a freshman Senator—Jeremy Lamb and Roscoe Smith.

As important as any player, as my colleague has recognized, was Coach Calhoun, who really demonstrated again the reason he is a champion and a hero to Huskies fans throughout the State of Connecticut and the Nation.

He gave his team strength at the critical time, and he drew that strength from his own life experiences. Just last Sunday, he recalled his day, shortly after his father's death, when he was pumping gas and cutting stone and collecting metal in a shipyard in Massachusetts. He is a fighter, he is a leader, and the UConn basketball program has come a long way under his leadership.

Many recall the days when they had no championships and certainly no winning teams. The program began in 1901, with a season that consisted of a single game against Windham High School, and it was 98 years until Coach Calhoun won them their first championship and now their third. He won that championship because of the great playing of those teams and the players who have gone on to performances that are remarkable in other leagues.

I also wish to join in paying tribute to Geno Auriemma and the Lady Huskies. They came very close, heartbreakingly close, to another championship. Maya Moore and every member of that team deserves our gratitude and admiration.

There is no doubt that both teams—both of them—have a bright future. I look forward to being here again next year and celebrating another Huskies victory, hopefully by both the women's and the men's teams.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Madam President, PAUL RYAN is a Congressman from Janesville, WI. I know it because it is right across the border from Illinois. I have relatives and friends who live in the area. I like PAUL. I served with him on the Bowles-Simpson deficit commission. We spent a lot of time together. He is a very bright person, and he has been given a big assignment in the House of Representatives as chairman of the Budget Committee. He and I have different views of the world and of politics, but I respect him very much for his intelligence.

He has laid out a budget plan for House Republicans that is very specific in the goals he has set for America. There are some aspects on which PAUL and I agree. We agree on the fact that we are facing a deficit crisis. We cannot continue to borrow 40 cents for every dollar we spend. It is unsustainable. We borrow the money from countries such as China. China is a nation that is hard charging and competing with the United States, and they are one of our major creditors. That is a delicate position to be in, when a country that one is competing with for jobs and economic growth also happens to be its banker, its creditor. That is the case. We can't sustain that. As we watch our national debt increase, we understand we have to take serious measures to deal with it.

This morning, in a bipartisan meeting of Senators with the President, we had the chairman of the Senate Budget Committee, KENT CONRAD, describe our current situation. At this point in time, about 14 percent of our gross domestic product is coming into the government in revenue, which is the lowest percentage in 60 years, and expenditures represent about 24 percent of our gross domestic product. That 10 percent difference between revenue and expenditure equals deficit. We have to reach a point where we are prepared to cut spending and make changes that will lead to a more stable economy and deal with our deficit honestly.

There were two State legislators who wrote a letter to the New York Times several weeks ago that caught my attention, a Democrat and Republican. They were talking about their State challenge, and they said: We have come to the conclusion that we can't cut our way out of it, and we can't tax our way out of it. We have to think our way out of it. We have to focus on changes in State government policy that reduce waste and inefficiency and move us toward a more solid position.

I think the same lesson applies in Washington. We have to be thinking about what we need to do to move forward so our children and grandchildren don't inherit the deficit we now face, a deficit which, of course, is growing by the day.

I always like to give a little historical perspective so people understand where we are and how we arrived. I ask people to think back to the year 2000, if they can. In the year 2000, President William Jefferson Clinton was leaving office, and President George W. Bush was coming into office. Snapshot: What was the state of America then? The snapshot would tell us that we had a national debt in the year 2000 of $5 trillion. The accumulated net national debt of America when President Clinton left office was $5 trillion. We were in our third year of generating a surplus; that is, more money coming into the government than being spent. The surplus was being put into the Social Security trust fund and buying more years of solvency for the trust fund.

President Clinton, as he left office, handed the keys to the White House to President Bush and said: This coming fiscal year, 2001, you will have a $120 billion surplus. Welcome to Washington.

Now, fast-forward 8 years later. The year is 2008. President George W. Bush is leaving office, handing the keys to the White House to President Barack Obama. What was the national debt? It was $5 trillion when President Bush came into office, and as he left the projected debt for the next year was $11 trillion. In 8 years President Bush had more than doubled the national debt, and we were witnessing record deficits. He said to President Obama: Here is next year's budget. Incidentally, it is $1.2 trillion in deficit.

How did this reversal occur in only 8 years? It occurred because the policies of the Bush administration called for waging two wars and not paying for them and doing something that had never been done in U.S. history by any President: tax cuts in the middle of a war. A war is over and above the ordinary expenses of government. If we cut revenues at the same time, it makes it impossible to balance the budget. In fact, it drove us to record-high deficits. That is what President Obama inherited, an $11 trillion national debt and a deficit for the first year in office of $1.2 trillion and losing hundreds of thousands of jobs to unemployment as he was being sworn in.

Fortunately, the recession we face has slowed down and started to stabilize. As of last Friday, we are seeing the lowest unemployment rate in 2 years. We are coming out of this slowly, but we are coming out of it. We are making a recovery.

The point we made in the deficit commission—and it needs to be repeated—is, as we chart a glidepath to bring us out of deficit, let's get the recession behind us. Let's get the 14 million unemployed Americans back to work. We will not balance the budget with 14 million Americans unemployed. These are people who need the basic necessities of life and are not working and paying taxes. That creates a drain on the Treasury. We need to move toward restoring jobs, creating good-paying jobs as part of our overall agenda.

That is the lead-in to Congressman PAUL RYAN proposing a budget resolution on his side of the rotunda. He released it today. As we take a look at this resolution, where it leads, we see that Congressman RYAN claims that he will reduce the deficit by $4 trillion over the next 10 years compared to the President's budget, but he achieves this solely through spending cuts. His cuts are focused. Instead of looking at all of the spending of government, he takes a small amount out of the Pentagon spending, some $78 billion. In light of the Pentagon budget, that is a nick, a fractional amount. I want America to be safe. I want our security to never be in question, but we waste a lot of money at the Pentagon with contracting out and with things we should not buy. We could save a lot of money there.

Congressman RYAN's budget does not address that. He leaves, unfortunately, that aspect of the budget untouched, largely; $78 billion over 5 years is hardly an effort to try to reduce waste and efficiency in the Department of Defense.

Then he turns to the domestic discretionary budget. That represents 12 percent of the overall budget. That has health care, education, medical research, things of that nature, in it. That is where he makes the biggest cuts in the coming 5 and 10 years.

When it comes to the revenue side of the equation, should, for example, those who are well off, millionaires, pay higher taxes? No. The budget proposed by Congressman RYAN reduces the top marginal rate for individuals and corporations to 25 percent, from 39.6 percent, producing an enormous windfall with that reduction to the wealthiest individuals and corporations, even as spending for programs that benefit low-income families, such as Pell grants for students and low-income families to go to college, are being slashed under his budget. Because the tax plan is revenue neutral, the plan must by definition include tax increases for lower income Americans to pay for the tax cuts which Congressman RYAN's budget gives to the wealthiest 2 percent.

Is that the key to our future? Cutting taxes for the wealthiest people, raising taxes for lower and middle-income families? I don't think that is fair. Those of us who love this country and feel blessed that we were given a chance to live here and do well should accept the reality that we pay back something to this great country and keep it safe and growing in the right direction. Congressman RYAN's budget resolution goes in the opposite direction, cutting taxes for those who have been well off, those who are well-to-do.

What troubles me the most about the Ryan budget resolution is what it does to health care. We cannot seriously address the deficit and debt without addressing the cost of health care. As the Presiding Officer knows, we spent a lot of time debating that over the previous 2 years. We came up with a plan to try to at least reduce the rate of growth in health care costs. I think we achieved some good things. We tried to bring more people into coverage when it came to health care and fewer people showing up at hospitals with no insurance, no payment, actually having their medical bills transferred to everyone else.

Chairman RYAN released a budget proposal for fiscal year 2012 that would repeal the health reform law which we passed and was signed by the President. It would end the Medicare and Medicaid Programs as we know them today. His proposal balances the budget, unfortunately, at the expense of those who can least afford it: low-income families, seniors, and people with disabilities.

First, Chairman RYAN proposes repealing the entire Affordable Care Act. That means all the consumer protections and benefits put in place by that law would disappear. What does it mean to the average family? Right now we changed the law so young Americans can stay on their parents' health insurance policies until age 27. Having lived through this experience of putting kids through college, it is a real worry. One's son or daughter graduates from college, they no longer have health insurance through the ordinary means, either through college or through the family, and now they are on their own looking for a job. If you are like most parents, you worry. They are one diagnosis, one accident away from serious medical bills. You want them to have the best care.

I can't tell my colleagues how many times I asked my son and daughter: Do you have health insurance now that you are finished with college?

Dad, I feel great. I am healthy.

I wish we could all be so confident. We changed the law so that young people could stay under their parents' health insurance plans until age 27. That is reasonable.

The Ryan Republican budget resolution would repeal that. I don't think that is helpful.

We also have what is called the doughnut hole in Medicare where seniors receive payments for prescription drugs. There is a gap in coverage called the doughnut hole. We start filling that in so seniors have seamless coverage so they can have the prescriptions they need to stay healthy, independent, and strong, out of the hospital, out of the nursing home, in the life they want to lead. Unfortunately, that effort would be repealed by the Ryan Republican budget resolution.

In addition, we put in the law a provision that people with preexisting conditions wouldn't be denied health insurance. Initially, we protect children. If you have a child who is diabetic, has a history of cancer or some other disease, it might be next to impossible to buy health insurance. We protect that family and say children under the age of 18 cannot be discriminated against because of a preexisting condition. The Ryan proposal would eliminate that protection as well.

It also means that health care delivery system reforms put in place by the law, things such as bundling payments to medical providers and reducing reimbursements to hospitals with high rates of infection would go away.

These changes are designed to lower health care costs, but the Ryan proposal would eliminate them. His plan is simply cost-shifting, not cost saving, because we had scored by the Congressional Budget Office—a bipartisan agency—a savings of $120 billion in the first 10 years from our health care reform. So instead of reducing the deficit, Chairman RYAN's proposal will increase the deficit by at least $210 billion by repealing health care reform.

Next, Chairman RYAN proposes converting Medicaid into a block grant program. He says this will help the States rein in costs with more flexibility. In fact, it just shifts the costs to States, low-income beneficiaries, and medical providers. When we look at the dollar amounts, he would be reducing Medicaid reimbursement back to the States by 28 percent.

Who are some of the beneficiaries of Medicaid in Illinois, in Pennsylvania, and New Hampshire? Well, the beneficiaries include a lot of elderly people living in nursing homes. These are folks who no longer have a savings account to turn to. They have a Medicare payment and a Medicaid payment, and that is it. If we reduce the reimbursement under Medicaid, unfortunately, many of them cannot stay in the nursing homes and convalescent centers in which they now live. So we have to think carefully about the way we deal with Medicaid.

By my estimation, my staff's estimation, the $770 billion cut in Medicaid with the Ryan budget proposal is about a 28-percent cut in reimbursement for Medicaid in the years to come.

That is not the worst part. The worst part, I am afraid, is Chairman RYAN proposes ending Medicare as we know it. Back in the 1960s, the creation of Medicare was the answer to the prayers of many senior citizens. They had Social Security, which provided them with a basic monthly payment that might help them maintain their independence and continue on if their pension or savings did not cover life's expenses, but then came medical expenses. With Medicare we said: If you will pay in through payroll taxes through a lifetime, when you retire you will be covered with Medicare insurance.

Story after story has been told in my family and others of people who found themselves not Medicare eligible but without health insurance. I had a brother—a late brother—who had heart issues. He retired as a member of management from Boeing aircraft and then had a massive heart attack and surgery, and then his health insurance was canceled before he reached age 65. He was worried, worried he would have to dip into savings if he ever had to go back to the hospital. Fortunately for him, he did not have another problem until he reached Medicare eligibility.

So Medicare ends up being a lifeline for many seniors; otherwise, they would see their savings exhausted which they planned to use for the rest of their lives and their security.

Chairman RYAN proposes ending Medicare as we know it and, instead, giving seniors subsidies to enroll in private health insurance plans. This might save some Federal funds, but that is because the Federal subsidy would not cover the full cost of private plans that are as good as Medicare.

I am glad to see Senator BILL NELSON of Florida on the Senate floor. My guess is, Medicare is a pretty important issue in Florida, and I think he probably has some strong feelings about this issue.

But what Chairman RYAN has proposed in the House budget resolution would mean seniors would lose the guaranteed benefits they have today. How much of a cut in benefits? Well, he is very explicit: 60 percent, a 60-percent cut in Medicare benefits for senior citizens. How is that going to work? How are we going to find ourselves in a situation where private health insurance companies are somehow going to provide 60 percent more in services for the

current cost? It is not likely to happen. This will not bring down overall health spending, incidentally. It just pushes the costs on to seniors and makes them sicker when they finally show up at the hospital.

In fact, Medicare provides health care for seniors at a price less than the same benefits cost in the private market. It is a popular program because it works.

The point I would like to make—and I see my colleague here; and I will yield the floor to him—is, I share Chairman RYAN's concern about the deficit and concern about health costs. But if we are going to be honest and deal with this, as I said at the outset, we cannot cut our way out of this problem. We cannot tax our way out of this problem. We have to think our way out of this problem. We have to find approaches that more effectively use the wonderful medical resources in this country at a savings.

We have to reward value when it comes to health care as opposed to volume. We have to make certain those who are ripping off current programs see that activity come to an end. If we work together on a bipartisan basis, we can achieve that. I hope we can do it on a bipartisan basis because it is the only way that will work. Trying to impose this by one party, whether it is in the continuing resolution or in the long-term budget resolution, is not likely to achieve the goals most Americans hope we achieve as Members of the Senate and Congress.

Mr. NELSON of Florida. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. NELSON of Florida. The Senator has pointed out very accurately the analysis of this most recent proposal by the chairman in the House of Representatives. If I recall, did we not address cutting some $400 billion out of Medicare over the next decade in the health care reform bill that was passed last year?

Mr. DURBIN. That is exactly right, I say to the Senator from Florida, and there were people who were critical of us and said we were, unfortunately, cutting Medicare benefits, which we were not. The Senator may recall that one of the first amendments on the floor—it may have been from Senator BENNET of Colorado, if I am not mistaken—said we are going to protect Medicare benefits, but we are going to try to cut the waste out of the current Medicare Program—the duplication and the overcharging that is going on—so seniors will not pay in terms of health care, but the taxpayers will not be held responsible for something that is not serving them well.

Mr. NELSON of Florida. Will the Senator respond to another question?

Mr. DURBIN. I would be happy to.

Mr. NELSON of Florida. Is it true that in the proposal from the chairman in the House of Representatives, he would take the Medicaid Program—which, generally, is a split, something like 55 percent Federal money, with 45 percent State money, for the health care for the poor and the disabled—that his proposal is he would give this as a block grant to the States for the Governors and the State legislatures to decide how they were going to distribute it?

Mr. DURBIN. Yes, I say to the Senator from Florida, that is my understanding. But it also includes a 28-percent reduction in the amount of money the Federal Government is going to pay into this. So in your State, and mine, too, a lot of elderly people live in nursing homes and depend on Medicaid. Without Medicare and Medicaid, they could not stay there. If you cut by 28 percent the reimbursement under Medicaid, I wonder what is going to happen to those people.

Mr. NELSON of Florida. Would the Senator believe the experience of the State of Florida: When they tried to put all Medicaid into insurance companies—otherwise known as HMOs, health maintenance organizations—those organizations pulled out of serving the poor in rural counties, and yet that is a proposal in front of the State legislature of Florida at this very moment?

Mr. DURBIN. I would say to the Senator from Florida, representing a State as diverse as his, with rural areas and major urban centers, there are some areas where private health insurance companies are not going to do business because it is not profitable. So when Chairman RYAN says we will just try to shift all of this responsibility to the private health insurance market, I am afraid many Americans—those in rural areas, maybe some with preexisting conditions because he is repealing the Affordable Health Care Act too—are going to find themselves without health insurance coverage.

Mr. NELSON of Florida. And a further question to the Senator from Illinois: Would he characterize the proposal by the chairman in the House of Representatives on Medicare as not only cutting the payments to Medicare but the way Medicare is being delivered by altering that into the private sector?

Mr. DURBIN. I say in response—and this will be my last response because I have to run to a meeting—but the interesting point about Chairman RYAN's proposal is the money does not go to the senior citizens under Medicare; the money goes to the insurance company. Think about that: a voucher to an insurance company, and the hope is they would provide the coverage you need.

Medicare, I want to tell you, is like Social Security, one of those programs that people have confidence in. They know the coverage and they know what has happened. Since the 1960s, under President Johnson, when we initiated Medicare, seniors live longer, they are healthier, they are strong, and they are independent. That is what you get with good quality health care. When you start making 60 percent cuts in Medicare benefits, such as Chairman RYAN's House Republican budget proposal, you run the risk that a lot of people will not get the good coverage they have today in Medicaid and Medicare.

Mr. NELSON of Florida. I say in conclusion—and I thank the Senator for yielding—all you have to do is ask a senior citizen do they like their Medicare or would they prefer to have it done by an insurance company, and I think you will get a resounding answer.

Mr. DURBIN. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Alaska.

USE IT OR LOSE IT

Ms. MURKOWSKI. Mr. President, I would like to take a few minutes this afternoon to perhaps switch the discussion from what my colleagues were referring to earlier in terms of the budget and speak a little bit about the issue of energy—obviously, a topic of great concern.

The President has addressed it as recently as last week in a major address at Georgetown. There have been a lot of discussions about what it is we need to do to respond to the higher prices families are paying at the pump and just how we deal with the issue of energy in general. There has been much discussion about this concept of ''use it or lose it.'' I want to speak to that proposal a little bit this afternoon.

It is a rather strange proposal that claims to address the rising cost of oil and gas for America's working families. The premise of this is, even with oil at more than $100 a barrel, and even though lease terms are already limited by law to 5 to 10 years, energy companies somehow are hording Federal lands and refusing to produce the resources that are beneath them.

''Use it or lose it'' has been presented by this administration and others as a way to increase our Nation's energy production. But even a cursory review will show this is fundamentally flawed in its premise. This proposal will not increase American production. It will not increase jobs or create jobs. It will not raise government revenues or bolster our security. Instead, I believe it is a diversion from our more critical need to produce more of our own resources and to streamline our burdensome regulatory processes.

Now, the idea behind ''use it or lose it'' is to simply punish companies for not drilling on lands they have leased, so they either drill or they give back the acreage to the government which can then resell it to someone else. But, interestingly, this proposal has drawn some support from a number of Senators and from the President himself who, until recently, have claimed: Well, we can't drill our way out of this. We can't drill our way to lower gas prices. America's oil—and we have been repeatedly told this—has minimal impact on global prices and takes too long to bring online.

So I do not know, maybe this is a change of heart. If that is so, I am glad to see it. I do hope—I do hope—their proposal is a signal that, indeed, they would like to see drilling on every leased Federal acre onshore, offshore. That is certainly the premise of the proposal, even though it is perhaps a pretty major departure from the previous positions.

Now, the advocates of ''use it or lose it'' have pointed out correctly that there are millions of acres leased in this country that are not currently producing oil and gas, but they have misidentified the reason why. Chances are maybe there is just no oil present on that land. Perhaps exploration is ongoing or, in many cases, the Federal Government has simply blocked the drilling. To add a new penalty to this process and to add a new layer to existing bureaucracy will only backfire.

From the outset, I think it is important to understand what is involved in oil and gas production. This is an incredibly capital-intensive, labor-intensive business, and from a technological perspective, the process is extraordinarily complex. I think we saw, after the Deepwater Horizon, cameras trained a mile below the surface of the ocean, and it was described by many as, this is akin to how we deal with putting a man on the Moon. This is complicated stuff, and there is no ''X marks the spot'' as to where that oil is actually going to be found.

It can take years, not to mention tremendous amounts of money, to finally locate these commercial deposits. When there is resource present, it takes some teams of some pretty highly skilled and trained engineers to figure out how we are going to bring it to market. There are the entire legal departments that have to wade through the multitude of permits, the analysis, the plans that are required by our Federal Government. This process takes a considerable amount of patience and for lots of good reasons, but the government is certainly not in a hurry to provide leaseholders the approval they need to move forward.

Last week, the Interior Department had an opportunity to explain what goes on within the exploration process and show why not all Federal leases immediately produce oil and gas. Instead, the Interior Department issued a report that attempts to portray many Federal leases as idle or unused. What could have been a very helpful and instructive process was instead hopelessly politicized, and that is unfortunate.

The findings of the Interior Department's report I believe defy common sense, general business principles, and what we know to be true about the Federal regulatory process. The definition of ''inactive'' purposely excludes many important development activities, and there is no acknowledgment that oftentimes it is the government itself that is causing the delays in drilling.

I guess one of the more telling examples of what is wrong with the Interior Department's new report is its depiction of what is happening in Alaska right now. Companies have been trying for years—trying for years—to bring their Federal leases in this State of Alaska into production. These efforts have been blocked. They have been delayed by the Federal Government, especially this administration, and they have been blocked at every turn. Despite this, the Interior Department's report claims that just 1 percent—1 percent—of Alaska's leases are producing and puts the blame on industry. But when I talk to folks back home, when I talk to those who are trying every single day, getting up and trying their hardest to advance so we can get to levels of production, they only find that there is yet one more hurdle, one more roadblock that is thrown up and thrown up by the government. It causes incredible frustration. It is hard to pick what would be described as the best example of companies trying to produce from their leases—which, I might add, they purchased at the invitation of the Federal Government—yet they are being forbidden by the administration from pursuing their exploratory operations. It is happening in the National Petroleum Reserve Alaska. Think about the name. This is the National Petroleum Reserve Alaska. That is pretty ironic. We can't get started there, and one of the biggest reasons we can't is we are being blocked—the producers are being blocked—from getting a permit to build a bridge over a river to get started.

As regrettable and as ironic as that example is, there is an even higher profile example that we see up North, and that is what Shell is attempting to do. They have set a record—and a record that is certainly not enviable but a record nonetheless—for both dollars invested and frustration experienced in return. This is a situation where a company has spent a little over $4 billion—this is billion with a B—they spent $4 billion to buy Federal acreage in Alaska's Outer Continental Shelf nearly 7 years ago. Since that time, Shell has done nothing but slog through an incredibly long and incredibly arduous permitting process. Air permits that take 6 weeks to acquire in the Gulf of Mexico have now been delayed for over 5 years.

I ask my colleagues to put that in context. A company, at the invitation of the Federal Government, purchased leases over 7 years ago, has put more than $4 billion into trying to get to exploration, has spent 5 years waiting on permits, where in other parts of the country permits can be turned around in 6 weeks, and they have yet the opportunity to even start. So can anyone honestly suggest we ought to punish Shell or any company that is going through this for the Federal Government's failure to allow even exploratory drilling to proceed? Is it fair that we demand Shell pay the price because the government has failed to issue a permit that even the EPA and even the Administrator of the EPA has acknowledged poses no human health risk? This is where we are sitting right now.

I was incredulous. I had an opportunity to ask the Secretary of the Interior, who is a friend of mine—most certainly a friend who I acknowledge has a very difficult job, a very challenging job—but he could not assure me that the so-called ''use it or lose it'' fee would not apply to the millions of acres of leased land in Alaska, both onshore and offshore, where the Federal Government has sold the leases but is not allowing drilling activity. It is similar to a commercial real estate company offering to rent some office space to you. We go ahead. You pay the rent. I never give you the key, so you can't access your commercial office space. Then I am going to go ahead and assess a fine. We are going to penalize you when you failed to open your doors for business. That is kind of what is happening up North. It is not a ''use it or lose it'' policy, it is ''heads we win, tails you lose.'' My colleagues have to imagine: What would such a policy say about the way our government conducts its businesses and manages its resources?

''Use it or lose it'' is drawn from a desire to do the right thing, which is to increase our domestic production, but I also believe it reveals a fundamental lack of understanding about how energy resources are developed and how they are brought to market. It risks very real consequences for our energy production here in America. Because instead of encouraging producers to find energy faster, it would actually discourage them from discovering it in the first place. Instead of creating jobs, it would likely end jobs. Instead of raising new revenues for the Federal Government, it would likely diminish taxpayers' returns from leasing and production.

It seems as though every time oil prices are on the rise, we come together and we debate how we are going to respond to them and every time someone points out we should be producing far more of our own—frankly, very tremendous resource base—someone steps forward with the potential scapegoat, perhaps to distract attention from our need to be leasing more new lands. It is like clockwork around here. Instead of making the hard choices about what we can do to better insulate ourselves from higher crude prices and geopolitical instability, we see proposals to impose windfall profit taxes, to pour unprecedented sums of money in unproven alternative technologies, to rein in speculators, to sue OPEC, to raise taxes and fees on production, and now to force companies to act faster or to face greater penalties.

Until we see some evidence that companies are refusing to develop their leases, I have to call it like I see it. ''Use it or lose it'' is a ploy to claim

that we support increased domestic production, without doing anything to ensure that domestic production is the actual result of our Federal energy policies.

There has been a lot of discussion, when we are talking about energy, about Brazil and their potential—how that nation is set to significantly ramp up its oil production, and we commend the Brazilians. They have been able to make a number of very important discoveries, estimated at about 50 billion barrels of oil equivalent. According to the Wall Street Journal, Brazil's oil production rose by 876 percent over the past 20 years—876 percent over the past 20 years. They are now planning to double their current production in less than 10 years. So there are pretty remarkable things going on there. Even while Brazil is developing their current resource base, they are actively looking for more. They are working aggressively. They are pursuing that objective while expanding their production and their use of alternative energy sources. They are kind of pursuing the ''all of the above'' we talk about so often.

In the United States, we have technically recoverable oil resources estimated at 157 billion barrels, more than three times—more than three times—what Brazil has recently found. I don't understand. I don't understand why we refuse to set the same ambitious goals for increasing our production that Brazil has, even as we continue to pursue alternative energies that will diversify our supplies equally. When it comes to energy, we should strive to be our own best customer, not Brazil's.

As Federal policymakers, we need to think carefully about what we demand of any industry, including oil and gas. When we tax something, the fact is, we get less of it. I don't think we want to make ourselves even more dependent on foreign oil right now. We don't want to discourage domestic production, especially under the guise of promoting it, and we have no reason to add yet another layer to an already daunting regulatory system.

I strongly urge us in the Senate, in the Congress, to recognize ''use it or lose it'' for what it is. It is an attempt to extract more money from the companies, not to extract more energy from the ground. It is not the right approach for America, and it will not move our energy policy in the right direction.

I do take comfort in one fact, and that is this: At least the debate is now about how to produce more oil and not whether to produce more oil. My work on the Energy Committee and certainly what goes on in the State of Alaska has taught me much about how and how not to achieve greater oil production if we want more domestic production—and I think we all recognize the President's verbal commitment to this and the change of heart amongst some of my colleagues—it is time to eliminate the needless redtape and allow access to America's huge resources that are still off-limits.

I thank the Presiding Officer for the time and the opportunity to speak this afternoon on yet another aspect of our country's much needed energy policy and how we can continue to find ways that will move us toward a future where we do engage in energy sources that are clean and renewable while also harvesting our bountiful supply in this country as we find ways to produce more domestically.

Mr. NELSON of Florida. Mr. President, will the Senator yield for a question?

Ms. MURKOWSKI. Yes.

Mr. NELSON of Florida. Mr. President, first of all, I wish to say to the Senator from Alaska that she knows of my respect for her and my personal friendship with her and my personal opinion that she is one of the finest Senators we have.

I do want to ask the Senator a question, and it is a circumstance that I happen to be here next in line to speak about a different subject than the Senator spoke about. This Senator is one of those sponsors of the ''use it or lose it'' legislation. I certainly will defer to the Senator from Alaska with regard to Alaska and the drilling offshore there.

My question is about the drilling of the Gulf of Mexico, which this Senator has some familiarity with, and that there are 37 million acres in the Gulf of Mexico under lease, where the oil is. But of the 37 million acres, there are only 7 million that are drilled. Thirty million acres are not drilled, and it has been that way for years and years. The Senator makes a compelling argument with regard to Alaska, but how can that argument apply to the 30 million acres in the Gulf of Mexico that are not drilled but, as the Senator has said, ought to be drilled?

Ms. MURKOWSKI. Mr. President, I appreciate the question of my colleague from Florida, as we recognize that coming from different parts of the country, where we have access in close proximity to the oil and gas resource, but we recognize that there are differences between where we are in our geography and perhaps the approach.

In the Gulf of Mexico, I think your climate allows for exploration and production probably 365 days out of the year, which is a little bit different than in our arctic environment. We respect that. To the Senator's question, which is a very legitimate and fair question—this is why we had hoped so much that with this report from the Department of the Interior, it would have allowed for a breakdown so we could understand what is happening with these many thousands of leases that are out there and existing. What is the true status? To put it in idle or unuse is not very clear, quite honestly. What does that mean? Are we in the exploratory phase and so we are not in production? And what category is that? Is this an older lease about which perhaps they have determined there simply is not the—for instance, if you are drilling in some deep waters, it is extraordinarily costly. As I mentioned, these are complex, and the technologies are quite considerable. If you have done some exploration but you find very limited or perhaps nothing—as I mentioned, we don't have that magic X that leads us right down to what we call in the north the ''elephant find.''

So I think it is important to understand what it is that we have and the status of these leases. This information is critical to us, because if they are in the exploratory phase, and it is taking longer because, quite honestly, we have higher standards with the environmental permits, which are taking more time, and I think we realize after the Deepwater Horizon situation and a great deal of scrutiny on MMS, quite honestly, we didn't have sufficient numbers issuing permits within that agency to keep up. So we need to understand where the issue is, where the problem is. There may, in fact—and I will concede on the floor that there may be some leases that are in existence where the producers have said: You know what, we only have so much ability to move forward with the financing of all of this, so we are going to explore and produce in wells 1, 2, and 3, but on 4 and 5 we are not prepared to advance on them as quickly. We think they may have potential, but we don't know that. How can we help to facilitate that? Do we need more people within MMS to help expedite the permits? What does it mean to be an idle lease?

I will digress for a moment, if I may, because I think it is important for people to recognize that when we are talking about exploration in the Arctic, a 5-year or 10-year time period is simply not sufficient, because we cannot explore 365 days a year. Most times, the season is limited to about 60 days during the coldest, darkest, most difficult time of the year. But that is when the ground is frozen, when the permits are issued for exploration. So it takes multiple seasons to even get through the exploration phase.

I think it is important to recognize that not all leases are equal. Not every lease that a producer purchases from the government actually has anything worth developing. We need to know and understand a little bit more. We hoped to have learned that from the Department of the Interior report. Unfortunately, it didn't give the detail we had hoped for. I appreciate my colleague's question.

Mr. NELSON of Florida. Mr. President, as the Senator from Alaska is leaving the floor, I will say to her that I appreciate her point of view and what she has expressed. There is certainly an opportunity for working something out.

As I stated in my question to her at the outset, this Senator doesn't know a lot about the leases in Alaska, but I certainly do know a lot about the

leases in the Gulf of Mexico. For 30 million acres in the Gulf of Mexico to go undrilled for years and years, where out of a total of 37 million acres are leased but only 7 million acres are actually drilled and produced, it seems to me there is a wonderful opportunity for a lot more production, not just in 7 million acres but 30 million acres additionally. And if the company that holds that lease, and has held the lease for years, is not going to drill it and produce, then let somebody else do it. That was the theory behind this Senator's sponsorship of that legislation.

As the Senator from Alaska has pointed out some differences in her State, it seems to me that this is, as the Good Book says, a place where people of good intentions can come and reason together.

Mr. President, I want to speak on another subject. I will tell my colleague that I am not going to be speaking very long. This will be short. I want to bring this to the attention of the Senate.

This is the Wall Street Journal from last weekend. Here is an article with the headline ''Transocean Cites Safety in Bonuses.''

This is worth this Senator reading for the RECORD and calling to the attention of the Senate:

> Transocean Ltd. had its ''best year in safety performance'' despite the explosion of its Deepwater Horizon rig that left 11 dead and oil gushing into the Gulf of Mexico, the world's largest offshore-rig company said in a securities filing on Friday.
>
> Accordingly, Transocean's executives received two-thirds of their target safety bonus. Safety accounts for 25 percent of the equation that determines the yearly cash bonuses, along with financial factors including new rig contracts.

It is hard for me to believe that. Even if it were to meet some mathematical formula of awarding bonuses to executives at oil companies, why in the world that company would not have been sensitive enough to the families of 11 people who lost their lives as a result of what the President's task force investigating the Deepwater Horizon oil explosion and spill—the task force cochaired by our former colleague from Florida, Bob Graham—which said that the main responsibility for that explosion was the fact that the blowout preventer did not work as it was designed to. Who was the owner and operator of that? Transocean. We know there are lawsuits that are going on between BP, which had the lease, and Transocean, its subcontractor, which had the equipment that was supposed to work to prevent the spill that malfunctioned. Those lawsuits are going to be going on for some period of time, sorting it out. But the investigation, done by a highly respected investigative task force, came to that conclusion. And here that very same company, whose blowout preventer deep on the floor of the ocean malfunctioned, causing the explosion—11 lives were lost, and untold billions of dollars of damage was done to the economies of the Gulf States, and who knows how many billions of dollars of damage to the marine life and the ecology of the Gulf of Mexico, and safety is cited by this company as a reason for giving bonuses to its executives.

That defies common sense. It defies reason. I am sufficiently agitated about this—even with the company coming out and issuing some kind of retraction—that this Senator intends to ask the Secretary of the Interior, Secretary Salazar, what authority he has to regulate not only the leases of oil and gas tracts, such as BP, which held the lease, but also what authority he has to regulate the rig owners, such as Transocean and other subcontractors, which actually had the responsibility for the safety of the drilling operation, and that safety did not work.

I am going to ask our Committee on the Environment, chaired by Senator BOXER—I have already talked to her and her staff director—to hold hearings on the questionable response, the cleanup, the environmental and financial practices not only of Transocean but its contractor, BP. What in the world is going on?

Why do I bring BP into this? Well, it is not only that they held the lease. It was interesting. Last week, the head of the Washington office of BP came in to give me an update. We had a very good, amiable chat, and I asked a simple series of questions. One of the questions I asked was: With all of our people down there, many of them losing their businesses, losing their homes to foreclosure, because they don't have income as a result of the tourism trade that was affected by the BP bill, what was all this about?

The first full payment was a $10 million payment paid in full from the Gulf Coast Claims Facility to a BP partner. The head of BP in Washington said he did not know. It has been in the newspaper over and over. I have asked the question over and over. I have written to the Department of the Interior, as well as to BP, and I have written to the Gulf Coast Claims Facility and have received no answer to the question, why was the first payment paid in full in damages done to a business partner of BP? The representative of BP could not answer the question.

I think the Senate Committee on Environment and Public Works ought to get into that issue. I am going to also ask the Finance Committee in the Senate to hold hearings on the financial practices of BP and Transocean and other corporations such as those—a corporation such as Transocean that I think is domiciled in Switzerland and that holds a lot of its assets and earnings abroad, earnings that come as a result of doing business in the United States but of which those earnings are held abroad and taxes are not paid for the privilege of doing that business and earning profits in its business that is conducted in the United States.

We owe this to our taxpayers. This Senator certainly owes it to his constituents who have suffered mightily as a result of this BP oilspill, along with the malfunctions that went along in the procedures and in the equipment of that tremendous disaster that so many have suffered so long.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

THE BUDGET

Mr. THUNE. Mr. President, this Friday we run out of the current—which is now the sixth continuing resolution—short-term continuing resolution which we have been operating under since the end of the fiscal year, which was September 30 of last year. We started a new fiscal year October 1. Judging by some of the rhetoric we have been hearing around here, one would think somehow it is these big, bad, evil Republicans who are trying to shut the government down by trying to get a bill passed that actually would reduce spending for the remainder of this fiscal year, which ends on September 30.

I remind my colleagues—and I know sometimes it gets a bit redundant—it is a fact that the reason we are here is because last year the Democrats in the Congress failed to pass a budget and did not pass a single appropriations bill. There was no budget passed last year for this fiscal year and not a single appropriations bill passed before the fiscal year ended September 30. Beyond that, we had a lameduck session where we were here, we were here after November's election until the Christmas holiday, and never did we have a budget considered on the floor, nor did we consider a single appropriations bill. The reason we are here is to finish the unfinished business of last year. This is last year's mess we are now cleaning up.

We think the voters in the election spoke pretty clearly and sent an imperative to the Congress: We want you to reduce spending.

We have been trying, as we have attempted to fund the government through the end of this fiscal year—September 30—to achieve some level of spending reductions. It started in the House of Representatives. They passed a bill that reduced spending by $61 billion over the previous year. It came over to the Senate. We had a vote on that bill to reduce and trim $61 billion, and it failed. The Democrats put a bill on the floor which would trim $4.7 billion from last year's spending level and which seemed to be completely divorced from reality as to how to seriously and meaningfully address the issue of spending and the debt and how to address the concern the American people have voiced this year over the $1.5 trillion deficits we are seeing and now we are going to see even longer since the President submitted his 2012 budget.

The reason we are here is to do last year's unfinished business; that is, getting runaway spending in Washington

under control, starting to live within our means—something every family in America has to do, something every small business in America has to do.

Here we are again coming up against this Friday deadline because there is resistance to reducing by $61 billion the amount Congress spent the previous year. The $61 billion, if one looks at the total budget, represents a little under 10 percent. Even if one looks at it in terms of discretionary spending, that amount we are actually appropriating annually that is the smaller part of the budget in Washington, it is a small percentage. We are not talking about, relatively speaking, a lot of money. I think it is reasonable. I think the American people believe it is reasonable. Yet we are having this huge meltdown around here because we do not have the political courage to do what the American people have asked us to do.

Frankly, if we were to reduce spending by the amount the Democrats propose and we had a vote in the Senate, it would be about the equivalent of 1 day of the debt. In other words, in this year, the amount of debt we are going to rack up—the amount they were talking about trimming from the budget was the equivalent of 1 single day of the Federal debt—a little over $4 billion. It was not serious. Nobody can take it seriously by any objective measurement.

To put it in perspective, in the last 2 years, spending has increased by about 24 percent. This is non-national security discretionary spending. It increased 24 percent at a time when inflation was only 2 percent in this country. Discretionary spending was growing at more than 10 times the rate of inflation. It seems reasonable that we could go back to those 2008 levels, indexed for inflation, which is what the proposal passed by the House that was defeated in the Senate would do.

We have had lots of testimony from the former Chairman of the Federal Reserve, Alan Greenspan, who said he expected we could face a debt crisis in the next 2 to 3 years. He said there is a 50-percent probability of that, in his opinion. We had the Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, say that the biggest threat to America's national security is our national debt, which I think is a stunning statement coming from the highest ranking military official in this country. We have people saying there is the potential for a debt crisis, a 50-percent probability. We have this national security issue that is impacted by the level of spending and the level of debt. Then we have what I think, too, is an even more compelling argument because everybody talks about the need to grow the economy and create jobs, and yet this amount of spending and debt, according to most of the research that has been done, suggests we are costing ourselves as an economy about 1 percentage point of economic growth every year, which translates into about 1 million lost jobs. That is a significant, as I said, body of research that has been done that studied economies over the past half century or so and concluded there is a correlation between debt and economic growth when your debt-to-GDP ratio reaches 90 percent. We are there in the United States. We are well past 90 percent, and it is going to grow significantly more under the President's budget.

We cannot wait until tomorrow to do this. We have to attack this problem at every opportunity. Getting a vote on a continuing resolution that funds the government through the end of the year but does it at a reduced level of spending makes a lot of sense.

I do not know anybody who wants to see a government shutdown. We are here because there is unfinished business from last year. We have to get this budget passed, and we ought to do it in a way that is meaningful and serious and, I might add, reduces spending.

The President's budget, which he came out with a couple months ago and which starts the 2012 budget discussion, failed on every level to address the major challenges facing the country. Not only does he not deal with this issue of discretionary spending—and, frankly, he has been missing in action in that debate entirely—we have not heard from the administration about this issue. More important, his budget does nothing to address the big part of the budget—Social Security, Medicare, and Medicaid—which constitutes today 55 percent of the Federal budget and will grow dramatically over time as the 80,000 baby boomers begin to retire. What he proposed in his budget is increased spending, increases in taxes, and about a $12 trillion increase in the Federal debt over the next 10 years. Nothing serious is done in terms of addressing spending, debt, or taxes.

It is a colossal failure of leadership not to take on what is the most compelling and profound issue that faces this country right now; that is, this huge cloud of debt that hangs over our economy and over our children's future. The President said recently he did not want to take a machete to this; he thought we needed to use a scalpel. What he is talking about doing I suggest does not even constitute using a toothpick. There is not anything in here that does anything to reduce spending or get serious about trimming the size of the Federal Government.

What happened today? The House Republicans came out with a budget. Lo and behold, it is a budget that actually reduces spending by $6.2 trillion over what the President's budget proposed or $5.8 trillion over what the Congressional Budget Office baseline suggests we spend over the next decade. It reduces debt by $4.4 trillion below the President's number, and it does it without raising taxes.

The first argument we heard from people coming to the floor of the Senate—and I heard some of my colleagues earlier talking about, oh, this is going to be so awful; just think of the senior citizens. I say to my colleagues, according to the House budget proposal, senior citizens are not impacted. Senior citizens are protected from any changes in Social Security or Medicare, as are people age 55 and older. If you are a senior citizen today or you are someone nearing retirement age, you are not impacted by this budget. What it does is it makes reforms in these programs so that future generations of Americans will have those programs available to them when it comes time for them to retire. The fact is—we all know this—if we do not deal with these parts of the Federal budget, we are not serious about dealing with the future.

This is a serious issue, it requires a serious solution, and it requires serious leadership. We have seen none of the above from the President or his administration or the Democratic leadership in Congress. So far, the only effort that has been made to address the issue of spending and debt and jobs and the economy is being done by the Republicans in the Congress.

Considering the fact there is only one body of the Congress that is controlled by the Republicans—the House of Representatives; the Democrats control the Senate and set the agenda, and we have a Democratic administration, a Democratic White House—one would think that to do something of this consequence and magnitude, it would take a bipartisan effort. One would assume this would be a bilateral discussion that would be occurring between the White House and the Congress and not just the Democrats in Congress but the Republicans. But none of that seems to be occurring, and there does not seem to be any interest on the part of the President in stepping forward and putting a plan forward that actually does reduce spending, that actually does deal with this massive debt, and that actually gets serious about putting people back to work, growing the economy, and creating jobs. His budget, as I said, increases spending by $400 billion, increases taxes by $1.5 trillion, and adds somewhere on the order of over $12 trillion to the Federal debt. That is the President's budget.

The Republican budget that was put forward today—and I am sure we are not going to agree with every aspect of it, but at lease it is a serious, meaningful effort—reduces spending by $6.2 trillion over the President's number and $5.8 trillion below what the Congressional Budget Office says it will spend over the next decade. It reduces debt $4.4 trillion more than what the President has put forward, and it actually gets government spending as a percentage of our gross domestic product under 20 percent, which is where our historical average has been for the last 40 years. That is what we have been looking at. It takes on these issues.

Whether one likes the approach or not, please at least let's have a discussion about it. Let's have a debate and

let's have a proposal put forward so that we have something we can actually have a discussion about because so far all we have is a one-sided discussion. The Republicans have led the debate about how to deal with the discretionary part of the budget we are dealing with in this continuing resolution, and the Republicans have the only proposal that has been put forward that deals with the long-term issues of Social Security, Medicare, Medicaid, and tax reform, which, by the way, is an important issue to our competitiveness and our ability to grow the economy and create jobs. All those issues are addressed in the budget put forward by the House.

What has been put forth by the administration is not serious. These are serious times that require serious leadership and serious solutions by the President of this country, and we are not getting that out of the White House, nor are we getting it out of the Democratic leadership in the Senate. I hope that will change. I hope my colleagues here in the Senate will recognize and the President will recognize we can't afford to wait any longer.

We have added over $3 trillion to the Federal debt in the first 2 years of this President's administration, and that number, as I said, will grow by about $12 trillion over the next decade. The interest alone that we will pay by the year 2015 will exceed what we spend on national security. We will spend more on interest on the debt than we actually spend on the defense of this country. That is the trajectory we are on. We cannot afford for the future of our children and grandchildren to stay on that trajectory. We have to change the direction we are headed in this country and it starts now.

So I give great credit to our House colleagues. I hope we will be able to get to a meaningful discussion here in the Senate about how to get spending and debt under control, how to grow the economy and create jobs, and how to rein in the size of the Federal Government. It seems that, here at least, a lot of my colleagues must be very comfortable with spending over 25 percent of our GDP on the Federal Government because that is where we are today. As I said before, the 40-year average is down in the 20- to 21-percent range, which is where the House Republican budget would take us. I think it is a good starting point. It should trigger, I hope, a discussion in this country.

But I certainly hope as well that the other side, the Democrats here in the Congress and White House, would engage the debate, would enter this discussion. Please, put forward an alternative, instead of coming out here and attacking, and particularly attacking in a way that is misleading and misinforming. Senior citizens are not impacted by this proposal that was put forward today. If you are 55 years or older, you are not affected by this. You keep the programs you have today. What this does, in a meaningful way, is to reform those programs so that they are available to future generations of Americans. We have a moral obligation to them to take the steps necessary to provide a future that doesn't saddle them with a mountain of debt.

By the way, that debt has grown from about $1,900 per person in 1970 to $44,000 per person today. Under the President's budget, 10 years from now, it will be $88,000 per person. That is what we are doing to the future of our children and grandchildren unless we take steps to change our direction.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Indiana is recognized.

Mr. COATS. I thank the Chair.

(The remarks of Senator COATS pertaining to the introduction of S. 727 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COATS. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HAGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HAGAN. Mr. President, I rise today to urge my colleagues on both sides of the aisle to join together to prevent an irresponsible government shutdown.

The American people did not elect us to shut down the government.

Democrats and Republicans in both the House and the Senate must tighten the Federal Government's belt, just like Americans are doing every day at their kitchen tables.

As we all know, our escalating national debt is our country's most pressing problem. Our country's current fiscal course is simply unsustainable.

In just the last 10 years, our Federal debt has risen from roughly a third of our gross domestic product to nearly two-thirds of GDP in 2010.

Based on the nonpartisan Congressional Budget Office estimates, without proactive action by Congress, that percentage will continue to increase over the next 10 years, with public debt expected to reach 90 percent of GDP in 2020.

Meanwhile, nearly half of our current debt is owned by China and other foreign creditors.

It is time for Congress to work together to chart a new bipartisan course that puts our fiscal house in order.

Before coming to the United States Senate I served for 10 years as a State senator in the North Carolina General Assembly.

I served as the cochair of the Budget Committee, and I can tell you that crafting a budget is never easy. There are always difficult choices, and both sides have to make sacrifices.

As a Budget cochair, I worked for 5 consecutive years to ensure that North Carolina's budget was balanced, that we still made critical investments in our communities while eliminating unnecessary spending.

It takes cooperation across party lines to meet fiscal challenges and to ensure government is both leaner and more effective.

We need bipartisan cooperation this week to prevent a Federal Government shutdown, which is an irresponsible outcome.

Keeping the government functioning for the American people is Congress's core responsibility.

We must come together to cut spending and support critical priorities, such as education, that strengthen our economy and support economic development in North Carolina communities and in communities across America.

And while I believe we all share the common goal of reducing our Nation's deficit, we should remember that our most troubling economic challenges cannot be solved in 1 year alone.

That is why I am concerned by some of the cuts passed by the House.

The House proposal would result in the loss of some 21,000 North Carolina jobs and decimate important education priorities, like Headstart and investments in historically Black colleges and universities.

Nearly one in five African Americans who earn an undergraduate degree has a diploma from a historically Black college or university. North Carolina has 10 4-year HBCUs, more than any other state in the country.

Funding through the Department of Education allows these institutions to strengthen programs and provide critical services for students who are often among the first in their families to attend college.

The House would cut funding for HBCUs by nearly a quarter below last year's level, a cut that would have a disastrous impact on these institutions and their students, while not even scratching the surface of our current deficit.

In addition, by insisting on dozens of divisive policy riders, House Republicans are disrupting our ability to chart a pragmatic and responsible fiscal course for the country. We cannot take our eyes off the ball.

The President's bipartisan fiscal commission, cochaired by North Carolina's own Erskine Bowles and former Senator Alan Simpson, made important progress in beginning to diagnose and attack the root causes of our Nation's fiscal crisis.

The bipartisan work of the fiscal commission is evidence that common ground is possible.

Reducing spending will absolutely be a part of any comprehensive solution, but we must begin to have a broader discussion to create meaningful deficit reduction.

For that reason, I am supporting S. 211, the Biennial Budgeting and Appropriations Act, which was introduced by my colleagues Senator ISAKSON and Senator SHAHEEN.

This bill would take the Washington-as-usual politics out of the budgeting process.

The bill changes the budget process from the current, annual spending debate to a 2-year, deliberative process that allows us to work together on commonsense cuts coupled with sensible investments, similar to what North Carolina, which balances its budget every year, already does.

Right now, Congress rarely passes the 12 government funding bills by the end of the fiscal year, and this year we have been operating on short-term fix after short-term fix. A biennial budgeting process is part of the long-term solution we need to remove partisanship from the budget. The status quo is unacceptable.

I hope we can continue to work across party lines, this week and moving forward, on a bipartisan, comprehensive plan for the Nation's budget that tackles, head on, our mounting debt.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. BENNET. Mr. President, I had the chance to sit in the chair this evening, before you came, and listened to people on both sides of the aisle talk a little bit about our debt and our deficit situation, the pending shutdown of the Federal Government. I shudder to think we might actually do that. But it may happen. I thought I might keep my senior Senator a little bit of company—the hour is late and the floor is empty—to have the chance to talk a little bit about how we see this from Colorado.

Like the Presiding Officer, I have had the chance to travel in one of the most beautiful States in the country over the last 2 years, 40,000 miles across the State of Colorado, having townhall meetings in red parts of the State and blue parts of the State and, believe it or not—and I know the Presiding Officer would believe it because he is talking to the same people I am talking to and, maybe more important than that, listening to the same people I am listening to—I think a fairly substantial consensus emerged out of those meetings.

By the way, in not a single one of those townhall meetings—not one in 2 years—no matter what part of the State I was in, would any self-respecting cable television producer want to put on cable TV at night. Because we do not scream at each other in Colorado. We have our differences. We have our disagreements. We have a lot of shared values, though, whether we are Democrats or Republicans, tea party members, Independents. We are about a third Republican, a third Democratic, a third Independent. That consensus that emerged from these meetings on our debt and our deficit is straightforward.

It is a three-part test for people in Colorado. The first is, they want us to come up with a comprehensive solution that materially addresses the fiscal challenges this country faces. They do not want a bunch of gimmicks. They do not want a bunch of talking points. And they do not want people in this Chamber or the Chamber on the other side of the Capitol spending their time scoring political points at the expense of the American people.

So the question they are going to ask, first, when the Presiding Officer and I go back there, I think, is, did you get to a comprehensive solution—not, by the way, did you fix it overnight? Because they know it cannot be fixed overnight. But can we be secure in the idea that we are not going to leave our kids and our grandkids what is today $15 trillion in debt and a $1.5 trillion budget deficit. Because all things being equal, we wish to allow our kids and our grandkids to not have their choices constrained by our inability to get anything done here in Washington. So that is the first test for people in Colorado.

The second test is, they want to know that any solution we come up with is one where we are all in it together, that everybody in America has the chance to make a contribution to solving this fiscal nightmare we face. They are not interested in pitting one group of people against another group of people. In fact, that makes them feel suspicious about what we are doing. They want to know we are all in it together, which brings me to the third commonsense Colorado point of view on this issue, which is they would like this—in fact, they will insist—the solution be a bipartisan solution. Because they do not have confidence in one party's ideas on this question. That is a lucky thing because we have a Republican-controlled House and we have a Democratic-controlled Senate, and the President is a Democrat. We cannot solve this problem in these times without it being a bipartisan solution. That is it.

If I can go home and say, we materially addressed the problem, we are all in it together, and it was a bipartisan solution, I think people would say: You guys have finally done something. We feel patriotic, as if we have done something useful for our kids.

As the Presiding Officer knows, there are people all over our State—local government officials—who are Republicans and Democrats who are making tough decisions about their budgets. I have an incredible amount of sympathy for what they are dealing with.

I had the great fortune, earlier in my career, to serve as the Chief of Staff for our now Governor, John Hickenlooper, when he was mayor of Denver. When John went into that office, and I went in as his Chief of Staff, we faced a huge budget deficit by Denver standards and we had to cut 11 percent of our expenditures. We met with people living all throughout the city and county of Denver. We sought their advice. We established a set of priorities. We passed it through a city council. And do you know what. Denver lived to fight another day. Our economy grew, and things were pretty good there for a while, until this current recession.

When I became superintendent of the Denver Public Schools—as the Presiding Officer knows, a district that year after year after year, for almost a decade, maybe even longer than that, was the poster child for cutting every single year; every year, people at other school districts would say: Thank God we are not the Denver Public Schools—every year, the Denver Public Schools would lose teachers to other districts that could afford to pay them more, and every year we cut and we cut and we cut as a district. When I became superintendent, one of the cases I made to the school board was: We have profound structural problems in our budget, and instead of approaching the budget in a way that diminishes the academic environment for kids, what we ought to be figuring out how to do is establish a set of priorities and build a public case to deal with the structural problems that exist in our budget.

Because of the good work of the school board—I should say, the courageous work of the school board—we were able to get that done. We were able to close schools for the first time in a long time. That is hard work. Those meetings were harder than health care townhall meetings, I can tell you that. We were able to deal with the pension liability that our district had. And we were able, year after year, to invest more money, not less, in our schools and in our classrooms. And now, under the current leadership there—which I think is doing an exceptional job—the district no longer is the poster child for anything except fighting hard on behalf of the children in the Denver Public Schools.

Here is the thing that drives me crazy about what is going on in the conversation we are having now about this shutdown. There is no way any superintendent of schools in Colorado or any school board in Colorado or any city council or any mayor—from the biggest city to the smallest town—would show up to work and say: We might close the government 2 weeks from now. It is an option for us that we will not pick up your trash 2 weeks from now or plow the streets—we still get snow in Colorado at this time of year—or plow the streets 2 weeks from now. We are going to close down.

It would not occur to anybody working in a local government in our State to say they were going to do that. Do you know why? Because people would become unglued, unhinged. They would say: We hired you to do a job. Work it out. We are doing our jobs—or we are

looking for jobs—we don't have time to solve these problems. You were hired to do this job. Work it out. Come to an agreement. Don't come home and tell us you are shutting the government down, you are not going to pick up the trash, you are not going to plow the snow, you are not going to educate our kids.

The idea that as a superintendent—I got in trouble when I closed school for snow once—once. It turned out to be a great decision because it was one of the worst blizzards we ever had, but it could have gone the other way, because people rely on us to do the work we are supposed to do. They have plans. The idea that at a time when we are fighting wars all across this globe, at a time when there are governments and countries that are trying to seek an economic advantage over the United States of America in a global economy that has shrunk the way ours has shrunk, that we would say to ourselves: We are going to pause, we can't even keep the government open in this democracy, I think would reflect terribly not on the American people and not on our democracy, but on this institution of government.

There is a reason why we are in the basement as an institution in terms of polling. Why should people have confidence in an institution that cannot actually even keep running in the short term? I think it is important, based on the conversation I heard tonight here on both sides of the aisle, for the American people to understand this debate about this government shutdown is not a debate about our deficit and our debt, not really. It has been about scoring political points.

What I want to say is I hope and I would encourage the leadership on both sides of the aisle here, the leadership in the House, and our President to find a way to work it out and to make sure we keep this government open. I think closing it sends entirely the wrong message. I know there are people on both sides of the aisle here who believe that. I hope people do absolutely everything they can do between now and the end of this week to make sure we send a message that we are not as dysfunctional as we appear to be. Because I think this place ought to meet the standard that people at the local level of government are held to in our State.

No business would say: I don't know, maybe we will close for 2 weeks or close for a month. They are figuring out how to invest and grow even in this challenging economy. We should be doing the same.

Mr. President, you and I were in a meeting this morning. We started today at 8 o'clock in the morning, with 33 Senators, Republicans and Democrats, who came together to hear some very thoughtful observations about how important it is we come to a comprehensive solution to deal with our deficit and to deal with our debt. We heard an important presentation about how there is no silver bullet here. There is no easy way to solve any of this. But perhaps the least painful way to think about it is with the most comprehensive plan—which, by the way, is the intuition of people in Colorado, as I said earlier today. It gave me great confidence that there were a bunch of Republicans and a bunch of Democrats in a room listening to this message and willing to work together in a bipartisan way.

I was very fortunate to draft a letter that MIKE JOHANNS from Nebraska, a Republican, cosigned with me that called on the President to engage—after this period we are having a discussion about right now with closing the government or keeping it open or whatever it is we are going to do—asking the President to engage in a conversation that is comprehensive that says: You know what. We know this is going to involve cuts to discretionary spending, both domestic and military. We know this is going to involve reform of our entitlements. We know it is going to involve reform of our Tax Code as well.

Senator COATS from Indiana was out here today with a lot of commonsense ideas around how our Tax Code doesn't drive innovation, competition and growth and he is right about that. There is a lot of work to be done, and I have every confidence it can happen. That letter we wrote turned out to have 64 signatures on it. Sixty-four people signed that letter. That is more than the 60 required to pass a piece of legislation. That is a majority of the Democrats in the Senate. It is a majority of the Republicans in the Senate. I know it is just a letter, but it reflects what I believe to be true about what people in this body believe, which is that we can solve this issue. We can solve this problem, but we are only going to be able to do it if we do it together. We are only going to be able to do it if we get to a place where we are no longer as concerned about winning political points as we are about actually addressing the problem. I have confidence we can do it.

Someone said to me today: You seem to be a guy who feels as though the Senate is dysfunctional. You have a reputation for believing the Senate is dysfunctional. I will confess there are days when I wonder, and there are days when I feel as though it is dysfunctional. But on this set of issues, I think the Senate can shine. On this set of issues, I think this is the place where leadership can take hold and where we can create a bipartisan solution. The people of Colorado, and I think the American people, expect us to do everything we can to get this done.

There are two conversations going on simultaneously, and I thought it was important to point out that one is about the very short-term issue—what we are going to do with this continuing budget. By the way, no one in Colorado would stand for the idea that you don't pass a budget in the year you are in, but that is another Washington cultural artifact we ought to get rid of. But that is distinct from the comprehensive discussion we need to have around here on our deficit and our debt. At the end of the 2-year discussion I was having, and the beginning of a new discussion now with Colorado, it became pretty straightforward what people want, not just on the debt and deficit but other things they are concerned about, that we ought to be turning our attention to, instead of having this back and forth about whether we are going to keep the government open. It ought to be assumed we are going to keep the government open.

We just came off the first decade in the country's history when median family income fell. It was lower at the end of the decade than it was at the beginning of the decade. It has never been true before in the United States. For families in Colorado, that means they are actually earning less at the end of the decade than they were at the beginning. But their cost of higher education has gone up by more than 40 percent. Their cost of health care has gone up by more than 100 percent over that period of time. We have created no net new jobs in the United States or in Colorado since 1998. People would like to see that turned around.

People would like to see us working together on a Tax Code that drives innovation to make sure we don't have regulations that unnecessarily stifle economic growth. They would like to see that.

They would like us to break our reliance on foreign oil from the Persian Gulf. Even before what has happened in the Middle East and in Libya occurred in the last month or so—even before that—people were saying to me: Michael, we don't think it makes much sense for us to be buying oil from the Persian Gulf. We don't understand why we have an energy policy that requires us to ship billions of dollars a week to the Persian Gulf to buy oil when we could be investing that money developing our energy resources here in the United States. That is work we could be doing together in a bipartisan way.

As the President knows, I have a passion for public education, as do the people who are living in Colorado, and they know we are not getting the job done there either. We have before us the reauthorization of No Child Left Behind, but somehow we can't move that forward. Teachers and kids and principals and moms and dads all over our State are expecting us to get that work done. We have to find a way to educate our kids for the 21st century economy that hopefully we will build for them, and we are not getting the job done.

As I said on the floor the other day, if we look at this question from the perspective of poor children living in our home State of Colorado or all across the United States of America, and if we think about this room we are in right now and the fact that there are

100 desks that don't belong to 100 Senators because they belong to the American people but where 100 Senators sit and work, if these desks reflected the odds of poor children living in our country succeeding educationally, things would look pretty grim in here. Forty-two out of the one hundred chairs in this place would be occupied by a child living in poverty—42. By the time our children in poverty got to the eighth grade, only 16 kids would be reading at grade level. That is four and four, four—that is about 16 desks. The rest of this Senate Chamber would be full of children who couldn't read at grade level in the eighth grade today in the 21st century in the United States of America. By the time our poor children would be graduating from college, only nine would be graduating from college—these two rows and that chair right there. The rest of this Chamber would have no college degree. In a global economy requiring that as a pathway to the middle class, to meaningful participation in the democracy, to meaningful participation in this global economy, 91 people in this place would be shut out because they were born into a ZIP Code that is poor. Those odds look pretty wrong to the kids who are living in those neighborhoods.

I have spent a lot of time with our kids in those neighborhoods, not just in Colorado but all across the United States of America. They think we have already made a promise to them, that they live in a land of opportunity that is going to reward their hard work, and if they stick with it, they are going to end up with a college degree. That is what they believe. We may have made that promise, but we certainly haven't followed through on that commitment.

Why should that matter to us? Some people look at that and say: Well, it is someone else's problem. I don't need to worry about it. McKinsey has done a study that shows us that the effect of those outcomes is to create a permanent recession in the United States. The effect of that dropout rate creates a permanent recession in the United States. That actually is about the same as the recession we just went through, which means if we are concerned with economic growth in the United States, we need to concern ourselves with the educational outcomes our kids in poverty are facing. If we are concerned with income inequality in the United States, we need to be concerned with the outcomes I just described.

Last year, the top 1 percent of income earners in this country earned 23 percent of the income—almost one-quarter of the income. The last time that was true was 1928. That doesn't lead me to conclude that somehow we should redistribute it, but it does lead me to conclude that we ought to fix our education system so more people have the chance to put themselves and their families into the middle class.

We can't afford in this country to repeat the decade we just went through. We can't afford to have an economy where median income is falling. We can't afford to have an economy that is not creating jobs. We can't afford to carry a debt and deficit burden that at some point the capital markets are going to look at and say: We are not financing you anymore. We can't afford to fail to educate children in this country just because they are poor. I also think we can't afford to have an energy policy that commits us to a dependence on oil in the Persian Gulf. I think the people of Colorado and across this country are expecting us to do our jobs, just as they are doing their jobs.

I say again, I hope the leadership of both parties, working in good faith, can keep this government open, and I hope we can move on to a broader and more comprehensive conversation around debt, around deficit, around our economy, and around the education of our kids.

NOTICE OF INTENT TO OBJECT

Mr. WYDEN. Mr. President, I would like to briefly address the intelligence authorization bill for fiscal year 2011, which has now been reported by the Intelligence Committee. I filed additional views to the committee report accompanying the bill, and my remarks today will include a brief summary of those views.

I have now been a member of the Senate Intelligence Committee for over a decade—Senator FEINSTEIN, Senator ROCKEFELLER and I all began serving on the committee at the beginning of 2001, which I believe makes us the committee's longest-serving current members. In my time on the committee, I have become quite familiar with the intelligence authorization process.

It has now been almost 7 years since an intelligence authorization bill was signed into law during the fiscal year it was intended to cover, and although the 2011 fiscal year is now over halfway over, Congress still has an opportunity to provide useful guidance and direction regarding intelligence spending for this fiscal year. The fiscal year 2011 intelligence authorization bill is the product of substantial labor by both Chairman FEINSTEIN and Vice Chairman CHAMBLISS, as well as their respective staff, and I commend them both for their efforts and for the bipartisan manner in which they have worked to put it together.

Unfortunately, I have very serious concerns about one provision of this bill, and that is why I voted against it during the committee markup last month.

Section 403 of this bill would authorize the Director of National Intelligence, DNI, to establish an administrative process under which the DNI and the heads of the various intelligence agencies would have the authority to take away the pension benefits of an intelligence agency employee, or a former employee, if they ''determine'' that the employee has knowingly violated his or her nondisclosure agreement and disclosed classified information.

I share my colleagues' frustration regarding unauthorized disclosures, or ''leaks,'' of classified information. Leaks are a problem that has plagued intelligence agencies throughout modern history—they can undermine intelligence operations, jeopardize intelligence sources and methods, and have a terrible impact on the lives of covert agents who are publicly exposed. Every Member of Congress, myself included, wants to find new ways to identify and appropriately punish individuals who illegally disclose classified information. I personally spent 4 years working on legislation to increase the criminal penalty for people who are convicted of deliberately exposing covert agents. And I am proud to say that with help from a number of my Republican and Democratic colleagues, this legislation was finally signed into law last year. So I don't take a backseat to anybody when it comes to getting tough on leaks.

I agree that increasing penalties for particular offenses can sometimes have a deterrent effect on those who might otherwise be tempted to leak, so I support the creation of new consequences for individuals who have been convicted of illegally divulging classified information. But when it comes to leakers, the biggest challenge is not determining how to punish them as much as it is identifying who they are.

Given these challenges, my concern is that giving intelligence agency heads the authority to take away the pensions of individuals who haven't been formally convicted of any wrongdoing could pose serious problems for the due process rights of intelligence professionals, and particularly the rights of whistleblowers who report waste, fraud and abuse to Congress or inspectors general.

Section 403—as approved by the Select Committee on Intelligence—gives intelligence agency heads the power to take pension benefits away from any employee that an agency head ''determines'' has knowingly violated their nondisclosure agreement. But as I pointed out to my colleagues during the committee markup of this bill, neither the DNI nor any of the intelligence agency heads have asked Congress for this authority. Moreover, as of today none of the intelligence agencies have officially told Congress how they would interpret this language.

It is entirely unclear to me what standard agency heads would use to ''determine'' that a particular employee was guilty of disclosing information. It seems clear that section 403 gives agency heads the power to make this determination themselves, without going to a court of law, but the language of the provision provides virtually no guidance about what standard should be used, or even whether this standard could vary from one agency to the next. And no agency

heads have yet told Congress what standard they believe they would be inclined or required to use. This means that if an agency head ''determines'' that a particular individual is responsible for a particular anonymous publication, he or she could conceivably take action to revoke that individual's pension benefits even if the agency does not have enough proof to convict the employee in court.

Section 403 states that agency heads must act ''in a manner consistent with the due process and appeal rights otherwise available to an individual who is subject to the same or similar disciplinary action under other law.'' But federal agencies do not normally take away the pension benefits of former employees unless they are convicted of a crime or begin openly working for a foreign government. I do not believe that this ''otherwise available'' language is intended to require the government to get a criminal conviction, but beyond that I am not at all sure what impact this language is supposed to have and I am not sure that the various intelligence agency heads will know what it means either. This only increases my concern that this provision could be used to undermine or violate the due process rights of intelligence agency employees, with a corresponding impact on their family members and dependents.

I am also especially troubled that section 403 is silent regarding disclosures to Congress and inspectors general. Everyone hopes that intelligence agency managers and supervisors will act honorably and protect whistleblowers who come forward and go through proper channels to report waste, fraud and abuse in national security agencies, but this is unfortunately not always the reality. There are existing laws in place that are intended to protect whistleblowers who provide information to Congress and inspectors general—and I believe that these laws should be strengthened—but section 403 does not specify whether it would supersede these existing statutes or not. I know that none of my colleagues would deliberately do anything to undermine protections for legitimate whistleblowers, but I think it was a mistake for the Intelligence Committee to report this bill without hearing the intelligence agencies' views on whether or not they believe that section 403 would impact existing whistleblower protections.

It is unfortunately entirely plausible to me that a given intelligence agency could conclude that a written submission to the congressional intelligence committees or an agency inspector general is an ''unauthorized publication,'' and that the whistleblower who submitted it is thereby subject to punishment under section 403, especially since there is no explicit language in the bill that contradicts this conclusion. Withholding pension benefits from a legitimate whistleblower would be highly inappropriate, but overzealous and even unscrupulous individuals have served in senior government positions in the past, and will undoubtedly do so again in the future. This is why it is essential to have strong protections for whistleblowers enshrined in law, and this is particularly true for intelligence whistleblowers, since, given the covert nature of intelligence operations and activities, there are limited opportunities for public oversight. But reporting fraud and abuse by one's own colleagues takes courage, and no whistleblowers will come forward if they do not believe that they will be protected from retaliation.

Finally, I am somewhat perplexed by the fact that section 403 creates a special avenue of punishment that only applies to accused leakers who have worked directly for an intelligence agency at some point in their careers. There are literally thousands of employees at the Departments of Defense, State and Justice, as well as the White House, who have access to sensitive information. Some of the most serious leaks of the past few decades have undoubtedly been made by individuals working for these organizations. I do not see an obvious justification for singling out intelligence community employees, particularly in the absence of evidence that these employees are responsible for a disproportionate number of leaks. And I am concerned that it will be harder to attract qualified individuals to work for intelligence agencies if Congress creates the perception that intelligence officers have fewer due process rights than other government employees.

Withholding pension benefits from individuals who are convicted of disclosing classified information will often be an appropriate punishment. This punishment is already established in existing laws, and I would be inclined to support efforts to clarify or strengthen these laws. But I am not inclined to give agency heads broad authority to take away the pensions of individuals who have not been convicted of wrongdoing, particularly when the agency heads themselves have not even told Congress how they would interpret and implement this authority. This is why I voted against this authorization bill. All of my colleagues and I agree that illegal leaks are a serious problem, but this does not mean that anything at all that is done in the name of stopping leaks is necessarily wise policy.

I look forward to working with my colleagues to amend this bill, and I am hopeful that they will be willing to modify or remove section 403 to address the concerns I have raised. In the meantime, I should be clear that it is my intention to object to any request to pass the current version of the bill by unanimous consent.

RECOLLECTIONS OF PRESIDENT RICHARD W. LARIVIERE, UNIVERSITY OF OREGON

Mr. WYDEN. Mr. President, recently, the president of the University of Oregon, Richard Lariviere, came to meet with me in my office. The University of Oregon is my law school alma mater, and I was commiserating with President Lariviere about the Ducks' narrow loss in the BCS national championship football game. President Lariviere told me about a wonderful speech that Coach Chip Kelly gave to his players after the game. I asked President Lariviere to share the story with me in writing; and with his permission and that of Coach Kelly, I would like now to share that story with my colleagues:

Recollections of President Lariviere:

On January 10, 2011 when the final whistle ended the BCS national championship football championship game, the University of Oregon was behind by three points—three points scored by our friends from Auburn in the final two seconds of the game.

The UO players made their way to the locker room, disappointed needless-to-say. Coach Chip Kelly talked to his players, and his remarks were just what any university president would want to hear from a head coach, made more remarkable and emotional because of the magnitude and unprecedented nature of the moment.

With the team gathered around him, Coach Kelly told these student athletes that they had played a great game, that he was proud of them, and that he could not have asked for more. Then he said this:

''In ten minutes the media will come in here and they're going to ask you how you feel. They're going to tell you that this is a defining moment in your lives. I want you to know that this is not a defining moment in your lives. You are young men who play football, but football does not define you. A defining moment will be when you graduate, when you marry, when you have children. Those are the moments that define your lives.''

Then Coach Kelly turned to each of the seniors and reminded them of the promise they made to him that they would graduate.

In that locker room with a team that accomplished what no other Oregon football team had ever done, Coach Chip Kelly represented the very best values that have come to be associated with the University of Oregon: bold and audacious, hard working and high achieving, and a focus on what really matters.

March 2011

VOTE EXPLANATIONS

Mr. REED. Mr. President, due to my flight from Rhode Island being delayed, I was unavoidably absent for vote No. 47, the confirmation of Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit. Had I been present, I would have voted to confirm this nomination.

Ms. STABENOW. Mr. President, yesterday, because I had the flu, I was not able to attend rollcall vote No. 47, to confirm Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit.

Mr. Reyna's nomination was given the highest possible rating by the American Bar Association, and his

nomination was reported out of the Judiciary Committee unanimously. With over 30 years of private practice experience, I believe he will be an excellent addition to the Federal circuit. If I had been present, I would have voted aye on this nomination.

MESSAGE FROM THE HOUSE

At 10:03 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 bill, in which it requests the concurrence of the Senate:

H.R. 1246. An act to reduce the amounts otherwise to be appropriated to the Department of Defense for printing and reproduction.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1246. An act to reduce the amounts otherwise authorized to be appropriated to the Department of Defense for printing and reproduction; to the Committee on Armed Services.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1255. An act to prevent a shutdown of the government of the United States, and for other purposes.

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–1207. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Removal of the List of Ports of Embarkation and Export Inspection Facilities From the Regulations'' ((RIN0579–AD25)(Docket No. APHIS–2009–0078)) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1208. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ethiprole; Pesticide Tolerances'' (FRL No. 8863–1) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1209. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hexythiazox; Pesticide Tolerances'' (FRL No. 8868–6) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1210. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Various Transport Category Airplanes Equipped with Chemical Oxygen Generators Installed in a Lavatory'' ((RIN2120–AA64)(Docket No. FAA–2011–0157)) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1211. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace and Revocation of Class E Airspace; Easton, MD'' ((RIN2120–AA66)(Docket No. FAA–2010–0936)) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1212. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure'' (RIN0648–XA264) received in the Office of the President of the Senate on March 31, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1213. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Consumer Products: Decision and Order Granting 180-Day Extension of Compliance Date for Residential Furnaces and Boilers Test Procedure Amendments'' (RIN1904–AB89) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Energy and Natural Resources.

EC–1214. A communication from the Director of Congressional Affairs , Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Control of the Processing and Use of Stainless Steel'' (Regulatory Guide 1.44, Revision 1) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC–1215. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans: Alabama: Final Disapproval of Revisions to the Visible Emissions Rule'' (FRL No. 9290–3) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC–1216. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Hospital/Medical/Infectious Waste Incinerators'' (FRL No. 9289–6) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC–1217. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''LAND DISPOSAL RESTRICTIONS: Site-Specific Treatment Variance for Hazardous Selenium-Bearing Waste Treated by U.S. Ecology Nevada in Beatty, NV and Withdrawal of Site-Specific Treatment Variance for Hazardous Selenium-Bearing Waste Issued to Chemical Waste Management in Kettleman Hills, CA'' (FRL No. 9290–6) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC–1218. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Alternative Fuel Vehicle and Engine Conversions'' (FRL No. 9289–7) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC–1219. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins; Marine Tank Vessel Loading Operations; Pharmaceuticals Production; and The Printing and Publishing Industry'' (FRL No. 9291–3) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC–1220. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Ohio; Volatile Organic Compound Emission Control Measures for Lithographic and Letterpress Printing in Cleveland'' (FRL No. 9285–4) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC–1221. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oklahoma: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL No. 9291–1) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC–1222. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of Regulations Related to Validity and Priority of Federal Tax Lien'' (RIN1545–BG13) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Finance.

EC–1223. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Nonconventional Source Fuel Credit, Section 45K Inflation Adjustment Factor, and Section 45K Reference Price'' (Notice 2011–30) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Finance.

EC–1224. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Taxpayer Assistance Orders'' (RIN1545–BF33) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Finance.

EC–1225. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Puerto Rican Excise Tax'' (Notice 2011–29) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Finance.

EC–1226. A communication from the Director, Office of Regulations, Social Security Administration, transmitting, pursuant to

law, the report of a rule entitled ''Revised Medical Criteria for Evaluating Endocrine Disorders'' (RIN0960–AD78) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Finance.

EC–1227. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. support for Taiwan's participation as an observer at the 64th World Health Assembly and in the work of the World Health Organization; to the Committee on Foreign Relations.

EC–1228. A communication from the Acting 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 technical assistance agreement for the export of defense articles, to include technical data, and defense services to support the LITENING Advanced Targeting Pod and Rafael RecceLite/RecceM Pods for the Commonwealth of Australia in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–1229. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, a report relative to the No FEAR Act for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–1230. A communication from the Director, Office of Equal Employment Opportunity and Diversity, U.S. Patent and Trademark Office, transmitting, pursuant to law, a report relative to the No FEAR Act for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–1231. A communication from the Inspector General of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Inspector General's Semiannual Report to Congress for the period from April 1, 2010, through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 193, a bill to extend the sunset of certain provisions of the USA PATRIOT Act, and for other purposes (Rept. No. 112–13).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

*Daniel M. Ashe, of Maryland, to be Director of the United States Fish and Wildlife Service.

By Mr. CONRAD for the Committee on the Budget.

*Heather A. Higginbottom, of the District of Columbia, to be Deputy Director of the Office of Management and Budget.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. VITTER (for himself, Mr. PAUL, Mr. LEE, and Mr. MORAN):

S. 723. A bill to amend section 301 of the Immigration and Nationality Act to clarify those classes of individuals born in the United States who are nationals and citizens of the United States at birth; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself, Ms. SNOWE, Mr. INHOFE, Ms. MURKOWSKI, Mr. HOEVEN, and Mr. CASEY):

S. 724. A bill to appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, and supporting civilian and contractor personnel continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services; to the Committee on Appropriations.

By Mr. ISAKSON:

S. 725. A bill to amend title XVIII of the Social Security Act to provide for coverage, as supplies associated with the injection of insulin, of containment, removal, decontamination and disposal of home-generated needles, syringes, and other sharps through a sharp container, decontamination/destruction device, or sharps-by-mail program or similar program under part D of the Medicare program; to the Committee on Finance.

By Mr. RUBIO:

S. 726. A bill to rescind $45 billion of unobligated discretionary appropriations, and for other purposes; to the Committee on the Budget.

By Mr. WYDEN (for himself, Mr. COATS, and Mr. BEGICH):

S. 727. A bill to amend the Internal Revenue Code of 1986 to make the Federal income tax system simpler, fairer, and more fiscally responsible, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON of South Dakota:

S. 728. A bill to grant a Federal charter to the National American Indian Veterans, Incorporated; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself and Mr. REID):

S. 729. A bill to validate final patent number 27-2005-0081, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 730. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BEGICH (for himself, Mr. TESTER, Mrs. MURRAY, Mr. WYDEN, and Mr. LEAHY):

S. 731. A bill to amend title 37, United States Code, to provide travel and transportation allowances for members of the reserve components for long distance and certain other travel to inactive duty training; to the Committee on Armed Services.

By Mr. UDALL of New Mexico:

S. 732. A bill to improve billing disclosures to cellular telephone consumers; to the Committee on Commerce, Science, and Transportation.

By Mr. ROBERTS (for himself and Ms. STABENOW):

S. 733. A bill to amend part B of title XVIII of the Social Security Act to exclude customary prompt pay discounts from manufacturers to wholesalers from the average sales price for drugs and biologicals under Medicare; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURR (for himself and Mrs. MURRAY):

S. Res. 130. A resolution designating April 5, 2011, as ''Gold Star Wives Day''; considered and agreed to.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. Res. 131. A resolution designating April 2011 as ''Tsunami Awareness Month.''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 73

At the request of Mr. SANDERS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 73, a bill to provide for an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act, and for other purposes.

S. 102

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 210

At the request of Mr. COBURN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 210, a bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress.

S. 211

At the request of Mr. ISAKSON, the names of the Senator from North Carolina (Mrs. HAGAN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 217

At the request of Mr. DEMINT, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 217, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret ballot election conducted by the National Labor Relations Board.

S. 248

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 248, a bill to allow an earlier start for State health care coverage innovation

waivers under the Patient Protection and Affordable Care Act.

S. 375

At the request of Mr. BARRASSO, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 375, a bill to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services.

S. 382

At the request of Mr. UDALL of Colorado, the names of the Senator from Idaho (Mr. RISCH) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 382, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other permits.

S. 409

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 409, a bill to ban the sale of certain synthetic drugs.

S. 453

At the request of Mr. BROWN of Ohio, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 453, a bill to improve the safety of motorcoaches, and for other purposes.

S. 474

At the request of Ms. SNOWE, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 474, a bill to reform the regulatory process to ensure that small businesses are free to compete and to create jobs, and for other purposes.

S. 481

At the request of Mr. HARKIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 481, a bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 520

At the request of Mr. COBURN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 520, a bill to repeal the Volumetric Ethanol Excise Tax Credit.

S. 552

At the request of Mr. SANDERS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 552, a bill to reduce the Federal budget deficit by creating a surtax on high income individuals and eliminating big oil and gas company tax loopholes.

S. 567

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 567, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 576

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 576, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 595

At the request of Mrs. MURRAY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 605

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 605, a bill to amend the Controlled Substances Act to place synthetic drugs in Schedule I.

S. 647

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 647, a bill to authorize the conveyance of mineral rights by the Secretary of the Interior in the State of Montana, and for other purposes.

S. 671

At the request of Mr. SESSIONS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 671, a bill to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders.

S. 672

At the request of Mr. ROCKEFELLER, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Alaska (Mr. BEGICH) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 690

At the request of Mr. FRANKEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 690, a bill to establish the Office of the Homeowner Advocate.

S. 712

At the request of Mr. DEMINT, the names of the Senator from Alabama (Mr. SHELBY), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Kansas (Mr. MORAN) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 712, a bill to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

S. 720

At the request of Mr. THUNE, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Nebraska (Mr. JOHANNS), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Nevada (Mr. ENSIGN), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Maine (Ms. COLLINS), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Utah (Mr. LEE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Kansas (Mr. ROBERTS), the Senator from Idaho (Mr. CRAPO), the Senator from Georgia (Mr. ISAKSON), the Senator from Georgia (Mr. CHAMBLISS), the Senator from North Carolina (Mr. BURR), the Senator from Florida (Mr. RUBIO), the Senator from Texas (Mr. CORNYN), the Senator from Utah (Mr. HATCH), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. INHOFE), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Mississippi (Mr. COCHRAN), the Senator from Mississippi (Mr. WICKER), the Senator from Maine (Ms. SNOWE), the Senator from Arizona (Mr. MCCAIN) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 720, a bill to repeal the CLASS program.

S. CON. RES. 4

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

AMENDMENT NO. 206

At the request of Mr. SANDERS, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 206 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 264

At the request of Ms. KLOBUCHAR, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of amendment No. 264 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VITTER (for himself, Mr. PAUL, Mr. LEE, and Mr. MORAN):

S. 723. A bill to amend section 301 of the Immigration and Nationality Act to clarify those classes of individuals born in the United States who are nationals and citizens of the United

States at birth; to the Committee on the Judiciary.

Mr. VITTER. Mr. President, America's illegal immigration problem is clearly way out of control. We can all agree that we desperately need to better protect our borders, ensure that only citizens and legal residents can be hired for jobs in this country, and reverse misguided policies that serve as a magnet for further illegal immigration.

Today, I am introducing a bill that falls into that third category, to get rid of these magnets that encourage further illegal activity. The bill would amend the Immigration and Nationalization Act in order to change our current practice of granting automatic citizenship to the children of illegal aliens born on American soil. When it comes to U.S. citizenship, it is not just where an individual is born that matters, at least it should not be. The circumstances of the person's birth and the nationality of his or her parents are of at least equal importance. I simply do not believe our Constitution confers citizenship on children who happen to be born on U.S. soil when both of their parents are foreign tourists or illegal aliens. The Constitution does not mandate or require that. Yet that is our policy.

Each year, 300,000 to 400,000 children are born in the United States to at least one parent who is an illegal alien or a foreign tourist. A significant subset of that number includes children born to two parents who are not U.S. citizens—the category my bill attacks. Despite the illegal status and foreign citizenship of the parent, the executive branch of our government now automatically recognizes these children as U.S. citizens upon birth. This practice is not mandated by Federal law or the Constitution. It is based on what I believe is a fundamental misunderstanding of the 14th amendment of the Constitution. As such, this policy is incompatible with both the text and legislative history of the citizenship clause. I don't think the 14th amendment grants this birthright citizenship to children of illegal aliens. In fact, all we have to do is look at history and the actual text of the Constitution as our guide.

The 14th amendment does not say all persons born in the United States are citizens, period, end of story. It states that citizenship extends to ''all persons born or naturalized in the United States and subject to the jurisdiction thereof.''

This latter phrase is important. It is conveniently ignored or misconstrued by advocates of birthright citizenship. But, of course, a fundamental rule in terms of constitutional interpretation is that words are assumed to be there for a purpose. If those words had no meaning, had no impact, then the Founders would not have written them into that part of the Constitution.

Its original meaning refers to the political allegiance of an individual and the jurisdiction a foreign government has over that person. That is why American Indians and their children did not become citizens until Congress actually passed the Indian Citizenship Act of 1924.

I am introducing today's legislation because it is apparent that Congress must reassert its plenary authority over naturalization and make clear that ''subject to the jurisdiction thereof'' does not include children born in this country to illegal aliens or foreign tourists. Those parents are clearly subject to the jurisdiction of foreign governments.

My bill limits birthright citizenship to individuals born in the United States to at least one parent who is a legal citizen, a green card holder, or an active member of the U.S. Armed Forces. Congress clearly has the power to determine that children born in the United States to illegal aliens are not subject to American jurisdiction.

As Judge Richard Posner, of the Seventh Circuit Court of Appeals, held in a 2003 case: ''Congress would not be flouting the Constitution if it amended the Immigration and Nationality Act to put an end to this nonsense.'' That is exactly what my bill would do, put an end to this nonsense.

Closing this loophole will not prevent anyone from becoming a naturalized citizen. Instead, it will ensure that he or she has to go through the same process as anyone else born of foreign national parents who wants to become a U.S. citizen.

Our practice of birthright citizenship is clearly an incentive to illegal immigration. It does a disservice to every would-be citizen who is actually following the rules, applying to be naturalized, standing in line, often for a very long time.

This misguided policy of birthright citizenship not only undermines the stability of our immigration system, but it has severe fiscal consequences as well as serious national security implications. Recent news reports have highlighted the growing popularity of what is known as birth tourism.

Web sites actually advertise birth packages for foreign visitors so pregnant women can give birth in the United States and ensure automatic citizenship, under current practice, for their newborn children. Of course, with that automatic citizenship comes the full benefits thereof, including unlimited travel to the United States, educational benefits, and the ability to settle here as an adult and eventually, down the line, the ability to grab back the parents and get them into U.S. citizenship.

One such agency that appeals to foreign mothers to be by describing the benefits of American-born children, pointing out that a one-time investment in a birth package will result in a lifetime of benefits for their family was in the news recently. Specifically, it says: Your children will be able to attend U.S. public elementary schools and they may apply for scholarships designated for U.S. citizens and they are entitled to welfare benefits—all of this explicitly spelled out in the advertising for this agency.

Just last month, authorities in California shut down a makeshift maternity clinic after discovering 10 newborns and one dozen Chinese women who paid as much as $35,000 to travel to this country to give birth to children who would automatically be recognized as U.S. citizens.

Birth tourism, as amazing as this is, is not a new phenomenon, as women from other countries have long traveled to the United States legally, on tourist or student visas, and given birth while here. However, recent reports indicate that the practice is escalating. A new report by the Center for Immigration Studies finds that every year 200,000 children are born to women who were lawfully admitted to the United States on a temporary basis.

Each of these children receive U.S. citizenship, despite their mother's allegiance to a different country and even if the father is not a U.S. citizen. Birth tourism is certainly a reprehensible practice, but it is not an illegal one. It is astounding that the U.S. Government allows individuals to exploit the loopholes of our immigration system in this manner. It is obvious that Congress has the authority and the obligation to put an end to it.

In addition to this birth tourism—and by that I refer to focusing on tourists here legally under a tourist visa. Of course, there are tens or hundreds of thousands of children born in this country to two illegal immigrant parents, and those children, under the same practice, automatically become U.S. citizens.

This, too, is a very dangerous practice, a magnet to attract more and more illegal activity across the border, when we say we want to do everything to stop that. Certainly, if we truly want to do everything we can to stop that, we need to unplug those magnets, stop that policy from attracting more and more illegal crossings across the border.

So I introduce this important legislation today, and I thank Senators PAUL and LEE and MORAN for joining me in addressing this critical issue. I invite all the Members of the Senate to join me in doing this.

By Mr. WYDEN (for himself, Mr. COATS, and Mr. BEGICH):

S. 727. A bill to amend the Internal Revenue Code of 1986 to make the Federal income tax system simpler, fairer, and more fiscally responsible, and for other purposes; to the Committee on Finance.

Mr. COATS. Mr. President, today, along with Senator WYDEN, we introduce bipartisan tax reform legislation, a piece of legislation that we believe, and hopefully we can gather a consensus in this body to believe, is necessary to be a component of addressing the current fiscal situation.

The Senator from South Dakota just articulated very well the plight we currently are facing with our current Federal deficit and accumulating debt. I don't think I could have said it better than he did. He laid out what I think most Americans are now realizing, and that is we have to get a grip on our current fiscal situation in this country if we are going to provide any kind of opportunity for the future—for prosperity, for opportunity for our young people to get good jobs, buy homes, raise a family, and send their kids to college. And even in a more current sense, we need to get our economy moving again to the point where we can get people back to work and become a prosperous leading nation in the world. We are gradually, and accelerating all the time, losing that position because of our fiscal situation.

This morning, a number of us met—both Republicans and Democrats—in one of a series of meetings we have been having with outside experts. Dr. Carmen Reinhart and Ken Rogoff spoke to us this morning, both distinguished and respected economists, and others who have studied the situation, and they laid out the current status of our fiscal situation and the economic plight it is putting our country into. One of the things they said—and I think the reason I am on the floor this evening—is that unless we address all the aspects in dealing with our fiscal crisis, both in terms of excessive spending that is taking place, and has taken place over the last several years, as well as components for growth, we are not going to successfully address this.

We not only have to look at the spending which has accelerated dramatically in the last few years, and the amount of deficit we are accumulating every year, and the amount of debt we are rolling up, but we also have to look at ways of addressing that by cutting spending and also spurring the economy to growth. The component for growth pretty much falls along the lines of tax reform.

Senator WYDEN had worked for 2 years with former Senator Gregg. They spent a great deal of time putting together a very comprehensive plan. Senator Gregg, as everyone here knows, retired after many years of distinguished service. He was recognized as one of the, if not the, leading proponent of budget stability, of economic growth, and of all the aspects that go into dealing with economic situations. He is greatly missed. I had the privilege of being his friend, serving with him, and then having him encourage me to take his place in moving this legislation forward.

I have spent the last 3 months working with Senator WYDEN, who is coauthor of that legislation, along with Senator Gregg. We have made some refinements to this and we are introducing it today. We will be doing a formal introduction of it together in the coming days, but the agreement and the growing consensus we hear from everyone is that comprehensive tax reform has to be a component of addressing our fiscal plight and getting us back into a period of sustained growth.

S. 727 is the bill that will be available for people to look at—the Bipartisan Tax Fairness and Simplification Act of 2011. It simplifies our current tax system, it holds down rates for individuals and families, it provides tax relief to the middle class, and creates incentives for businesses to grow and invest in the United States.

As we know, with any structure that is built, the first thing you do is build a solid foundation. What we are trying to do in our tax reform package is to build that foundation based on several basic principles. We believe that to bring forward legislation on a bipartisan basis we have to have a tax package that is revenue neutral, that is not stereotyped or characterized as a backdoor means of raising taxes or of cutting spending. Revenue neutrality means we can go forward knowing it is not used for that purpose but for the purpose of putting in place a tax system that will stimulate growth, provide for better competitiveness for our industries and businesses, and make us a more prosperous nation.

Simplification is a key foundational principle, as well as protection for the middle class and families—fairness across the board. And as I said earlier, economic growth. I want to address each of those.

First of all, achieving a revenue-neutral bill. This has been analyzed by the Joint Tax Committee, and basically we have information back that it is revenue neutral. This analysis is based on a static basis. As we all know, if you put in place policies that will encourage growth and stimulate growth, it becomes a dynamic scoring. But CBO doesn't do dynamic scoring, nor does the JTC—the Joint Tax Committee. But nevertheless, even at the static analysis of this bill, it achieves revenue neutrality. It is our goal to maintain that throughout, as adjustments might be made.

Simplifying the Tax Code has to be one of the very first things we do. Today, the U.S. Tax Code is 71,684 pages in length, and it includes a tangled web of over 10,000 exemptions, deductions, credits, and other preferences. I took three tax courses in law school, and I don't begin to understand the 10,000-plus exemptions and deductions and preferences that are in there. I turn it over to an accountant, who spends every working hour of his week, every day of the year trying to stay up with the complexity of this Tax Code.

It is no secret that Americans spend 6.1 billion hours each year filling out tax forms, and roughly $163 billion a year is spent on tax compliance. It is a great benefit for accountants and tax lawyers, but the average person simply cannot begin to comprehend the complexity of this code, and we pay a significant price for that.

Along that line, people feel a real sense of unfairness in this. They are always wondering if their neighbor has a better accountant or a better tax attorney or has figured out a way to take advantage of a deduction or exclusion or a tax preference that they may not be aware of. You know: You are having coffee on April 16 and talking about filing your taxes yesterday and saying: Well, you did take the deduction for X, Y or Z, didn't you? Or how about that extra room in your house you use for business? Or did you know you can deduct the cost of pencils, but also driving down to pick up a latte, or whatever, if you are meeting somebody for business? This stuff goes on and on forever. And you think: Gosh, I didn't know that. He got a better deal than I did.

We lose our sense of confidence in terms of the fairness of the tax system. So simplification is absolutely essential. And for a 71,000-plus page Tax Code, I think it is an absolute necessity.

We reduced the number of tax brackets for individuals, first of all, from six to three. We also eliminate the alternative minimum tax, which means you have to calculate your taxes twice, in many instances, to see which one is the higher and which one you pay. That doubles the amount of time, or it adds a lot to the amount of time.

I want to point to this chart here on my right, the Wyden-Coats Tax Reform Act of 2010. This is what a simplified U.S. individual tax return form will look like if this bill is passed. It is one page. It incorporates, obviously, the information about who you are and whether you are married, your spouse's Social Security number and yours, et cetera, et cetera; whether you are head of household, these very simple provisions here that are on the tax form now. We can all figure out how to work through to here.

Right here, you list your dependents and their relationship to you, and you get their Social Security numbers and then to see whether you qualify for a dependent's deduction, and then you check those off.

You list your capital gains and your dividends here. Your total income is added together, and then you adjust that by some very simple retained exemptions that we have not taken out, and deductions, and tax credits, all still on one page. You come down to the payment, and you either get a refund or you owe the government a little more money. And that is it. Then you send it in.

We also have a provision in there if you don't want to do this yourself or you have some confusion. It is basic enough. You can do it electronically or by telephone or whatever, and ask the IRS to do it for you. They will calculate it for you, send it to you, so you can review it and then certify that it is correct or that you have questions that can be answered.

Point No. 1: Simplification is absolutely necessary. It can be done, and we have structured it so with three

brackets that allow us and allow individuals to fill out their taxes on the basis of this simple form.

Thirdly, after revenue neutrality and simplification, we are talking about how do we use this to grow the economy. Clearly, with the fiscal situation we are in today, we are not going to solve our problem just by cutting or by raising taxes. We need to have a growth component so we can achieve more revenue through the prosperity and growth of corporations and income levels of individuals and so forth. So we are reforming our code in a way to help us get out of this fiscal situation by improving the prosperity and growth of the country.

Our current tax system places the employers and businesses at a disadvantage in the global marketplace. If you look at this chart on my left, the United States, out of the 36 most competitive countries competing for global business around the world, is 35th. We are 35th out of 36 in the highest rate of taxes paid by our corporations, and they are competing against countries such as Germany, France, Austria, Turkey, Chile, and all these that are listed here—Asian nations and so forth—that have much lower combined tax rates than the United States.

We want to lower this level of payment of taxes in the United States by U.S. businesses to 24 percent from the current rate of 35 percent. If we go by a combined rate, it ends up with numbers a little different than that, but we want to move the United States down here into the competitive area where we are competitive with all those countries that we compete with to sell products overseas in this global economy. We do that and pay for it by eliminating a lot of the credits, special preferences, exemptions, and deductions that are available in those 71,000 pages, resulting in 10,000 or more special exemptions. We eliminate a lot of those in return for a lower corporate rate.

I talked with a number of businesses—small, large, and medium—that were saying if we can just get the rate down where we are competitive, we do not need to dig into the Tax Code to try to find all these special exemptions. It has been called corporate welfare. It doesn't always fall into that category. Some of this is legitimate, but it is not across the board. While it addresses problems of a specific industry or a specific company, it does not address it across-the-board in a way for their competitors to be treated in the same way.

Under Wyden-Coats, we try to level the playing field and make investing in the United States more attractive to businesses of all sizes. We have a repatriation provision in there which at another time we will explain in more detail. But a number of organizations, including Heritage and the Manufacturers Alliance, have done studies and produced information that shows that a lowering of this rate is a job creator. It is a growth component. The Heritage Foundation found that the legislation could create up to 2.3 million new jobs a year, while cutting the Federal deficit by an average of $61 billion, just through the changes we have made in the corporate structure of taxation. The Manufacturers Alliance published a paper that concluded such an approach would ''create nearly 2 million jobs on a net basis and add an extra $500 billion to GDP by 2015.'' The alliance also estimated that the increase of economic activity from this legislation could reduce the debt by $1.2 trillion over the coming decade.

I wish to repeat that. While CBO or the Joint Tax might score this on a static basis—meaning that from lowering tax rates they do not calculate in what the potential growth from that might be in a fluid way, a dynamic way—history shows us that every time taxes are lowered, there is an uptick in economic activity and more important an uptick in the hiring and a drop in the unemployment rate. Getting us more competitive with our competitors around the world will clearly bring a yet undetermined number of more revenue coming into the Government based on higher profits by our companies and resulting in more employment. That is a key component of this tax reform.

Protecting the middle class and families is also another key component of our tax reform and of the Wyden-Coats plan. Today a family of four in Indiana making $90,000 and filing jointly would owe nearly $13,000 in personal income taxes. Under Wyden-Coats that family would keep more of their hard-earned money and save approximately $5,000 in personal income taxes.

We protect and extend important tax deductions for families. We do not eliminate all deductions to reach our simplified Tax Code with only three levels of taxation. Without increases, we retain the rates. We don't raise any of the rates that are currently in place. We keep the dependent tax credit, which is set to drop to $2,400 in 2 years. Under the Wyden-Coats plan, we permanently set that credit at $3,000, a benefit to families. The child tax credit is scheduled to revert to $500 in 2013. Wyden-Coats eases the tax burden on families by permanently setting the child tax credit at $1,000.

We promote personal saving and investment. We think it is important that we encourage saving and investment. Today we have three separate IRA or Individual Retirement Account plans for savings and investments available to individuals in the United States. Wyden-Coats promotes this by expanding tax-free saving opportunities and consolidating these three new accounts into one account that would allow a married couple to contribute up to $14,000 a year to tax-favored retirement and savings accounts.

We take the three current plans in existence, we consolidate them into one. We increase the amount per year that can be, tax-free, donated to those savings and retirement accounts as another way of looking out for families and their need to save for the future.

We are making the Tax Code fairer. Today our current tax system picks winners and losers, with hundreds of specialized tax rates that benefit some but not all. These credits, specialized earmarks within this Tax Code that we are working with today, total $1.1 trillion. We want to eliminate, under Wyden-Coats, a number of those exemptions and end a number of specialized tax breaks that favor one sector of the economy or special interest group over another. We want to level this out.

I recognize and Senator WYDEN also recognizes that there will be issues with this bill, especially from groups that benefit from these special exemptions, but those special exemptions and tax earmarks often put other companies at a disadvantage, and it is time, as I said, to make our system fairer and more simple. Ronald Reagan once said: To put it simply, our tax system is unfair, it is inequitable, it is counterproductive and all but incomprehensible. Reagan went on to say that were he living at this time, even Albert Einstein would have to write to the IRS to help him fill out his 1040 form each year.

It is 25 years since we had any meaningful tax reform; 1986 was the last time. During that time, our Government has vastly expanded Tax Code reform into a complicated, tangled web of deductions and loopholes for tax lawyers to decipher. But if we can reform this Tax Code and encourage job investment here at home and, through doing this, create more American jobs and make our country more competitive in a global market, we will have taken a major step to moving forward in terms of addressing the fiscal plight we are currently in.

Senator WYDEN and I are open to suggestion. This is not set in concrete. This is not a be-all, end-all plan. We don't have all the answers to this complex problem. But we think this is an essential start to a debate that is necessary to be accompanied by other solutions that we have to bring to our current fiscal situation. We want to put this in as a starter, as a way of saying 2 years-plus of hard work by two people who are knowledgeable about this topic—and I do not begin to bring myself up to the speed Senator WYDEN and Senator Gregg achieved in the 2-plus years of very hard effort, but I am trying to learn as fast as I can. We want to bring forward a bipartisan, Democratic-Republican plan which we think is based on principles that are necessary to stimulate our growth and provide fairness and simplification of our Tax Code. We want to provide it. We are asking everybody to look at it, examine it, come to us with your questions. There will be a lot of things to like. There will be some constituents who will find some things they do not like because it takes away a special exemption that they perhaps depended

on. But we want to explain the basis on which we have made these decisions. We are open to suggestions, as long as those suggestions allow us to retain those basic principles and maintain us at revenue neutrality level and a fairness across-the-board to families and businesses and individuals throughout this country.

I urge my colleagues to take a look, to work with us. The door is open for us to sit down and talk, whether to colleagues in the Senate or families or businesses across the country who want to bring their special input to this particular effort. We look forward to working with them and, over time, incorporating this in the plan to make us a fiscally healthier country and a country that is growing and dynamic and can retain its place as a place of prosperity and opportunity for not only those of us today but for our future generations.

Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 730. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, the Tlingit and Haida people, the first people of Southeast Alaska, were perhaps the first group of Alaska Natives to organize for the purpose of asserting their aboriginal land claims. The Native land claims movement in the rest of Alaska did not gain momentum until the 1960s when aboriginal land titles were threatened by the impending construction of the Trans Alaska Pipeline. In Southeast Alaska, the taking of Native lands for the Tongass National Forest and Glacier Bay National Monument spurred the Tlingit and Haida people to fight to recover their lands in the early part of the 20th century.

One of the first steps in this battle came with the formation of the Alaska Native Brotherhood in 1912. In 1935, the Jurisdictional Act, which allowed the Tlingit and Haida Indians to pursue their land claims in the U.S. Court of Claims, was enacted by Congress. After decades of litigation, the Native people of Southeast Alaska received a cash settlement in 1968 from the Court of Claims for the land previously taken to create the Tongass National Forest and the Glacier Bay National Monument. Yes there was a cash settlement of $7.5 million, but the Native people of Southeast Alaska have long believed that it did not adequately compensate them for the loss of their lands and resources.

When the Native people of Southeast Alaska chose to pursue their land claims in court they could not have foreseen that Congress would ultimately settle the land claims of all of Alaska's Native people through the Alaska Native Claims Settlement Act, ANCSA, of 1971. Nor could they have foreseen that they would be disadvantaged in obtaining the return of their aboriginal lands because of their early, and ultimately successful, effort to litigate their land claims.

The Claims Settlement Act imposed a series of highly prescriptive limitations on the lands that Sealaska Corporation, the regional Alaska Native Corporation formed for Southeast Alaska, could select in satisfaction of the Tlingit and Haida land claims. None of the other 11 Alaska-based regional Native corporations were subject to these limitations. Today, I join with my Alaska colleague, Sen. MARK BEGICH, to reintroduce legislation to right this wrong.

For the most part, Sealaska Corporation has agreed to live within the constraints imposed by the 1971 legislation. It has taken conveyance of roughly 290,000 acres from the pool of lands it was allowed to select under the 1971 act. As Sealaska moves to finalize its land selections, it has asked the Congress for flexibility to receive title to slightly different lands that it was not permitted to select under the 1971 legislation.

The legislation we are introducing today will allow Sealaska to select its remaining entitlement from outside of the withdrawal areas permitted in the 1971 legislation. It

The legislation we are introducing today will allow Sealaska to select its remaining entitlement from outside of the withdrawal areas permitted in the 1971 legislation. It allows the Native Corporation to select up to 3,600 acres of its remaining land entitlement from lands with sacred, cultural, traditional or historical significance throughout the Alaska Panhandle. Substantial restrictions will be placed on the use of these lands.

Up to 5,000 acres of land could be selected for non-timber or mineral related economic development. These lands are called ''Futures'' sites in the bill. Other lands referred to as ''economic development lands'' in the bill could be used for timber related and non-timber related economic development. These lands are on Prince of Wales Island, on nearby Kosciusko Island.

Sealaska observes that if it were required to take title to lands within the constraints prescribed by the 1971 legislation it would take title to large swaths of roadless acres in pristine portions of the Tongass National Forest, the original selection areas containing 112,000 acres of old-growth timber. The lands it proposes to take for economic uses under this legislation are predominantly in roaded and less sensitive areas of the Tongass National Forest, meaning that under this bill Sealaska likely will select roughly 39,000 fewer acres of old-growth than otherwise might be the case. In the process it will at most select 9 percent of the second-growth, leaving the U.S. Forest Service hundreds of thousands of the 428,972 acres of second-growth in the forest. It will be selecting about 28,570 acres of second-growth, leaving the Forest Service more than 88 percent of the second-growth in the forest for it to use to promote a ''young''-growth strategy in our Nation's largest national forest.

The pools of lands that would be available to Sealaska under this legislation are depicted on a series of maps referred to in the bill. It must be emphasized that not all of the lands depicted on these maps will necessarily end up in Sealaska's ownership. Sealaska by this legislation will not receive title to lands in excess of its remaining acreage entitlement under the 1971 legislation and this legislation does not change that entitlement total, still to be finalized by the Bureau of Land Management.

Now this legislation has traveled a long path, one that has seen it change substantially to meet a variety of concerns. Early in the 110th Congress, Alaska Congressman DON YOUNG in 2007 introduced H.R. 3560 to address these issues. Later in September 2008 I introduced legislation similar to, but somewhat different from that bill to give all parties time to thoroughly review the measure. In 2009, I reintroduced the bill after Sealaska and the communities of Southeast Alaska worked collaboratively in good faith to identify issues that may arise from the transfer of lands on which those communities have relied on for subsistence and recreation out of the Tongass National Forest and into Native corporation ownership. Throughout 2009 and into 2010, I and my staff held 12 town meetings in Alaska to collect comments on the bill, and made modifications to it in response to the comments we received. When the bill did not advance in 2010, my staff again held two town meetings and other briefings this winter to gain additional comments and suggested changes in the bill. It is after these comments, and following email and letter suggestions from a variety of sources, that I and Senator BEGICH now move to reintroduce a new version of this bill. It will be somewhat different than a new bill also being introduced today by Congressman YOUNG in the House, a bill more similar to his original bill from 2007.

The legislation we are introducing today in the 112th Congress is different from the original bill in numerous respects. In some cases, the lands open to Sealaska selection have changed from those that were available in the first House bill to accommodate community concerns. For example, this bill reduces the selection pool to about 79,000 acres. It allows for timber land selections in North Election Creek, Polk Inlet-McKenzie Inlet, near Keete, at 12 Mile Arm, at Calder, all on Prince of Wales Island, at several sites on Koscuisko Island and on northern Kuiu Island. These sites are far different than in 2009 since following comments, all of the areas on northern Prince of Wales involving Red Bay, Buster Creek and Labouchere Bay have been deleted

from the bill to meet the concerns of Port Protection and Point Baker residents. Also a large 12,462-acre parcel in the Keete area also was removed to accommodate environmentalist concerns. This bill also makes a series of map changes in these parcels, removing 745 acres at Karheen Lakes on Tuxekan Island to protect fisheries, and removes timber lands around Halibut Harbor and Cape Pole on Koscuisko Islands to also protect fishermen and boaters.

Concerning Future sites, this bill keeps 30 sites, specifically dropping the 30-acre Dog Cove site, near Naha, north of Ketchikan, as a result of State and community concerns and imposing a restriction against development for 15 years of a proposed geothermal site at Pegmatite Mountain, 25 miles north of Tenakee on Chichagof Island. That restriction allows the possibility of a renewable energy site to serve Hoonah and Pelican and perhaps Tenakee, if other projects can't first be completed to provide lower-cost power to those communities. The bill already has removed several dozen Future sites that had been proposed since 2007.

The bill in a change from the 2009 version includes a number of conservation areas, totaling 151,650 acres, to help protect fisheries and karst formations on Prince of Wales, Kupreanof, Kuiu and Sukkwan and Goat Islands. The conservation areas, first proposed after public comment in spring 2010, remove no timber lands from the current timber base, but do provide added protections to key fishery habitats such as those around Sarkar Lakes, Eek Lake, Bay of Pillars and Lovelace Creeks. Further to protect fisheries, this bill, as sought by many fishermen, imposes an 100-foot setback requirement for any timber lands conveyed to Sealaska from timber operations around class 1–A fish streams for 5 years—plenty of time for the State of Alaska to consider whether it needs to make any changes in its current State Forest Practices Act setback requirements.

The bill retains a series of changes made in the bill in the past to solve concerns over any unintended consequences that the bill might cause concerning the definition of Indian country in Alaska. It removes all sites from possible conveyance in Glacier Bay National Park and Preserve. It removes any presumption that any site qualifies as a sacred, cultural, traditional or educational site in Southeast, returning the nomination process for all such selections to the regulations that covered such selections immediately following the 1971 act's passage. And the bill incorporates a host of changes sought by governments, the state and a wide variety of groups and individuals to clarify language and solve concerns over everything from public access guarantees to access rights by bear guides. The bill maintains public access rights to all 17(b) easements and guarantees public access to all timber lands.

Sealaska also has offered a series of commitments to ensure that the benefits of this legislation flow to the broader Southeast Alaska economy and not just to the Corporation and its Native shareholders. The biggest is that all revenues will need to be shared under Section 7(i) of ANCSA with all other Native shareholders statewide.

We all hope that after 40 years that this measure can advance to passage this Congress and resolve the last land entitlement that Southeast Alaska's more than 20,000 Native shareholders have long had a right to receive. It is impossible to expect Alaska's Native corporations to provide meaningful assistance to Alaska's Native community if they continue to be denied the lands that Congress intended them to receive to utilize to provide economic benefits for the Native peoples of the State. I hope this measure can pass and become law before the 40th anniversary of the claims settlement act in December of this year. Justice delayed truly is justice denied.

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. 730

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 ''Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONSERVATION SYSTEM UNIT.—The term ''conservation system unit'' has the meaning given the term in section 102 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102).

(2) LAND USE DESIGNATION II.—The term ''Land Use Designation II'' has the meaning described in title V of the Alaska National Interest Lands Conservation Act (16 U.S.C. 539 et seq.), as further amended by section 201 of the Tongass Timber Reform Act of 1990 (Public Law 101–626).

(3) SEALASKA.—The term ''Sealaska'' means the Sealaska Corporation, a Regional Native Corporation created under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. SELECTIONS IN SOUTHEAST ALASKA.

(a) SELECTION BY SEALASKA.—

(1) IN GENERAL.—Notwithstanding section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)), Sealaska is authorized to select and receive conveyance of the remaining land entitlement of Sealaska under that Act (43 U.S.C. 1601 et seq.) from Federal land located in southeast Alaska from each category described in subsections (b) and (c).

(2) TREATMENT OF LAND CONVEYED.—Land conveyed pursuant to this Act is to be treated as land conveyed pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) subject to, but not limited to—

(A) reservation of public easements across land pursuant to section 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(b));

(B) valid existing rights pursuant to section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)); and

(C) the land bank protections of section 907(d) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1636(d)).

(b) WITHDRAWAL OF LAND.—The following public land is withdrawn, subject to valid existing rights, from all forms of appropriation under public land laws, including the mining and mineral leasing laws, and from selection under the Act of July 7, 1958 (commonly known as the ''Alaska Statehood Act'') (48 U.S.C. note prec. 21; Public Law 85–508), and shall be available for selection by, and conveyance to, Sealaska to complete the remaining land entitlement of Sealaska under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)):

(1) Land identified on the maps dated February 1, 2011, and labeled ''Attachment A (Maps 1 through 8)''.

(2) Sites with traditional, recreational, and renewable energy use value, as identified on the map entitled ''Sites with Traditional, Recreational, and Renewable Energy Use Value'', dated February 1, 2011, and labeled ''Attachment D'', subject to the condition that not more than 5,000 acres shall be selected for those purposes.

(3) Sites identified on the map entitled ''Traditional and Customary Trade and Migration Routes'', dated February 1, 2011, and labeled ''Attachment C'', which includes an identification of—

(A) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus and at 8 locations along the route, with the route, location, and boundaries of the conveyance described on the map inset entitled ''Yakutat to Dry Bay Trade and Migration Route'' on the map entitled ''Traditional and Customary Trade and Migration Routes'', dated February 1, 2011, and labeled ''Attachment C'';

(B) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus, with the route, location, and boundaries of the conveyance described on the map inset entitled ''Bay of Pillars to Port Camden Trade and Migration Route'' on the map entitled ''Traditional and Customary Trade and Migration Routes'', dated February 1, 2011, and labeled ''Attachment C''; and

(C) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus, with the route, location, and boundaries of the conveyance described on the map inset entitled ''Portage Bay to Duncan Canal Trade and Migration Route'' on the map entitled ''Traditional and Customary Trade and Migration Routes'', dated February 1, 2011, and labeled ''Attachment C''.

(c) SITES WITH SACRED, CULTURAL, TRADITIONAL, OR HISTORIC SIGNIFICANCE.—Subject to the criteria and procedures applicable to land selected pursuant to section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) and set forth in the regulations promulgated at section 2653.5 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this Act), except as otherwise provided in this Act—

(1) Sealaska shall have a right to identify up to 3,600 acres of sites with sacred, cultural, traditional, or historic significance, including archeological sites, cultural landscapes, and natural features having cultural significance; and

(2) on identification of the land by Sealaska under paragraph (1), the identified land shall be—

(A) withdrawn, subject to valid existing rights, from all forms of appropriation under public land laws, including the mining and mineral leasing laws, and from selection under the Act of July 7, 1958 (commonly known as the ''Alaska Statehood Act'') (48 U.S.C. note prec. 21; Public Law 85–508); and

(B) available for selection by, and conveyance to, Sealaska to complete the remaining

land entitlement of Sealaska under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)), subject to the conditions that—

(i) no sites with sacred, cultural, traditional, or historic significance may be selected from within a unit of the National Park System; and

(ii) beginning on the date that is 15 years after the date of enactment of this Act, Sealaska shall be limited to identifying not more than 360 acres of sites with sacred, cultural, traditional, or historic significance under this subsection.

(d) FOREST DEVELOPMENT ROADS.—Sealaska shall receive from the United States, subject to such reasonable terms and conditions as the Forest Service may impose, nonexclusive easements to Sealaska to allow—

(1) access on the forest development road and use of the log transfer site identified in paragraphs (3)(b), (3)(c), and (3)(d) of the patent numbered 50–85–0112 and dated January 4, 1985;

(2) access on the forest development road identified in paragraphs (2)(a) and (2)(b) of the patent numbered 50–92–0203 and dated February 24, 1992;

(3) access on the forest development road identified in paragraph (2)(a) of the patent numbered 50–94–0046 and dated December 17, 1993;

(4) access on the forest development roads and use of the log transfer facilities identified on the maps dated February 1, 2011, and labeled ''Attachment A (Maps 1 through 8)'';

(5) a reservation of a right to construct a new road to connect to existing forest development roads, as generally identified on the maps described in paragraph (4); and

(6) access to, and reservation of a right to, construct a new log transfer facility and log storage area at the location identified on the maps described in paragraph (4).

SEC. 4. CONVEYANCES TO SEALASKA.

(a) TIMELINE FOR CONVEYANCE.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), the Secretary shall work with Sealaska to develop a mutually agreeable schedule to complete the conveyance of land to Sealaska under this Act.

(2) FINAL PRIORITIES.—Consistent with the provisions of section 403 of the Alaska Land Transfer Acceleration Act (43 U.S.C. 1611 note; Public Law 108–452), not later than 18 months after the date of enactment of this Act, Sealaska shall submit to the Secretary the final, irrevocable priorities for selection of land withdrawn under section 3(b)(1).

(3) SUBSTANTIAL COMPLETION REQUIRED.—Not later than 2 years after the date of selection by Sealaska of land withdrawn under section 3(b)(1), the Secretary shall substantially complete the conveyance of the land to Sealaska under this Act.

(4) EFFECT.—Nothing in this Act shall interfere with, or cause any delay in, the duty of the Secretary to convey land to the State of Alaska under section 6 of the Act of July 7, 1958 (commonly known as the ''Alaska Statehood Act'') (48 U.S.C. note prec. 21; Public Law 85–508).

(b) EXPIRATION OF WITHDRAWALS.—On completion of the selection by Sealaska and the conveyances to Sealaska of land under subsection (a) in a manner that is sufficient to fulfill the land entitlement of Sealaska under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8))—

(1) the right of Sealaska to receive any land under section 14(h)(8) of that Act from within a withdrawal area established under subsections (a) and (d) of section 16 of that Act (43 U.S.C. 1615(a) and 1615(d)) shall be terminated;

(2) the withdrawal areas set aside for selection by Native Corporations in southeast Alaska under subsections (a) and (d) of section 16 of that Act (43 U.S.C. 1615(a) and 1615(d)) shall be rescinded; and

(3) land located within a withdrawal area that is not conveyed to Sealaska or to a southeast Alaska Village Corporation or Urban Corporation shall be returned to the unencumbered management of the Forest Service as part of the Tongass National Forest.

(c) LIMITATION.—Sealaska shall not select or receive under this Act any conveyance of land pursuant to paragraph (1) or (2) of section 3(b) located within any conservation system unit.

(d) APPLICABLE EASEMENTS AND PUBLIC ACCESS.—

(1) IN GENERAL.—The conveyance to Sealaska of land withdrawn pursuant to paragraphs (1) and (3) of section 3(b) that is located outside a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to—

(A) a reservation for easements for public access on the public roads depicted on the maps dated February 1, 2011, and labeled ''Attachment A (Maps 1 through 8)'';

(B) a reservation for easements along the temporary roads designated by the Forest Service as of the date of enactment of this Act for the public access trails depicted on the maps described in subparagraph (A);

(C) the right of noncommercial public access for subsistence uses, consistent with title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.), and recreational access, without liability to Sealaska, subject to—

(i) the right of Sealaska to regulate access granted under this subparagraph to ensure public safety, to protect cultural or scientific resources, and to provide environmental protection; and

(ii) the condition that Sealaska shall post on any applicable property, in accordance with State law, notices of the conditions on use; and

(D) the requirement that, with respect to the land conveyed to the corporation pursuant to section 3(b)(1), Sealaska shall continue to manage the land in accordance with the State of Alaska Forest Resources and Practices Act, Alaska Stat. 41.17, except that, for a period of 5 years beginning on the date of enactment of this Act, Alaska Stat. 41.17.116(1) shall apply to the harvest of timber within 100 feet of a water body defined in Alaska Stat. 41.17.950(31).

(2) SACRED, CULTURAL, TRADITIONAL AND HISTORIC SITES.—The conveyance to Sealaska of land withdrawn pursuant to section 3(c) that is located outside of a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to—

(A) the right of public access across the conveyances where no reasonable alternative access around the land is available without liability to Sealaska; and

(B) the right of Sealaska to regulate access granted under this paragraph across the conveyances to ensure public safety, to protect cultural or scientific resources, to provide environmental protection, or to prohibit activities incompatible with the use and enjoyment of the land by Sealaska, subject to the condition that Sealaska shall post on any applicable property, in accordance with State law, notices of the conditions on use.

(3) TRADITIONAL AND CUSTOMARY TRADE AND MIGRATION ROUTES.—The conveyance to Sealaska of land withdrawn pursuant to section 3(b)(3) that is located outside of a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to a requirement that Sealaska provide public access across the conveyances if an adjacent landowner or the public has a legal right to use the adjacent private or public land.

(4) SITES WITH TRADITIONAL, RECREATIONAL, AND RENEWABLE ENERGY USE VALUE.—The conveyance to Sealaska of land withdrawn pursuant to section 3(b)(2) that is located outside of a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to—

(A) the right of public access across the land without liability to Sealaska; and

(B) the condition that public access across the land would not be unreasonably restricted or impaired.

(5) EFFECT.—No right of access provided to any individual or entity (other than Sealaska) by this subsection—

(A) creates any interest, other than an interest retained by the United States, of such an individual or entity in the land conveyed to Sealaska in excess of that right of access; or

(B) provides standing in any review of, or challenge to, any determination by Sealaska with respect to the management or development of the applicable land.

(e) CONDITIONS ON SACRED, CULTURAL, TRADITIONAL, AND HISTORIC SITES AND TRADITIONAL AND CUSTOMARY TRADE AND MIGRATION ROUTES.—The conveyance to Sealaska of land withdrawn pursuant to sections 3(b)(3) and 3(c)—

(1) shall be subject to a covenant prohibiting any commercial timber harvest or mineral development on the land;

(2) shall be subject to a covenant allowing use of the land only as described in subsection (f); and

(3) shall not be subject to any additional restrictive covenant based on cultural or historic values, or any other restriction, encumbrance, or easement, except as provided in sections 14(g) and 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g), 1616(b)).

(f) USES OF SACRED, CULTURAL, TRADITIONAL, AND HISTORIC SITES AND TRADITIONAL AND CUSTOMARY TRADE AND MIGRATION ROUTES.—Any land conveyed to Sealaska from land withdrawn pursuant to sections 3(b)(3) and 3(c) may be used for—

(1) preservation of cultural knowledge and traditions associated with the site;

(2) historical, cultural, and scientific research and education;

(3) public interpretation and education regarding the cultural significance of the site to Alaska Natives;

(4) protection and management of the site to preserve the natural and cultural features of the site, including cultural traditions, values, songs, stories, names, crests, and clan usage, for the benefit of future generations; and

(5) site improvement activities for any purpose described in paragraphs (1) through (4), subject to the condition that the activities—

(A) are consistent with the sacred, cultural, traditional, or historic nature of the site; and

(B) are not inconsistent with the management plans for adjacent public land.

(g) TERMINATION OF RESTRICTIVE COVENANTS.—

(1) IN GENERAL.—Each restrictive covenant regarding cultural or historical values with respect to any interim conveyance or patent for a historic or cemetery site issued to Sealaska pursuant to the Federal regulations contained in sections 2653.5(a) and 2653.11 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this Act), in accordance with section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)), terminates as

a matter of law on the date of enactment of this Act.

(2) REMAINING CONDITIONS.—Land subject to a covenant described in paragraph (1) on the day before the date of enactment of this Act shall be subject to the conditions described in subsection (e).

(3) RECORDS.—Sealaska shall be responsible for recording with the land title recorders office of the State of Alaska any modification to an existing conveyance of land under section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) as a result of this Act.

(h) CONDITIONS ON SITES WITH TRADITIONAL, RECREATIONAL, AND RENEWABLE ENERGY USE VALUE.—Each conveyance of land to Sealaska from land withdrawn pursuant to section 3(b)(2) shall be subject to—

(1) a covenant prohibiting any commercial timber harvest or mineral development; and

(2) the conveyance of the site identified as Pegmatite Mountain Geothermal #53 on the map labeled ''Attachment D'' and dated February 1, 2011, shall be subject to a covenant prohibiting commercial development of the site for a period of 15 years beginning on the date of enactment of this Act, provided that Sealaska shall have a right to engage in site evaluation and analysis during the period.

(i) ESCROW FUNDS FOR WITHDRAWN LAND.—On the withdrawal by this Act of land identified for selection by Sealaska, the escrow requirements of section 2 of Public Law 94–204 (43 U.S.C. 1613 note), shall thereafter apply to the withdrawn land.

(j) GUIDING AND OUTFITTING SPECIAL USE PERMITS OR AUTHORIZATIONS.—

(1) IN GENERAL.—Consistent with the provisions of section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)), on land conveyed to Sealaska from land withdrawn pursuant to sections 3(b)(1) and 3(b)(2), an existing holder of a guiding or outfitting special use permit or authorization issued by the Forest Service shall be entitled to its rights and privileges on the land for the remaining term of the permit, as of the date of conveyance to Sealaska, and for 1 subsequent 10-year renewal of the permit, subject to the condition that the rights shall be considered a valid existing right reserved pursuant to section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)), and shall be managed accordingly.

(2) NOTICE OF COMMERCIAL ACTIVITIES.—Sealaska, with respect to the holder of a guiding or outfitting special use permit or authorization under this subsection, and a permit holder referenced in this subsection, with respect to Sealaska, shall have an obligation to inform the other party of their respective commercial activities before engaging in the activities on land, which has been conveyed to Sealaska under this Act, subject to the permit or authorization.

(3) NEGOTIATION OF NEW TERMS.—Nothing in this subsection precludes Sealaska and a permit holder under this subsection from negotiating new mutually agreeable permit terms that supersede the requirements of—

(A) this subsection;

(B) section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)); or

(C) any deed covenant.

(4) LIABILITY.—Sealaska shall bear no liability regarding use and occupancy pursuant to special use permits or authorizations on land selected or conveyed pursuant to this Act.

SEC. 5. MISCELLANEOUS.

(a) STATUS OF CONVEYED LAND.—Each conveyance of Federal land to Sealaska pursuant to this Act, and each Federal action carried out to achieve the purpose of this Act, shall be considered to be conveyed or acted on, as applicable, pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(b) ENVIRONMENTAL MITIGATION AND INCENTIVES.—Notwithstanding subsection (e) and (h) of section 4, all land conveyed to Sealaska pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) and this Act shall be considered to be qualified to receive or participate in, as applicable—

(1) any federally authorized carbon sequestration program, ecological services program, or environmental mitigation credit; and

(2) any other federally authorized environmental incentive credit or program.

(c) NO MATERIAL EFFECT ON FOREST PLAN.—

(1) IN GENERAL.—Except as required by paragraph (2) and the amendment made by section 6, implementation of this Act, including the conveyance of land to Sealaska, alone or in combination with any other factor, shall not require an amendment of, or revision to, the Tongass National Forest Land and Resources Management Plan before the first revision of that Plan scheduled to occur after the date of enactment of this Act.

(2) BOUNDARY ADJUSTMENTS.—The Secretary of Agriculture shall implement any land ownership boundary adjustments to the Tongass National Forest Land and Resources Management Plan resulting from the implementation of this Act through a technical amendment to that Plan.

(d) EFFECT ON ENTITLEMENT.—Nothing in this Act shall have any effect upon the entitlement due to any Native Corporation, other than Sealaska, under—

(1) the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); or

(2) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

SEC. 6. CONSERVATION AREAS.

(a) IN GENERAL.—Section 508 of the Alaska National Interest Lands Conservation Act (Public Law 96–487; 94 Stat. 2381, 104 Stat. 4428) is amended—

(1) in the matter preceding paragraph (1), by striking ''The following lands are hereby'' and inserting the following:

''(a) IN GENERAL.—The following land is''; and

(2) by adding at the end the following:

''(13) CONSERVATION AREAS.—Subject to valid existing rights, certain land for conservation purposes, comprising approximately 151,565 acres, as depicted on the map entitled ''Conservation Areas'', dated February 1, 2011, and labeled ''Attachment E'', which is more particularly described as follows:

''(A) BAY OF PILLARS.—Certain land, comprising approximately 21,146.5 acres, located on the southern shore of the Bay in Forest Service Value Comparison Unit 4030.

''(B) KUSHNEAHIN CREEK.—Certain land, comprising approximately 36,703 acres, located on southwestern Kupreanof Island in the Forest Service Value Comparison Units 4300 and 4310.

''(C) SARKAR LAKES.—Certain land, comprising approximately 25,403.7 acres, located on Prince of Wales Island in Forest Service Value Comparison Unit 5541.

''(D) WESTERN KOSCUISKO.—Certain land, comprising approximately 7,416.5 acres, located on Koscuisko Island in Forest Service Value Comparison Units 5410, 5430, and 5440.

''(E) HONKER DIVIDE.—Certain land, comprising approximately 15,586.2 acres, located on Prince of Wales Island in Forest Service Value Comparison Units 5740, 5750, 5760, 5780, and 5971.

''(F) EEK LAKE AND SUKKWAN ISLAND.—Certain land, comprising approximately 34,644.1 acres, located in Forest Service Value Comparison Units 6320, 6700, 6710 and 6720.

''(G) EASTERN KOSCUISKO.—Certain karst land, comprising approximately 1,663 acres, located on Koscuisko Island in Forest Service Value Comparison Units 5430 and 5460.

''(H) NORTHERN PRINCE OF WALES.—Certain karst land, comprising approximately 10,888 acres, located in Forest Service Value Comparison Units 5280, 5290, 5311, 5313, 5330, 5360, and 5371.

''(b) MANAGEMENT OF CONSERVATION AREAS.—

''(1) IN GENERAL.—Subject to paragraph (2), the conservation areas designated by subsection (a)(13) shall be allocated to Land Use Designation II status (as defined in section 2 of the Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act) and shall be managed by the Secretary of Agriculture to protect subsistence activities and unique biological and geological resources and to prohibit commercial timber harvests or new road construction, in accordance with management guidelines developed under the Tongass National Forest Land and Resource Management Plan.

''(2) REQUIREMENTS.—In managing the areas designated by subsection (a)(13)—

''(A) the Forest Service shall protect the traditional and cultural use, biological and geological value, and, where applicable, the roadless character of the areas;

''(B) industrial logging and associated road building shall be prohibited;

''(C) timber micro-sales in accessible areas shall be allowed;

''(D) restoration projects in young-growth stands and salmon streams shall be encouraged for meeting integrated resource objectives;

''(E) subsistence enhancement and low impact recreation and tourism development projects shall be encouraged;

''(F) sustainable, community-scaled economic development of forest and marine resources shall be allowed, including issuance of special use permits for non-timber forest products gathering, mariculture development, and transportation and energy development; and

''(G) existing and future Transportation and Utility Systems shall be permitted in designated Transportation and Utility System Corridors under the Tongass National Forest Land and Resource Management Plan.

''(c) LIMITATION.—The establishment of the conservation areas by subsection (a)(13) shall not be used by the Secretary of Agriculture or a designee of the Secretary of Agriculture as a basis for any administrative management decisions to establish by administrative action any buffers, withdrawals, land-use designations, road closures, or other similar actions on any land, value comparison units, or adjacent land-use designations.''.

SEC. 7. MAPS.

(a) AVAILABILITY.—Each map referred to in this Act shall be maintained on file in—

(1) the office of the Chief of the Forest Service; and

(2) the office of the Secretary.

(b) CORRECTIONS.—The Secretary or the Chief of the Forest Service may make any necessary correction to a clerical or typographical error in a map referred to in this Act.

(c) TREATMENT.—No map referred to in this Act shall be considered to be an attempt by the Federal Government to convey any State or private land.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act and the amendments made by this Act.

By Mr. UDALL of New Mexico:

S. 732. A bill to improve billing disclosures to cellular telephone consumers; to the Committee on Commerce, Science, and Transportation.

Mr. UDALL of New Mexico. Mr. President, cell phones today are becoming ubiquitous and more essential to our everyday lives. Americans today have over 300 million wireless phones.

We use these phones in new and innovative ways. Consumers today increasingly use their cell phones for much more than just talking. Mobile broadband services now allow us to surf the Internet, search for nearby shops or restaurants, and watch videos right on our wireless handsets.

Since we now use these devices in new ways, it can be more difficult for consumers to realize they have exceeded their monthly subscriptions for cell phone service. This can have dramatic consequences for consumers.

Consider the case of a Navy ROTC midshipman who mistakenly left his smartphone's roaming function turned on while he was abroad. His phone downloaded e-mail messages, and he was sent a bill for almost $1,300. News outlets have highlighted other cases from across the country, including cases where children on family subscription plans racked up thousands of dollars in extra charges. A 13-year-old's cell phone data usage led to a bill for almost $22,000.

Bob St. Germain of Massachusetts was billed $18,000 for a 6-week period when his son used a cell phone to connect a computer to the Internet. I am proud to have Mr. St. Germain's support for the legislation I am introducing today. Unfortunately, these stories we hear about in the media are certainly not isolated cases, just the most egregious.

In fact, a recent Federal Communications Commission, FCC, survey found that 30 million Americans, or 1 in 6 adult cell phone users, have experienced cases of ''bill shock.'' Cell phone bill shock occurs when a consumer's monthly bill increases when they have not changed their plan. In about one in four cases, the consumer's bill increased by more than $100. According to a survey by Consumers Union, the publishers of Consumer Reports magazine, the median bill shock amount was $83.

With new, advanced developments in technology, bill shock is a growing problem. The introduction of faster ''4G'' networks will make it easier than ever for customers to burn through data limits. Americans who have cell phone ''family plans'' with multiple phone lines may face even greater difficulty monitoring their usage. More and more cell phone companies are dropping their unlimited data plans, and the risk of bill shock only stands to get worse.

Although consumers can already access their phone usage by requesting this information from their cell phone provider, the FCC survey found that almost 85 percent of American consumers who suffered bill shock were not alerted that they were about to exceed their allowed voice minutes, text messages, or data downloads.

In many cases, a simple alert message would help consumers avoid bill shock. That is why today I am pleased to introduce the Cell Phone Bill Shock Act of 2011.

This legislation is similar to what I proposed in the last Congress. It would require that cell phone companies do two things: first, that they notify cell phone customers when they have used 80 percent of their limit of voice minutes, text messages, or data usage. This notification could be in the form of a text message or email, and should be free of charge. Second, this legislation would require cell phone companies to obtain a customer's consent before charging for services in excess of their limit of voice, text, or data usage. Customers could give such consent by calling or sending a free text message or email to their phone company.

In the European Union, wireless phone companies already provide similar notifications when wireless consumers are roaming and when they reach 80 percent of their monthly data roaming services.

Congress already approved legislation to help consumers avoid bank overdraft fees from debit card and ATM transactions. Banks must now obtain their customer's permission before allowing debit card transactions which would incur overdraft fees. My legislation extends that same concept to cell phone customers, who should benefit from similar protections against ''bill shock.''

The texting and Internet capabilities that make today's cell phones more useful than ever should be applied to help consumers avoid bill shock. Sending an automatic text notification to one's phone or an email alert should not place a burden on cell phone companies. Passing my commonsense legislation will help prevent consumers from facing ''bill shock'' problems in the future.

I look forward to working with my colleagues to pass this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 732

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 ''Cell Phone Bill Shock Act of 2011''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) A recent survey conducted by the Federal Communications Commission found that 1 out of 6 consumers who subscribe to commercial mobile service has experienced ''bill shock'', which is the sudden increase in the monthly bill of a subscriber even though the subscriber has not made changes to their monthly service plan.

(2) Most consumers who experience bill shock do not receive notification from their provider of commercial mobile service when the consumer is about to exceed the monthly limit of voice minutes, text message, or data megabytes.

(3) Most consumers who experience bill shock do not receive notification from their provider of commercial mobile service that their bill has suddenly increased.

(4) Prior to the enactment of this Act, a provider of commercial mobile service was under no obligation to notify a consumer of such services of a pending or sudden increase in their bill for the use of such service.

(5) Section 332 of the Communications Act of 1934 (47 U.S.C. 332) requires that all commercial mobile service provider charges, practices, classifications, and regulations ''for or in connection with'' interstate communications service be just and reasonable, and authorizes the Federal Communications Commission to promulgate rules to implement this requirement.

SEC. 3. NOTIFICATION OF CELL PHONE USAGE LIMITS; SUBSCRIBER CONSENT.

(a) DEFINITION.—In this section, the term ''commercial mobile service'' has the same meaning as in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1)).

(b) NOTIFICATION OF CELL PHONE USAGE LIMITS.—The Federal Communications Commission shall promulgate regulations to require that a provider of commercial mobile service shall—

(1) notify a subscriber when the subscriber has used 80 percent of the monthly limit of voice minutes, text messages, or data megabytes agreed to in the commercial mobile service contract of the subscriber;

(2) send, at no charge to the subscriber, the notification described in paragraph (1) in the form of a voice message, text message, or email; and

(3) ensure that such text message or email is not counted against the monthly limit for voice minutes, text messages, or data megabytes of the commercial mobile service contract of the subscriber.

(c) SUBSCRIBER CONSENT.—The Federal Communications Commission shall promulgate regulations to require a provider of commercial mobile service shall—

(1) obtain the consent of a subscriber who received a notification under subsection (b) to use voice, text, or data services in excess of the monthly limit of the commercial mobile service contract of the subscriber before the provider may allow the subscriber to use such excess services; and

(2) allow a subscriber to, at no cost, provide the consent required under paragraph (1) in the form of a voice message, text message, or email that is not counted against the monthly limit for voice minutes, text messages, or data megabytes of the commercial mobile service contract of the subscriber.

By Mr. ROBERTS (for himself and Ms. STABENOW):

S. 733. A bill to amend part B of title XVIII of the Social Security Act to exclude customary prompt pay discounts from manufacturers to wholesalers from the average sales price for drugs and biologicals under Medicare; to the Committee on Finance.

Mr. ROBERTS. Mr. President, I rise today to address a health care concern that impacts all of us—access to health care.

When you or your loved one is sick—the most important thing on earth is

to fight for the very best medical care possible. And when the diagnosis is cancer—a disease far too many of our friends and family have faced—it becomes all the more important and all the more time sensitive.

Unfortunately, in some cases, access to care—as well as the life-saving drugs needed to treat a variety of forms of this disease—are being negatively impacted by the current reimbursement structure for Medicare Part B drugs and biologicals. In layman's terms, it's one more hurdle that doctors have to fight for their patients.

That is why I am introducing today legislation that would end the hurdle. My bill would exclude customary prompt pay discounts from the manufacturer's average sales price for purposes of Medicare Part B drugs and biologicals.

In Hillsboro, Kansas we have already seen cancer clinics begin to close as a direct result of the current reimbursement structure which limits patient access to care that they desperately need. Currently the prompt pay discounts artificially reduce Medicare Part B drug reimbursement rates for community oncology clinics, jeopardizing the viability of these providers. The closing of the clinic in Hillsboro can be directly attributed to this reimbursement structure. Additionally, prompt pay discounts also reduce the payment rates of private payers that use Average Sales Price. My legislation is a step forward in addressing problems with Medicare reimbursement for cancer drugs.

Primary Healthcare Distributors, PHDs, act as a middle man between providers and drug and product manufacturers. Most healthcare providers must receive daily deliveries of products from many different manufacturers. PHDs streamline the system and provide efficiencies by aggregating the ordering and shipping logistics. Some 80 percent of prescription medicines in the U.S. are stored, managed and delivered by PHDs. These PHDs receive prompt pay discounts from drug manufacturers in recognition of the efficiencies they provide.

However, these efficiencies are threatened by the Medicare Modernization Act's, MMA's, inappropriate inclusion of these prompt pay discounts in the calculation of the Average Sales Price for Medicare Part B drugs, those administered in a doctor's office. The inclusion of these discounts ultimately reduces reimbursements to providers, who are not the actual beneficiaries of the discounts. It provides a perverse incentive for manufacturers to go around the PHD to offer prompt pay discounts directly to the providers, thereby eliminating the efficiencies of the current system and potentially creating another burden for providers.

Congress has recognized the importance of excluding prompt pay discounts from providers' payment formulas in the Medicaid program. This bill would extend that exclusion to Medicare Part B.

I believe that the policy is right; that is why today I, along with Senator STABENOW, am introducing legislation to amend Part B of Title XVII of the Social Security Act to exclude customary prompt pay discounts from manufacturers to wholesalers from the average sales price for drugs and biologicals under Medicare.

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. 733

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

SECTION 1. EXCLUDING CUSTOMARY PROMPT PAY DISCOUNTS FROM MANUFACTURERS TO WHOLESALERS FROM THE AVERAGE SALES PRICE FOR MEDICARE PAYMENTS FOR DRUGS AND BIOLOGICALS.

(a) IN GENERAL.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w–3a(c)(3)) is amended—

(1) in the first sentence, by inserting ''(other than customary prompt pay discounts extended to wholesalers)'' after ''prompt pay discounts''; and

(2) in the second sentence, by inserting ''(other than customary prompt pay discounts extended to wholesalers)'' after ''other price concessions''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs and biologicals that are furnished on or after January 1, 2012.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 130—DESIGNATING APRIL 5, 2011, AS ''GOLD STAR WIVES DAY''

Mr. BURR (for himself and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 130

Whereas the Senate honors the sacrifices made by the spouses and families of the fallen members of the Armed Forces of the United States;

Whereas the Gold Star Wives of America, Inc. represents the spouses and families of the members and veterans of the Armed Forces of the United States who have died on active duty or as a result of a service-connected disability;

Whereas the primary mission of the Gold Star Wives of America, Inc. is to provide services, support, and friendship to the spouses of the fallen members and veterans of the Armed Forces of the United States;

Whereas, in 1945, the Gold Star Wives of America, Inc. was organized with the help of Mrs. Eleanor Roosevelt to assist the families left behind by the fallen members and veterans of the Armed Forces of the United States;

Whereas the first meeting of the Gold Star Wives of America, Inc. was held on April 5, 1945;

Whereas April 5, 2011, marks the 66th anniversary of the first meeting of the Gold Star Wives of America;

Whereas the members and veterans of the Armed Forces of the United States bear the burden of protecting freedom for the United States; and

Whereas the sacrifices of the families of the fallen members and veterans of the Armed Forces of the United States should never be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 5, 2011, as ''Gold Star Wives Day'';

(2) honors and recognizes—

(A) the contributions of the members of the Gold Star Wives of America, Inc.; and

(B) the dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(3) encourages the people of the United States to observe ''Gold Star Wives Day'' to promote awareness of—

(A) the contributions and dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(B) the important role the Gold Star Wives of America, Inc. plays in the lives of the spouses and families of the fallen members and veterans of the Armed Forces of the United States.

SENATE RESOLUTION 131—DESIGNATING APRIL 2011 AS ''TSUNAMI AWARENESS MONTH''

Mr. AKAKA (for himself and Mr. INOUYE) submitted the following resolution; which was considered and agreed to:

S. RES. 131

Whereas a tsunami is a series of ocean or sea waves generated by a sea floor disturbance, such as an earthquake, landslide, volcanic eruption, or meteorite;

Whereas a tsunami could occur during any season and at any time;

Whereas a tsunami is a threat to life and property for all coastal communities, and tsunamis have caused serious injuries and millions of dollars in property damage in the United States;

Whereas the danger posed by a tsunami cannot be eliminated, but the impact of a tsunami can be mitigated through community preparedness, timely warnings, and effective response;

Whereas tsunamis historically have posed the greatest hazard to Hawaii, Alaska, California, Oregon, Washington, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the Virgin Islands, tsunamis also pose risks to all ocean coasts of the United States;

Whereas Federal, State, and local officials have partnered to coordinate a national effort to reduce the impact of tsunamis through the National Tsunami Hazard Mitigation Program;

Whereas the National Oceanic and Atmospheric Administration's National Weather Service operates 2 tsunami warning centers, the Pacific Tsunami Warning Center and the West Coast and Alaska Tsunami Warning Center, that detect potential tsunamis and issue warnings;

Whereas Tsunami Awareness Month provides an opportunity to highlight the importance of tsunami preparedness and to encourage the people of the United States to take steps to be better prepared for tsunamis at home, work, and school;

Whereas the people of the United States can prepare for tsunamis by finding out if their home, school, workplace or other frequently visited locations are in tsunami hazard areas, and by identifying evacuation routes; and

Whereas additional information about tsunami preparedness may be obtained through TsunamiReady at National Oceanic and Atmospheric Administration, at www.tsunamiready.noaa.gov: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2011 as ''Tsunami Awareness Month''; and

(2) encourages the Federal Government, States, localities, schools, nonprofit organizations, businesses, and other applicable entities, along with the people of the United States, to observe Tsunami Awareness Month with appropriate events and activities to promote tsunami preparedness.

AMENDMENTS SUBMITTED AND PROPOSED

SA 285. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

SA 286. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 285. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, strike lines 8 and 9 and insert the following:

''(v) the names and titles of the key individuals that will carry out the project, the position each key individual holds in the small business concern, and contact information for each key individual;

On page 85, strike lines 22 through 24 and insert the following:

program that has been—

''(i) convicted of a fraud-related crime involving funding received under the SBIR program or STTR program; or

''(ii) found civilly liable for a fraud-related violation involving funding received under the SBIR program or STTR program.''; and

On page 89, strike line 18 and all that follows through page 90, line 10, and insert the following:

''(A) continue the most recent study under this section relating to the issues described in subparagraphs (A), (B), (C), and (E) of subsection (a)(1);

''(B) make recommendations with respect to the issues described in subparagraphs (A), (D), and (E) of subsection (a)(2); and

On page 95, line 7, strike ''the waste,'' and all that follows through ''2011'' on line 10 and insert ''waste, fraud, and abuse prevention activities''.

On page 96, line 13, strike the quotation marks and the second period and insert the following:

''(4) COORDINATION WITH IG.—Each Federal agency shall coordinate the activities funded under subparagraph (E), (F), or (G) of paragraph (1) with their respective Inspectors General, when appropriate, and each Federal agency that allocates more than $50,000,000 to the SBIR program of the Federal agency for a fiscal year may share such funding with its Inspector General when the Inspector General performs such activities.''.

On page 99, strike lines 17 through 19 and insert the following:

(1) AMENDMENTS REQUIRED FOR FRAUD, WASTE, AND ABUSE PREVENTION.—Not later

On page 100, strike line 1 and all that follows through page 102, line 4, and insert the following:

(2) CONTENT OF AMENDMENTS.—The amendments required under paragraph (1) shall include—

(A) definitions or descriptions of fraud, waste, and abuse;

(B) guidelines for the monitoring and oversight of applicants to and recipients of awards under the SBIR program or the STTR program;

(C) a requirement that each Federal agency that participates in the SBIR program or STTR program include information concerning the method established by the Inspector General of the Federal agency to report fraud, waste, and abuse (including any telephone hotline or Web-based platform)—

(i) on the website of the Federal agency; and

(ii) in any solicitation or notice of funding opportunity issued by the Federal agency for the SBIR program or the STTR program; and

(D) a requirement that each applicant for and small business concern that receives funding under the SBIR program or the STTR program shall certify whether the applicant or small business concern is in compliance with the laws relating to the SBIR program and the STTR program and the conduct guidelines established under the SBIR Policy Directive and the STTR Policy Directive.

(3) CONSULTATION.—The Administrator shall develop the certification required under paragraph (2)(D) in cooperation with the Council of Inspectors General on Integrity and Efficiency and the Office of Advocacy of the Administration.

(4) AMENDMENT TO INSPECTOR GENERAL ACT OF 1978.—Section 4 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(e) Each Inspector General of each establishment that is required to participate in the SBIR program or the STTR program under section 9 of the Small Business Act (15 U.S.C. 638) shall cooperate to prevent fraud, waste, and abuse in the SBIR program and the STTR program by—

''(1) establishing fraud detection indicators;

''(2) reviewing regulations and operating procedures of the Federal agencies;

''(3) coordinating information sharing between the Federal agencies, to the extent otherwise permitted under Federal law; and

''(4) improving the education and training of, and outreach to—

''(A) administrators of the SBIR program and the STTR program of each Federal agency;

''(B) applicants to the SBIR program or the STTR program; and

''(C) recipients of awards under the SBIR program or the STTR program.''.

On page 102, beginning on line 7, strike '', and every 3 years thereafter,'' and insert ''to establish a baseline of changes made to the program to fight fraud, waste, and abuse, and every 3 years thereafter to evaluate the effectiveness of the agency strategies,''.

On page 103, strike lines 12 through 19 and insert the following:

(vi) the extent to which the Inspector General of each Federal agency that participates in the SBIR and STTR program effectively conducts investigations, audits, inspections, and outreach relating to the SBIR and STTR programs of the Federal agency; and

On page 104, line 10, after ''STTR program'' insert the following: '', at least 1 Inspector General of a Federal agency with an SBIR program or an STTR program,''.

On page 107, between lines 10 and 11, insert the following:

SEC. 316. REDUCING FRAUD, WASTE, AND ABUSE.

Not later than 4 years after the date of enactment of this Act, and every 4 years thereafter, the Comptroller General of the United States shall—

(1) conduct a study of the effectiveness of the government and public databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)) in reducing vulnerabilities of the SBIR program and the STTR program to fraud, waste, and abuse, particularly with respect to Federal agencies funding duplicative proposals and business concerns falsifying information in proposals;

(2) make recommendations with respect to the issues described in paragraph (1); and

(3) submit to the head of each agency described in section 108(a) of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note), the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (2).

SA 286. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. _____. CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.

Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) compile a list of Government programs and agencies selected from the Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO–11–318SP); and

(2) in accordance with the Congressional Budget and Impoundment Control Act of 1974, submit to Congress recommended amounts of rescissions of budget authority for Government programs and agencies on that list.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I want to advise that the Committee on Energy and Natural Resources will hold a business meeting on Tuesday, April 12, 2011, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider pending legislation, and the nomination of Peter B. Lyons, to be an Assistant Secretary of Energy (Nuclear Energy).

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 5, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. 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 April 5, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Closing the Digital Divide: Connecting Native Nations and Communities to the 21st Century.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 5, 2011, at 12 p.m. in S–216.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 5, 2011, at 10:15 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 5, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 5, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Airland on the Committee on Armed Services be authorized to meet during the session of the Senate on April 5, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMPETITIVENESS, INNOVATION, AND EXPORT PROMOTION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Competitiveness, Innovation, and Export Promotion of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 5, 2011, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Tourism in America: Removing Barriers and Promoting Growth.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be allowed on the Senate floor for the duration of the debate on H.R. 4: Andrew Fishburn and Eric Roberts.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 493

Mr. REID. Mr. President, I ask unanimous consent that at 11 a.m., Wednesday, April 6, the Senate resume consideration of S. 493 and the pending amendments be set aside and Senator REID or a designee be recognized to call up the following amendments:

Baucus No. 236; Stabenow No. 277; Rockefeller No. 215; Coburn No. 217; Coburn No. 223; Coburn No. 273; Inouye No. 286; that the pending Sanders amendment No. 207 be modified with the changes at the desk; that the Senate then proceed to a period of debate only until 4 p.m., with the time equally divided between the two leaders or their designees prior to votes in relation to the following amendments in the order listed below:

Baucus No. 236; Stabenow No. 277; Rockefeller No. 215; McConnell No. 183; Coburn No. 223; Inouye No. 286; and Coburn No. 273; that there be no amendments in order to the amendments prior to the votes; the amendments not be divisible; the motions to reconsider be considered made and laid upon the table; there be 2 minutes equally divided in between the votes; all after the first vote be 10 minutes in duration; and the amendments be subject to a 60-vote threshold for adoption; that upon the disposition of the Coburn amendment No. 273, amendment Nos. 184 and 217 offered by Senator COBURN be agreed to; that no amendments be in order to the Coburn amendments Nos. 184 and 217 prior to their adoption; and all of the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I appreciate everyone's patience in regard to getting this consent agreement. None of these votes are easy, but the votes are necessary.

I would also say, in relation to the statement made by my friend from Colorado, that—I am trying to figure out who is the senior Senator between the Presiding Officer—the junior Senator from Colorado, the nice statement he made: We are doing our very best to work something out on the CR that will fund the government to the end of this fiscal year. As has been reported in the press, I had a meeting with the Speaker tonight at 4 o'clock. We are still negotiating in good faith. We are not that far apart. Hopefully, we can work something out. It is something we should be able to do and certainly we are trying. As we speak, our people are working. So I want everyone to know the government is not going to be shut down yet. There is still air in the tire. We still have some miles to travel, but I hope there is enough air in it to get us where we need to go.

HONORING PERISHED WEST VIRGINIA AND OTHER COAL MINERS

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 129, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 129) honoring the 29 coal miners who perished in the explosion at the Upper Big Branch Mine in Montcoal, West Virginia, on April 5, 2010, and remembering all those who have lost their lives while mining for the resources on which the United States relies.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. 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 that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 129) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 129

Whereas West Virginia coal miners and their predecessors not only have a strong commitment to providing a good living for their families, but also take a deep and patriotic pride in the fact that their work and the energy they produce has made the United States strong and free;

Whereas coal mining has been, and remains, an important part of the economy of the United States;

Whereas coal accounts for nearly ½ of the electricity produced in the United States;

Whereas coal has been commercially mined in what is now the State of West Virginia since 1810;

Whereas since 1810, West Virginia miners and their families have sacrificed greatly to mine the coal that powers the economy of the United States;

Whereas, on April 5, 2010, 29 heroic and patriotic West Virginia miners tragically lost their lives in an explosion at the Upper Big Branch Mine in Montcoal, West Virginia;

Whereas a search and rescue effort was launched immediately following the explosion that involved dozens of courageous volunteers, first responders, and mine rescue teams who fearlessly risked their lives to rescue survivors and find lost miners;

Whereas Carl ''Pee Wee'' Acord, Jason Matthew Atkins, Christopher Lee Bell, Sr., Gregory Steven Brock, Kenneth A. Chapman, Sr., Robert Eugene Clark, Cory Davis, Charles Timothy Davis, Michael Lee Elswick, William Ildon Griffith, Steven J. ''Smiley'' Harrah, Edward ''Dean'' Jones, Richard Keith Lane, William Roosevelt Lynch, Joe Marcum, Ronald Lee Maynor, Nicolas D. McCroskey, James ''Eddie'' Mooney, Adam K. Morgan, Rex Lane Mullins, Joshua Scott Napper, Howard ''Boone'' Payne, Jr., Dillard Earl ''Dewey'' Persinger, Joel R. ''Jody'' Price, Gary Wayne Quarles, Deward Allan Scott, Grover Dale Skeens, Benny Ray Willingham, and Ricky L. Workman perished in the explosion at the Upper Big Branch Mine;

Whereas the terrible tragedy broke the hearts of the people of the United States;

Whereas since the beginning of 2010, 77 miners of coal and other resources have lost their lives on the job, and thousands more have been injured or diagnosed with occupational illnesses, such as Black Lung disease;

Whereas the families of the deceased continue to suffer, as do those miners who have become seriously injured or ill; and

Whereas Congress has long recognized the need to protect the safety and health of miners: Now, therefore, be it

Resolved, That the Senate—

(1) honors the coal miners who lost their lives in the explosion at the Upper Big Branch Mine in Montcoal, West Virginia, on April 5, 2010;

(2) extends its continued heartfelt condolences to the families of the deceased, who are still looking for answers to the tragedy;

(3) recognizes the hardships faced by survivors of the tragedy and fellow miners who worked side-by-side with the deceased;

(4) acknowledges the risks faced by all miners, as well as the important and often overlooked contributions that miners make to the United States;

(5) expresses its appreciation for the volunteers, first responders, and mine rescue teams who fearlessly risk their lives to save miners after tragedies; and

(6) reaffirms its commitment to keep miners safe and healthy on the job.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOLD STAR WIVES DAY

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 130, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 130) designating April 5, 2011, as ''Gold Star Wives Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNET. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 130) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 130

Whereas the Senate honors the sacrifices made by the spouses and families of the fallen members of the Armed Forces of the United States;

Whereas the Gold Star Wives of America, Inc. represents the spouses and families of the members and veterans of the Armed Forces of the United States who have died on active duty or as a result of a service-connected disability;

Whereas the primary mission of the Gold Star Wives of America, Inc. is to provide services, support, and friendship to the spouses of the fallen members and veterans of the Armed Forces of the United States;

Whereas, in 1945, the Gold Star Wives of America, Inc. was organized with the help of Mrs. Eleanor Roosevelt to assist the families left behind by the fallen members and veterans of the Armed Forces of the United States;

Whereas the first meeting of the Gold Star Wives of America, Inc. was held on April 5, 1945;

Whereas April 5, 2011, marks the 66th anniversary of the first meeting of the Gold Star Wives of America;

Whereas the members and veterans of the Armed Forces of the United States bear the burden of protecting freedom for the United States; and

Whereas the sacrifices of the families of the fallen members and veterans of the Armed Forces of the United States should never be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 5, 2011, as ''Gold Star Wives Day'';

(2) honors and recognizes—

(A) the contributions of the members of the Gold Star Wives of America, Inc.; and

(B) the dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(3) encourages the people of the United States to observe ''Gold Star Wives Day'' to promote awareness of—

(A) the contributions and dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(B) the important role the Gold Star Wives of America, Inc. plays in the lives of the spouses and families of the fallen members and veterans of the Armed Forces of the United States.

TSUNAMI AWARENESS MONTH

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 131, submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 131) designating April 2011 as ''Tsunami Awareness Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. AKAKA. Mr President, today I rise in support of my resolution designating April 2011 as Tsunami Awareness Month.

The recent events in Japan serve as a reminder of the importance of tsunami preparedness and mitigation. As we recently saw, tsunamis can strike at any time, continue for hours, wash away homes, buildings, and roads, and claim thousands of lives. Deadly tsunamis have struck Hawaii, Alaska, California, Oregon, Washington, American Samoa, Puerto Rico, and the United States Virgin Islands within the last 150 years. All coastline communities in the United States are at risk of being impacted by tsunamis.

Sixty-five years ago, my home State of Hawaii experienced the most devastating and destructive tsunami in its history, which claimed the lives of 159 individuals. Hawaii's geographic location in the middle of the Pacific Ocean makes us extremely vulnerable to tsunamis because 80 percent of all tsunamis occur in the Pacific.

To encourage citizens to educate themselves on tsunami preparedness, President Obama has designated March 20–26, 2011, as Tsunami Awareness Week. For the month of April, the National Oceanic and Atmospheric Administration's (NOAA) National Weather Service in Hawaii will conduct activities to raise public awareness of the dangers of tsunamis and commemorate the lives lost to the April 1, 1946 tsunami. Additionally, Hawaii State and local officials have partnered with NOAA to develop a Tsunami Safety Booklet to educate school-aged children about the dangers of tsunamis, and they plan to distribute the booklets and other preparedness materials at sponsored events.

I encourage all citizens to observe Tsunami Awareness Month and prepare for tsunamis by finding out if their homes, schools, and workplaces are in areas likely to flood should a tsunami occur; identifying evacuation routes; and preparing portable disaster supply kits. Additional information about tsunami preparedness can be found at TsunamiReady (www.tsunamiready.noaa.gov).

As Congress continues debates about cuts to the Federal budget, I remind my colleagues of the importance of federal funding for tsunami programs.

Funding for NOAA tsunami program supports warning, mitigation, and research activities that are critical to our Nation's safety and security. The NOAA operates two tsunami warning centers, the Pacific Tsunami Warning Center at Ewa Beach, Hawaii, and the West Coast and Alaska Tsunami Warning Center at Palmer, Alaska. Through Deep-Ocean Assessment and Reporting of Tsunamis stations, these Centers monitor an extensive network of deep

sea buoys providing real-time information needed to detect and issue warnings for tsunamis generated in the Pacific Ocean.

Furthermore, NOAA, in coordination with the Federal Emergency Management Agency and the United States Geological Survey, partners with all 29 coastal States, Territories and Commonwealths in the United States to reduce the impact of tsunamis through the National Tsunami Hazard Mitigation Program.

These programs save lives. The House-passed continuing resolution would decrease funding for NOAA by approximately $450 million. Funding increases in recent years have allowed NOAA to strengthen our Nation's tsunami warning capabilities by expanding the operating hours and geographic areas of responsibility for both tsunami warning centers. Making drastic cuts to the NOAA's budget would severely impair our Nation's ability to warn citizens of potential disasters. Maintaining this funding is critical.

As Japan recovers from the deadly earthquake and tsunami of March 11, 2011, I continue to pledge my support for the people of Japan and keep all those affected by this tragedy in my thoughts and prayers.

Mr. BENNET. 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 that any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 131) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 131

Whereas a tsunami is a series of ocean or sea waves generated by a sea floor disturbance, such as an earthquake, landslide, volcanic eruption, or meteorite;

Whereas a tsunami could occur during any season and at any time;

Whereas a tsunami is a threat to life and property for all coastal communities, and tsunamis have caused serious injuries and millions of dollars in property damage in the United States;

Whereas the danger posed by a tsunami cannot be eliminated, but the impact of a tsunami can be mitigated through community preparedness, timely warnings, and effective response;

Whereas tsunamis historically have posed the greatest hazard to Hawaii, Alaska, California, Oregon, Washington, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the Virgin Islands, tsunamis also pose risks to all ocean coasts of the United States;

Whereas Federal, State, and local officials have partnered to coordinate a national effort to reduce the impact of tsunamis through the National Tsunami Hazard Mitigation Program;

Whereas the National Oceanic and Atmospheric Administration's National Weather Service operates 2 tsunami warning centers, the Pacific Tsunami Warning Center and the West Coast and Alaska Tsunami Warning Center, that detect potential tsunamis and issue warnings;

Whereas Tsunami Awareness Month provides an opportunity to highlight the importance of tsunami preparedness and to encourage the people of the United States to take steps to be better prepared for tsunamis at home, work, and school;

Whereas the people of the United States can prepare for tsunamis by finding out if their home, school, workplace or other frequently visited locations are in tsunami hazard areas, and by identifying evacuation routes; and

Whereas additional information about tsunami preparedness may be obtained through TsunamiReady at National Oceanic and Atmospheric Administration, at www.tsunamiready.noaa.gov: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2011 as ''Tsunami Awareness Month''; and

(2) encourages the Federal Government, States, localities, schools, nonprofit organizations, businesses, and other applicable entities, along with the people of the United States, to observe Tsunami Awareness Month with appropriate events and activities to promote tsunami preparedness.

MEASURE READ THE FIRST TIME—H.R. 1255

Mr. BENNET. Mr. President, I understand that H.R. 1255 has been received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 1255) to prevent a shutdown of the government of the United States, and for other purposes.

Mr. BENNET. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will have its second reading on the next legislative day.

ORDERS FOR WEDNESDAY, APRIL 6, 2011

Mr. BENNET. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 9:30 a.m. on Wednesday, April 6; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period for the transaction of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time until 12:40 p.m. equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that at 10:40 a.m., Senator AYOTTE be recognized to deliver her maiden speech to the Senate; and that following morning business, the Senate resume consideration of S. 493, the small business jobs bill, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNET. Mr. President, Senators should expect a series of up to seven rollcall votes to begin at approximately 4 p.m. in relation to amendments to the small business jobs bill.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BENNET. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it recess under the previous order.

There being no objection, the Senate, at 7:35 p.m., recessed until Wednesday, April 6, 2011, at 9:30 a.m.

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination pursuant to the order of January 7, 2009 and the nomination was placed on the Executive Calendar pursuant to an order of January 7, 2009:

*JONATHAN ANDREW HATFIELD, OF VIRGINIA, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—JOSHUA MOTT

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

I participated with my Boy Scout Troop in preparing over three hundred food boxes for the poor. We arrived at the headquarters of the ''Food for the Families'' around 8:30 in the morning. After re-arranging the boxes into three rows of seventy-five, we waited for the truck to deliver the food. Once the food arrived, we stacked it according to type. Vegetables of each type in their own category, hams in another, and so on. Once all the items were stacked, a team was created for each pile to distribute the food in the boxes. Each box received a set number of each food. Twelve extra boxes, or ''gleaning boxes'' as they were called, were filled with the extra food. As soon as all the boxes were filled, the doors were opened and the people were allowed in. Each person who signed up for a box was also given a yellow ticket. Those waiting in line outside presented their ticket and were admitted in. A worker then escorted the individual with a box on a cart out of the building. Once their box was filled, the individual and worker walked to their car or house and delivered the box. This process continued until all the boxes were distributed. It was a wonderful experience.

—*Joshua Mott*

SCHOLARSHIPS FOR OPPORTUNITY AND RESULTS ACT

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Ms. MCCOLLUM. Mr. Speaker, I rise today in opposition to H.R. 471, the private school voucher program for the District of Columbia.

This bill would revive the ineffective and inefficient D.C. voucher program. The bill authorizes $100 million over the next five years for only 1.3 percent of students to receive vouchers in D.C.—with no offset for the funding.

I do not support any attempt to resume funding the D.C. voucher system using taxpayer dollars intended for public schools. We should be investing public dollars in public schools, not diverting critically needed resources to private institutions. Private schools are not held to the same standards as our public schools—including civil rights laws and accountability measures—and are not required to provide the same services, such as educating individuals with disabilities.

Vouchers take scarce resources away from our children and provide no accountability for our tax dollars. While the D.C. voucher program was in effect, multiple studies found that the students in the program were not performing better academically compared to other students in the District. In fact, the program was so poorly run that some students were allowed to use vouchers to attend unaccredited schools.

The Republican House majority made the largest cut to education in our history in their continuing resolution for Fiscal Year 2011 (H.R. 1) that passed the House. In the same bill, they proposed to fund the D.C. voucher system at $15.5 million. Again, my Republican colleagues cut public education in all 50 states while reviving millions of dollars for vouchers for one percent of students in the District of Columbia.

For these reasons, I urge my colleagues to oppose H.R. 471 and any funding efforts for this failed program.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. ANDREWS. Mr. Speaker, on rollcall No. 225 for H.R. 1246, I am not recorded because I was absent. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mrs. MALONEY. Mr. Speaker, on April 1, I missed rollcall vote numbered 213. Had I been present, I would have voted "nay" on rollcall vote 213, providing for consideration of the bill (H.R. 1255) to prevent a shutdown of the government of the United States.

RECOGNIZING THE 43RD ANNIVERSARY OF THE DEATH OF THE REV. DR. MARTIN LUTHER KING, JR.

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. CUMMINGS. Mr. Speaker, I rise to honor the memory of the Rev. Dr. Martin Luther King, Jr. and to deliver a message from those of us who were young in Dr. King's time.

We cannot honor Dr. King without recalling the difficult and unfair world that he set out to change.

And we do not honor him by pretending that no civil rights challenges remain to be overcome.

It is also critical that we recall how well Dr. King understood that the challenges of civil rights and economic injustice are inextricably intertwined.

He understood that working people—of every background—are too often in a struggle just to survive.

Forty-three years after that tragic moment in Memphis, Tennessee, Americans of good conscience are still in an economic struggle for fundamental human dignity—and we are still in a national debate regarding what kind of nation ours will become.

And, in this ongoing struggle, Americans of Color are not alone in having our fundamental human rights denied.

According to an October 2010 report released by the Congressional Research Service, 3.7 million more persons fell below the poverty line in 2009 compared to the number below the poverty line in 2008.

These 3.7 million people were pushed into poverty and left to suffer the consequences of a recession they did not create.

As a result, in 2009, a total of 43.6 million people had incomes below the poverty line—more than at any time since we began tracking this measure in 1959—9 years before Dr. King's death.

Within that figure, one in every five children in this country lived in poverty in this nation in 2009. This is a staggering and shameful figure.

Mr. Speaker, far too many Americans are being subjected to the most crippling segregation of all: the segregation from hope that is the inevitable result of poverty.

On the anniversary of Dr. King's assassination, we recall that he was struck down in Memphis while he was supporting a sanitation union's struggle for a living wage.

Dr. King understood that the struggle of workers to win their rights is part of the continuing struggle of labor for opportunity.

More than 40 years after Dr. King's death, this struggle continues—and the victories won years ago are at risk perhaps as never before.

Many are seeking to tear down American workers' most fundamental rights and to undo the advances that paved the paths that have carried so many to the middle class.

As we see that struggle unfold, I urge us to remember what we are fighting for.

As Dr. King often observed, the civil rights objectives of our time are not limited to the struggles of Black people or of any minority group.

Rather, we are engaged in a peaceful struggle to advance the human and civil rights of ALL AMERICANS.

Our mission—Dr. King's vision transported into our time—is to transform the ''human rights'' of all Americans into civil rights protected by law.

We are fighting, as our colleague and friend Congressman JOHN LEWIS has observed, for the rights that will enable all Americans to have jobs that provide them ''the opportunity to realize their full potential as individual people.''

At a time when many low-wage jobs do not pay enough to enable a family to make ends meet, and at a time when people can work 40 or even 50 hours a week and still fall behind, we honor Dr. King's struggle by continuing his fight to create a just society where every person can fulfill the potential God has given to them.

And we continue that fight by ensuring that the hard-won rights of working Americans are seen as inviolable and as essential to the success of our entire nation.

I urge every American to join this fight.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—ERIC PARKER

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, ''CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces.'' I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, ''A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization.''

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

As a representative for Sam Johnson's CYAC of the 2010–2011 year I decided to volunteer in my community by participating with Habitat for Humanity. Habitat for Humanity is a global, non-profit organization that seeks to shelter the homeless and poor by building comfortable homes with the help of volunteers from the surrounding community. I volunteered several hours from what would have been just another ''lazy'' Saturday afternoon to go to Wylie in an effort to help the organization with building a home. The organizers were very friendly and helpful in pointing me in the right direction and very clear and concise on instructions for the work that I would be tasked with. I found a hands-on approach to be the best way to contribute to my community and learned a lot from one evening with fellow charity workers. I was able to make a difference in someone's life by helping build shelter and contributing to society. I learned that community service is an overlooked part of life that when performed can cause a person to feel good in a way that can't be accomplished by common means. I look forward to working with Habit for Humanity again in the future.

—Eric Parker

CONGRATULATING THE MAROON GIANTS OF KALAMAZOO CENTRAL HIGH SCHOOL

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. UPTON. Mr. Speaker, I rise today to congratulate the Maroon Giants of Kalamazoo Central High School on their second straight Michigan state championship win in men's basketball. These outstanding young men have worked hard for this accomplishment and have made their community very proud.

Winning a state championship is a remarkable achievement that few teams attain. Winning back-to-back championships is an incredible legacy that will live with Kalamazoo Central forever. The Maroon Giants and Coach Mike Thomas know what brought this second straight state title back to Kalamazoo—hard work. It was running that one extra sprint and shooting that extra free throw after practice that helped make the Maroon Giants champions. Nobody outworked the Giants, and nobody could beat them in the state tournament, and nobody had a greater following or more community support. The Giants truly lived up to their name on the court.

It is an honor to pay tribute to the entire Maroon Giants squad: Tyler Bell, Allie Buchanan, Tens Buchanan, TJ Buchanan, Jamaal Conger, Brandon Delk, Juwan Gamble, Lee Gardner, H'ian Hale, Quante Hill, JeRon Johnson, Mark Justice, Daquavion McCants-Wilson, De'tavia Moore, Darius Norman, Von Washington III, and Davarius Williams. I also want to recognize head coach Mike Thomas and assistant coaches Thomas Dillard, Anthony Stuckey, Matt Price, Brandon Williams, Tim Gleeson, Alan Lee and team manager Aminder Sohi. We salute all of you.

On behalf of all the residents of southwest Michigan, congratulations again to the Maroon Giants, Coach Thomas, and the entire Kalamazoo community—you are an inspiration to us all. It is Giant pride at its finest. Go Giants!

IN CELEBRATION OF THE TOWN OF MONSON'S 250TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. NEAL. Mr. Speaker, I would like to acknowledge the yearlong celebration of the town of Monson, Massachusetts' 250th anniversary. The town was founded by a small group of residents from Brimfield, Massachusetts, who petitioned for a town of their own. The first town meeting of Monson was held in 1760. When it was founded, Monson was a center for manufacturing in Massachusetts, with an abundance of mills powered by the water found in the nearby hills. Today, Monson is known primarily for their involvement in the arts, especially the theater and festivals.

To honor this historic occasion, the town of Monson held a yearlong celebration with different events held by members of the Monson Steering Committee and several non-profit organizations located in the town.

This yearlong celebration of the town's anniversary began in April 2010, and will conclude

on April 9, 2011. The inaugural event of the festival was a bonfire held at Veterans Field. Throughout the year there were family events and festivals, including the annual Summerfest held on the 4th of July, and the family ice cream social and concert sponsored by the Friends of the Keep Museum. Families also enjoyed the picnic held at Flynt Park. Other outdoor activities included a walk/run sponsored by the Peaked Mountain Committee and a motorcycle hill climb sponsored by the Quaboag Riders & Monson Lions Club. There were many cultural events as well, such as the Monson Arts Council's craft fair, the Monson Bellmen Antique Fire Apparatus Club and Museum's open house, and the Monson Rotary Club's concert at Dave Grieve Park.

A quilt show was held in which 50 Monson quilters donated a block to make a commemorative 250th anniversary quilt. This quilt will be on display continually in various buildings in the town. The concluding event of this festival will be the Monson 250th Gala Ball with the theme of "Remembering Monson." The ball will have a continuous slide show of all the old and new businesses and homes in Monson, as well as a display of Monson's non-profit organizations.

The town of Monson has been an important part of Massachusetts since well before the United States was founded. While this quintessential New England town is a place where families have lived for generations, Monson has also grown into a dynamic center for arts, culture and a thriving workplace. On its 250th anniversary, I am honored to represent the town of Monson and I look forward to celebrating many more anniversaries.

HONORING MARCH 25, 2011 AS THE 190TH ANNIVERSARY OF GREECE'S INDEPENDENCE

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today in celebration of the 190th anniversary of Greek independence. It is an honor to recognize a nation whose rich and vibrant history not only laid the foundation for democracy, but whose immigrants and descendants have enriched the cultural landscape of our nation.

The warm friendship that America shares with Greece is rooted in the indelible mark of democracy and self-determination that Hellenic culture has left on our country. Just as our founding fathers were guided by these principles in their fight for independence from a foreign empire, so too were the founders of modern-day Greece, who declared their independence from the Ottoman Empire on March 25th, 190 years ago. Since the birth of both nations, we have striven together to uphold the values of freedom, equality, and justice championed by the Ancient Greeks. We have joined together to promote peace and stability in the world, and Greece has allied with the U.S. in every major international conflict throughout the 20th century.

From architecture to the democratic ideals we cherish, Greek culture has had a continued influence on the way Americans live their everyday lives. Illinois' Third District is fortunate to have one of the largest and most vibrant Greek-American communities in America. And just as Greek citizens were integral in transforming Ancient Greece into a beacon of democracy and culture, Greek-Americans in Oak Lawn, Palos Hills, and throughout Southwestern Chicagoland have proudly contributed their strong cultural heritage and values into the patchwork that makes the Third District so distinct.

It is with great gratitude and pride that I rise to honor the independence of a nation that, from ancient times, has bestowed upon its citizens the fundamental rights of liberty and participation in the democratic process. Though rooted in ancient ideals, our strong allegiance with Greece continues to this day through a shared belief that freedom and democracy are the building blocks of peace. At home, I have witnessed firsthand the positive cultural heritage Greek-Americans bring to our local communities, and I trust that the bonds between our two nations will remain strong for years to come.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—ZACH PALISCH

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

For the past three months. I have been volunteering my time weekly at the local elementary school by my house, Faith Lutheran. I am a volunteer basketball coach for a group of about eleven 5th and 6th graders who attend the school. We have a couple of games each week and have practices every Saturday morning at the school. The group of kids is very inexperienced as a whole so our practices are very important. We practice dribbling, passing, team building, team plays, and shooting for fun at the end. The practices were highly successful as I managed to teach the guys 8 plays total and everyone improved their skills individually as well over the year. The weekly games were always a fun and frustrating experience as I tried to coach a team to win as well as making it a fun learning experience for the kids. In the end all the hard work paid off as the boys had the first-ever undefeated season for the school and won the tournament at the end of the season. I can tell the kids learned a lot throughout the season, and I know I learned how rewarding an experience it can be to teach young children and watch them learn and grow.

—Zack Palisch

RECOGNIZING SERVICE OF DR. RICHARD LINTON, VICE PRESIDENT OF RESEARCH AND GRADUATE STUDIES AT THE UNIVERSITY OF OREGON

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. DEFAZIO. Mr. Speaker, I rise today to recognize a person who has made an important impact on the state of Oregon and the federal research enterprise through his work at the University of Oregon as Vice President for Research and Graduate Studies. Dr. Richard Linton is the longest serving vice president of research in the University of Oregon's history and among the longest-serving vice presidents of research within the Association of American Universities' membership.

He leaves the university after more than a decade of service. Dr. Linton's leadership has markedly improved the university's federal research enterprise, enabling university faculty and researchers to engage in discovery, innovation and scholarship that contribute to society's well-being and our understanding of our world.

Dr. Linton deserves special recognition for his guidance of sponsored programs, research initiatives, graduate education, technology transfer and the university's research park. Under his leadership, UO has seen sustained growth in federal research grants and technology transfer activities. He has guided the UO in growing and launching interdisciplinary centers and initiatives spanning the innovation cycle, from basic discovery to commercialization.

I am particularly pleased that companies directly derived from University of Oregon research currently employ more than 255 Oregonians and in 2010 generated more than

$32 million in revenue for Oregon's economy. A remarkable accomplishment.

At the core of Rich Linton's decade of accomplishment at the university is his ability to be collaborative and to establish important strategic partnerships that have contributed greatly to the region's economic security and future. Thank you, Dr. Linton!

TRIBUTE TO SENIOR MASTER SERGEANT JOSEPH F. GIANETTO II

HON. ANN MARIE BUERKLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Ms. BUERKLE. Mr. Speaker, I rise today to honor the career of Senior Master Sergeant Joseph F. Gianetto II. Originally from Oswego, NY, Sergeant Gianetto enlisted in 1971 and subsequently has spent over 39½ years with United States Air Force and the New York Air National Guard. Sergeant Gianetto has been decorated with numerous medals, awards and service distinctions. It is my honor to recognize such a distinguished citizen and airman.

Sergeant Gianetto began his military career in the Air Force on the delayed enlistment program in June 1971 and was called to active duty in October 1971. Upon completion of basic training at Lackland Air Force Base, Texas, in November 1971, Sergeant Gianetto began technical school training as an Aircraft Maintenance Specialist at Sheppard Air Force Base, Texas. In March 1972, he was assigned to 314th Tactical Airlift Wing, Organizational Maintenance Branch, Flight-line Maintenance, Little Rock Air Force Base, Arkansas, and began on-the-job training for his five-skill level on the C–130E Hercules aircraft. He remained in that position until May 1973.

In May 1973, Sergeant Gianetto was reassigned to the 56th Special Operations Wing, Organizational Maintenance Squadron, Flight-line Branch, Nahkon Phanom Royal Thai Air Force Base, Thailand, in support of combat operations in Southeast Asia. While assigned with the 56th Organizational Maintenance Squadron he performed duties as Aircraft Crew Chief on the OV–10A Bronco aircraft and deployed to forward operating locations at Ubon Royal Thai Air Force Base, Takhli Royal Thai Air Force Base, and Korat Royal Thai Air Force Base.

After completion of his tour of duty in Southeast Asia, Sergeant Gianetto was reassigned to 314th Tactical Airlift Wing, Field Maintenance Branch, Little Rock AFB, Arkansas, where he worked in the Repair and Reclamation Shop as an Aircraft Maintenance Technician performing heavy maintenance on the C–130E aircraft. He was subsequently reassigned to the 314th Headquarters Squadron as an Aircraft Job Controller coordinating the maintenance efforts on a fleet of over 100 C–130E Hercules aircraft.

Sergeant Gianetto applied for a release from active duty under the Palace Chase Program. His release from active duty was granted in September 1979. He became a member of the 107th Fighter Interceptor Group, Organizational Maintenance Branch, Flight-line Maintenance, New York Air National Guard, Niagara Falls, New York, and was assigned as a Crew Chief on the RF–101 Voodoo aircraft. In January 1980, Sergeant Gianetto transferred to the 174th Fighter Wing, assigned to the 174th Maintenance Squadron as Crew Chief on the A–10A Thunderbolt aircraft, and subsequently held assignments in the 174th Maintenance Operations Flight, and the 174th Operations Group, supporting F–16C Fighting Falcon Maintenance Operations, and RC–26 Counterdrug Operations.

The 174th Fighter Wing was called mobilized and called to active duty on 29 December 1990. On 2 January 1991, Sergeant Gianetto deployed to Al Kharj Air Base, Kingdom of Saudi Arabia, in support of Operation Desert Shield/Desert Storm during the Persian Gulf War. He returned from the Persian Gulf on 20 May 1991 and was released from active duty on 13 June 1991. He also served in Operation Northern Watch from 23 August to 16 September 1997, and Operation Southern Watch from 28 February to 8 April 2000 and again from 28 July to 28 August 2001, all in support of contingency operations against Iraq. After the September 11th terrorist attacks, he performed over 40 days of active duty supporting Combat Air Patrol sorties in support of Operation Noble Eagle.

On 14 October 2003, Sergeant Gianetto volunteered for his forth Air Expeditionary Force deployment in Support of the Global War on Terrorism. He deployed to Al Udeid Air Base, Emirate of Qatar, and was attached to the 379th Expeditionary Maintenance Operations Squadron, from 17 October 2003 to 5 December 2003, in support of combat operations in Iraq and Afghanistan during Operation Enduring Freedom and Operation Iraqi Freedom.

On 28 November 2006, Sergeant Gianetto was again called to active duty deployed to Balad Air Base, Iraq in support of Operation Iraqi Freedom, where he was assigned to the 332d Expeditionary Maintenance Group. While there he worked as a Senior Weapon Systems Controller and Shift Supervisor, coordinating maintenance operations for three different active duty and Air National Guard assigned aircraft supporting contingency operations throughout the Iraqi theater of operations. Sergeant Gianetto redeployed after 96 days in-theater and was released from active duty on 1 April 2007.

Sergeant Gianetto had been employed as an Air National Guard Technician since June 1980, working as an A–10 Aircraft Mechanic; Aircraft Production Controller; Aircraft Production Control Supervisor; Aircraft Production Control Superintendent; and a Logistics Management Technician. He retired from his full-time technician position on 1 March 2008.

Militarily, he was assigned as the NCOIC for the 174th Fighter Wing RC–26 Counterdrug office on 23 June 2008, and is a former Maintenance Squadron First Sergeant. He has over 39½ years combined service, eight years of active duty in the United States Air Force, and the remainder with the New York Air National Guard.

During these times and throughout his career, Sergeant has displayed honorable character and service to the United States Air Force and 174th Fighter Wing, and our country. His military decorations include the Meritorious Service Medal; Air Force Commendation Medal, with one oak leaf cluster; and Air Force Achievement Medal; five oak leaf clusters. His military unit and achievement awards include the Joint Service Meritorious Unit Award; Meritorious Unit Award, with two oak leaf clusters; Air Force Outstanding Unit Award with Combat "V" device and nine oak leaf clusters; Air Force Good Conduct Medal, with one oak leaf cluster; Air Reserve Forces Meritorious Service Medal, with nine oak leaf clusters. His military campaign and service awards include the National Defense Service Medal, with two bronze service stars; Armed Forces Expeditionary Service Medal with one bronze service star; Viet Nam Service Medal with one bronze campaign star; Southwest Asia Service Medal, with three bronze campaign stars; Iraq Campaign Medal, with two bronze campaign stars; Global War on Terrorism Expeditionary Medal; Global War on Terrorism Service Medal; Military Outstanding Volunteer Service Medal, Humanitarian Service Medal; Air Force Overseas Service Ribbon, with two oak leaf clusters; Air Force Expeditionary Service Ribbon, with gold combat frame and two oak leaf clusters; Air Force Longevity Service Ribbon, with eight oak leaf clusters; Armed Forces Reserve Medal with gold hourglass device, mobilization "M" device, and numeral "7"; Noncommissioned Officer Professional Military Education Ribbon, with two oak leaf clusters; Small Arms Expert Marksmanship Ribbon; and Air Force Training Ribbon. Sergeant Gianetto's Foreign Service awards include the Republic of Viet Nam Gallantry Cross with palm device; Republic of Viet Nam Campaign Medal with date bar; Kuwait Liberation Medal-Saudi Arabia; and the Kuwait Liberation Medal-Kuwait.

Sergeant Gianetto also holds the following New York State awards and decorations: New York State Military Commendation Medal; New York State Long and Faithful Service Award, with one gold and one silver device; New York State Desert Storm Service Medal; New York State Defense of Liberty Medal; New York State Conspicuous Service Cross, with one silver device; New York State Conspicuous Service Star, with one gold and two silver devices; New York State Recruiting Medal; New York State Counterdrug Ribbon; New York State Exercise Support Ribbon, with three "E" devices; and the Medal for Humane Service to New York State; and the New York State Air Guard First Sergeant Ribbon.

He is also the recipient of the Air National Guard Noncommissioned Officer Academy Graduate Association, Outstanding Graduate of the Year Award for 1995; the 1999 Veterans of Foreign Wars Post #5885, All-State Commanders Award; and the 174th Fighter Wing Senior Noncommissioned Officer of the Year Award for 2001. In May 2004, Sergeant Gianetto received the American Red Cross Veterans award. He was also named the 174th Fighter Wing Base Honor Guard Senior Noncommissioned Officer of the Year for 2005.

His effective dates of promotion are: Airman—16 November 1971; Airman First Class—1 April 1972; Sergeant—1 November 1973; Staff Sergeant—1 November 1976; Technical Sergeant—1 October 1980; Master Sergeant—1 February 1986; Senior Master Sergeant—13 February 1990.

Sergeant Gianetto is a Past Post Commander and "Life" of the Veterans of Foreign Wars, Quatrini-Dehm Post No. 5885, located in Oswego, New York. He is also member the American Legion, James Harvey Spire Post No. 787, Cicero, New York. He is a member of the Air Force Association; the Air Force Sergeants Association; the Enlisted Association of the National Guard of the United

States; the Enlisted Association of the New York National Guard; and the 174th Alumni Association. He is a member of the Air National Guard Noncommissioned Officer Academy Graduates Association; and the American Veterans (AmVets). He is also an active member of the 174th Fighter Wing Base Honor Guard, and a member of Bugles Across America.

Without question, Mr. Speaker, Sergeant Gianetto is a very special person. He willingly served his nation, exuding loyalty and pride. For his unrelenting service, Sergeant Gianetto can retire knowing he has earned such a status. I would like to wish him well in his retirement years, as he will now be able to spend more free time with his wife Dale, his three daughters, Christina Gianetto, Jennifer (Gianetto) Rowan, Brynn Leigh (Shattuck) Shamp, sons Ryan and Kegan Shattuck, and grandson Nehemiah Shamp. Sergeant Gianetto, thank you for all your years of hard work, dedication and service to our country.

CELEBRATING 110 YEARS OF THE EAST TOLEDO FAMILY CENTER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Ms. KAPTUR. Mr. Speaker. I rise today to recognize a milestone on the long road of service of the East Toledo Family Center in my District. At this Sunday's annual Renaissance Gala, our community will pay tribute to this achievement. The East Toledo Family Center is an incredible community-building resource. Every year, its dedicated staff and volunteers touch the lives of thousands of citizens of all ages—for recreation, health care, meals, community activities, holiday gatherings and family support. Every neighborhood should be so fortunate as to have such a welcoming, caring, and effective community center. The East Toledo Family Center surely is the heart of East Toledo.

Nearly 110 years ago, according to the Center's historical records, on Sunday, August 4th, 1901, Rev. H.W. Hoover held a tent meeting on factory grounds owned by D.J. Nysewander in East Toledo. A list survives of those who contributed towards the ''interest on loan, sidewalks, hymn books, lights and piano tuning'' for this first Industrial Heights Mission Contributors included such well known East side names as Metzger, Rideout, Tracy, and Hirzel. The Mission lasted for several days and was enlarged into ''settlement work'' to help the many new immigrants in the area become adjusted to life in America.

A Baptist minister from Ontario, Canada, Rev. Hoover was just past the age of 40 when he began his mission work in Toledo's East Side. His efforts resulted in the formation of the Neighborhood House, where he spent the remaining years of his life until his passing at the age of 72. By the summer of 1902, property was obtained on Vinal Street, and adjoining lots were soon added through the generosity of East Toledoans Alexander Black, George Metzger, Isaac Gerson, and Mr. Nysewander.

The Center records its early years as the land on Vinal Street near East Broadway, which was originally a neglected dump, was quickly improved. Dirt from the streets was used as fill, grass was sown, East Side florists provided flowers, the Monroe Nurseries gave shrubs and the old dump was transformed. The Ohio Neighborhood Institute, commonly called the Neighborhood House, was incorporated and the property at 1019 and 1027 Vinal Street developed rapidly. M.J. Riggs, superintendent of the American Bridge Company in East Toledo, helped purchase playground equipment along with paint, fencing, and ornamental gates and posts.

A depression in 1908 led to what some families called the ''slim winter.'' When no assistance was available to help the many families who were out of work, Mrs. Hoover and East Side businessmen stepped in to provide food and aid through the Neighborhood House. During the years of World War I there was a need for classes in English for both children and adults as more and more immigrants came to work in the factories of America. Before Oakdale School opened, school classes were held at the Neighborhood House for small children of various grades.

By 1916 the Neighborhood House had a large playground. It featured a merry-go-round, basket swing, May pole and an enormous sand box. A ''Sunshine House'' donated by Dorothy Kimball was used to help children learn how to keep house. Tea parties were held to teach the children ''proper manners'' when entertaining and of course there were sports of all kinds, including boxing matches.

Attendance records from 1916 show just how important the work of the Neighborhood House was to the community. The Vinal Street playground was used by five thousand children that year and almost thirty-five hundred people attended American Citizenship classes. Over two thousand people came to other lectures while a ''School of Conduct'' attracted nearly twenty-seven hundred people. A satellite ministry of the Neighborhood House, the Ironville Neighborhood Settlement, called Lincoln Place, had seventy-eight hundred participants during 1916. For the year, 28,766 people were involved in all the activities of this important East Side ministry.

The importance of the Neighborhood House to the community is apparent by the number of companies and individuals who contributed to its support. A list of hundreds of donors includes the names of some of Toledo's most prominent citizens. Here can be found the names Ernest Tiedtke, Thomas DeVilbiss, Edward Ford, General Sherwood, Mr. Walbridge, Mr. Detwiler and Mr. LaSalle, along with such East Side names as Winchester, Hoeflinger, Eggleston, Gardner and Tucker. Edward Drummond Libbey was also an important early benefactor.

By 1927 there were three buildings on the Vinal Street property. During the dark days of the Great Depression the bad times began to take their toll on the working class families of East Toledo and the Neighborhood House lost its founder when the Rev. Hoover passed away in early 1932. An article by Isabel Toppin of the East Side Sun family records that ''now many are losing the houses they tried hard to maintain.'' she continues ''the streams of little wagons and push carts headed for the city's dole measures the depression into which we have fallen.'' It would be during these times that the Neighborhood House would be needed all the more. Ms. Toppin goes on to say ''In the midst of the general unhappiness, the Neighborhood House has striven to relieve the drab hopelessness of the situation.'' During these hard times the Neighborhood House was often a last resort for people.

Volunteers would bring in clothing, a baker would send surplus stock and mothers, as it was recorded, would ''accomplish wonders with a yard of goods and a button. The Neighborhood House became a clearing house for the needs of the community and the human spirit would not be extinguished by these hard times. By the 1940's as the economic times began to improve and the Neighborhood House continued to provide a place for people of all ages in the community to grow and become better citizens and better Americans.

The Neighborhood House kept growing following the post-World War II boom years until a new building was needed in the early 1970's. The Center stood as a bulwark through neighborhood changes in the 1980s and 1990s and adapted to the changing needs of East Side residents. Now as the 21st century progresses and it is into its twelfth decade of service, The East Toledo Family Center serves more people and provides more services than at any other time in its long history. Tradition has been maintained even as services develop and grow so that efforts continue to be directed toward providing educational, economic, social and recreational opportunities for working class families and children.

Through more than a century of careful stewardship, the leaders of the East Toledo Family Center have carried forth the vision of Rev. Hoover and the founding members. It remains a beacon of light, shining on into a new century of service.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—ZACH RALSTIN

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, ''CYAC in the Community has allowed me to realize my calling to serve

those in the U.S. Armed Forces.'' I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, ''A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization.''

With this statement as a benchmark, I am proud to congratulate the members of the 2010—2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work. I salute you.

A copy of each submitted student summary follows:

Beginning last semester, one of my best friends and I started visiting Frankford Middle School to partake in their Friday Night Academy event, where high school volunteers such as ourselves tutor younger students. We made a habit of going to many of these sessions to help several students with assignments and homework that they had missed or fallen behind on. I continued to incorporate this as a part of my service project for CYAC. As I have volunteered at my old school over these past few months, I have come to realize that it is extremely important for us to give back to the generations behind us and provide them with an even better education than we had received before them. If younger students do not fully comprehend their math or other lessons before reaching high school, chances are they will be less inclined to do as well as those with a more solid educational foundation, something that every good student deserves. I hope that I have been able to help teach or reinforce some of those concepts with the students I have spent time working with at Frankford, and that I will continue to do so to help them with and prepare them for high school and the rest of their academic career.

—Zach Ralstin

HUMAN RIGHTS IN IRAN

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. REED. Mr. Speaker, I rise today to speak out against the atrocious record of human rights in Iran. Across the Middle East, we have seen a growing pressure for change, with individuals standing up for their right to live free. Yet, Iran remains a theocratic and violently repressive dictatorship.

Iran's opposition Green Movement—reinvigorated by recent protests in the Middle East—has faced brutal suppression, including beatings and arrests. A recent response by the Iranian leadership to a weekly Tuesday protest calling for reforms included a brutal assault on demonstrators. More disturbing, there has been a spike in executions—with the International Campaign for Human Rights estimating more than 90 individuals including political prisoners have been executed over the past two months.

Clearly, any facade of Presidential and Parliamentary elections is exposed through this record of appalling religious and military control and abuse of the Iranian people.

In Iran, there is no freedom of speech, no freedom of the press, no freedom of religion—with life imprisonment or death meted out as punishments for these ''crimes.''

As Americans, we—along with our international allies—must speak out against these abuses. The United Nations Human Rights Council should appoint a special expert to monitor and document the deterioration of human rights in Iran and I urge this Congress and our Administration to continue to impose and broaden strict U.S. sanctions, including on the companies that provide the technology that enables government monitoring and suppression of dissent.

As a nation, we must support the desire of any people to live free and stand strong against abusive regimes.

FAA REAUTHORIZATION AND REFORM ACT OF 2011

SPEECH OF

HON. MIKE POMPEO

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes:

Mr. POMPEO. Mr. Chair, I rise in support of H.R. 658, the FAA Reauthorization and Reform Act. I appreciate Chairman MICA and Chairman PETRI for crafting a fiscally conservative bill that meets the significant needs of our aviation sector.

Having previously run an aerospace company for 10 years and now having the honor of representing the Air Capital of the World, Wichita, Kansas, I know first hand the importance of this legislation.

First of all, I want to thank Chairman MICA for including a provision of mine in the Manager's Amendment that will allow the FAA to increase the number of UAS Test Ranges around the country. These Test Ranges are essential to fostering innovation and private sector development of the Unmanned Aerial System industry. If implemented properly by the FAA, I believe research and development and manufacturing hubs will grow up around these ranges. I know of several communities in Kansas—including El Dorado, Salina, and Herington—where a Test Range not only makes sense, but could help stimulate the local economy.

Second, I want to thank the Chairman for not including something in this bill: User Fees. Aviation user fees would devastate the general aviation industry. User Fees would place an unnecessary administrative burden and unwarranted additional costs on the system users. Simply put, these Fees would hurt the General Aviation manufacturing industry, which has already lost tens of thousands of employees due to the global recession.

Lastly, I want to highlight the inclusion of a Repair Stations provision. This section implements a risk-based inspection regime consistent with the U.S.–E.U. aviation safety bilateral agreement. This provision supports 130,000 American jobs, including many in my home District.

This is a good bill which deserves this body's strong support. I urge my colleagues to join with me in voting for this important legislation.

SHIRLEY ATENCIO TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. TIPTON. Mr. Speaker, today I recognize Shirley Atencio, of Center, Colorado. Ms. Atencio was recently named Center Teacher of the Year for her outstanding efforts in the classroom. As a veteran teacher of 33 years, she has had a profound effect on the students and parents of her community.

Ms. Atencio earned Teacher of the Year honors this year because of her increased role in curriculum planning around the district. She is a leader among the teaching community in modernizing and streamlining lesson strategies. Largely due to her efforts, students have access to a clearer and more focused education. One of her primary goals is teaching self respect and reliance to her students and to ensure that they have a strong affluence in the English language.

Mr. Speaker it is an honor to recognize Shirley Atencio today. Her leadership within the community is an important part of the area's success. I have no doubt she will continue to be an excellent teacher for many years.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—GRANT POWELL

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one

student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

For my CYAC community service project, I volunteered as an attorney at the Collin County Teen Court, providing 30 hours of service between October 2010 and January 2011. The mission of Teen Court is to teach first-time juvenile misdemeanor offenders a lesson by sentencing the defendants with service hours and jury duty. The jury at Teen Court hears the testimony of the defendants and the arguments of the attorneys in order to come to a decision. A judge presides over the court proceeding and makes the court session formal and official. Teen Court is vital to the lives of young people in the Collin County community. Not only do the defendants in Teen Court begin to strive for better character; the jury members that hear the testimony of the defendants make sound changes in their own lives also. Through my work at Teen Court I have helped the teens who have made poor judgment. My job as an attorney has been crucial to bring the facts of the cases to the jury so that they can deliver fair verdicts. In addition, my experience in the Teen Court has inspired me to consider law as a potential career choice.

—Grant Powell

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote 225. Had I been present, I would have voted "yea" on rollcall No. 225.

OPPOSITION TO EFFORTS TO EXPAND A FEDERALLY-FUNDED SCHOOL VOUCHER PROGRAM IN THE DISTRICT OF COLUMBIA

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Ms. NORTON. I submit the following letters:

COUNCIL OF THE DISTRICT OF COLUMBIA,
Washington, DC, March 30, 2011.

Senator HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR REID: We write to express our opposition to renewed efforts to expand a federally-funded school voucher program in the District of Columbia. We appreciate your interest in providing support to public education in the District. We strongly believe, however, that federal funds should be invested in the existing public education program—both the public schools and the public charter schools—rather than diverted to private schools.

We support the decision by Congress and the President several years ago to phase out the voucher program. Multiple US Department of Education reports of the program indicate that the program has not lived up to the promises made by proponents. Moreover, a Government Accountability Office report revealed that many of the voucher students attend private schools with fewer resources and lower standards than our public schools. The evidence is clear that the use of vouchers has had no statistically significant impact on overall student achievement in math or reading, or for students from schools in need of improvement.

We have serious concerns about using government funds to send our students to private schools that do not have to adhere to the same standards and accountability as do public and public charter schools. For example, private religious schools, which 80% of voucher students attend, operate outside the anti-discrimination provisions of the District's Human Rights Act. Moreover, the voucher proposal is inequitable: if fully funded, the authorization would provide at least $8,000 per student for vouchers, but only about $723 per public charter school student, and even less—about $437 per public school student.

Although we believe that students who are already receiving a voucher should have the opportunity to maintain and use that voucher through graduation from high school, we do not support expansion of the program to new students. The District has devoted considerable funds to public education. As a result, parents in the District have both public school choice and access to the most extensive set of alternatives to traditional public schools in the country.

We appreciate your willingness to take into account the wishes of the District's elected officials on the quintessentially local matter of education as you consider this issue.

Sincerely,

MICHAEL A. BROWN, *Councilmember, At-Large.*
MARY M. CHEH, *Councilmember, Ward 3.*
JIM GRAHAM, *Councilmember, Ward 1.*
PHIL MENDELSON, *Councilmember, At-Large.*
TOMMY WELLS, Councilmember, Ward 6.

COUNCIL OF THE DISTRICT OF COLUMBIA,
Washington, DC, March 30, 2011.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.

DEAR CONGRESSWOMAN PELOSI: We write to express our opposition to renewed efforts to expand a federally-funded school voucher program in the District of Columbia. We appreciate your interest in providing support to public education in the District. We strongly believe, however, that federal funds should be invested in the existing public education program—both the public schools and the public charter schools—rather than diverted to private schools.

We support the decision by Congress and the President several years ago to phase out the voucher program. Multiple US Department of Education reports of the program indicate that the program has not lived up to the promises made by proponents. Moreover, a Government Accountability Office report revealed that many of the voucher students attend private schools with fewer resources and lower standards than our public schools. The evidence is clear that the use of vouchers has had no statistically significant impact on overall student achievement in math or reading, or for students from schools in need of improvement.

We have serious concerns about using government funds to send our students to private schools that do not have to adhere to the same standards and accountability as do public and public charter schools. For example, private religious schools, which 80% of voucher students attend, operate outside the anti-discrimination provisions of the District's Human Rights Act. Moreover, the voucher proposal is inequitable: if fully funded, the authorization would provide at least $8,000 per student for vouchers, but only about $723 per public charter school student, and even less—about $437 per public school student.

Although we believe that students who are already receiving a voucher should have the opportunity to maintain and use that voucher through graduation from high school, we do not support expansion of the program to new students. The District has devoted considerable funds to public education. As a result, parents in the District have both public school choice and access to the most extensive set of alternatives to traditional public schools in the country.

We appreciate your willingness to take into account the wishes of the District's elected officials on the quintessentially local matter of education as you consider this issue.

Sincerely,

MICHAEL A. BROWN, *Councilmember, At-Large.*
MARY M. CHEH, *Councilmember, Ward 3.*
JIM GRAHAM, *Councilmember, Ward 1.*
PHIL MENDELSON, *Councilmember, At-Large.*
TOMMY WELLS, *Councilmember, Ward 6.*

COREY LAUGHLIN TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. TIPTON. Mr. Speaker it brings me great pleasure to pay tribute to a young man who has exhibited a level of caring and selflessness well beyond his years. Corey Laughlin of Pueblo, Colorado, has taken it upon himself to bring the sport of baseball to underprivileged children who play in the Runyan Field Baseball Program.

Corey, a member of East High School's baseball team, has loved baseball for as long he can remember, and thinks that America's pastime has taught him some invaluable life lessons. Earlier this year he was going through his own baseball gear in anticipation of the upcoming season, and discovered he had an excess supply of lightly used baseball equipment; then he realized that many others would also have extra baseball bats, cleats and mitts. Corey then took it upon himself to rally the community in support of the Runyan Field Baseball Program, a youth league in Pueblo. Corey solicited teammates, neighbors and community members to donate used baseball gear. Corey organized a sale of the equipment, and announced all profits would go towards helping the underprivileged members of the Runyan Program.

Corey Laughlin's desire to share the game he loves with the less fortunate members of his community shows an incredible level of maturity, a deep sense of thoughtfulness, and gives me faith in future generations of Americans. Mr. Speaker, it has been an honor to stand and pay tribute to the charitable efforts of Corey Laughlin.

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—GINU SCARIA

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, ''CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces.'' I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, ''A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization.''

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

Through community service and involvement, I have learned to view matters in a whole new perspective. When I look at my goals now of changing the world one step at a time, I know I am getting a step closer by taking part in service activities and events. Helping out is now part of who I am and my definition. It is definitely going to part of future in college as well as afterwards when earning a career. Gandhi once said to, ''be the change you wish to see in the world.'' I believe the world gets a positive change every time someone steps up to the plate to make a difference, whether is it through community service or starting a charity. It is through generous hands that we learn a better role of ourselves and gain a better knowledge of viewing matters in a whole new angle. As Student Council President, helping out becomes an everyday routine, and I am very proud to have the opportunity. As a member of the Congressional Youth Advisory Council, I am happy to take part in community involvement, and because of it I have learned a life lesson. I cannot forget.

—*Ginu Scaria*

COMMENDING JOHN TWITTY OF SPRINGFIELD, MISSOURI

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. LONG. Mr. Speaker, I rise today to honor the service of one of Missouri's finest leaders and my personal friend, John Twitty.

John is an icon in the 7th District. He's provided Springfield, Missouri with affordable electricity, inexpensive natural gas, and clean drinking water for almost a decade as the General Manager and Chief Executive Officer of City Utilities. You would be hard-pressed to find a better leader with more integrity, which is evidenced by the high regard in which he is held throughout the city of Springfield, the State of Missouri, and across the country.

Whether he is dealing with employees, the general public, or community leaders, John maintains his professionalism and character. He sincerely cares for each one of the employees at City Utilities and for the entire Springfield community.

I am just one of many in the community that recognizes John as an outstanding leader. For his national leadership, he received the American Public Power Association's Alex Radin Distinguished Service Award—its top honor. He has also served as their Chairman. For his statewide leadership, he received the Missouri Association of Municipal Utilities Distinguished Service Award. For his contribution to Missouri and the nation, he received the Missourian Award and the Outstanding Missourian Award from the Missouri House of Representatives and the Missouri Senate.

John has also been very active in the Springfield community. Although he would be the last to say so himself, John has given much to Springfield through his outreach and involvement in community organizations. He has worked with the United Way of the Ozarks, the Springfield Business and Development Corporation, the Partnership Industrial Center West Administrative Council, St. John's Health System, Empire Bank, the Rotary Club of Springfield Southeast, the Boys & Girls Town of Missouri, and other local organizations.

John will retire this June. No doubt, he will enjoy spending more time playing golf and with his family. John's family includes his wife, Jean, a retired Greene Country Assessor and current member of the Springfield Public Schools Board of Education, and his daughter, Dr. Anne S. Twitty, an Assistant Professor of History at the University of Mississippi.

Although John is about to embark on a much-deserved leave of absence, his legacy will live on whenever a family cooks dinner using low-cost electricity or when children drink clean water from a school water fountain. He has faithfully performed the duty shared by all public servants; he left the institutions in his care stronger and better for the next generation. Let us all draw humility and purpose from his example.

PERSONAL EXPLANATION

SPEECH OF

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 2011

Mr. LOEBSACK. Mr. Chair, I mistakenly cast my vote on this measure as a ''no'' vote. I intended to cast an ''aye'' vote on this measure.

A TRIBUTE TO ALBERT B. WASHKO

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. SMITH of Nebraska. Mr. Speaker, I rise today in honor of Mr. Albert B. Washko. Al concluded 21 years of dedicated service to the Department of Veterans Affairs when he retired on March 31, 2011.

Ensuring our nation's veterans were provided with the world-class benefits and services they earned was not a mission Al took lightly as evidenced by his dedication to serving the men and women who served in uniform.

Over the course of his time with the Department of Veterans Affairs, Al held positions which took him from coast to coast. Before he was named the Director of the V.A. Nebraska-Western Iowa Health Care System in 2003, Al oversaw 23 medical centers in New York, New England, and Puerto Rico as Director of V.A. Northeast Region. He also worked at V.A. Medical centers in Albany, New York; Palo Alto, California; and Albuquerque, New Mexico. Al has served on numerous hospital, social service agency, and community boards which demonstrated his commitment to public service both on and off the job.

Over the course of his career, Al helped fulfill President Abraham Lincoln's promise "to care for him who shall have borne the battle, and for his widow, and his orphan." While the V.A. loses a valued member of its team with Al's retirement, his impact on our nation's veterans will be felt for years.

I ask my colleagues to join me today in commending the career of Mr. Albert B. Washko as he begins his well-deserved retirement.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—DALLAS RODRIGUEZ

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work. I salute you.

A copy of each submitted student summary follows:

For this project I wanted to focus specifically on what I could do in five hours to make a difference in my community. I decided to focus my CYAC community service on helping The North Texas Food Bank with their current event called ''The Souper Bowl of Caring''. This event is done in conjunction with local grocery stores and allows shoppers to buy pre-packed bags of non-perishable food items to donate for distribution to the local food banks and shelters. I walked my neighborhood distributing flyers informing people about the event and solicited cash donations to help me pre-purchase bags for the event. I was able to collect enough money to buy 23 bags of groceries. Because I will volunteer for the event on Sunday, February 6th, several others I talked to promised to go in to Market Street and purchase bags on Sunday. This experience has shown me how much one person in a short amount of time can help several families survive for a couple of weeks. It confirmed to me that we can all make a difference in the lives of others by just taking a few hours out of our lives and focusing on helping others.

—Dallas Rodriquez

IRENE PARSONS SHATTERED MANY GLASS CEILINGS IN HER YEARS OF SERVICE

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Ms. FOXX. Mr. Speaker, I rise today to honor the late Irene Parsons, of Wilkes County, North Carolina, who passed away last week.

Parsons was a woman who knew a thing or two about shattering glass ceilings. After she graduated from the Women's College of the University of North Carolina in 1941, she then went on to graduate with the first class of the Women's Reserve of the Coast Guard, known as SPARS. She then served at the Coast Guard Headquarters in Washington.

After the war Parsons worked at the Veterans Administration. She was eventually appointed by President Johnson as director of personnel at the Veterans Administration. At the time, the VA was the second largest government agency with over 200,000 employees and Parsons was the only female director of personnel for a major government agency.

Later, in 1972, Parsons was honored with a Career Service Award from President Nixon for her many years of service to our nation. She was also the first woman to receive the VA's coveted Silver Helmet award. Parson's also received the Federal Women's Award during her service in the federal government.

After retirement from government service she returned to her home in Wilkes County where she remained very active in the community. Irene Parsons made many strides for women during a time in which men still filled most leadership roles in government and business. Her life is an inspiring example for today's generation of young female leaders. She will be greatly missed and my thoughts and prayers are with her family and loved ones who mourn this great loss.

PROTECTING OUR SENIORS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. RAHALL. Mr. Speaker, Social Security and Medicare bring economic security within reach of working American families, regardless of income. Workers deserve the benefits they are owed after a lifetime of paying into these programs.

And, yet, there are some, driven by blind ideology and partisanship, who aim to chip away at those guarantees, bit by bit. There are budget proposals—reducing the operating expenses for the Social Security program, and curtailing the ability of Social Security to pay benefits—that hint of a radical restructuring of the program. There are budget proposals that are unabashed in their radicalism toward Medicare.

In the name of fixing deficits in other areas of the budget, some will try to point fingers at seniors programs as the culprit, but don't you believe it. We must be extremely cautious and jealous in protecting Social Security and Medicare, or we may find that they will be taken away forever.

DENNIS MANN WILL BE MISSED

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, on Friday, April 8th, the Town of Sharon and many others will be honoring Dennis Mann on the occasion of his retirement as the Fire Chief of Sharon, Massachusetts. Sharon is a town very well represented in this body—it has been, since 1982, in the district I am privileged to represent, and it is the hometown of my colleague from Massachusetts, Mr. KEATING, who served Sharon as a State Representative and State Senator before moving on to become the District Attorney for the county in which it is located and, most recently, our colleague here in the House.

Mr. Speaker, Dennis Mann exemplifies public service at its best, and at a time when too many people are prone to denigrate public servants, I am very proud to hold him up as an example of the kind of dedication, integrity, and commitment from which the public benefits. Dennis Mann has been a member of the Sharon Fire Department for over 30 years, and he was Chief for 13. In addition to the difficult job of running a fire department, with all that that entails, Dennis Mann's commitment to others has led him to teach CPR and also serve as an instructor in karate.

Mr. Speaker, we are as a society very lucky to have people who are prepared to risk their lives in the fire service, one of the most dangerous occupations in the world, and we too often take for granted the safety that they provide for us. I very much regret that there are those who would deny them the resources we need—and I say we and not they—for them to do their job on our behalf.

Mr. Speaker, to Dennis Mann, his wife Kathy, and their children Jamie and Carissa, I send my very best wishes; my congratulations on a job well done; and gratitude for the example Mr. Mann has set for public service at its best.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Ms. LEE. Mr. Speaker, I missed rollcall vote No. 225 on H.R. 1246. Had I been present, I would have voted ''aye'' on this vote.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—ALEX ROBINSON

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, ''CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces.'' I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, ''A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization.''

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

Since I have been a competitive swimmer for over ten years, I thought that it would be a good idea to volunteer at the Plano Special Olympics Swim Team. Not only did I help these kids with their swimming, I made friendships that mean the world to the kids. I worked for about three months with them, and most of my swimmers achieved their goal at the championship meet, which was a gold medal. One swimmer was constantly afraid of getting in the water, but I eventually got him to conquer his fear and jump into the pool. Often, especially at schools, the mentally challenged kids are written off and no one pays attention to them, but that is just wrong. These are some of the nicest people that you will ever meet, and they are especially eager to learn. Not only is this a great opportunity to make these kids better swimmers, it is a chance to make these kids feel like they fit in and it makes them feel very good about themselves. I was very apprehensive about volunteering at first, but it was one of the most rewarding decisions that I have ever made. The Special Olympics is often short on volunteers, and I really recommend volunteering.

—*Alex Robinson*

HONORING THE 50TH ANNIVERSARY OF THE AIR FORCE SERGEANTS ASSOCIATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor the Air Force Sergeants Association's 50th anniversary, which will be celebrated at its 2011 Professional Airmen's Conference and International Convention in San Antonio, July 23 through 27, 2011.

The Air Force Sergeants Association is a not-for-profit organization serving the professional and personal interests of its 110,000 association members, made up of active duty, veteran, and retired enlisted members of the Air Force, as well as the Air National Guard and Reserve. The AFSA advocates for 955,873 active duty and retired Airmen, whether they are an association member or not. Including family members, who also ''serve,'' the number of enlisted ''Airmen'' represented by AFSA is huge. The association has an auxiliary to which family members of Air Force enlisted members can belong.

The association began in 1961, and has earned the respect of Congressional, Pentagon, and Veterans Affairs leaders for its relentless role as a voice of the Air Force enlisted. The association was instrumental in the establishment of the Survivor Benefit Plan for surviving spouses of retired veterans. They played a major role in the recent passage of the Post-9/11 GI Bill, a comprehensive overhaul of the previous education benefits that will ensure Air Force members and their families are provided with improved educational opportunities. The association has ensured that many military family issues have been brought to the forefront, including the need to construct additional child development centers for child care needs and the establishment of an oversight office in the Office of the Secretary of Defense for the Exceptional Family Members Program to better manage special needs across all military services.

The association also played a significant role to assure veterans of Operation Enduring Freedom, Operation Iraqi Freedom, and other Overseas Contingency Operations receive the proper and well-earned benefits, care, and treatment for their selfless and heroic service to a grateful nation.

At the vanguard of the effort to achieve cost-of-living adjustments for all those in uniform and those who have retired, the association was a main force in implementing TRICARE for Life medical benefits for retirees over 65 and the implementation of ''concurrent receipt'' of retirement and disability pay for disabled veterans, rated over 50% disabled.

Additionally, the Air Force Sergeants Association has been a reliable source of information for the legislative process in support of military members and their families.

This well-known and highly respected veteran's organization has been dedicated to serving the total Air Force enlisted corps and their families for 50 years. For 2011, they have adopted ''The Air Force Sergeants Association—A Global Voice for over 50 years'' as the theme for their Professional Airmen's Conference and AFSA International Convention. May the association continue its good work for many years to come.

FAA REAUTHORIZATION AND REFORM ACT OF 2011

SPEECH OF

HON. RICK BERG

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 1, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes:

Mr. BERG. Mr. Chair, for eight years, Washington has failed to provide our nation with a long term and stable plan for our aviation infrastructure.

This bill will ensure the much-needed long-term stability and development of our nation's aviation infrastructure.

However, I'm incredibly concerned about the provision in this bill that would phase out Essential Air Service support.

EAS is critical in large states like my own. Rural regions rely on EAS support for vital air transportation. In North Dakota, airports like those in Jamestown and Devils Lake would not be able to provide critical air service without EAS support.

I've talked with North Dakotans, and I know how much they rely on access to air service. Numerous North Dakotans depend on air travel as an essential part of their jobs, and for many rural residents, driving in bad North Dakota weather to get to a larger airport simply isn't viable.

Eliminating EAS would have a significant, detrimental effect on my state and on North Dakotans' access to air service.

As we prioritize spending, we also must promote economic development and job creation. In areas like North Dakota, maintaining essential air service is critical for commerce—we want businesses to invest in our cities.

A Goodrich plant in Jamestown employs nearly 500 North Dakotans. They rely on local air service to do business—air service that would not be possible if essential air service support was phased out.

We can't ask companies to invest in our state if we are unable to provide the basic infrastructure necessary for them to be competitive and do business.

I've spoken with Congressman MICA and with the Transportation committee and I understand the need for this process to keep moving forward.

This bill contains many good provisions that I support. It will expand research and development for remotely piloted aircraft, a growing field that holds enormous potential not only for our nation's military, but also our academic institutions and farmers and border security.

North Dakota has established itself as a leader in the development and research of remotely piloted aircraft technology, and I'm confident that the creation of new test sites will benefit this technology's continued success in our state.

But while I support these things, I also know how vital rural access to essential aviation is. That's why, before it is sent to the President, it is critical that the final version of this bill maintains EAS support.

So I ask the gentleman from Florida if he will commit to working with me and other concerned members to support the EAS program and maintain critical rural air service.

RECOGNIZING CHRISTOPHER S. HAMILTON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Christopher S. Hamilton for his outstanding service to the Tall Pine Council, Boy Scouts of America. Christopher will be honored at a luncheon on Thursday, April 7, sponsored jointly by the Tall Pine Council and the Burton Rotary Club, where he will be presented with the Jack A. Hamady Good Scout Award.

Christopher S. Hamilton grew up in the Flint area, earning the Eagle Scout distinction from Troop 120 in Linden Michigan. He went on to play football for Purdue University and was a member of the only Purdue team to win the Rose Bowl. After graduation he returned to the Flint area and worked for AC Spark Plug until his retirement in 2007. During this time he was an avid promoter of Scouting. Christopher was an Explorer Advisor for Post 651, a volunteer committee member of the Tall Pine Council Golf Tournament for over 20 years, and a Friends of Scouting Captain for the Tall Pine Council. In 1999 he received the Silver Beaver Award, the highest award given to an adult volunteer in Scouting.

In 2008 Christopher became the Executive Director of the Old Newsboys of Flint. This was the culmination of several years working as a member of the Old Newsboys of Flint Board of Directors. He served as President of the Board and Secretary/Treasurer before assuming the duties of Executive Director. He has been active with Easter Seals, the United Way, the Burton Rotary Club, F&AM Lodge Number 23, Flint Elks Number 222, Burton Eagles, and several local Chambers of Commerce.

Mr. Speaker, I ask the House of Representatives to join me in congratulating Christopher S. Hamilton as he is honored by the Tall Pine Council, Boy Scouts of America for his work on behalf of the children in the Flint community. He has touched numerous lives and I wish him the best in the future.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—MICHAEL ROBERTO

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USQ, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

I greeted the troops at DFW Airport. My schedule only allowed me to go on the weekends, but I took advantage of any plane coming into Dallas. I called the Welcome Home a Hero hotline and found out when the planes would arrive each day. In order to never miss the greeting, I would get to the appropriate terminal and wait there for sometimes up to an hour for the troops to come out. I will one day be one of those soldiers walking through those doors, and I seem to already appreciate the fact that there were so many people there. The administrators make sure the troops are directed towards different terminals or gates if they have connecting flights. Also they have people bring snacks and water which the troops seem to like for obvious reasons. This event only takes a few hours including driving, but every second is worth it when you see the smiles on their faces. They are so happy to be home and ready to see the relatives that they miss so deeply. God Bless those soldiers, God Bless America.

—*Michael Roberts*

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. SMITH of Washington. Mr. Speaker, on Friday, April 1, 2011, I was unable to be present for recorded votes. Had I been present, I would have voted "yes" on rollcall vote No. 223 (on the motion to recommit H.R. 1255 with instructions), and "no" on rollcall vote No. 224 (on passage of H.R. 1255).

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. JOHNSON of Illinois. Mr. Speaker, unfortunately I was unable to cast my votes on Monday, April 4, 2011 due to a scheduled meeting in my District with constituents in St. Joseph and Ogden, Illinois and wish the record to reflect my intentions had I been present to vote on H.R. 1246.

Had I been present to vote on rollcall No. 225 on H.R. 1246, to reduce the amounts otherwise authorized to be appropriated to the Department of Defense for printing and reproduction, I would have voted in favor of this bill. It is imperative in these times of rising deficit and debt levels that we take a fine tooth comb to every budget and find wasteful spending. This bill, sponsored by an ex-member of our military, is a prime example of the types of bills we should continue to pursue as we tackle the overall levels of spending through the annual budget and appropriations process. Had I been present to vote on this bill, I would have voted, "aye."

INTRODUCTION OF THE VIRGINIA ACCESS TO ENERGY ACT (VA ENERGY ACT)

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. GOODLATTE. Mr. Speaker, each week, folks across Virginia and the nation are confronted with the rising cost of energy. However, Virginians understand that a major component in lessening energy costs is to produce more energy.

I believe that Virginia should have every tool available to access their energy supplies. For

many years, the Commonwealth of Virginia has seriously been considering the potential positive impact that Outer Continental Shelf (OCS) development off Virginia's coast would have on the Commonwealth. In fact, there has been wide support for environmentally responsible energy production by the Governor of Virginia, the Virginia General Assembly and by many local governments in the Commonwealth.

The Commonwealth of Virginia has made it clear that they want to access their energy resources. I believe that we should access these resources and we can do it while being environmentally responsible. Therefore, I rise today, with the majority of the Virginia Congressional Delegation, to introduce the ''Virginia Access to Energy Act,'' to give the Commonwealth access to these energy supplies. This legislation would start energy production off of Virginia's coast based on the Department of Interior's own proposal. This legislation simply requires that the Department of Interior proceed with their proposed Virginia lease sale no later than one year after passage of this legislation.

Passage of this legislation and development of VA's OCS will significantly boost the economy of the Commonwealth of Virginia. It has been estimated by the U.S. Department of Interior that Virginia's OCS has 130 million barrels of recoverable oil and 1.14 trillion cubic feet of recoverable natural gas. This translates into a significant boost to the economy of the Commonwealth of Virginia. In fact, some estimates have shown that development of Virginia's OCS will create 2,578 full-time equivalent positions on an annual basis, induce capital investment of $7.84 billion, yield $644 million in direct and indirect payroll, and result in $271 million in state and local taxes. While exploration activities alone will infuse the Virginia economy with a significant amount of new capital, this legislation will also authorize any qualified revenues generated by the lease sales to be shared between the federal government and the Commonwealth of Virginia. Additionally, the legislation sets up revenue-sharing for the Commonwealth for any future lease sales off of Virginia's coast.

My legislation, the Virginia Access to Energy Act, is an important component to any long-term strategy to reduce our dangerous dependence on foreign oil. This legislation ensures that Virginia has every tool available to access its energy supplies, while at the same time creating thousands of jobs for Virginians and infusing the Commonwealth with new capital growth. I urge Congress to pass this legislation to allow Virginia to move towards a path of energy independence.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is $14,251,174,516,308.48.

On January 6, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $3,605,505,817,922.70 since then.

This debt and its interest payments we are passing to our children and all future Americans.

PASSING OF FORMER REP. JOHN ADLER

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. CONYERS. Mr. Speaker, I rise today to mourn the passing of a dear friend and colleague, former Congressman John Adler. It was truly an honor and a privilege to serve with John during the 111th Congress, where we worked together on legislation such as the Paycheck Fairness Act and the Employee Free Choice Act. John always put the interests of his constituents first, and I can confidently say that the people of New Jersey's 3rd Congressional District were privileged to have a representative as dedicated and committed to his job as John.

John and I also shared a particular interest in Veteran's issues. As a member of the Veterans' Affairs Committee, he worked tirelessly to ensure that our Nation's veterans received the benefits they deserved as a result of their tremendous sacrifice and service to this country. As a veteran myself, I take particular pride in saluting John's accomplishments in this field.

Again, I join with my colleagues in expressing my sincerest condolences on the passing of Congressman Adler. My thoughts and prayers are with his wife, Shelley, and his four sons. I hope that my colleagues will take this time to reflect on his life and his work, and may he serve as an example to all of us of a life well lived.

IN RECOGNITION OF THE CAREER AND ACHIEVEMENTS OF SUSAN BENDER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. ACKERMAN. Mr. Speaker, I rise to seek Congressional recognition of the exceptional achievements and outstanding career of Susan Bender. Over the course of her almost 40-year professional career with Jewish Community Centers (JCC) in New York City and Long Island, Susan worked tirelessly to ensure that families and individuals living in New York City and Long Island had access to mental-health and social-service programs. She has not only been an innovative leader and unyielding advocate for individuals with disabilities, but also a dedicated leader in her community.

After graduating from Brooklyn College with a degree in speech pathology, Susan began working at JCCs with distinction. She started her career at the Staten Island Jewish Community Center as the Director of Early Childhood Development. In 1988, she moved to be the Executive Director at the Young Men's—Young Women's Hebrew Association in Westchester, New York. Then, in 1992, Susan became the Executive Director of the Sid Jacobson Jewish Community Center in East Hills, New York, in my congressional district.

Under Susan's enthusiastic direction, Sid Jacobson has flourished. The Center dramatically expanded its facility in East Hills and also added the Bernice Jacobson Day School and Camp in Old Westbury, New York. Susan developed the Center's noted innovative programs for autistic children, single parents, and the bereaved. She helped found a first-of-its-kind program for adults with early-onset Alzheimer's and their families.

Today, the Center has a staff of over 250, an annual budget of $12 million, and offers an extensive catalog of dynamic programs for people of all ages and abilities. The success of the Center is a direct testament to the strength of Susan's leadership and her dedication to providing community members with the best possible services.

In addition to her work at Sid Jacobson, Susan has applied her energy and vision in a variety of leadership roles in the national JCC movement. She served as a member of the Jewish Community Center Association's board of directors, was president of the Association of Jewish Center Professionals (AJCP) for the Eastern Region, and, in 2002, was named the national president of the AJCP.

Mr. Speaker, this year Susan Bender will retire having contributed immeasurably to her community. I am proud to recognize Susan and I ask my colleagues to join me in thanking her for her lifetime of tremendous work for others.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—MADELINE MINCHILLO

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, ''CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces.'' I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, ''A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization.''

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

An average teenager might have spent 6 hours on a Saturday sleeping, playing infamous video games, or hanging with friends. I spent my 6 hours building a ramp through The Dallas Ramp Project. That morning and afternoon I learned how to construct a ramp so that a 96 year old woman, Lovey, could be freed from her home. I, a teenager, who could have been doing all the things listed above like a ''normal'' teenager, but I didn't. I decided to make a difference in someone else's life for the better. I learned how important and how valuable time really is. 6 hours to some is 3 movies. 6 hours to another person is giving back a person's freedom. I strive not to be a success but to be a value. I now have a better understanding of life. Not only did I build a ramp, I built relationships with my team members. I encourage you to do something with your 6 hours because you too are able; able to change the world, able to be a blessing to others, and able to make an impact. So the next time you have 6 hours what will you do?

—*Madeline Minchillo*

IN HONOR OF STAFF SERGEANT FRANK E. ADAMSKI III

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. COURTNEY. Mr. Speaker, it is with profound sadness that I rise today to honor Staff Sergeant Frank E. Adamski III of Moosup, Connecticut. Staff Sergeant Adamski was killed on March 29, 2011, by small arms fire during combat operations in Kunar Province, Afghanistan. More than a hundred people gathered in Plainfield today to honor him and his service to our nation.

Frank graduated from Plainfield High School in 2002 where he was a well-known and well-liked student athlete who played on the Panthers football team. Following graduation, Frank enlisted in the Army and served a combat tour in Iraq from January 2006 to February 2007. Most recently, he deployed to Afghanistan as a member of the 2nd Battalion, 327th Infantry Regiment, 1st Brigade Combat Team, 101st Airborne Division at Fort Campbell in Kentucky.

Friends describe Frank as a bright young man who loved his country and was passionate about serving in the military. Moreover, he was a great family man as husband to Danielle Lee Adamski, also of Plainfield, and a father to Victoria, his one-year-old daughter. Sadly, he would have celebrated his 27th birthday last week as well as his 4th wedding anniversary.

These milestones, as well as the countless memories, make his passing all the more difficult for the family, friends and community who mourn his passing.

Sergeant Frank Adamski served his country bravely, and his dedication and patriotism serve as an inspiration to us all. My thoughts and prayers are with his wife and family in this difficult time. I ask my colleagues to join me and so many across eastern Connecticut in honoring the service and sacrifice of this young man.

CONGRATULATING THE EAGLES OF SCHOOLCRAFT HIGH SCHOOL

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mr. UPTON. Mr. Speaker, I rise today to congratulate the Eagles of Schoolcraft High School on their men's basketball state championship title. These outstanding young men have worked hard for this accomplishment and have made their community very proud. Their 73–59 victory is an achievement that will be remembered forever.

Winning a state championship is a remarkable achievement that few teams ever experience. This championship is a legacy that the 2010–2011 Eagles will remember forever. The Eagles and Coach Randy Small, along with assistant coaches Bob Saxman, Derrick Small, Lee Ingram, Jon Tone, and Aaron Beery, know that success comes through teamwork and dedication. The Eagles' commitment to the game and their drive to go the extra mile, led them to victory.

It is an honor to pay tribute to the entire Eagles squad: Jon Cakmakci, Kody Chandler, Benny Clark, Zac Decker, Tyler Dow, Bryan Jones, Blake Krum, Jonathan Lawrence, Jacob Lenning, Jacob Marshall, Luke Ryskamp, Joe Savage, Cam Schwartz, Jeffrey Scott, and Trent Skippers. We salute all of you.

On behalf of all the residents of southwest Michigan, congratulations again to the Schoolcraft Eagles, Coach Small, and the entire Schoolcraft community—you are an inspiration to us all. Go Eagles!

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2011

Mrs. MALONEY. Mr. Speaker, on March 31, I attended the service and funeral of my dear friend and mentor, Geraldine Ferraro, and missed rollcall votes Number 205 and 206. Had I been present, I would have voted ''nay'' on rollcall votes 205, providing for consideration of the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014 and 206, to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify congressional intent regarding the regulation of the use of pesticides in or near navigable waters.

CORRECTION

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2095–S2144

Measures Introduced: Eleven bills and two resolutions were introduced, as follows: S. 723–733, and S. Res. 130–131. **Page S2130**

Measures Reported:

Report to accompany S. 193, to extend the sunset of certain provisions of the USA PATRIOT Act. (S. Rept. No. 112–13) **Page S2130**

Measures Passed:

***Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments*:** By 87 yeas to 12 nays (Vote No. 49), Senate passed H.R. 4, to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, by the order of the Senate of Thursday, March 31, 2011, 60 Senators having voted in the affirmative, and after taking action on the following amendment proposed thereto: **Pages S2099–S2108**

Rejected:

Menendez Amendment No. 284, to protect small businesses from health insurance premium increases or losses of health insurance coverage. (By 41 yeas to 58 nays (Vote No. 48), and pursuant to the order of Thursday, March 31, 2011, the amendment, having failed to achieve 60 affirmative votes, the amendment was not agreed to.) **Pages S2099–S2107**

Honoring the Upper Big Branch Mine Coal Miners: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 129, honoring the 29 coal miners who perished in the explosion at the Upper Big Branch Mine in Montcoal, West Virginia, on April 5, 2010, and remembering all those who have lost their lives while mining for the resources on which the United States relies, and the resolution was then agreed to. **Pages S2142–43**

Gold Star Wives Day: Senate agreed to S. Res. 130, designating April 5, 2011, as ''Gold Star Wives Day''. **Page S2143**

Tsunami Awareness Month: Senate agreed to S. Res. 131, designating April 2011 as ''Tsunami Awareness Month.''. **Pages S2143–44**

Measures Considered:

SBIR/STTR Reauthorization Act—Agreement: Senate resumed consideration of S. 493, to reauthorize and improve the SBIR and STTR programs, taking action on the following amendments proposed thereto: **Page S2111**

Rejected:

Paul motion to commit the bill to the Committee on Foreign Relations with instructions to report the same back to the Senate forthwith with Paul Amendment No. 276 (to the instructions on Paul motion to commit the bill), of a perfecting nature. (By 90 yeas to 10 nays (Vote No. 50), Senate tabled the motion.) **Page S2111**

Pending:

McConnell Amendment No. 183, to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change. **Page S2111**

Vitter Amendment No. 178, to require the Federal Government to sell off unused Federal real property. **Page S2111**

Inhofe (for Johanns) Amendment No. 161, to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments. **Page S2111**

Cornyn Amendment No. 186, to establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful government spending. **Page S2111**

Paul Amendment No. 199, to cut $200,000,000,000 in spending in fiscal year 2011. **Page S2111**

Sanders Amendment No. 207, to establish a point of order against any efforts to reduce benefits paid to Social Security recipients, raise the retirement age, or create private retirement accounts under title II of the Social Security Act. **Page S2111**

Hutchison Amendment No. 197, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits. **Page S2111**

Coburn Amendment No. 184, to provide a list of programs administered by every Federal department and agency. **Page S2111**

Pryor Amendment No. 229, to establish the Patriot Express Loan Program under which the Small Business Administration may make loans to members of the military community wanting to start or expand small business concerns. **Page S2111**

Landrieu Amendment No. 244 (to Amendment No. 183), to change the enactment date. **Page S2111**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 11 a.m., on Wednesday, April 6, 2011, and that the pending amendments be set aside and Senator Reid, or his designee, be recognized to call up the following amendments: Baucus No. 236; Stabenow No. 277; Rockefeller No. 215; Coburn No. 217; Coburn No. 223; Coburn No. 273; and Inouye No. 286; that the pending Sanders Amendment No. 207 (listed above) be modified; that the Senate then proceed to a period of debate only until 4 p.m. with the time equally divided between the two Leaders, or their designees, prior to votes on or in relation to the following amendments in the order listed below: Baucus No. 236; Stabenow No. 277; Rockefeller No. 215; McConnell No. 183 (listed above); Coburn No. 223; Inouye No. 286; and Coburn No. 273; that there be no amendments in order to the amendments prior to the votes; the amendments not be divisible; there be two minutes equally divided in between the votes; all after the first vote be 10 minutes in duration; and the amendments be subject to a 60 vote threshold for its adoption; further that upon the disposition of Coburn Amendment No. 273, Amendments No. 184 (listed above) and No. 217 offered by Senator Coburn, be agreed to; that no amendments be in order to Coburn Amendments No. 184 and No. 217 prior to their adoption; and all of the above occurring with no intervening action or debate. **Page S2142**

Morning Business—Agreement: A unanimous-consent-time agreement was reached providing that on Wednesday, April 6, 2011, Senate proceed to a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time until 10:40 a.m. equally divided and controlled between the two Leaders, or their designees, with the Majority controlling the first half and the Republicans controlling the final half, and that at 10:40 a.m., Senator Ayotte be recognized to deliver her maiden speech to the Senate. **Page S2144**

Nomination Discharged: The following nomination were discharged from further committee consideration and placed on the Executive Calendar:

Jonathan Andrew Hatfield, of Virginia, to be Inspector General, Corporation for National and Community Service, which was sent to the Senate on January 26, 2011, from the Senate Committee on Homeland Security and Governmental Affairs. **Page S2144**

Messages from the House: **Page S2129**

Measures Referred: **Page S2129**

Measures Read the First Time: **Pages S2129, S2144**

Executive Communications: **Pages S2129–30**

Executive Reports of Committees: **Page S2130**

Additional Cosponsors: **Pages S2130–31**

Statements on Introduced Bills/Resolutions: **Pages S2131–41**

Amendments Submitted: **Page S2141**

Notices of Hearings/Meetings: **Page S2141**

Authorities for Committees to Meet: **Page S2142**

Privileges of the Floor: **Page S2142**

Record Votes: Three record votes were taken today. (Total—50) **Pages S2107–08, S2111**

Recess: Senate convened at 10 a.m. and recessed at 7:35 p.m., until 9:30 a.m. on Wednesday, April 6, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2144.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF THE TREASURY

Committee on Appropriations: Subcommittee on Financial Services and General Government concluded a hearing to examine proposed budget estimates for fiscal year 2012 and oversight of prior year funding for the Department of the Treasury, after receiving testimony from Timothy Geithner, Secretary of the Treasury.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

Committee on Armed Services: Committee concluded a hearing to examine U.S. Northern Command and U.S. Southern Command in review of the Defense Authorization Request for fiscal year 2012 and the Future Years Defense Program, after receiving testimony from Admiral James A. Winnefeld, Jr., United States Navy, Commander, United States

Northern Command, and Commander, North American Aerospace Defense Command, and General Douglas M. Fraser, United States Air Force, Commander, United States Southern Command, both of the Department of Defense.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

Committee on Armed Services: Subcommittee on Airland concluded a hearing to examine Army modernization in review of the Defense Authorization Request for fiscal year 2012 and the Future Years Defense Program, after receiving testimony from General Peter W. Chiarelli, USA, Vice Chief of Staff of the Army, Lieutenant General Robert P. Lennox, USA, Deputy Chief of Staff of the Army (G–8), and Lieutenant General William N. Phillips, USA, Principal Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, and Director, Acquisition Career Management, all of the Department of Defense.

BUSINESS MEETING

Committee on the Budget: Committee ordered favorably reported the nomination of Heather A. Higginbottom, of the District of Columbia, to be Deputy Director of the Office of Management and Budget, Executive Office of the President.

TOURISM IN AMERICA

Committee on Commerce, Science, and Transportation: Subcommittee on Competitiveness, Innovation, and Export Promotion concluded a hearing to examine tourism in America, focusing on removing barriers and promoting growth, after receiving testimony from Nicole Y. Lamb-Hale, Assistant Secretary of Commerce for Manufacturing and Services; David T. Donahue, Deputy Assistant Secretary of State for Visa Services; John Wagner, Executive Director, Admissibility and Passenger Programs, Office of Field Operations, Customs and Border Protection, Department of Homeland Security; Stephen J. Cloobeck, Corporation for Travel Promotion, Las Vegas, Nevada; Nancy Johnson, Carlson Hotels, Minnetonka, Minnesota; John Sprouls, Universal Orlando, Orlando, Florida, on behalf of Universal Parks and Resorts; and Roger Dow, U.S. Travel Association, Washington, D.C.

CONNECTING NATIVE NATIONS AND COMMUNITIES

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine closing the digital divide, focusing on connecting native nations and communities to the 21st century, after receiving testimony from Geoffrey Blackwell, Chief, Office of Native Affairs and Policy, Federal Communications Commission; Alapaki Nahale-a, Hawaiian Department of Hawaiian Home Lands Chairman, Honolulu; Loris Taylor, Native Public Media, Flagstaff, Arizona, on behalf of the National Congress of American Indians; Myron P. Naneng, Sr., Association of Village Council Presidents, Bethel, Alaska; and John Badal, Sacred Wind Communications, Inc., Albuquerque, New Mexico.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the nomination of Daniel M. Ashe, of Maryland, to be Director of the United States Fish and Wildlife Service, Department of the Interior.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Mara E. Rudman, of Massachusetts, to be an Assistant Administrator of the United States Agency for International Development, who was introduced by Senator Reed, and Robert Patterson, of New York, to be Ambassador to Turkmenistan, Department of State, after the nominees testified and answered questions in their own behalf.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Jonathan Scott Gration, of New Jersey, to be to the Republic of Kenya, and Michelle D. Gavin, of the District of Columbia, to be Ambassador to the Republic of Botswana, both of the Department of State, after the nominees testified and answered questions in their own behalf.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 16 public bills, H.R. 1364–1379; and 3 resolutions, H. Res. 202, 204–205 were introduced. **Pages H2326–28**

Additional Cosponsors: **Page H2328**

Report Filed: A report was filed today as follows:

H. Res. 203, providing for consideration of the bill (H.R. 910) to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes (H. Rept. 112–54). **Page H2326**

Speaker: Read a letter from the Speaker wherein he appointed Representative Yoder to act as Speaker pro tempore for today. **Page H2295**

Recess: The House recessed at 10:50 a.m. and reconvened at 12 noon. **Page H2300**

Chaplain: The prayer was offered by the guest chaplain, Rabbi Efrem Goldberg, Boca Raton Synagogue, Boca Raton, Florida. **Page H2300**

Journal: The House agreed to the Speaker's approval of the Journal by a recorded vote of 310 ayes to 104 noes with 1 voting "present", Roll No. 228. **Pages H2313–14**

Disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices—Rule for Consideration: The House agreed to the rule that is providing for consideration of H.J. Res. 37, disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices, by a yea-and-nay vote of 241 yeas to 178 nays, Roll No. 227, after the previous question was ordered by a yea-and-nay vote of 241 yeas to 175 nays, Roll No. 226. **Pages H2303–13**

Moment of Silence: The House observed a moment of silence in honor of the men and women in uniform who have given their lives in the service of our nation in Iraq and Afghanistan, their families, and all who serve in the armed forces and their families. **Page H2312**

Committee Resignations: Read a letter from Representative Reed, wherein he notified the House that he was resigning from the Committee on the Judiciary and taking a leave of absence from the Committee on Transportation and Infrastructure. **Page H2314**

Committee Election: The House agreed to H. Res. 202, electing a Member to a certain standing committee of the House of Representatives. **Page H2314**

Recess: The House recessed at 4:05 p.m. and reconvened at 5:31 p.m. **Page H2325**

Senate Message: Message received from the Senate today appears on page H2323.

Quorum Calls—Votes: Two yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H2312, H2312–13 and H2313–14. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 5:33 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on Department of Agriculture—FY 2012 Budget Request. Testimony was heard from Harris Sherman, Under Secretary for Natural Resources and Environment.

COMMERCE, JUSTICE, SCIENCE

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies held a hearing on Legal Services Corporation—FY 2012 Budget Request. Testimony was heard from the following Legal Services Corporation officials: James J. Sandman, President; and Robert J. Grey Jr., Member of the Board of Directors.

FINANCIAL SERVICES AND GENERAL GOVERNMENT

Committee on Appropriations: Subcommittee on Financial Services and General Government held a hearing on General Services Administration, FY 2012 Budget. Testimony was heard from Martha N. Johnson, Administrator, GSA.

COMMERCE, JUSTICE, STATE

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies held a hearing on Office of the United States Trade Representative—FY 2012 Budget Request. Testimony

was heard from Ambassador Ron Kirk, United States Trade Representative.

HOMELAND SECURITY

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on WMD Countermeasures—Threat, Programs, and Funding. Testimony was heard from Alexander Garza, Assistant Secretary for Health Affairs and Chief Medical Officer; and Warren Stern, Director, Domestic Nuclear Detection Office. This was a classified and closed hearing.

MILITARY CONSTRUCTION, VETERANS AFFAIRS

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a hearing on United States Court of Appeal for Veterans Claims. Testimony was heard from Bruce Kasold, Chief Judge.

MILITARY CONSTRUCTION, VETERANS AFFAIRS

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a hearing on Armed Forces Retirement Home. Testimony was heard from Steve McManus, Acting Chief Operating Officer.

FY 2012 BUDGET—NATIONAL DEFENSE

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing on fiscal year 2012 national defense authorization budget request for Department of Energy atomic energy defense activities and Department of Defense nuclear forces programs. Testimony was heard from Thomas P. D'Agostino, Administrator, National Nuclear Security Administration, Department of Energy; Inés R. Triay, Assistant Secretary for Environmental Management, Department of Energy; Peter S. Winokur, Chairman, Defense Nuclear Facilities Safety Board; Major General William A. Chambers, USAF, Assistant Chief of Staff of the Air Force, Strategic Deterrence and Nuclear Integration; Department of Defense; Rear Admiral Terry Benedict, USN, Director, Strategic Systems Programs; and Andrew C. Weber, Assistant Secretary of Defense for Nuclear, Chemical and Biological Defense Programs, Office of the Secretary of Defense.

FY 2012 BUDGET—NATIONAL DEFENSE

Committee on Armed Services: Full Committee held a hearing on fiscal year 2012 national defense authorization budget requests from the U.S. Transportation Command and U.S. Africa Command. Testimony was heard from General Duncan J. McNabb, USAF, Commander, U.S. Transportation Command; and General Carter F. Ham, USA, Commander, U.S. Africa Command.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Full Committee held a markup on the following: H.R. 1343, to Clarify NTIA and RUS Authority to Return Reclaimed Stimulus Funds to the U.S. Treasury; H.R. 1217, to repeal the Prevention and Public Health Fund, as reported by the Subcommittee on Health; H.R. 1216, to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations, as reported by the Subcommittee on Health; H.R. 1215, to amend title V of the Social Security Act to convert funding for personal responsibility education programs from direct appropriations to an authorization of appropriations, as reported by the Subcommittee on Health; H.R. 1214, to repeal mandatory funding for school-based health center construction, as reported by the Subcommittee on Health; and H.R. 1213, to repeal mandatory funding provided to States in the Patient Protection and Affordable Care Act to establish American Health Benefit Exchanges, as reported by the Subcommittee on Health. All bills were ordered reported without amendment. H.R. 1343 was ordered reported with amendment. The following were ordered reported without amendment: H.R. 1213; H.R. 1214; H.R. 1216; and H.R. 1217.

MISCELLANEOUS MEASURES

Committee on Financial Services: Subcommittee on Capital Markets and Government Sponsored Enterprises, markup on the following: H.R. 31, the Fannie Mae and Freddie Mac Accountability and Transparency for Taxpayers Act; H.R. 1221, the Equity in Government Compensation Act of 2011; H.R. 1222, the GSE Subsidy Elimination Act of 2011; H.R. 1223, GSE Credit Risk Equitable Treatment Act of 2011; H.R. 1224, the Portfolio Risk Reduction Act of 2011; H.R. 1225, the GSE Debt Issuance Approval Act of 2011; H.R. 1226, the GSE Mission Improvement Act of 2011; and H.R. 1227, the GSE Risk and Activities Limitation Act of 2011. This markup was continued to April 6, time and room TBA.

NEED FOR SYSTEMIC REFORMS AND INDEPENDENCE OF THE STATE DEPARTMENT INSPECTOR GENERAL

Committee on Foreign Affairs: Full Committee held a hearing on Watching the Watchers: The Need for Systemic Reforms and Independence of the State Department Inspector General. Testimony was heard from Jeanette M. Franzel, Managing Director, Financial Management and Assurance Team, GAO; and

Harold W. Geisel, Deputy Inspector General, Department of State.

FOREIGN POLICY PRIORITIES AND NEEDS AMIDST ECONOMIC CHALLENGES IN SOUTH ASIA

Committee on Foreign Affairs: Subcommittee on the Middle East and South Asia held a hearing on Assessing U.S. Foreign Policy Priorities and Needs Amidst Economic Challenges in South Asia. Testimony was heard from Robert O. Blake, Assistant Secretary of State for South and Central Asian Affairs, Department of State; Nisha Desai Biswal, Assistant Administrator for Asia, Agency for International Development; Daniel Feldman, Deputy Special Representative for Afghanistan and Pakistan, Department of State; and Donald Sampler, Deputy Director, Office of Afghanistan and Pakistan Affairs, Agency for International Development.

BORDER SECURITY AT PORTS OF ENTRY

Committee on Homeland Security: Subcommittee on Border and Maritime Security held a hearing entitled ''Using Resources Effectively to Secure Our Border at Ports of Entry—Stopping the Illicit Flow of Money, Guns and Drugs''. Testimony was heard from Thomas Winkowski, Assistant Commissioner, Customs and Border Protection, Department of Homeland Security.

USING MILITARY COMMISSIONS TO TRY THE 9/11 CONSPIRATORS

Committee on the Judiciary: Subcommittee on Crime, Terrorism and Homeland Security held a hearing entitled ''Justice for America: Using Military Commissions to Try the 9/11 Conspirators''. Testimony was heard from public witnesses.

SAFE FOR AMERICA ACT

Committee on the Judiciary: Subcommittee on Immigration Policy and Enforcement held a hearing on H.R. 704, SAFE for America Act. Testimony was heard from Rep. Goodlatte; and public witnesses.

FY 2012 BUDGET—BUREAU OF LAND MANAGEMENT EFFECT ON PRIVATE SECTOR JOB CREATION

Committee on Natural Resources: Full Committee held a hearing entitled ''Effect of the President's FY–2012 Budget and Legislative Proposals for the Bureau of Land Management and the U.S. Forest Service's Energy and Minerals Programs on Private Sector Job Creation, Domestic Energy and Minerals Production and Deficit Reduction.'' Testimony was heard from Bob Abbey, Director, Bureau of Land Management; Tony Ferguson, Director, Minerals and Geology Management, USDA Forest Service; and public witnesses.

INDIAN LAND FRACTIONATION

Committee on Natural Resources: Subcommittee on Indian and Alaska Affairs held a hearing on H.R. 887, to direct the Secretary of the Interior to submit a report on Indian land fractionation, and for other purposes. Testimony was heard from public witnesses.

CREATING ABUNDANT WATER AND POWER SUPPLIES AND JOB GROWTH

Committee on Natural Resources: Subcommittee on Water and Power held a hearing on ''Creating Abundant Water and Power Supplies and Job Growth by Restoring Common Sense to Federal Regulations.'' Testimony was heard from public witnesses.

POSTAL WORKFORCE COSTS

Committee on Oversight and Government Reform: Full Committee held a hearing entitled ''Are Postal Workforce Costs Sustainable?'' Testimony was heard from the following United States Postal Service officials: Louis J. Giuliano, Chairman, Board of Governors; James C. Miller III, Governor; and Patrick Donahoe, Postmaster General and Chief Executive Officer.

WASTE, ABUSE AND MISMANAGEMENT IN GOVERNMENT HEALTH CARE

Committee on Oversight and Government Reform: Subcommittee on Health Care, DC, Census and the National Archives held a hearing entitled ''Waste, Abuse and Mismanagement in Government Health Care''. Testimony was heard from Deborah Taylor, Chief Financial Officer, and Director of the Office of Financial Management, Centers for Medicare and Medicaid; Services; Peter Budetti, M.D., Deputy Administrator for Program Integrity, and Director of the CMS Center for Program Integrity, Centers for Medicare and Medicaid Services; Gerald Roy, Deputy Inspector General for Investigations, Office of Inspector General, Department of Health and Human Services; Loretta Lynch, United States Attorney for the Eastern District of New York; and public witnesses.

ENERGY TAX PREVENTION ACT OF 2011

Committee on Rules: The Committee granted, by a record vote of 8 to 3, a structured rule providing for consideration of H.R. 910, to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other

purposes. The rule provides for 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 shall be considered as an original bill 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 accompanying the resolution. The rule provides that 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 in the House or in the Committee of the Whole. 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 Chairman Upton; Rep. Waxman; Michael Doyle; Rep. Jackson Lee of Texas; Rep. Crowley; Rep. Welch; Rep. Connolly; and Rep. Garamendi.

POLICY PROPOSALS FROM MEMBERS OF CONGRESS TO REFORM THE NATION'S SURFACE TRANSPORTATION PROGRAMS

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Policy Proposals from Members of Congress to Reform the Nation's Surface Transportation Programs. Testimony was heard from Members of the 112th Congress.

VETERANS' AFFAIRS CONSTRUCTION PLANNING

Committee on Veterans' Affairs: Full Committee held a hearing on Deconstructing the Department of Veterans Affairs Construction Planning. Testimony was heard from W. Scott Gould, Deputy Secretary Veterans Affairs, Department of Veterans Affairs; Lorelei St. James, Acting Director, Physical Infrastructure Team; GAO; Robert L. Neary, Jr., Acting Director of the Office of Construction and Facilities Management, Department of Veterans' Affairs; and public witnesses.

DUPLICATE OF GOVERNMENT PROGRAMS: FOCUS ON WELFARE

Committee on Ways and Means: Subcommittee on Human Resources held a hearing on duplication in welfare and related programs under the Subcommittee's jurisdiction. Testimony was heard from Kay E. Brown, Director, Education, Workforce, and Income Security, GAO; and public witnesses.

FY 2012 BUDGET—CIA

House Permanent Select Committee on Intelligence: Full Committee held a hearing on Central Intelligence Agency Program FY 2012 Budget Overview. This was a CLOSED hearing. Testimony was heard from departmental officials.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, APRIL 6, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: organizational business meeting to consider subcommittee membership, Time to be announced, Room to be announced.

Committee on Appropriations: Subcommittee on Department of Defense, to hold hearings to examine Department of Defense Health Programs, 10 a.m., SD–192.

Committee on Armed Services: Subcommittee on Strategic Forces, to hold hearings to examine strategic systems in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session, 2:30 p.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment, to hold hearings to examine the role of the accounting profession in preventing another financial crisis, 9:30 a.m., SD–538.

Subcommittee on Financial Institutions and Consumer Protection, to hold hearings to examine the state of community banking, focusing on opportunities and challenges, 3 p.m., SD–538.

Committee on Environment and Public Works: To hold hearings to examine state and local perspectives on transportation, 9:15 a.m., SD–406.

Committee on Foreign Relations: To hold hearings to examine perspectives on the crisis in Libya, 10 a.m., SD–419.

Full Committee, to hold hearings to examine the nominations of David Bruce Shear, of New York, to be Ambassador to the Socialist Republic of Vietnam, and

Kurt Walter Tong, of Maryland, for the rank of Ambassador during his tenure of service as United States Senior Official for the Asia-Pacific Economic Cooperation (APEC) Forum, both of the Department of State, 2:30 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: To hold hearings to examine the nomination of Rafael Borras, of Maryland, to be Under Secretary of Homeland Security for Management, 10 a.m., SD–342.

Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine the census, focusing on learning lessons from 2010 and planning for 2020, 1:30 p.m., SD–342.

Committee on the Judiciary: To hold hearings to examine the Electronic Communications Privacy Act, focusing on government perspectives on protecting privacy in the digital age, 10 a.m., SD–226.

Committee on Veterans' Affairs: To hold hearings to examine the nominations of Allison A. Hickey, of Virginia, to be Under Secretary for Benefits and Steve L. Muro, of California, to be Under Secretary for Memorial Affairs, both of the Department of Veterans Affairs, 10 a.m., SR–418.

United States Senate Caucus on International Narcotics Control: To hold hearings to examine the dangers of synthetic cannabinoids and stimulants, 2:30 p.m., SD–138.

House Committees

Committee on Agriculture, Subcommittee on Livestock, Dairy, and Poultry, hearing on the state of the beef industry, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, hearing on Federal Bureau of Investigations—FY 2012 Budget Request, 9 a.m., 2359 Rayburn.

Subcommittee on Homeland Security, hearing on FEMA budget, 10 a.m., 2362–A Rayburn.

Subcommittee on Labor, Health and Human Services, Education and Related Agencies, hearing on National Labor Relations Board—FY 2012, 10 a.m., 2358–C Rayburn.

Subcommittee on State, Foreign Operations and Related Agencies, hearing on FY 2012 Budget Request for the United Nations and other International Organizations, 9 a.m., H–140 Capitol.

Subcommittee on Transportation and Housing and Urban Development and Related Agencies, hearing on Federal Aviation Administration—FY 2012 Oversight and Budget, 10 a.m., 2358 Rayburn.

Subcommittee on Financial Services and General Government, hearing on Administrative Office of the U.S. Courts—FY 2012 Budget, 2 p.m., 2359 Rayburn.

Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, hearing on the Army, 2 p.m., H–140 Capitol.

Committee on Armed Services, Full Committee, hearing on the fiscal year 2012 national defense authorization budget requests from the U.S. Pacific Command and U.S. Forces Korea, 10 a.m., 2118 Rayburn.

Subcommittee on Emerging Threats and Capabilities, hearing on improving management and acquisition of information technology systems in the Department of Defense, 2:30 p.m., 2212 Rayburn.

Committee on the Budget, Full Committee, markup of the concurrent resolution on the budget for Fiscal Year 2012, 10:30 a.m., 210 Cannon.

Committee on Education and the Workforce, Full Committee, hearing on "Streamlining Federal Education and Workforce Programs: A Look at the GAO Report on Government Waste." 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, hearing entitled "The U.S. Government Response to the Nuclear Power Plant Incident in Japan", 9 a.m., 2322 Rayburn.

Subcommittee on Health, hearing entitled "The Cost of the Medical Liability System Proposals for Reform, including H.R. 5, the Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2011." 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled "Legislative Proposals to Improve the Structure of the Consumer Financial Protection Bureau," 10 a.m., 2128 Rayburn.

Subcommittee on Insurance and Housing, markup of H.R. 1309, flood insurance reform act of 2011, 2 p.m., 2128 Rayburn.

Subcommittee on Capital Markets and Government Sponsored Enterprises, continued markup on the following: H.R. 31, the Fannie Mae and Freddie Mac Accountability and Transparency for Taxpayers Act; H.R. 1221, the Equity in Government Compensation Act of 2011; H.R. 1222, the GSE Subsidy Elimination Act of 2011; H.R. 1223, GSE Credit Risk Equitable Treatment Act of 2011; H.R. 1224, the Portfolio Risk Reduction Act of 2011; H.R. 1225, the GSE Debt Issuance Approval Act of 2011; H.R. 1226, the GSE Mission Improvement Act of 2011; and H.R. 1227, the GSE Risk and Activities Limitation Act of 2011. This markup was continued to April 6, time and room TBA.

Committee on Foreign Affairs, Subcommittee on Oversight and Investigations, hearing on Is America's Overseas Broadcasting Undermining our National Interest and the Fight Against Tyrannical Regimes? 2 p.m., 2200 Rayburn. Testimony was heard from Jennifer Park Stout, Deputy Assistant Secretary of State, Bureau of East Asian and Pacific Affairs, Department of State; Philo L. Dibble, Deputy Assistant Secretary of State, Bureau of Near Eastern Affairs, Department of State; and public witnesses.

Subcommittee on Terrorism, Nonproliferation and Trade, hearing on Financial Hardball: Corralling Terrorists and Proliferators, 2 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Counterterrorism and Intelligence, hearing entitled "Unrest in the Middle East and North Africa: Ramifications for U.S. Homeland Security." 10:30 a.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Intellectual Property, Competition and the Internet, hearing on Promoting Investment and Protecting Commerce Online: Legitimate Sites v. Parasites, Part II, 10:45 p.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Energy and Mineral Resources, hearing on H.R. 1229, to amend the Outer Continental Shelf Lands Act to facilitate the safe and timely production of American energy resources from the Gulf of Mexico; H.R. 1230, Restarting American Offshore Leasing Now Act; and H.R. 1231, to amend the Outer Continental Shelf Lands Act to require that each 5-year offshore oil and gas leasing program offer leasing in the areas with the most prospective oil and gas resources, to establish a domestic oil and natural gas production goal, and for other purposes, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Regulatory Affairs, Stimulus Oversight and Government, hearing entitled ''Assessing the Impact of Greenhouse Gas Regulations on Small Business'', 1:30 p.m., 2154 Rayburn.

Committee on Science, Space, and Technology, Subcommittee on Investigations and Oversight, hearing on Behavioral Science and Security: Evaluating TSA's SPOT Program, 10 a.m., 2318 Rayburn.

Subcommittee on Energy and Environment, hearing on Offshore Drilling Safety and Response Technologies, 2 p.m., 2318 Rayburn.

Committee on Small Business, Full Committee, hearing entitled ''Help Wanted: How Passing Free Trade Agreements Will Help Small Businesses Create New Jobs'', 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing on Can a Civilian BRAC Commission Consolidate Federal Office Space and Save Taxpayers Billions? 10 a.m., 2167 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Wednesday, April 6

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 11:00 a.m.), Senate will continue consideration of S. 493, SBIR/STTR Reauthorization Act, with a series of up to 7 rollcall votes on or in relation to S. 493 at approximately 4 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, April 6

House Chamber

Program for Wednesday: Consideration of H.R. 910—Energy Tax Prevention Act of 2011 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Ackerman, Gary L., N.Y., E642
Andrews, Robert E., N.J., E631
Berg, Rick, N.D., E640
Bilirakis, Gus M., Fla., E640
Buerkle, Ann Marie, N.Y., E634
Coffman, Mike, Colo., E642
Conyers, John, Jr., Mich., E642
Courtney, Joe, Conn., E643
Cummings, Elijah E., Md., E631
DeFazio, Peter A., Ore., E633
Foxx, Virginia, N.C., E639
Frank, Barney, Mass., E639
Goodlatte, Bob, Va., E641
Johnson, Sam, Tex., E631, E632, E633, E635, E636, E638, E639, E640, E641, E642
Johnson, Timothy V., Ill., E641
Kaptur, Marcy, Ohio, E635
Kildee, Dale E., Mich., E641
Lee, Barbara, Calif., E640
Lipinski, Daniel, Ill., E633
Loebsack, David, Iowa, E638
Long, Billy, Mo., E638
McCollum, Betty, Minn., E631
Maloney, Carolyn B., N.Y., E631, E643
Neal, Richard E., Mass., E632
Norton, Eleanor Holmes, D.C., E637
Pompeo, Mike, Kans., E636
Rahall, Nick J., II, W.Va., E639
Reed, Tom, N.Y., E636
Slaughter, Louise McIntosh, N.Y., E637
Smith, Adam, Wash., E641
Smith, Adrian, Nebr., E638
Tipton, Scott R., Colo., E636, E637
Upton, Fred, Mich., E632, E643

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through the U.S. Government Printing Office at *www.fdsys.gov*, free of charge to the user. The information is updated online each day the *Congressional Record* is published. For more information, contact the GPO Customer Contact Center, U.S. Government Printing Office. Phone 202–512–1800, or 866–512–1800 (toll-free). E-Mail, *contactcenter@gpo.gov*. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197–9000, or phone orders to 866–512–1800 (toll-free), 202–512–1800 (D.C. area), or fax to 202–512–2104. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record,* U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.